

Hearing
Before the
United States
Commission on Civil Rights

**Racial and Ethnic Tensions in American
Communities: Poverty, Inequality, and
Discrimination—Los Angeles Hearing**

**Executive Summary and
Transcript of Hearing
Held in Los Angeles, California
June 15-17, 1993**

November 1998

U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

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

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Letter of Transmittal

The President
The President of the Senate
The Speaker of the House of Representatives

Dear Sirs:

In March 1991, the City of Los Angeles was shaken to its foundation when a videotape of several white Los Angeles Police Department officers viciously beating a black motorist was broadcast on national television. That motorist, Rodney King, and his ordeal have come to epitomize the depth and complexity of racial tensions nationwide. In 1992 the officers' acquittal on criminal charges stemming from the King beating gave rise to violent rioting and the destruction of property worth approximately \$450 million. During the riots, another videotape of African American men brutally beating Reginald Denny, a white truck driver, demonstrated to the world the ugliness of racial hatred. The beating of Reginald Denny, like that of Rodney King, was illustrative of the disharmony poised to erupt throughout the country.

These unsettling episodes, beginning with and emanating from the beating of Rodney King, confirmed the prior opinion of the United States Commission on Civil Rights that the tensions between racial and ethnic groups in Los Angeles compelled that city's inclusion in the Commission's multiyear study of *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*. Thus, during three days of testimony, in Los Angeles, June 15–17, 1993, several key areas were explored by the Commission as part of its ongoing effort to identify and analyze issues that may have a contributory or causal affect on racial and ethnic tensions in our Nation. In particular, the Commission concentrated on three topical areas: (a) the administration of justice—relating to police practices and policies; (b) economic development—pertaining to unemployment, the Los Angeles Transportation System, job training and small business initiatives; and (c) the portrayals or projections of minorities through the television industry in both news and entertainment production.

The Commission's 1993 hearing showcased the complexity of issues confronted by a city on the mend. Prompted in part by disturbing accounts of bigotry and misconduct on the police force, the Commission returned to Los Angeles in September 1996 to examine the resurgence of racial and ethnic tensions within and between local law enforcement and the communities it serves. A Commission report focusing solely on information obtained on police-community relations in Los Angeles during its 1996 hearing will be issued separately. What follows is a summary of key points made by the witnesses who testified before the Commission during its 1993 hearing.

Respectfully,
For the Commissioners,



Mary Frances Berry
Chairperson

Acknowledgments

The hearing was organized and conducted by Assistant General Counsel Jeffrey O'Connell and attorney advisors Patricia Grow,* Bernard Murillo,* Susan Muskett,* Stella Youngblood; social scientists Eileen E. Rudert and Nadja Zalokar; and Charles Rivera and Barbara Brooks of the Commission's Public Affairs Unit under the supervision of General Counsel Lawrence Glick.* The Executive Summary was prepared by legal technician Sarah Bernice Rhodes and summer interns Joshua Gottheimer and Tamika Maulsby under the supervision of General Counsel Stephanie Y. Moore. Legal sufficiency review was conducted by attorney advisor Marlissa S. Brigggett. Editorial policy review was provided by Carol-Lee Hurley, Rebecca S. Kraus and Philip Montez.

*No longer with the Commission.

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Executive Summary

Introduction

In February 1991, the U.S. Commission on Civil Rights began a long-term study of factors contributing to increased racial and ethnic tensions throughout the United States. The project was titled *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*, and resulted in a series of hearings in a number of locations throughout the nation. The Commission conducted hearings in several areas, including the District of Columbia (1992), Chicago (1992), New York (1994 and 1995), Miami (1996), and Mississippi (1997), to gather facts, assess any civil rights implications, and to make recommendations for improvement. Reports on those hearings either have been published or are being prepared for publication by the Commission.¹ A June 1993 hearing held in Los Angeles was part of this racial tensions project. That hearing addressed three major topics as they relate to racial tensions—the administration of justice, economic development and the media—and it is the subject of this document.

A considerable delay has now occurred between the time of the 1993 hearing and the issuance of this report. Some of the delay resulted from the Commission's decision to return to Los Angeles and hold yet another hearing. The latter hearing was held in September 1996 and focused exclusively on the administration of justice as a cause of racial tensions throughout the Los Angeles metropolitan area. Much of the delay, however, may be properly attributed to a number of factors, including a succession of General Counsels from shortly after the hearing until the fall of 1994, substantial turnover in the professional staff who prepared and participated in the 1993 hearing, and the prolonged debate of the Commission whether to accept the recommendation of the newly constituted Office of General Counsel to conduct a minihearing in Los Angeles to supplement the 1993 record.²

¹ See, e.g., U.S. Commission on Civil Rights: *Racial and Ethnic Tensions: Poverty, Inequality, and Discrimination, Volume IV: The Miami Report* (October 1997); *Racial and Ethnic Tensions: Poverty, Inequality, and Discrimination, Volume III: The Chicago Report* (September 1995); and *Racial and Ethnic Tensions: Poverty, Inequality, and Discrimination, Volume I: The Mount Pleasant Report* (January 1993).

² The Office of General Counsel twice formally requested that the full hearing record be supplemented through a

Ultimately, the Commission on Civil Rights determined that a minihearing in Los Angeles was warranted on the narrow issue of law enforcement. The Commission had two interrelated reasons for conducting a second hearing in Los Angeles. In light of ensuing events that indicated that problems in local law enforcement continued to persist, the Commission determined that it was necessary to strengthen the record of the first hearing to reflect the recent problems, reform efforts, and additional solutions concerning the administration of justice in Los Angeles. Specifically, two incidents since the 1993 hearing heightened the Commission's concern that misconduct and excessive force were still problems in California's police departments. First, the murder trial of O.J. Simpson introduced into evidence tapes of Detective Mark Furman relating accounts of his own and other police officers' allegedly discriminatory, abusive, and illegal conduct. Second, a videotape was aired of two Riverside County sheriff's deputies who, on April 1, 1996, beat two suspected illegal immigrants. These incidents, along with the concern about a report based upon the 1993 hearing,³ compelled

minihearing. Both requests were rejected. The question whether to conduct a minihearing in Los Angeles was addressed at the following public meetings of the Commission: November 1994, September 1995, March 1996, April 1996, and May 1996. The hearing took place September 12–13, 1996, less than 4 months after the last Commission discussion.

³ In the 1993 hearing, the Commission had examined the topic of administration of justice in the aftermath of two comprehensive reviews of the Los Angeles Police Department and the Los Angeles County Sheriff's Department. Popularly known by the names of the persons in charge of the investigations, the Christopher Commission and Kolts Reports gave a myriad of recommendations for reform. Many recommendations had been recently implemented when the Commission on Civil Rights held its first hearing, but longer term reforms had not had a chance to have an effect. Also, Los Angeles had a new police chief whose term in office was still less than a year when the Commission held its hearing in 1993, a rather short period for observing change, as well as a newly elected mayor whose support would be needed for more costly reforms.

Given the Christopher Commission's and Special Counsel Kolts' and his staff's recent and thorough reviews of police documents, few insights were likely to emerge from yet another perusal, particularly one based largely on a period of upheaval. The hearing had served to bring attention to the Los Angeles community's concerns that sufficient reform had not occurred in local police departments. However, in

the Commission to return to Los Angeles to revisit the topic of the administration of justice, this time including an examination of local law enforcement with immigrant communities.

The Commission's factfinding, analysis and recommendations regarding the administration of justice will be issued in a report of the 1996 Los Angeles hearing. Only an executive summary and transcript has been produced on information on racial tensions manifested through economic development and the media, which were topics of the original hearing.⁴ Because of the link between the two hearings, however, the volume from the first hearing has been delayed so that it would be released along with the later report.

Summary of Testimony

Local Leadership of Civil Rights Organizations

The Commission's hearing commenced with the testimony of several local leaders of national civil rights organizations. The witnesses addressed the status of economic development and race and ethnic relations in Los Angeles in the period following the riots. The representatives discussed the role of their respective organizations in addressing the issues pertinent to the Commission's investigation. The witnesses offered their views on Federal involvement in economic and enforcement measures and suggested additional topics for the Commission to consider during its hearing.

trying to write a report on the hearing record, staff became concerned that too little time had elapsed to judge the effects of the changes these police departments had made. In addition, in light of the insufficiencies in the remaining topical areas of the hearing, staff concluded that a report would be stronger if it could be based upon documents and testimony obtained at a later time.

⁴ The Commission on Civil Rights did not exercise its subpoena power to obtain confidential documents at the 1993 hearing. The Commission refrained from exercising its authority to subpoena documents in any of the three major areas of the 1993 hearing—administration of justice, economic development, and the media. Staff determined that the failure to secure documentary evidence upon which to base findings and recommendations was a serious deficiency in the 1993 hearing record. Additional interest in updating topics covered in the 1993 hearing was expressed by the Commission's California Advisory Committee (SAC). In May 1996, the California SAC independently requested that the Commission expand the scope of its planned Los Angeles minihearing to include employment practices in the television media, a topic that had been addressed in the 1993 hearing. The Commission rejected the request.

Rev. Richard Lamar Horton of the Los Angeles Chapter of the Southern Christian Leadership Conference described the employment patterns in once predominantly African American communities. Rev. Horton identified the escalation of plant closings and the influx of competition among African Americans and Hispanics and Asians as contributing factors to subsequent racial and ethnic tensions. According to Rev. Horton, African Americans were particularly troubled by language barriers among the groups as well as the allegedly large number of "illegal Hispanics. . . who work for much less than the wage."⁵

John J. Mance, national board member of the National Association for the Advancement of Colored People (NAACP) discussed the frustration and hopelessness in the African American community. Mr. Mance stated that the community's frustration stemmed from a lack of employment and quality educational opportunities, heightened levels of discrimination, and the deteriorating image of African Americans in the media and entertainment industries. Mr. Mance agreed with Reverend Horton's description of the tensions among African Americans, Asians, and Hispanics, citing the inequities in job opportunities and the judicial system as the primary reasons for the intergroup conflict.⁶

Similarly, Stewart Kwoh, executive director of the Asian Pacific American Legal Center of Southern California, noted that intergroup relations, fueled by racial tensions, polarized voting, and economic disparities, were in a crisis situation. He blamed the persistence of the problem on the government's failure to develop a strategic solution or even to acknowledge the menacing problems caused by unemployment, racism, and poverty. Mr. Kwoh also commented on the overall relations among Asian/Pacific Americans, law enforcement, and the legal system, as well as the troubling yet widely neglected financial problem that exists in the Asian American community. Mr. Kwoh testified that a number of

⁵ Richard Lamar Horton, president, board of directors, Los Angeles Chapter of the Southern Christian Leadership Conference, testimony, *Hearing Before the U.S. Commission on Civil Rights, Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*, Los Angeles, CA, June 15-17, 1993 (hereafter cited as *L.A. Hearing (1993)*), pp. 35-36, 45-50, 52.

⁶ John J. Mance, member, national board, National Association for the Advancement of Colored People (NAACP), testimony, *L.A. Hearing (1993)*, pp. 36-38, 46, 47, 52.

Asian and Korean American business owners, whose businesses were vandalized during the riots, had yet to collect from their insurance carriers. Moreover, according to Mr. Kwoh, financial duress went beyond business owners; poverty was rampant at all levels of the Asian and Korean communities.⁷

Richard Martinez, executive director of the Southwest Voter Registration Education Project, testified that minority group members—especially Latinos—were often excluded from the political process in California. Consequently, the Latino population steadily encountered difficulty achieving significant change or gains for their communities. Mr. Martinez also testified about the discrimination against immigrants, and how they are used as scapegoats for a stagnate economy and low wages, crime, and the declining quality in education. Mr. Martinez suggested that the Rodney King verdict decreased confidence in law enforcement and contributed to tenuous relations among minority communities and the judicial system.⁸

Later during the hearing, the Commission also heard testimony regarding the changes that had taken place in intergroup relations in Los Angeles. Clayborne Carson of Stanford University testified that the uprisings that took place in 1965 were the result of obvious inequities in American society. At that time, the issues were considered strictly from a black and white perspective. Dr. Carson posited that the issues had since become more diverse. He noted that various groups are more aware of their issues and are mobilized to a degree that was not present in the past. Dr. Carson also noted that our country is developing a complex political dialogue to address the needs of various ethnic backgrounds.⁹

Administration of Justice

The Role of the Federal Government in Police Policies and Practices

The Commission heard testimony from several law enforcement officials on the administra-

tion of justice in South Central Los Angeles, including the status and progress of the Los Angeles Police Department (LAPD) since the riots and the possible role of the Federal Government in influencing local police policies and practices. The Commission was particularly interested in the LAPD's progress in the areas of misconduct and policing styles, improved minority relations, and increased community involvement. Several witnesses, exploring possible solutions to both real and perceived problems in the LAPD, identified and discussed legal concerns regarding the Federal Government's role in police matters at the municipal level.

Paul L. Hoffman, legal director of the American Civil Liberties Union Foundation of Southern California, testified that the record of the Federal Government with respect to monitoring Los Angeles policing practices and misconduct had been one of "inaction and neglect." Mr. Hoffman noted that the Federal Government had failed to conduct the appropriate followup to the Christopher and Kolts Commissions' criticisms of the LAPD's lack of internal discipline and proper systems of accountability. Mr. Hoffman suggested that local systems and measures of accountability must be developed, along with new training techniques for community-based policing.¹⁰

Noting that he believed the Federal Government lacked the legal authority to intervene in local law enforcement issues, Mr. Hoffman stated that new policies had to be developed to enable the U.S. Department of Justice (DOJ) to intervene in private actions. These actions included but were not limited to monitoring local police abuse, collecting data, and identifying trends and situations where local disciplinary systems had broken down. Mr. Hoffman acknowledged "the racial dimensions of police abuse" and emphasized that the Federal Government needed to play a more active role in local enforcement.¹¹

Like Mr. Hoffman, Patrick Murphy, director of the Police Policy Board of the United States Conference of Mayors, agreed that the Department of Justice needed the authority to bring

⁷ Stewart Kwoh, executive director, Asian Pacific American Legal Center of Southern California, testimony, *L.A. Hearing* (1993), pp. 38-42, 46, 47, 50-52.

⁸ Richard Martinez, executive director, Southwest Voter Registration Education Project, testimony, *L.A. Hearing* (1993), pp. 42-45, 46-47, 48-49.

⁹ Clayborne Carson, professor, Stanford University, testimony, pp. 420-23.

¹⁰ Paul L. Hoffman, legal director, American Civil Liberties Union Foundation of Southern California, testimony, *L.A. Hearing* (1993), pp. 53-58, 60-61, 65.

¹¹ *Ibid.*

pattern or practice suits against local law enforcement agencies and that the Federal Government had to provide a backup structure for local policing. According to Mr. Murphy, the "militarization" of the LAPD was the antithesis of community-based policing, created an adversarial relationship with the community, and disregarded citizens' constitutional rights. Despite the increase in the education and training of police officers and chiefs, Mr. Murphy contended that police officers continued to commit civil rights violations. He suggested that community-based policing should be a general, routine function of the police department, with police working together with law-abiding citizens to help strengthen the community.¹²

Jerome Skolnick of the University of California Berkeley School of Law agreed with the other panelists on the need for Federal involvement, adding that the Department of Justice should be the first resort in cases of major police brutality. He also proposed that DOJ have the authority to bring pattern and practice suits and conduct crime surveys on household and personal victimization. Professor Skolnick emphasized the need for local civilian review boards to study police accountability, community-oriented policing, and the Civil Rights Division of the Justice Department.¹³ Professor Skolnick, Mr. Murphy, and Mr. Hoffman all agreed that a pattern and practice suit should have been brought against the LAPD prior to the implementation of the Christopher Commission reforms.

Federal officials appearing before the Commission, including Inez Alfonzo-Lasso, Director of the Justice Department's Office of Civil Rights, Office of Justice Programs, reported the Federal Government's record on various aspects of civil rights enforcement. Ms. Alfonzo-Lasso testified that, under current government regulations prohibiting recipients of Federal funds from subjecting any individual to physical abuse or summary punishment, or denying individuals their constitutional rights,¹⁴ there had been no termination of funding to any local enforcement agency nationwide, including Los Angeles,

within the previous 10 years. Ms. Alfonzo-Lasso stated that the Attorney General and the DOJ were committed to enforcing civil rights laws in police departments and that regulations gave them the authority to do so.¹⁵ She also noted that the citizen complaints received by her office did not allege patterns or practices of police abuse within police departments.¹⁶

Linda Davis, Chief of the Civil Rights Division's Criminal Section at DOJ, suggested that the Federal prosecution of the officers involved in the Rodney King beating brought national attention to the issue of police abuse. She noted that a significantly higher amount of money was being appropriated to the National Institute of Justice to conduct research into police abuse and prevention. Ms. Davis recommended the enactment of a limited Federal statute to address intentional use of excessive force—including a standard to be applied to the definition of excessive force—to solve a number of constitutional problems.¹⁷ Ms. Davis noted a phenomenal increase in the number of racial violence cases brought by her section within the last 3 to 4 years.

Terree Bowers, United States Attorney for the Central District of California, testified that there had been prosecutions for police abuse or misconduct throughout the 1980s in the Central District.¹⁸ Alluding to budgetary constraints in prosecuting police misconduct issues, Mr. Bowers suggested a coordinated approach between the local district attorneys' office and the U.S. attorneys' offices. Mr. Bowers noted, however, that he preferred to allow indictments by local district attorneys' offices because they were often more successful with assault or manslaughter prosecutions than those based on Federal civil rights statutes.¹⁹ Finally, Mr. Bowers said he

¹² Patrick Murphy, director, Police Policy Board, U. S. Conference of Mayors, testimony, *L.A. Hearing* (1993), pp. 58-60, 61-62, 65-66.

¹³ Jerome Skolnick, professor, University of California, Berkeley, testimony, *L.A. Hearing* (1993), pp. 62-65, 66.

¹⁴ See 28 C.F.R. §42.203(b)(8); C.F.R. §42.210(a).

¹⁵ See, e.g., 28 C.F.R. §42.101-42.112; 28 C.F.R. § 42.201-42.215.

¹⁶ Inez Alfonzo-Lasso, director, Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, testimony, *L.A. Hearing* (1993), pp. 67-68, 83-85.

¹⁷ Linda Davis, chief, Criminal Section, Civil Rights Division, U.S. Department of Justice, testimony, *L.A. Hearing* (1993), pp. 85-89.

¹⁸ The Central District of California is the largest district in the country, consisting of seven counties, 16 million people, and 70 to 80 local law enforcement agencies.

¹⁹ The Federal civil rights prosecutions are generally based on 18 U.S.C. §§ 241 and 242 (1988). The assault and manslaughter cases are based on Cal. Penal Code §§ 149, 192 (West 1988).

supported increased funding for staffing in U.S. attorneys' offices and suggested that local civil rights attorneys should work closely with attorneys from the Civil Rights Division at the Department of Justice.²⁰

The Progress of Local Police Reforms

Several witnesses testified on the progress of local police reforms implemented following the riots and the role of the Justice Department in encouraging implementation. Chief Willie Williams of the LAPD addressed the role and authority of the Federal Government in dealing with local police departments with a history of violating constitutional rights. Chief Williams said that the responsibility and accountability of the local police department rests with the leadership and the citizens of the particular city and not the Federal Government.

Chief Williams also spoke to the accomplishments of his department. He reported that the LAPD had followed the recommendations in the Christopher Commission Report. He further reported that the internal affairs bureau would begin investigating all citizen complaints, that the LAPD was in the process of establishing field offices in the southern end of Los Angeles, and that a \$400,000 grant from the National Institute of Justice would be used to implement community-based policing. Chief Williams noted that the LAPD was also preparing new multicultural sensitivity training methods. Chief Williams testified that no single ethnic or racial group was more prone to violence because of the influence of popular culture. However, Chief Williams suggested that the media played a part in distorting the views of children and young adults.²¹

Jesse Brewer, president of the Board of Police Commissioners in the City of Los Angeles, also reported on the status of reforms proposed in the Christopher Commission report, including the hiring of Chief Williams, the creation of a police committee and review panel under the mayor, and the appointment of a six-person unit to monitor the LAPD disciplinary process. Mr. Brewer cited the lack of funding as a major hindrance to complete implementation, but agreed

with other witnesses that there had to be an immediate move away from militarism toward community policing.²²

William C. Violante, president of the Los Angeles Police Protective League, reiterated the need for community-oriented and multicultural training. Mr. Violante discussed the need for community-based policing and called for procedures to review police officers' discipline.²³ Mr. Violante also encouraged more cultural, racial, and ethnic awareness training to help alleviate racism in the department.²⁴

John Mack, president of the Los Angeles Urban League, emphasized the need for improved human relations training, diversity staffing, and screening procedures to detect officers with racial and ethnic biases. Mr. Mack discussed the challenges facing local law enforcement and urged the police to take greater care in establishing relationships with the community. Mr. Mack criticized DOJ for being too timid in investigating and entering into police misconduct cases.²⁵

Karol Heppe, executive director of Police Watch, offered testimony on the subjects of law enforcement misconduct, police brutality, and discrimination. Police Watch is a nonprofit lawyers' referral service founded in 1981 to handle the escalating problem of police misconduct in the city of Los Angeles. On average, Police Watch received approximately 550 complaints a year against the LAPD. In 1992 the organization received 575 complaints, causing the LAPD to pay out almost \$20 million in civil judgments. In contrast, the LAPD paid out approximately \$11,000 in civil judgments in 1979. Ms. Heppe said that police departments and local prosecutors like those in Los Angeles had not been disciplining and prosecuting ill-behaved officers—and the problems had not improved markedly since the Rodney King incident.²⁶

²⁰ Terree Bowers, U.S. attorney, Central District of California, testimony, *L.A. Hearing* (1993), pp. 337-43.

²¹ Willie Williams, chief of police, Los Angeles Police Department, testimony, *L.A. Hearing* (1993), pp. 68-75.

²² Jesse Brewer, president, Police Commission, City of Los Angeles, testimony, *L.A. Hearing* (1993), pp. 75-77.

²³ Los Angeles police officers are the only group of unionized city employees who did not have a review of their discipline.

²⁴ William C. Violante, president, Police Protective League, testimony, *L.A. Hearing* (1993), pp. 78-82.

²⁵ John Mack, president, Los Angeles Urban League, testimony, *L.A. Hearing* (1993), pp. 89-97.

²⁶ Karol Heppe, executive director, Police Watch, testimony, *L.A. Hearing* (1993), pp. 98-104 (hereafter cited as Heppe Testimony).

According to Ms. Heppe, the continuing problems could be attributed to the declining interest in the issue and the fact that the LAPD insists on performing its internal investigations. Noting what she saw as the local district attorney's conflicting interest, Ms. Heppe suggested that the Federal Government play a role in reviewing those recommendations for the prosecution of police officers. In addition, Ms. Heppe claimed that the common denominator in police brutality cases was the "economically disadvantaged status of the victim."²⁷ Ms. Heppe also testified that police "profiling" is a violation of civil rights.²⁸ According to Ms. Heppe, the pattern and practice of "profiling," especially when it comes to young African American and Latino men, is widely ignored within the community. She maintained that this practice was a consequence of undeniable racism in the community and of police officers who seem to have tendencies toward conduct that is a violation of people's civil rights.

Ms. Heppe noted that the Christopher Commission had not been of great assistance in solving problems—many of its recommendations had been diluted and the Christopher Commission itself failed to develop enough external controls.²⁹ Ms. Heppe testified that she and her organization are of the belief that: "as long as the department has the internal controls to discipline itself and as long as the district attorney has the sole power to prosecute police officers, . . . we are going to see unequal application of justice and discipline between the police and between the community at large."³⁰

The Commission also heard from several community and expert witnesses on the progress of police reforms in the office of the Los Angeles County Sheriff. Merrick Bobb, former special counsel for the Board of Supervisors of Los Angeles County responsible for overseeing the implementation of the reforms suggested by the Kolts Commission testified before the Commis-

sion.³¹ Mr. Bobb testified that an early warning system would be helpful in identifying potential users of excessive force. He also favored the use of civilian oversight over the sheriff's office, the appointment of a panel of judges to review departmental decisions, and the use of an ombudsman (an independent citizen) as a facilitator between the citizens and the department to resolve civilian complaints.

Mr. Bobb testified that, with cultural sensitivity training, the sheriff's department of internal affairs could handle the basic investigation of complaints, but that their work and decisions should be reviewed through a basic "checks and balances" system. He added that, because of the costs associated with these reforms and supervisory controls, the County of Los Angeles would need financial assistance in order to implement them properly.³²

The Commission heard from Gloria Romero, former chairperson of the Hispanic Advisory Council to the Police Commission of Los Angeles, and cofounder of the Coalition for Sheriff's Accountability. The coalition studied the status of the implementation of the Kolts Commission reforms. Dr. Romero criticized the oversight mechanisms used by in the Kolts Commission. For example, Dr. Romero indicated that the review panel of retired judges was only a "review panel," not an oversight panel. She also indicated that the Kolts Commission failed to recommend the establishment of a truly independent civilian oversight, and that the limited oversight recommendations that it had made had still not been implemented.³³

Hugh Manes, a lawyer involved in police misconduct litigation, emphasized the need for ongoing reform within the sheriff's department, and offered his perspective on the oversight systems suggested by the Kolts Commission. Mr. Manes questioned whether an ombudsman would possess adequate power to effect change.

²⁷ Approximately 80 percent of the victims of police abuse were very low-income or indigent people, regardless of their particular race or ethnicity.

²⁸ "Profiling" is the law enforcement practice of stopping, detaining, searching, arresting, and then releasing random members of a designated population. Young African American and Latino males are often the victims of racial profiling.

²⁹ Heppe Testimony, *L.A. Hearing* (1993), p. 102.

³⁰ *Ibid.*

³¹ The Kolts Commission was formed to investigate police misconduct in the Los Angeles Sheriff's Department and issued its report, with findings and recommendations, in 1992.

³² Merrick Bobb, general counsel, Report of Special Counsel, James G. Kolts and staff, testimony, *L.A. Hearing* (1993), pp. 104-07, 116 (hereafter cited as Bobb Testimony).

³³ Gloria Romero, chairperson, Hispanic Advisory Council to the Police Commission of Los Angeles, and cofounder, Coalition for Sheriff's Accountability, testimony, *L.A. Hearing* (1993), pp. 107-11.

Mr. Manes also expressed his concern whether a panel of primarily middle class, nonethnic judges could maintain their objectivity, given their backgrounds in litigation and long-standing relationships with law enforcement.³⁴

Mr. Manes did not support retaining responsibility for prosecuting police officers with the district attorney. Instead, he maintained that there should be an independent prosecutor who would have the authority to conduct a meaningful investigation and prosecute if necessary. However, both Mr. Manes and Mr. Bobb added that officers should be recognized for commendable performance.³⁵

A panel comprised of Los Angeles Sheriff's Department (LASD) officials and members of the deputies' association provided additional information on the implementation of reform measures. Sherman Block, sheriff of the LASD, testified on the complaint procedure and the responsibilities and authority of the ombudsman and its independence from the sheriff's office. Sheriff Block defended the policy of denying judges access to historical and behavioral information on accused officers. He also expressed his disagreement with the position of other witnesses, such as Hugh Manes, that the district attorney should not and could not handle objectively the prosecution of police officers.³⁶

Shaun Mathers, president of the Association for Los Angeles Deputy Sheriffs, described the costs associated with implementing many of the Kolts Commission recommendations, particularly in light of budget cuts and staff downsizing. He also noted his concern with the lack of confidentiality involved in tracking complaints against officers as well as the presumption of guilt surrounding such complaints. Mr. Mathers noted that he did not perceive excessive force to be a major problem in the sheriff's department. He added that the hearing witness accounts of racism and the "conspiracy of silence" among officers and community members were inaccurate; he believed they were nonexistent or minimal at best. In addition, on the issue of law enforcement's role in the community, Mr. Mathers

testified that the real problem confronting law enforcement is that in many areas there is "a general disdain for authority."³⁷

Economic Development Local Community Leadership

To develop a better understanding of the economic conditions that prevailed in South Central Los Angeles, the Commission summoned community leaders, activists, and economic, political, and sociological specialists. These witnesses testified on the cultural, racial, and community-related influences that contributed to the economic circumstances of minority groups in Los Angeles both before and after the riots.

Among those to testify was Angela Oh, president of the Korean American Bar Association of Southern California. Ms. Oh addressed the economic disparities in the community, particularly in the city's efforts to rebuild those areas most affected by the Los Angeles riots. Ms. Oh implied that the disparities are most prevalent in the distribution of funds to African Americans and Koreans. According to Ms. Oh, \$400 million of the estimated \$750 million worth of damages in the Los Angeles riots were sustained by Korean small business owners. As of June 1993, however, only 200 out of 2,000 Korean-owned businesses had been rebuilt. She explained that the area encompassing South Central Los Angeles was 48 percent Latino, although it is often represented as being predominantly African American. In contrast, Koreans were less than 1 percent of the population of Los Angeles.³⁸

Ms. Oh explained that much of the ethnic tension that had developed since the riots stemmed from the perception that African Americans received most of the financial resources for rebuilding businesses, while Latinos faced financial strain and an alarming rate of arrests, imprisonment, and deportation. She suggested that increased public education on diversity and multiethnic coalitions, as well as actions to address the problem of redlining, loan refusals from local financial institutions, and

³⁴ Hugh Manes, attorney, testimony, *L.A. Hearing* (1993), pp. 111-17.

³⁵ *Ibid.* See also Bobb Testimony, p. 116.

³⁶ Sherman Block, sheriff, Los Angeles County Sheriff's Department, testimony, *L.A. Hearing* (1993), pp. 117-23.

³⁷ Shaun Mathers, president, Association for Los Angeles Deputy Sheriffs, testimony, *L.A. Hearing* (1993), pp. 123-30.

³⁸ Angela Oh, attorney, Beck, De Corso, Werksman, Barrera, and Oh, testimony, *L.A. Hearing* (1993), pp. 130-35.

other credit-related issues, might alleviate some of the problems.³⁹

Father Juan Santillan, a pastor at St. Lucy's Roman Catholic Church in East Los Angeles, also discussed the tensions that had developed after the riots. Father Santillan noted that there were problems associated with categorizing people as "Hispanic" or "Latino" based on group terms that do not account for specific ethnicities and cultural identities within the larger umbrella of Spanish-speaking persons. He attributed intergroup conflict in part to stereotypes of certain ethnic groups during the riots.⁴⁰

Leon Watkins, representing the Family Help Line, also focused on the tensions that developed over the perceived inequitable distribution of funds and the great bureaucratic delay involved in securing loans and financial assistance. Mr. Watkins explained that the Family Help Line was a telephone counseling service that offered assistance to South Central area families in crisis. He testified that a majority of the Los Angeles riot funding was distributed to "more visibly profiled" groups—not simply those in need of assistance. Mr. Watkins blamed much of the increased gang membership and civil unrest on the delayed release of funds and the resulting community constraints and financial tensions.⁴¹

Overview of Economic Development in Los Angeles

Focusing on issues pertaining to economic development in the South Central Los Angeles area, the Commission heard the testimony of economist Arthur Laffer. Dr. Laffer strongly favored reform of the tax structure—both State and Federal—to make South Central more attractive for corporate development and capital formation in depressed neighborhoods. Among the reform measures supported by Dr. Laffer were a flat tax rate on business and personal incomes and the introduction of minimum wage and payroll tax reform. He further advocated the use of enterprise zones in the inner city, in which businesses located in the zones would face a lower profit tax.⁴² According to Dr. Laffer,

church leaders needed to utilize better their tax-exempt status to encourage greater capital formation, instead of investing their funds in taxable private profit ventures.⁴³

On a related social issue, Dr. Laffer noted the need for welfare reform, arguing that the welfare system should be incentive based, with recipients having their benefits gradually reduced over time. He further testified that there was a strong correlation between the racial tensions in Los Angeles and California's increased taxation beginning in the early 1990s. In terms of solutions, Dr. Laffer opposed approaches designed to redistribute the wealth. Instead, he argued for a reduction in taxes, increased corporate relocation and investment in the inner city, augmented political activism, and tax reform for tax-exempt organizations.⁴⁴

During the Commission's unscheduled witness session, a number of community members reinforced several issues addressed during the scheduled testimony, particularly the relationship between race relations and issues involving bank lending and credit utilization. For example, Rev. Romie Lilly of Compton-Watts argued for greater enforcement of the Community Reinvestment Act,⁴⁵ while Robin Cannon, president of Concerned Citizens of South Central Los Angeles, argued that local banks failed to reinvest a significant amount in the community through home improvement loans, loan investments, or small business loans. She noted that even the community churches, which deposited over \$500 million annually in Los Angeles banks, were unable to borrow the needed funds.⁴⁶

Companies within the zones pay lower sales and hiring taxes and get writeoffs on State taxes if they buy equipment, construct new buildings, or add employees. Jill Leovy, "Success of Tax Breaks in Riot-Torn Zone Unclear," *Los Angeles Times*, Dec. 18, 1995, p. B-1.

³⁹ Arthur Laffer, economist, A.B. Laffer, V.A. Canto & Associates, testimony, *L.A. Hearing* (1993), pp. 142-53.

⁴⁰ *Ibid.*

⁴¹ 12 U.S.C. §§ 2901-06 (1996).

⁴² Romie Lilly, Council of Clergymen of Compton/Watts/Willowbrook, unscheduled witness session testimony, *L.A. Hearing* (1993), p. 158-59; and Robin Cannon, president, Concerned Citizens of South Central Los Angeles, unscheduled witness session testimony, *L.A. Hearing* (1993), pp. 173-76.

³⁹ *Ibid.*

⁴⁰ Juan Santillan, pastor, St. Lucy's Roman Catholic Church, testimony, *L.A. Hearing* (1993), pp. 135-36, 140-41.

⁴¹ Leon Watkins, representative, Family Help Line, testimony, *L.A. Hearing* (1993), pp. 136-40, 141-42.

⁴² The Los Angeles Revitalization Zone was instituted in late 1992 to help the riot-damaged zones recover economically.

Economic Development and Racial Tensions

Exploring the link between economic development and racial tensions, the Commission heard from several witnesses, including a sociologist, an economist, and several clergymen. The witnesses offered their perspective on race relations in South Central Los Angeles prior to and following the riots, and testified on their personal experiences both within and outside of the community.

Larry Bobo, the former director of the Survey Research Program at the Institute for Social Science Research at the University of California, Los Angeles (UCLA), reported on his 1992 and 1993 Los Angeles County social surveys dealing with "ethnic antagonism in Los Angeles." Among the adults surveyed, Professor Bobo found "moderately high levels" of economic competition among ethnic groups. He reported that between 20 to 50 percent of those surveyed perceived their own ethnic group as being in direct competition with other ethnic groups over scarce economic resources. Moreover, he found that the most intense case of perceived group economic competition involved black-Asian relationships, although the potential for Latino-Asian tensions was nearly as strong as black-Asian tensions. According to the survey, the problems between African Americans and Latinos focused on access to or control over public service positions, particularly where it was felt that the level of black presence in certain public positions was disproportionately high compared to that of Latinos. Professor Bobo recommended that the local government invest more in the activities of their human relations commissions to ensure systematic consideration of the impact of decisionmaking on relations among groups. According to the professor, a solid majority of all groups (60 percent of whites, Hispanics, and Asians, and more than 70 percent of blacks) supported spending more money on human relations efforts.⁴⁷

Jack Kyser, an economist at the Economic Development Corporation, testified on the state of the economy in Los Angeles and the major structural changes that the State was experiencing. At the time of the hearing, Mr. Kyser noted, the State of California, with its \$750 billion economy and 12 million employed residents,

was undergoing "a major structural change." According to Mr. Kyser, economic growth in Los Angeles peaked in the middle of 1990 with a subsequent loss of approximately 300,000 jobs in industries critical to minorities. Mr. Kyser predicted that there would be moderate economic growth in 1995, but that the mid-1990 employment level would not be attained again until 1997 or 1998. Mr. Kyser noted, however, that he saw significant potential in defense conversion programs in Los Angeles despite the intense competition over the conversion contracts from the Federal Government.⁴⁸

Mr. Kyser stated that although the prime conversion contractors had been aggressive in hiring minorities, the best opportunities in the future would be from small suppliers. In terms of entrepreneurial pursuits, Mr. Kyser maintained that there were many programs available to assist entrepreneurs, but that most potential entrepreneurs were unaware of their existence.

In response to questions regarding the Los Angeles economy, Mr. Kyser elaborated on his observation that Los Angeles had an unfavorable business climate. Mr. Kyser attributed his perception to the existence of a variety of rules and regulations, such as workers' compensation insurance and the potential for abuse and fraud burdening the economy. He favored a streamlined regulatory environment favorable to small entrepreneurial activities in ethnic communities. Mr. Kyser also cited an unfavorable media portrayal, a disorganized county structure, and an uneducated population without economic coalitions as additional factors impeding Los Angeles' ability to attract and retain business. He pointed to the downsizing in the aerospace industry as particularly difficult for the African American and Hispanic communities because there was a good roster of minority-owned smaller businesses utilized by defense contractors. Mr. Kyser warned that significant worldwide corporate changes would result in the elimination of middle range jobs.⁴⁹

Rev. Joseph Ahn of the Oriental Mission Church in Los Angeles disputed the perception, promoted in the media, that there was tension

⁴⁷ Larry Bobo, professor, University of California at Los Angeles, testimony, *L.A. Hearing* (1993), pp. 177-82.

⁴⁸ Jack Kyser, chief economist and director of program research, Economic Development Corporation, testimony, *L.A. Hearing* (1993), pp. 182-87.

⁴⁹ *Ibid.*

between the Korean and African American communities. Reverend Ahn noted that in his view the riots were caused by the tensions between African Americans and the mainstream white society. He highlighted the work of his church with the black Baptist community as one example of sound African American-Korean relations. Reverend Ahn indicated that his church was educating its members about multiculturalism and racial relations. He also discussed his church's scholarship program for African American seminary students. According to Reverend Ahn, the program, in conjunction with joint religious services with Baptist churches in the neighborhood, is designed to introduce and enhance students' knowledge of other cultures.⁵⁰

Rev. Edward V. Hill of the Mount Zion Missionary Baptist Church disagreed with Reverend Ahn's interpretation of ethnic tensions. Reverend Hill instead described the growing tension among ethnic groups. He charged that the Federal Government's efforts to improve the economic situation were not helpful in reaching tangible, positive results. In particular, Reverend Hill cited the case of Latasha Harlins, a 15-year-old African American school girl who was shot and killed by a Korean merchant, Soon Ja Du. Reverend Hill said the Harlins case illustrated the tension that had been building up for years between the Korean and African American communities. According to Reverend Hill, tensions swelled as Koreans established profitable businesses in African American neighborhoods but failed to employ anyone outside their own ethnic background.⁵¹

Reverend Hill acknowledged the strength of the church as a rallying point to inspire economic as well as spiritual development for the entire community. He maintained that the real problem with the black family was based on the lack of economic opportunity and the disincentive created by the welfare structure. Reverend Hill charged that there was profit in poverty. For example, he indicated that it costs \$44,000 annually to deliver \$7,200 to a woman with five children. Regarding the policy of churches and their investments in economic ventures, Rever-

end Hill supported involvement by the church in the economic well-being of its congregation. He noted that a number of churches, including his own, had already organized profit organizations.⁵²

Rev. Cecil I. Murray advocated empowering the inner cities through grassroots and government partnerships with local corporations. Reverend Murray testified that it was essential to involve local businesses in training members of community and offering local assistance because "the government doesn't have the funds."⁵³ Reverend Murray recounted his experience with an organization that offers a 10-week free course. Those who successfully complete the course are eligible to receive a small loan. Reverend Murray insisted, however, that, notwithstanding these "partnerships" with local corporations, the community also needed tax credits to attract banks into impoverished areas to conduct business and to make loans. Reverend Murray stated, "We are at each others' throats because we are fighting over a bone . . . and we need more than a bone. We need the whole buffalo."⁵⁴

Economic Policy Perspectives

Several academicians attended the Commission's hearing to offer suggestions on economic policy directions for Los Angeles in the future. Allen Scott, director of the Lewis Center for Regional Policy Studies, stated that the free market could not be relied upon as a source of economic development for southern California. Because there are failures in certain operations of the market, Professor Scott maintained that there is a positive role for governmental organizations and agencies in promoting economic development through community groups and associations of employers. Professor Scott suggested that, by combining competition with cooperative interaction between private firms, government, and other players in the economic system, negative market forces could be overcome. He argued that it was necessary to set into motion a system

⁵⁰ Joseph Ahn, pastor, Oriental Mission Church, testimony, *L.A. Hearing* (1993), pp. 187-91.

⁵¹ Edward V. Hill, pastor, Mount Zion Missionary Baptist Church, testimony, *L.A. Hearing* (1993), pp. 191-96.

⁵² *Ibid.*

⁵³ Cecil I. Murray, senior minister, First African Methodist Episcopal (A.M.E.) Church, testimony, *L.A. Hearing* (1993), pp. 196-98.

⁵⁴ *Ibid.*, pp. 197.

of entrepreneurial growth in the inner city by building networks of producers.⁵⁵

As an example, Professor Scott pointed to CALSTART, a collaboration of manufacturers that work through the market to pool together resources and skills. Professor Scott said that this type of collaboration would also be successful in such areas as technology development, labor training, and information services. CALSTART was a product of the 1991 Transportation Act,⁵⁶ which made money available to start the consortium. Professor Scott contended that it would be beneficial to focus on other developmental consortia.⁵⁷

Professor Scott disagreed with many other witnesses who argued that workmen's compensation and minimum wage requirements should be relaxed. In terms of future development of the economy, Professor Scott argued that relaxing the regulations would open the floodgates to low wage and low skill workers, which, in turn, would eventually hinder economic growth. He suggested as an alternative that assistance be provided to help businesses satisfy the regulations. Professor Scott also expressed support for local planning and the establishment of a regional economic council, which would consist of employers, local government, banks, labor, and community groups assembled to discuss and decide the process of economic development in the inner city.⁵⁸

Manuel Pastor of the Department of Economics at Occidental College added his perspective on the policy directions of Los Angeles by discussing the differences between Latino poverty and that in the African American community. Based on his research, Mr. Pastor testified that economics was the root of the uprising in South Central Los Angeles, as most of the destruction took place in areas where poverty rates were twice as high as other places. In the areas

where most of the damage occurred, 49 percent of the residents were Latino. Mr. Pastor said that although many Latinos are employed, most fall below the poverty line because they are underemployed. For instance, Mr. Pastor's studies showed that the Latino male labor force participation was above 80 percent, while that of non-Latino males was 58 percent. Latino households were 60 percent more likely to consist of married couples. The Latino per capita income was 45 percent of the overall per capita income. Latino families were three times more likely to fall below the poverty level in Los Angeles than non-Latino families.⁵⁹

Mr. Pastor maintained that the solution to this phenomenon was not to create jobs, but to increase education, raise secondary labor markets, and to consider whether wages could be raised. He recommended that the Federal Government provide more education funds, reform labor law to facilitate union organizing, and strengthen the Community Reinvestment Act to avoid the effective credit blockage of minority entrepreneurs in the city of Los Angeles.⁶⁰

Eugene Grigsby, director of the Center for Afro-American Studies and professor of urban planning at UCLA, addressed the subject of intervention strategies. He stated that in addressing such an issue, it is improper to assume that creating jobs will alleviate poverty. Professor Grigsby indicated that restructuring of industries requiring high skilled workers would result in a situation where those industries would not be able to absorb the low skill, low wage pool of individuals. He suggested that community development policy not depend on big corporations to create jobs, but focus instead on the "informal economy," such as street vendors and lending circles. In addition, Professor Grigsby recommended investing more in small businesses currently located in the inner city.⁶¹

Testifying on another panel, Garret R. Nelson, executive vice president of the Vons Com-

⁵⁵ Allen Scott, director, Lewis Center for Regional Policy Studies, University of California at Los Angeles, testimony, *L.A. Hearing* (1993), pp. 284-86, 289, 292 (hereafter cited as Scott Testimony).

⁵⁶ Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240; §§ 6071-6073, 105 Stat. 1914, 2195-2197 (1991). This section of the act was repealed in 1994, however, by Pub. L. No. 103-272, § 7(b), 108 Stat. 1379 (1994).

⁵⁷ Scott Testimony, *L.A. Hearing* (1993), p. 289.

⁵⁸ *Ibid.*, pp. 284-86, 292.

⁵⁹ Manuel Pastor Jr., professor, Department of Economics, Occidental College, testimony, *L.A. Hearing* (1993), pp. 286-87, 290-91, 293, 295-96.

⁶⁰ *Ibid.*, p. 287.

⁶¹ Eugene Grigsby, director, Center for Afro-American Studies, University of California at Los Angeles and professor, University of California at Los Angeles, testimony, *L.A. Hearing* (1993), pp. 287-89, 291, 292-95; 296 (hereafter cited as Grigsby Testimony).

pany, Inc., stated that his company was one of the private industries that has chosen to invest in the inner city. As of 1993, Vons committed to invest \$100 million in the inner city to build 10–12 stores. According to Mr. Nelson, each store would employ 50–200 individuals from the community it served. In addition, under the Job Training Partnership Act, the stores would conduct a 12–16 week training program that would guarantee a job within the company upon completion of the program.⁶²

Mr. Nelson testified that to ensure that minority firms would help to build and service the stores, the Vons corporation was reaching out to the minority-owned firms in the area and had engaged nearly all minority-owned businesses to build the stores that were then under construction. With the building of the grocery stores, Mr. Nelson maintained that Vons would attract other industries to invest in the inner city. He indicated to the Commission, however, that there were several barriers that prevented large corporations from investing in the inner city, and that when they do decide to invest, it takes a considerable amount of time to overcome such hurdles as permits and land acquisitions. To encourage investment, Mr. Nelson suggested that the benefits of the Los Angeles revitalization bill⁶³ be expanded to allow for Federal tax benefits as well.⁶⁴

Professor Grigsby, however, expressed his disapproval of the proposed Vons corporation supermarket project. According to Professor Grigsby, if the proposed plan were carried out, it would create an economic disincentive for South Central Los Angeles because as the supermarket chain generated profit, it would take money out of the city. He suggested that rather than investing in the 10–12 stores project, the corporation should invest in the community by providing financial support to the 50 Korean stores that were burned in the riots.⁶⁵

⁶² Garret Nelson, executive vice president, The Vons Company, Inc., testimony, *L.A. Hearing* (1993), pp. 276–79 (hereafter cited as Nelson Testimony).

⁶³ CAL. GOVT. CODE §§ 7100–7400 (Deering 1997).

⁶⁴ Nelson Testimony.

⁶⁵ Grigsby Testimony, *L.A. Hearing* (1993), pp. 293–94.

Views from the Private Sector

In keeping with its investigation of economic development measures, the Commission assembled a panel of witnesses to provide the private sector perspective on the economic dilemma of the inner city. Robert D. Taylor, a principal at McKinsey and Company, Inc., offered four strategic schemes for rebuilding the economy in the inner city. They included job creation, work force development, local ownership, and improvement of the business climate. In response to preceding suggestions for tax breaks as business incentives, Mr. Taylor suggested that such tax breaks were insufficient to create economic development in the inner city. Instead, he suggested setting tax rates and focusing on full economic participation.⁶⁶

A main concern identified by several witnesses had been the underemployment of the Latino population and the unemployment of the African American population. Mr. Taylor said that when talking about economic development it is unjust to lump together the very different situations of African Americans and Latinos. According to Mr. Taylor, each group required policy objectives that responded specifically to these differences. He concluded by stating that the rapidly globalizing economy is becoming very commercial and uncaring about the woes of society. It was, therefore, vital to correct the economic problems of the inner city because the present generation is the last chance for transformation, especially in the black community.⁶⁷

Errol S. Smith, chairman of the New Vision Business Council of Southern California, testified that a tremendous amount of opportunity was being misused in the inner city. To combat this problem, Mr. Smith's organization aimed to educate the general public and policymakers on the emergence of a new economy of small and medium sized businesses. To facilitate the success of these businesses, Mr. Smith proposed that the government undertake four important tasks. First, the government should denounce its own thinking that the inner city is a place of no talent and limited resources. Second, governmental policies directed toward the inner city should be premised on the idea of encouraging

⁶⁶ Robert Taylor, principal, McKinsey and Company, Inc., testimony, *L.A. Hearing* (1993), pp. 320–29, 336.

⁶⁷ *Ibid.*

self-reliance. Third, policymakers should make it easier to access the market so that small businesses may also compete in the marketplace. Lastly, the government should start community policing, overhaul the educational system, and ensure access to affordable housing to combat "black flight" from the inner city to the suburbs.⁶⁸

Complementing Robert Taylor's testimony on the factual differences between the economic condition of Latinos and African Americans, Mr. Smith went on to highlight how cultural differences among the residents of the inner cities affect economic development. He stated that because of these differences individuals are less trusting of one another; therefore, many business opportunities available in the inner city are left unexplored. Mr. Smith emphasized the point by referring to an article in the *Wall Street Journal* that stated that 95 percent of black businesses are sole proprietorships and less than 2 percent raised capital from partnerships.⁶⁹

Job Training Partnership Act

In 1982 Congress enacted the Job Training Partnership Act⁷⁰ (JTPA). The act was designed to:

establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation.⁷¹

Most witnesses from the South Central area who testified before the Commission in 1993 agreed that the Job Training Partnership Act did not provide the positive outcome it was designed to produce. Some participants in the program stated that the training was inadequate and that

the wages were not as high as promised.⁷² Program providers and administrators attributed the dilemma to several factors, including lack of training centers in the communities of those served, lack of adequate transportation to and from the job sites, and lack of support services.⁷³

Testimony received by the Commission also indicated that funding under the program was sufficient for only 4 percent of eligible beneficiaries. According to Susan Flores, director, Youth and Employment Services Division, Community Development Department, there were several reasons that explained the underservice. First, the JTPA did not allow the programs to upgrade training properly, and therefore the programs were unable to reach the individuals who would most benefit from the training. Second, the JTPA amendments were not adequately addressing those individuals with limited or no English-speaking skills. According to Ms. Flores, there were 85 languages spoken in the Los Angeles area, and neither the standardized testing instruments, nor the staff, were able to accommodate all the different reading, writing, and language levels in the city. Third, the overregulation enforced by the government placed heavy financial burdens upon the programs. Lastly, Ms. Flores indicated that young minority males did not receive any support to get them through classroom training and the lack of financial assistance discouraged their participation.⁷⁴

To help facilitate job training, Private Industry Councils (PICs) were established throughout the country. According to Virgil Roberts, president and general counsel of Solar Records, the philosophical concept behind the PIC was to create an organization with a significant business component so that the government would have input from the private sector in its job training program. Mr. Roberts testified that the PIC al-

⁶⁸ Errol Smith, chairman, New Vision Business Council of Southern California, testimony, *L.A. Hearing* (1993), pp. 329-36.

⁶⁹ *Ibid.*

⁷⁰ Pub. L. No. 97-300, 96 Stat. 1322 (codified as amended at 29 U.S.C. §§1501-1781).

⁷¹ 29 U.S.C. §1501 (Supp. IV 1992).

⁷² Karen Muchison, job training participant, Maxine Waters Employment Preparation Center, testimony, *L.A. Hearing* (1993), pp. 229-33; Kenny Jones, job training participant, Maxine Waters Employment Preparation Center, testimony, *L.A. Hearing* (1993), pp. 229-33. *But see* Gwene Patton, job training participant, Los Angeles Urban League, testimony, *L.A. Hearing* (1993), pp. 227-29.

⁷³ *See, e.g.*, Sophia Esparza, director, Chicana Service Action Center, Inc., testimony, *L.A. Hearing* (1993), pp. 234-36, 252-53.

⁷⁴ Susan Flores, director, Youth and Employment Services Division, Community Development Department, testimony, *L.A. Hearing* (1993), pp. 242-48, 252.

lows the private industry to have an impact on what takes place in the job training. At the time of the hearing, individuals were simply trained for a particular field and then jobs were located for that individual. Under Mr. Roberts' model program, however, employers are asked what they desire in a future employee; then, individuals are trained to satisfy the description given by the employers. To further the success of this program, a database is being used to match potential employers with potential employees.⁷⁵

Barriers to Small Business Development in the Inner City

To understand better the economic condition of South Central Los Angeles, a panel of witnesses, representing many different businesses in the South Central area, explained the barriers confronted by small business. Witnesses also offered their predictions of steps needed to boost economic development in the inner cities, while also enhancing the business environment in which they operate.

Carlton Jenkins, owner of the Founders Bank of America, represented the only minority-owned bank in California. Headquartered in the South Central area, Founders Bank has been aggressively investing money in the community by lending to churches, minority contractors, community-based organizations, and even individuals who other banks might consider risky. Founders Bank prides itself on being a community bank working to place revenue into the community by enabling ownership of those within the community.⁷⁶

Mr. Jenkins testified before the Commission regarding the benefits and hardships faced by a bank whose primary lending is to minorities. Some of the problems identified by Mr. Jenkins included raising capital within the community and negotiating with the Office of the U.S. Comptroller of the Currency over its lending practices and underwriting criteria. To facilitate establishing other minority owned banking institutions and to keep those in existence flourishing, Mr. Jenkins suggested modifying the tax code to include accelerated depreciation, change

in the capital gains tax, return of the net operating losses carryover, and provision of a tax credit for investment in a minority owned banking institution.⁷⁷

Other witnesses testified to the many barriers hindering the development of the small manufacturing businesses associated with the inner city. All of the witnesses agreed that one generic problem shared by all business, regardless of size, was the high insurance premiums for worker's compensation along with the lack of adequate defenses to fraudulent claims. Frank Robinson, president of Robinson Helicopters, stated that in addition to the fraudulent claims, "a great deal of the money which goes into the workmen's compensation is being consumed purely in the legal process."⁷⁸ Other problems identified by witnesses included overregulation by the State, high taxes, an aggressive Federal tax structure, and long amortization periods for any new plants or facilities.

E.E. (Joe) Barrington, president of Group IX Systems, said that although small manufacturing businesses face many of the problems common to large corporations, such as workmen's compensation costs, they must also deal with price competition. According to Mr. Barrington, when the price competition becomes the driving force of the commodity being produced, it hinders the building of an enterprise value. When asked what could be done to enhance the economic business environment to better benefit their businesses, Mr. Barrington testified that instituting innovations such as technology upgrade programs and technological transfers to other industries, would be useful. He noted that although programs like these are already in existence, they are skewed more towards large business.⁷⁹

One type of business that has maintained a constant presence in the inner cities is the neighborhood grocery store. In South Central Los Angeles many of these grocers are owned and operated by Korean Americans. Following the 1992 riots, however, many Korean Americans have expressed problems concerning secu-

⁷⁵ Virgil Roberts, president, Solar Records, testimony, *L.A. Hearing* (1993), pp. 249-52, 253-54.

⁷⁶ Carlton Jenkins, owner, Founders Bank of America, testimony, *L.A. Hearing* (1993), pp. 254-58.

⁷⁷ *Ibid.*

⁷⁸ Frank Robinson, president, Robinson Helicopters, testimony, *L.A. Hearing* (1993), pp. 258-59, 261-62, 264.

⁷⁹ E. E. Barrington, president, Group IX Systems, testimony, *L.A. Hearing* (1993), pp. 259-60, 263.

rity and police relations. One of the major dilemmas between the Korean American community and the police is the language barrier. Only 30 percent of the Korean American community speaks fluent English, which results in a vast majority of the population who cannot easily communicate problems and concerns with the police. One solution suggested by Ryan Song, executive director of the Korean American Grocers Association of Southern California, was foreign language training within the police department to enable its officers to communicate better with the diverse population of South Central Los Angeles.⁸⁰

Overregulation was also perceived as a barrier to the neighborhood grocers. According to the Korean American Grocers Association, 200 Korean American grocery stores were completely destroyed during the riots. In 1993 none of the 200 stores had been restored due, at least in part, to the additional permit process that Los Angeles required. According to Mr. Song, the grocery stores greatly contribute to the needs of the community. For example, most stores are a part of the food stamp program, which requires that at least 50 percent of the merchandise sold in the store consist of grocery items. Although alcoholic beverages are also sold on the premises, they make up a small percentage of the commodities. These stores also participate in other programs that serve the community like check cashing and money order programs. According to Mr. Song, there was a lack of development of large grocery stores in the South Central area and, therefore, the presence of the corner grocery stores was important to the well-being of the community.⁸¹

Another panel including representatives from organizations like the Greater Los Angeles Local Initiatives Support Corporation (LISC) and the Coalition for Women's Economic Development (CWED), discussed efforts to help those within the inner city reclaim the city through economic, technical and business training. Denise Fairchild, director of LISC, described LISC as an organization that provided financial, technical assistance, and training to residents in low-

income communities to enable them to reclaim their communities through building rehabilitation, as well as new housing, commercial and economic development initiatives, and social service programs. To bring about this community redevelopment, Dr. Fairchild said, LISC provided such services as a tax program allowing corporations a credit for investing in affordable housing and a host of financial services made available to nonprofit community development corporations.⁸²

Testifying on behalf of the CWED, executive director Forescee Hogan-Rowles stated that the coalition was originally founded to help women operate in the business world. According to Ms. Hogan-Rowles, it expanded to serve both men and women. CWED's aim was to assist low-income people in starting, operating, and funding microbusinesses. Among its services, Ms. Hogan-Rowles listed peer counseling, training courses, and individual lending to help facilitate the success of these businesses.⁸³

Economic Update

It has been more than 5 years since Los Angeles erupted in riots that killed 55, injured some 2,500 people, and destroyed more than 1,000 buildings. Los Angeles has since begun a slow but promising process of recovery.

The South Central area is home to more than 15,000 small businesses, specializing in furniture, car parts, food processing, clothes, and even biotechnology, which together employ more than 360,000 people and account for more than \$54 billion in sales.⁸⁴ Of the 1,100 buildings damaged in the riots, more than three-quarters have been repaired, including 149 gas stations and 35 supermarkets.⁸⁵ With Los Angeles recovering from a deep recession, the overall number of jobs in the riot zone is up since 1992. Economists estimate, however, that the unemployment

⁸⁰ Ryan Song, executive director, Korean American Grocers Association of Southern California, testimony, *L.A. Hearing* (1993), pp. 260-61, 263-64.

⁸¹ *Ibid.*

⁸² Denise Fairchild, director, Greater Los Angeles Local Initiatives Support Corporation, testimony, *L.A. Hearing* (1993), pp. 265-67.

⁸³ Forescee Hogan-Rowles, executive director, Coalition for Women's Economic Development, testimony, *L.A. Hearing* (1993), pp. 281-84.

⁸⁴ "Riot Zone Rises from the Ashes," *Tulsa World*, Apr. 30, 1997, p. A-15.

⁸⁵ James Sterngold, "5 Years After Los Angeles Riots, Inner City Still Cries Out for Jobs," *New York Times*, Apr. 28, 1997, p. A-1.

rate in South Central and other communities damaged in the 1992 civil disturbances is more than 30 percent among black youth.⁸⁶ Per capita income, at \$8,300, is less than half the average for Los Angeles County.⁸⁷

In 1996 the Federal Government started a community development bank that will be able to make \$430 million in loans to companies within areas damaged by the riots; yet, the bank made only \$6.2 million in loans in its first year—significantly below expectations.⁸⁸ According to Linda Griego, former head of Rebuild LA, since 1992 South Central has seen \$1 billion a year in new mortgages.⁸⁹ April 1997 figures indicate that the private sector has spent \$389 million on urban regeneration in the past 5 years. The government is estimated to have contributed an additional \$900 million to the rebuilding efforts. This figure, however, is far less than the \$6 billion that McKinsey consultants had originally estimated was necessary to complete the job.⁹⁰ Moreover, South Central itself lost 23,000 jobs between 1990 and 1994, according to Jack Kyser, chief economist for the Economic Development Corporation.

Rebuild LA, the private organization originally charged with regenerating the riot zone, closed its doors in September 1997. During the 1993 Commission hearing, Peter Ueberroth, former chairperson of Rebuild LA, testified about the status of Rebuild LA, its accomplishments and the obstacles it was confronting. The purpose of Rebuild LA was to encourage the private sector to invest in the inner city. According to Mr. Ueberroth, however, the government created disincentives for investment in the inner city through obstacles such as high worker's compensation premiums, banking regulations, and development fees. He suggested that if the government provided incentives to private sector industry as well as to the individual, there would be more investment in the inner city and more individuals would be willing to seek training. For example, on the business side, Mr. Ueberroth suggested that the government provide

such incentives as a 10-year economic advantage to private companies that invest, hire, or train in the inner city. Furthermore, he recommended that the government provide a capital investment credit and a tax credit that would give the employer half of the money earned by the government through its collection of the employee's taxes if the employer employs and retains an unemployed individual for at least 2 years. Finally, Mr. Ueberroth argued for tax incentives for individuals attempting to get off welfare.⁹¹

Critics claim that Rebuild LA did not live up to expectations, and that other organizations like Operation HOPE and the Community Development Bank have taken over the redevelopment effort. Operation HOPE is seeking \$50 million for home lending, and the Community Development Bank has drawn up a \$400 million plan for Federal funding for small business. Critics further charge that Rebuild LA attempted to delve into too many issues, from gang youth to affordable housing, and that the organization came nowhere close to meeting its billion dollar goal.⁹² Some counter that many of the companies that sounded most eager to assist in 1992 had either broken or curtailed their promises.⁹³ For example, the Vons supermarket chain, which promised to invest up to \$100 million in the area, has not opened a single supermarket. There is still only one grocery store for every 16,751 people in the riot area, compared with one store for every 7,795 people in greater Los Angeles.⁹⁴

One of the many goals of Rebuild LA was to bring the manufacturing industry to South Central Los Angeles to help with the unemployment of the inner-city residents. Studies have shown that in recent years, Hispanics and Asians have been increasingly absorbed into the manufacturing industry with great success. The African American community, however, has not done as well.⁹⁵ Some scholars predict that if the cycle

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ "Riot Zone Rises from the Ashes," *Tulsa World*, Apr. 30, 1997, A-15.

⁹¹ Peter Ueberroth, director and former chairperson, Rebuild L.A., testimony, *L.A. Hearing* (1993), pp. 267-76.

⁹² "Morning Edition: Rebuild LA," NPR Radio Broadcast, Apr. 29, 1997.

⁹³ Earl Ofari Hutchinson, "Can't We All Get Along? Maybe," *Daily News of Los Angeles*, Apr. 27, 1997, V-1.

⁹⁴ Ibid.

⁹⁵ Allen J. Scott, "The Manufacturing Economy: Ethnic and Gender Divisions of Labor," in Roger Waldinger and Mehdi

continues in its present path, the efforts of Re-build LA and:

other local agencies to attract manufacturing jobs back to South Central Los Angeles in order to give employment to African Americans are likely to backfire in substantial ways. . . . [U]nder conditions of continued large-scale immigration, the creation of a new job base offering employment prospects to the unskilled, even if it is located in the heart of South Central itself, may do little to alleviate the plight of the African American populace.⁹⁶

Transportation: A Vehicle for Economic Development

The Commission received testimony from community experts and local officials who discussed a number of aspects of the Metropolitan Transit Authority (MTA) system, including (1) the demographic and minority breakdown of its customer and employee base, (2) the routes and schedules of its bus and train lines, (3) its work with local corporations, (4) its handling of civil rights complaints, (5) its methods of expansion, and (6) its dispersal of contracts.

John Walsh, chairman of United Riders of Los Angeles, testified on the background of the average MTA customer. The average MTA customer was a "transit dependent person"—one who relied upon the bus and rail systems of Los Angeles county for his or her mobility. These individuals were usually in a low-income category, and over two-thirds were members of minority groups. According to 1993 statistics, 52 percent of riders earned less than \$15,000 per year and only 10–20 percent of bus riders had cars.

Mr. Walsh detailed the discrepancies between the bus and rail system, arguing that there were clear violations of Title VI.⁹⁷ Specifically, Mr. Walsh maintained that riders in the inner city had to take buses to go downtown—traveling approximately an hour and 15 minutes—while those who lived in the suburbs could utilize the Freeway Flyer rail system to complete the same trip in approximately 25–30 minutes. In terms of

passenger safety, Mr. Walsh reported that only 3 cents per bus passenger was spent on security versus \$1.30 per rail passenger. In addition, the bus system's fleet consisted of unclean and aging buses.⁹⁸

The testimony of Mike Hernandez, a council member in Los Angeles, reinforced Mr. Walsh's claims of inequities between the MTA rail and bus systems. On average, riders had to transfer three times to arrive in the suburbs where they were employed in low-wage jobs.⁹⁹ Mr. Hernandez indicated that the rail system was not built to serve the minority community. In his district, Taylor Yard held trains that only traveled from the suburbs to the inner city in the mornings and from the inner city to the suburbs at night. On the topic of integration, Mr. Hernandez testified: "What happens is we keep on using transportation, whether it be the automobile or systems like busing, to keep communities separate, and then you have inequities as to how you are subsidizing those systems." He claimed that there was a fear that the expansion of the rail system to the inner cities would drive up the costs of housing along these corridors.¹⁰⁰ Mr. Hernandez also commented on the MTA and its lack of employment equity. He cited statistics that reflected a great disparity in the distribution of jobs between African Americans and Latinos in the Los Angeles transportation industry.¹⁰¹

Joseph Avila, an attorney with Avila & Putnam, offered his assessment of minority participation in MTA construction projects. Mr. Avila testified that the MTA had attempted to include minorities in its construction efforts, but that legislative and systematic barriers had often prevented active participation. He argued that these barriers included the presence of Small Business Administration standards that had often disqualified minority businesses of the size necessary to handle the larger contracts. Mr. Avila suggested that the government rework and

Bozorgmehr, eds., *Ethnic Los Angeles* (New York: Russell Sage Foundation, 1996), p. 239.

⁹⁶ *Ibid.*, pp. 239–40.

⁹⁷ Title VI of the Civil Rights Act of 1964, as amended, prohibits recipients of Federal funding from discriminating on the grounds of race, color, or national origin. 42 U.S.C. § 2000d (1988).

⁹⁸ John Walsh, president, United Riders of Los Angeles, testimony, *L.A. Hearing* (1993), pp. 199–200, 208–09.

⁹⁹ The councilman's district has 233,000 residents; in the district, there were 600,000 bus boardings daily.

¹⁰⁰ Mike Hernandez, member, Los Angeles City Council, testimony, *L.A. Hearing* (1993), pp. 200–04, 205–07, 209–10.

¹⁰¹ *Ibid.*

streamline the legislation and application processes.¹⁰²

The next panel of witnesses—consisting of officials from the MTA and the Federal Transit Authority—addressed some of the concerns raised by the community experts. Richard Alatorre, a Los Angeles City council member and chairman of the MTA Board, agreed that there were definite areas of the inner-city bus service that needed improvement. He also declared the MTA's commitment to greater minority participation in capital contracts and pointed to the \$180 billion that would be spent over the next 30 years as an example of where minority participation would be increased.¹⁰³

Franklin White, executive director of the Metropolitan Transit Authority, defended the MTA's record regarding Title VI compliance, noting its record was acceptable considering the size and geography of Los Angeles. He agreed with other witnesses that there was a disparity in the level of bus and rail services, but explained that to improve the transportation system substantial Federal funds would be necessary because the construction of a new rail system was needed. He added that such a project must result in large subsidy differences between rail and bus services. Mr. White also maintained that the MTA was very aggressive in minority contract participation and employment, with 23 percent participation of minority and women business enterprises where there had been goals of 20–25 percent.¹⁰⁴

Thomas A. Rubin, in further defense of the MTA, testified that 78.5 percent of the MTA's employees were minority and/or female. Mr. Rubin, a senior staff member of the MTA, also reported the transit dependents' demographics as 48 percent Hispanic, 23 percent African American, 8 percent Asian, and 19 percent white, with 40 percent male and 60 percent female. The majority were socioeconomically disadvantaged,

with 62 percent having incomes under \$15,000 a year.¹⁰⁵

Stewart Taylor, regional administrator for the Federal Transit Authority (FTA), testified on the FTA funding process for local mass transit projects. He described the oversight and audit process for Title VI, equal employment opportunities, disadvantaged business enterprises, and the complaint process. He also discussed the \$5.3 billion MTA Red Line project that had been in existence since 1986.¹⁰⁶

Mr. Taylor's colleague, Robert McManus, acting Administrator for the FTA, testified on the responsibilities of the FTA's Office of Civil Rights. Acting Administrator McManus discussed a number of MTA civil rights complaints and attributed a lack of compliance in certain cities (e.g., Denver, Colorado) to the reduction in field compliance audits and cutbacks in agency size. He also addressed compliance with affirmative action plans and the financial grant process.¹⁰⁷

The Role of the Media Overview

Media panels were assembled to address various issues concerning local broadcast coverage of various minorities in the Los Angeles area. The primary purpose of the Commission's investigation in this area was to assess the accuracy, completeness, and balance of such coverage, and to determine how and by whom decisions about news and the minority communities were made. The absence of positive images and portrayals of minorities on television, together with a lack of diversity in those behind the camera, were seen as major issues contributing to racial and ethnic tensions.

Sandra Evers-Manly, president of the Hollywood branch of the NAACP, was asked what she considered the most salient issues regarding the employment and portrayal of minorities' by mainstream Los Angeles television news media.

¹⁰² Joseph Avila, attorney, Avila & Putnam, testimony, *L.A. Hearing* (1993), pp. 204–05, 207–08.

¹⁰³ Richard Alatorre, chairman, Metropolitan Transportation Authority; and member, Los Angeles City Council, testimony, *L.A. Hearing* (1993), pp. 210–14.

¹⁰⁴ Franklin White, executive director, Metropolitan Transportation Authority, testimony, *L.A. Hearing* (1993), pp. 214–16, 218–19.

¹⁰⁵ Thomas A. Rubin, senior staff member, Metropolitan Transportation Authority, testimony, *L.A. Hearing* (1993), pp. 216–18.

¹⁰⁶ Stewart Taylor, regional director, Federal Transit Administration, testimony, *L.A. Hearing* (1993), pp. 220–21, 227.

¹⁰⁷ Robert McManus, Acting Administrator, Federal Transit Administration, testimony, *L.A. Hearing* (1993), pp. 221–22, 223–27.

She responded by referring to a report by the Screen Actors Guild and American Federation of Televisions and Radio Artists, which covered a 10-year period, on portrayals of women and people of color on television. According to Ms. Evers-Manly, people of color were often portrayed as criminals. In addition, African Americans were depicted as criminals twice as often as other groups.¹⁰⁸

Ms. Evers-Manly suggested that positive images of minorities are not rewarded in news reporting. As an example, Ms. Evers-Manly pointed to a local Emmy awards ceremony in which 65 percent of the awards went to riot coverage and, thereby, accentuated the racial tensions in the community. She further maintained that the media does not concentrate on the issue at hand when reporting. She detailed how on April 29, 1992, during the riots, a liquor store was being looted by a number of white males who attended the University of Southern California. A number of black and Hispanic residents, one being herself, cornered the individuals after leaving the store. Once the police arrived, the trunks of their vehicles were searched. There were several newscasters in the area; however, rather than focusing on the looting incident, they focused on the residents.¹⁰⁹

When explaining why diversity is not being reflected in the media, Ms. Evers-Manly noted that there were only two black anchors in the city, and none on the major networks. In addition, she added that there were very few African American and other reporters of color to combat the level of insensitivity that exists when reporters are not from the community. Still, Ms. Evers-Manly contended that the black reporters in southern California and other areas were not comfortable about expressing their feelings on issues for fear of losing their jobs. Although she acknowledged that there had been an increase in people of color in the media, she encouraged news stations to examine whether their managerial ranks are diverse. Ms. Evers-Manly concluded that, if diversity truly existed, management should be willing to hear from minority staff.¹¹⁰

¹⁰⁸ Sandra Evers-Manly, president, Hollywood branch, NAACP, testimony, *L.A. Hearing* (1993), pp. 344-46, 349-52, 354-56 (hereafter cited as Evers-Manly Testimony).

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

Esther Renteria, president of the National Hispanic Media Coalition (NHMC), testified that she had monitored television very closely and had concluded that the news media in Los Angeles did not respond to communities of color. When asked to discuss her observations on media treatment of the Hispanic community, Ms. Renteria responded that her community's issues are ignored. She recalled that during the civil disturbances, elected Hispanic leadership called a press conference to encourage the community to stay calm and peaceful and to try to work out their problems. According to Ms. Renteria, however, that press conference was ignored.¹¹¹

Ms. Renteria testified that the *Los Angeles Times* categorically ignored the Hispanic community. Her example was a news supplement that appeared on Father's Day. Ms. Renteria noted that only Anglo-Saxon and African American fathers were depicted. There were no Asian or Hispanic fathers represented in the entire supplement. Ms. Renteria also referred to a story about Mayor Richard Riordan's transition team in which pictures of all the players with the exception of the Hispanic Americans were published. Ms. Renteria suggested that these snubs to the Hispanic community were significant because the *Los Angeles Times*, as the oldest newspaper in the city, sets the tone for what the print media, television, and radio stations cover.¹¹²

Ms. Renteria pointed out that a large number of people working the planning and assignment desks were not from the Los Angeles area and had no understanding of Hispanic Americans; therefore, they ignored press conferences and elected public officials. The NHMC had met with representatives from the local broadcast media to discuss employment and coverage of Hispanics. According to Ms. Renteria, however, the resulting coverage was often dependent upon the attitude of the general manager. Ms. Renteria testified that the NHMC had also gone to news stations repeatedly to provide them with formulas for improvement. For example, local stations were provided with information on who to contact in the community and lists of Hispanic

¹¹¹ Esther Renteria, president, National Hispanic Media Coalition; testimony, *L.A. Hearing* (1993), pp. 346-47, 349-52, 355-57 (hereafter cited as Renteria Testimony).

¹¹² *Ibid.*

American experts from various academic fields.¹¹³

With respect to news coverage of the riots, Ms. Renteria criticized the media for poor and inaccurate reporting. She maintained that the media ignored the ordeal of the Hispanic community. According to Ms. Renteria, 50 to 60 percent of the businesses that were destroyed in the riots were Hispanic owned, but this fact did not fit the stereotype for the community, so it was not broadcast.¹¹⁴

Ms. Renteria was asked for her assessment of the reluctance by the local news media to cooperate in efforts to provide fair coverage and increase minority employment. She responded that in most instances the reluctance was due to a fear of diversity. When stations are pushed to the wall and change is demanded, they grudgingly hire two or three people. The NHMC strongly recommended that the FCC revisit its rules and regulations and require full parity to ensure changes in the poor reporting of communities of color.¹¹⁵

Kapson Yim Lee, senior editor of *The Korea Times*, English edition, was asked to comment on the quality of television news coverage in Los Angeles, specifically the local news coverage of the riots as it pertained to the relationship between Korean and African American communities. Ms. Lee gave the local media television and newspapers a failing grade for their coverage during the riots. Overall, she viewed the coverage as superficial and inaccurate. Ms. Lee offered the media coverage of the Korean grocer, Soon Ja Du, who killed a 15-year-old black girl, Latasha Harlins, as an example of how the media's reporting a portion of the story can contribute to racial tensions. Ms. Lee stated that the underlying cause of the incident was never revealed. The media chose to represent the story as a manslaughter case motivated by race and bias, as opposed to one of the countless tragedies that happen between merchants and customers.¹¹⁶

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Kapson Yim Lee, senior editor, *The Korea Times*, and founding member and officer, Korean-American Journalists Association, testimony, *L.A. Hearing* (1993), pp. 347-49, 350, 353-57 (hereafter cited as Lee Testimony).

As members of other minority groups did, Ms. Lee argued that the lack of "culturally and linguistically capable" reporters contributes to racial tensions being inflamed. She reported that the *Los Angeles Times* had only recently acquired a Korean-speaking reporter. Ms. Lee testified that prior to that point, when the issue of race relations was raised, the stories were always one-sided. As a founding member and officer of the Korean-American Journalist Association, Ms. Lee encourages young Korean Americans to enter the field of journalism. She said that in the past they had been discouraged from the field because it was considered to be very competitive and not financially rewarding. Ms. Lee added that the association offers encouragement by providing contacts and writing recommendations for those who show interest in the field.¹¹⁷

During a question and answer session with the Commission, the panelists further expounded on their knowledge and experiences. Ms. Evers-Manly charged that the news media was at the heart of the racial tensions. She said that there had been numerous meetings of groups of young African American and Korean professionals. The meetings, however, were not covered by any of the media. In contrast, there was a great deal of coverage of gang activity in the community; but as soon as the young men put down their guns, the coverage was nonexistent. Ms. Evers-Manly indicated that the image of the African American and Hispanic male is only one of a gun carrier. This single image heightens racial tension by creating a negative perception.¹¹⁸

Ms. Renteria agreed and noted that it was her observation that many television news programs center on police blotter-type incidents. The newscast starts with five or six crime stories before focusing on positive events in the community. She noted that Hispanics are routinely portrayed as gang members by the entertainment industry as well. Television does not portray Hispanics as professionals. Referring to a study by the Center for Public Affairs and Public Policy, Ms. Renteria testified that for the last 30 years, Hispanics had been portrayed in 1 out of 50 roles, and then routinely as maids, gardeners,

¹¹⁷ Ibid.

¹¹⁸ Evers-Manly Testimony, *L.A. Hearing* (1993), p. 351.

and in other low status positions. Ms. Renteria explained that this contributes to a negative self-image in addition to public misperceptions. She suggested that Hispanic children are left without hope or ambition.¹¹⁹

Ms. Lee reiterated the need for diversity in the media. She expressed concern with the media's concentration on the Soon Ja Du case and stated that the media should instead make an effort to recruit and train Korean bicultural and bilingual reporters or use interpreters. Ms. Lee noted that mainstream reporters interviewed English-speaking second generation Asian youth about the damage inflicted upon Korean merchants during the riots, rather than use an interpreter to speak directly with the Korean merchants. As a result, according to Ms. Lee, they received superficial responses.¹²⁰

On the issue of intergroup relations, Ms. Lee maintained that she did not agree that Korean immigrants learned antiblack sentiments while in Korea. She acknowledged, however, that Koreans probably had little exposure to African Americans as well as to other ethnic groups. Still, Ms. Lee stated that Koreans have a lot in common with the black struggle for civil rights. She suggested that the media should have extensive reporting on viewpoints of all races.¹²¹

The panel agreed that the media perpetuated tension among the races. The news media and television industry's perceived and actual portrayal of unbalanced and stereotypical images of minorities on a consistent basis could result only in a negative connotation of minorities.

News Management: Local Television Deciding What Is News

In this segment of the hearing, the Commission heard from individuals in decisionmaking positions representing news and television management in Los Angeles.

Jose Rios, news director for KTTV-TV (FOX Network), explained that news organizations are generally reactive, sometimes to the *Los Angeles Times* or other services like the police-fire emergency services net. Mr. Rios noted that the result of relying on the police-fire emergency services net was that often the information obtained was

negative and/or violent. He acknowledged that managers had to make an effort to get other information into the broadcast. If not, they would eventually create a "preponderance of violence," which could prove to be deadly and disheartening for an audience. As the only minority news director in Los Angeles' mainstream media, Mr. Rios noted that he put special pressure on himself to perform well.¹²²

When asked whether ratings and demographics played a role in deciding what was to be the lead story, Mr. Rios responded by explaining the process. He testified that the process begins with a meeting of news management, reporters, and others. Possible stories are suggested, stories that have been enterprised by the organization are discussed, and then breaking news is covered as it develops. To his knowledge, ratings and demographics did not play a role in the decision of what stories are covered; they did, however, play a role in the success of news directors.¹²³

Mr. Rios testified that stations had a number of daily news broadcasts to produce and were under extreme time pressures. In addition, Mr. Rios noted that stations were producing stories with fewer people who are usually younger and less experienced, which, in turn, affects the quality of the broadcast. He recognized that, "[a]ny news organization would have to concede that they don't do enough that looks at the positive." Mr. Rios defended the stations, however, saying that they were making an effort to incorporate balance into broadcasts. He spoke of the many town hall meetings that had taken place with the intent of establishing communication with communities. Also, Mr. Rios noted that a debate was held where the sponsors were *La Opinión* and the Southwest Voters Registration Project. The goal was to generate as much publicity as possible.¹²⁴

Mr. Rios also pointed out that newsrooms have their own particular mindset. He suggested that people in the newsroom must be educated to know that there is room for variety in news reporting. He used a personal experience to illustrate his point. According to Mr. Rios, he talked

¹¹⁹ Renteria Testimony, *L.A. Hearing* (1993).

¹²⁰ Lee Testimony, *L.A. Hearing* (1993), pp. 348-49, 355.

¹²¹ *Ibid.*, p. 353-54.

¹²² Jose Rios, news director, KTTV-TV, testimony, *L.A. Hearing* (1993), pp. 358-61, 370-72.

¹²³ *Ibid.*

¹²⁴ *Ibid.*

with several community groups and basically heard that there were not enough positive stories being broadcast. He decided to focus a segment during the 5 o'clock newscast entitled, "Someone You Should Know." The segment would center on people who were unsung heroes doing something positive in their community. On the first Monday the segment was to be presented, the reporter assigned to the project was reassigned to cover a fire. Mr. Rios said that such reassignments occurred on several different occasions until he finally demanded that the segment be presented. In his estimation, the resulting stories were very good, but the segment was discontinued by his replacement.¹²⁵

When asked about the slow effort to recruit minority talent, Mr. Rios referred to FOX and CBS as two networks that were making concerted efforts to recruit minorities. He stated, however, that top management had concerns about how minorities would perform in the business world. Job-training programs were considered as a way to improve the number of minorities in the industry.¹²⁶

According to Joseph Dyer, director of community affairs, KCBS-TV (CBS affiliate), there was a need for more input from the various communities. KCBS-TV had instituted a media workshop to orient 50 or 60 community persons to news and public affairs programs. As a result, the workshop provided an additional pool of potential media personnel. Mr. Dyer testified that his station had had one black male as a news director in the last 8 or 9 years, a Latino male and a black female had been managing editors, and one black female had served as medical director. Mr. Dyer went on to say that more diversity was needed in the prime time television news reporting market in order to present a balanced view.¹²⁷

Celeste Durant, assistant news director of KCOP-TV, testified that news coverage as a whole was very unbalanced, and agreed that having a minority news staff would provide more input from various communities. Ms. Durant conceded that the media is a contributing factor to racial tension in the community, but sug-

gested that its influence was limited. She did not approve of the media's exercising a censorship role, deciding whether to report based upon whether an incident would be perceived as positive or negative. The key, according to Ms. Durant, was that the news project balance.¹²⁸

Getting the News: Working Journalists

Witnesses generally agreed that there was marginal coverage of minorities in the Los Angeles area by local news organizations. Larry Carroll, reporter and anchor, KCAL-TV (Disney), testified that the news reflected Anglo values, not those of minorities. Mr. Carroll stated that broadcasters only see a need to provide the minimum amount of diversity required by law, but the responsibility to ensure compliance was with the Federal Communications Commission (FCC). He indicated that the FCC and other agencies were responsible for monitoring whether the media was giving people the information needed.¹²⁹ As a possible solution for mainstream media to cover the Latino community more accurately, Fernando Lopez, news director, KVEA-TV (Telemundo) testified that the media should become more familiar with the culture and not generalize about the population.¹³⁰ Seung-Sang Lee, reporter and manager, Korean Television Enterprises, Ltd., shared this opinion in connection with the Asian community, noting how the media erroneously portrayed the racial tension between the Korean and African American community as the cause of the riots.¹³¹

Television Entertainment Media: Overview

In this segment of the hearing, the Commission heard testimony from witnesses who agreed that there is a correlation between the portrayals of minorities in television news broadcasts and in entertainment programming.

Gordon Berry, professor of educational psychology, UCLA Graduate School of Education

¹²⁵ *Ibid.*, p. 360-61.

¹²⁶ *Ibid.*

¹²⁷ Joseph Dyer, director, Community Affairs, KCBS-TV, testimony, *L.A. Hearing* (1993), pp. 361-65, 366-69.

¹²⁸ Celeste Durant, assistant news director and executive producer of the news, KCOP-TV, testimony, *L.A. Hearing* (1993), pp. 365-66, 368-73, 379.

¹²⁹ Larry Carroll, reporter and anchor, KCAL-TV, testimony, *L.A. Hearing* (1993), pp. 373-77, 382-84.

¹³⁰ Fernando Lopez, news director, KVEA-TV, testimony, *L.A. Hearing* (1993), pp. 378-80, 382.

¹³¹ Seung-Sang Lee, reporter and manager, Korean Television Enterprises, Ltd., testimony, *L.A. Hearing* (1993), pp. 380-81, 383.

and Communications Studies Program, testified about the importance of television as a vehicle for young people to learn about themselves and other people. They develop positive or negative attitudes from the medium which, in turn, is then reflected in their behavior.¹³² Michael Medved, an expert on the effects of media images on families and communities, testified that the television industry is guilty of sending a destructive message regarding violence. Violence is portrayed as a symbol of masculinity, attractiveness, and personal authority. Mr. Medved noted that the entertainment industry does not depict positive images within many cultures of American society. He also noted that the media generally does a very poor job reflecting the depth of religious belief and the importance of family life to most Americans, including those within minority communities.¹³³

John Noriega of UCLA, School of Theater, Film and Television, stated that networks must compete with cable systems, pay TV, and the home video industry in a shrinking economy. Such competition has had a significant impact on networks' programming. Dr. Noriega proposed that the FCC conduct an inquiry to investigate the relationship between the network programming decisionmaking process, the portrayals of minorities and women, and the resulting impact on viewers. He emphasized the need to ensure that civil rights and equal opportunity were a part of the entertainment industry.¹³⁴

Actress and educator Marla Gibbs testified that portrayals of African Americans in films have been insensitive and inaccurate. She noted that African Americans were seen as provincial entertainers. Ms. Gibbs indicated that, in her estimation, African Americans would need to show their economic viability collectively in order for the entertainment industry to address their concerns.¹³⁵ Edward James Olmos, an actor, scriptwriter, and director, testified that one

should recognize that television viewing has an effect on the subconscious mind. Mr. Olmos said that there would not be an increase in the amount of Latino images on television as it was not considered as economically viable.¹³⁶

Minority Involvement in Creative Aspects of the Industry

Ken Orsatti, national executive director, Screen Actors Guild, noted that there had been very little change in the overall employment patterns of the entertainment industry from 1979 to 1993. There had been a change, however, in the types of portrayals of African American males. Previously typecast as the villain or criminal, an African American was now more likely to be cast as a judge or an arresting police officer. Instead, according to Mr. Orsatti, Latinos or Asian Americans were now more likely to be cast as the criminals. Mr. Orsatti viewed minority hiring as slowly improving. He also noted that a great deal of the American scene is not being properly depicted, and that efforts are being made to correct the deficiencies.¹³⁷

Earl Saunders, director of creative affairs, United Vision Entertainment, and former director of human resources, Writers Guild of America, noted that minority writers accounted for 3-4 percent of the total 7,900 guild members. Mr. Saunders stated that one of the contributing factors to the disparity in wages between white and minority writers is the lack of enforcement provisions. Mr. Saunders suggested that the implementation of affirmative action provisions within the Writers' Guild is based on the honor system, with no legal enforcement mechanism. He noted, however, that the guild had created an access program through which minority writers were to gain access to the industry, which had resulted in minimal success.¹³⁸

According to Susan Fales, writer and coexecutive producer for Carsey-Warner Productions, the entertainment industry operates entirely by its own rules, which creates difficulties for mi-

¹³² Gordon Berry, professor, Graduate School of Education at University of California at Los Angeles, testimony, *L.A. Hearing* (1993), pp. 385-86, 397-98.

¹³³ Michael Medved, film and television critic, testimony, *L.A. Hearing* (1993), pp. 386-88, 399-401.

¹³⁴ John Noriega, assistant professor, Department of Film and Television, University of California at Los Angeles, testimony, *L.A. Hearing* (1993), pp. 388-91, 402-04.

¹³⁵ Marla Gibbs, actress and educator, testimony, *L.A. Hearing* (1993), pp. 391-93, 395-96, 398-99, 404-05.

¹³⁶ Edward James Olmos, actor, scriptwriter, and director, testimony, *L.A. Hearing* (1993), pp. 393-95, 401-02, 405.

¹³⁷ Ken Orsatti, national executive director, Screen Actors Guild, testimony, *L.A. Hearing* (1993), pp. 406-09.

¹³⁸ Earl Saunders, director of creative affairs, United Vision Entertainment; and former director, human resources, Writers Guild of America, testimony, *L.A. Hearing* (1993), pp. 409-13.

minorities wishing to gain entry. Ms. Fales described how minority writers were not allowed to write for white shows. Similarly, she noted that white writers who had previously written for black shows were also not allowed to write for white shows.¹³⁹

Views About the Industry from the Networks and Studios

Jeffrey Sagansky, president of CBS Entertainment, pointed out that one of the successes of the entertainment industry is the heightened awareness of minority representation and portrayal. Mr. Sagansky said that because 25 percent of the viewing audience was minority and 50 percent was female, it made economic sense to present characters, issues, and stories that related to their lives and interests. The broadcast standards department monitors minority portrayals in an effort to ensure balance and fairness. Although minority representation in general has improved, Mr. Sagansky noted that Latino representation has been ignored.¹⁴⁰

Brandon Stoddard, president of ABC Productions, testified that the principal problem facing minorities in the entertainment industry is obtaining access and jobs. He detailed ABC's commitment to casting minority actors and noted that all networks have a written policy that states that they will not accept a program that misrepresents individuals based on their color, race, national origin, religion, or sex. He reported that the ABC programming and production staff does not meet with advocacy groups due to lack of time. Rather, he noted that the broadcast standards departments at the respective networks meet with such groups in an effort to arrive at fair standards.¹⁴¹

Dean Valentine, executive vice president of Walt Disney and Touchstone Television, testified to the great deal of progress that has been made in overcoming stereotypes of minorities. Although noting an increase in minority hires, Mr. Valentine emphasized the need for more minorities as executives, apprentices, and directors. He

¹³⁹ Susan Fales, writer and coexecutive producer, Carsey-Warner Productions, testimony, *L.A. Hearing* (1993), pp. 414-17.

¹⁴⁰ Jeffrey Sagansky, president, CBS Entertainment, testimony, *L.A. Hearing* (1993), pp. 424-28, 433-36.

¹⁴¹ Brandon Stoddard, president, ABC Productions, testimony, *L.A. Hearing* (1993), pp. 428-30, 433-36.

stated that the responsibility for increasing minority representation rested with the industry.¹⁴²

The Road Ahead for the Industry

Charles Floyd Johnson, an executive producer at Universal Studios, stated that his entry into the industry was through a mentor relationship. According to Mr. Johnson, it is difficult for minorities to enter the industry because of the scarcity of minorities in executive and other high level positions. Mr. Johnson maintained that the industry should focus on establishing programs that will train and foster young directors and executives. Mr. Johnson noted that there was much room for improvement with respect to industry portrayals of minorities. He said that a concentrated effort had to be made to encourage producers and directors to support nontraditional casting.¹⁴³

Actress Valerie Red-Horse noted that while certain obstacles were universal to all minorities, Native Americans are plagued by stereotypical images. Ms. Red-Horse noted that future efforts should be placed on portraying positive images of the urban Indian as opposed to the negative, historical Indian. Ms. Red-Horse also stated that obstacles to access to the industry cannot be attributed to a lack of talent, but rather to a lack of visibility.¹⁴⁴ Actor Richard "Cheech" Marin pointed out that intervention on the part of the FCC would increase progress substantially. He stated that the FCC should focus on enforcing current laws.¹⁴⁵

Updates to the Media Overview

A number of concerns expressed at the Commission's hearing continue. For example, various studies have documented the media's influence on the public's perception of both the frequency of criminal activities and the perpetrators of these acts. Specifically, a report by the Center for Media and Public Affairs revealed that net-

¹⁴² Dean Valentine, executive vice president, Walt Disney Television and Touchstone Television, testimony, *L.A. Hearing* (1993), pp. 430-35.

¹⁴³ Charles Floyd Johnson, executive producer, Universal Studios, testimony, *L.A. Hearing* (1993), pp. 436-39.

¹⁴⁴ Valerie Red-Horse, actress, testimony, *L.A. Hearing* (1993), pp. 439-40.

¹⁴⁵ Richard Marin, actor, testimony, *L.A. Hearing* (1993), pp. 440-42.

work news stations reported twice the number of crimes in 1993, although the nation's crime rate did not double.¹⁴⁶ A July 1994 poll by the USA Today-Cable News Network found that 53 percent of black respondents said African Americans were not fairly depicted in local television crime reports.¹⁴⁷ The same poll indicated that one-third of the Latino respondents were also dissatisfied with depictions of Hispanics.¹⁴⁸

The lack of interest in minority concerns is attributed by some to the widening gap between the nation's demographics and the demographics of newsrooms. Annual figures from the American Society of Newspaper Editors showed recently that the number of ethnic minorities in the nation's newsrooms did not increase in 1996, after 20 years of small but steady growth.¹⁴⁹ The figures showed that minorities make up 11.4 percent of the newsroom work force.¹⁵⁰ A Los Angeles newspaper reporter confirmed the persistent absence of minorities in decisionmaking positions in the newsrooms: "walk through the [*Los Angeles Times*] newsroom. Go to the 3 o'clock meeting [where the next day's paper is planned]. There are no black managers of the city desk or the state desk."¹⁵¹

Perhaps the event that garnered the most focus on minority concerns in Hollywood was Rev. Jesse Jackson's call to boycott the 1996 Oscar Awards ceremony. Reverend Jackson stated that "[n]obody can deny there is racial exclusion in the movie industry."¹⁵² Critics of the academy pointed to a dearth of black actors nominated for awards. In response, academy officials noted that the academy was not responsible for any

hiring and firing.¹⁵³ Reverend Jackson met with the president of the Alliance of Motion Picture and Television Producers and with representatives from the major studios to discuss employment practices in Hollywood.¹⁵⁴ They agreed to have further "dialogue" with Reverend Jackson about diversity both in front of and behind the cameras. The industry executives noted, however, that there has been a substantial increase in programs having minority representation in recent years.¹⁵⁵

Pasadena

The Commission examined reports of racial and sex discrimination in the city of Pasadena.¹⁵⁶ City personnel had alleged discrimination against the city in 1989. In response, the city council adopted a consultant's report that found merit in some of the complaints. Rick Cole, mayor of Pasadena, testified that specific recommendations were adopted in consultation with the city's affirmative action commission, which continued to monitor implementation of the recommendations. The mayor noted that Pasadena was one of 20 enterprise zones in an area consisting mainly of Latino and African American residents. He cited small business initiatives and an aggressive affirmative action policy as areas of improvement. Mayor Cole also testified that there had been an increase in minority employees in the city, including executive committee personnel. In addition, efforts were being made to improve various services to li-

¹⁴⁶ S. Robert Lichter, codirector, Center for Media and Public Affairs, testimony, "Television Media Briefing Before the U.S. Commission on Civil Rights," Washington, D.C., July 1, 1994, pp. 75-76; David G. Savage, "Minority Journalists Assail Crime Stories," *Los Angeles Times*, July 29, 1994, p. A-19 (88 percent of respondents to a June 1994 *Money* magazine survey erroneously believed that the crime rate in the country was higher than in previous years).

¹⁴⁷ Savage, "Minority Journalists Assail Crime Stories."

¹⁴⁸ *Ibid.*

¹⁴⁹ Amy Alexander, "The Media Miss the Message," *Daily News of Los Angeles*, Apr. 27, 1997, p. V-1.

¹⁵⁰ *Ibid.*

¹⁵¹ Mike Tharp, "Los Angeles, California: A Quest for Diversity," *U.S. News & World Report*, Feb. 13, 1995, pp. 46-47.

¹⁵² "Racism in the Academy Award Nominations," *Los Angeles Sentinel*, Mar. 28, 1996, p. A-6.

¹⁵³ *Ibid.*

¹⁵⁴ David Robb, "Industry Can't Satisfy Jackson," *BPI Entertainment News Wire*, Mar. 25, 1996.

¹⁵⁵ *Ibid.*

¹⁵⁶ Based upon Commission documents, "Pasadena was selected as a hearing topic after a meeting in April 1993 between then-Chairperson [Arthur] Fletcher, the Mayor of the City of Pasadena and a City Councilmember, wherein both officials urged Commissioner Fletcher to receive testimony about the death of Mr. Michael Brian at the hands of police officers. . . . Media coverage reported Commissioner Fletcher's meeting and, at the urging of Commissioner Fletcher, the Commissioners decided to add Pasadena to the hearing agenda with the understanding that the public officials would testify about issues other than Mr. Brian's death." U.S. Commission on Civil Rights, "Los Angeles Hearing Report: Assessment of Pasadena Section" (internal, undated document).

braries and community centers for the Latino population.¹⁵⁷

Jerry Oliver, chief of the Pasadena Police Department, reported that he was implementing community policing in Pasadena by engaging the community to solve problems and address issues in collaboration with the police department. Chief Oliver noted a strong concern for the conditions that lead to crime. With respect to diversity on the force, Chief Oliver acknowledged that Latinos were underrepresented.¹⁵⁸

Although minority groups constituted a majority in Pasadena, city council member Isaac Richard averred that they were not participating in elective public office consistent with their numbers. Councilman Richard attributed the lack of participation to a law requiring 60 percent of a district to be won in an election to avoid a citywide runoff. He testified that there was tension among the leadership of Pasadena because the city had hired a white city manager despite the availability of two senior qualified black candidates. In the area of economic growth, Councilman Richard criticized the city council for not taking advantage of business venture opportunities.¹⁵⁹

Joe Morales, a former candidate for the Pasadena City Council, testified that Pasadena was 27 percent Latino. He stated that district 5 was 60 percent Latino but only had a 13 percent voting impact. During his election campaign, Mr. Morales was advised that Latino registration had to increase substantially for a Latino to win. Mr. Morales testified that there was an underdeveloped group growing in Pasadena. In support of his point, Mr. Morales noted that 60 percent of children attending public school in Pasadena qualified for the school lunch program. He expressed his opinion that disparity in income and investment in communities created racial tension. He requested that the Commission examine whether Pasadena was receiving appropriate funding.¹⁶⁰

According to activist Michael Zinzun, racism is the central issue in Pasadena and the country. He stated that the system is supported by racist laws that allow black youth to be arrested and released with a record for life. Mr. Zinzun expressed his view that excessive force was the biggest problem issue facing minority communities.¹⁶¹

Conclusion

The Commission obtained important and useful information during its 3 days of hearings in June 1993 in Los Angeles, California. The witnesses were cooperative and knowledgeable in the areas on which they testified. For both their graciousness and their expertise, each witness is to be commended. On the whole, witnesses testified openly on the formidable challenges confronted by and within the multicultural enclave of Los Angeles and offered varied, yet viable solutions. Since that time, troubling events concerning law enforcement in the Los Angeles area prompted the Commission to return to Los Angeles in September 1996. A comprehensive assessment of that hearing, along with findings and recommendations, is being issued in a separate report.

In the areas of economic development and the role of the media as they relate to racial and ethnic tensions, much has happened since 1993. Although some progress—referenced in this summary—has been made, substantial challenges remain. The witnesses in the 1993 hearing represented a wide spectrum of experiences, perspectives, socioeconomic status, and racial and ethnic backgrounds. This summary is not intended to be a substitute for the valuable testimony, including the proposed solutions, presented by the witnesses. By publishing the transcript of the testimony, the Commission hopes to enrich the ongoing debates in these areas and to inspire creative and collaborative efforts toward the eradication of extant injustices.

¹⁵⁷ Rick Cole, mayor, City of Pasadena, testimony, *L.A. Hearing* (1993), pp. 444–46, 452.

¹⁵⁸ Jerry Oliver, chief of police, City of Pasadena, testimony, *L.A. Hearing* (1993), pp. 446–47.

¹⁵⁹ Isaac Richard, member, City Council, City of Pasadena, testimony, *L.A. Hearing* (1993), pp. 447–48, 452–54.

¹⁶⁰ Joe Morales, former candidate, City Council, City of Pasadena, testimony, *L.A. Hearing* (1993), pp. 448–50.

¹⁶¹ Michael Zinzun, activist, testimony, *L.A. Hearing* (1993), pp. 450–51.

PROCEEDINGS

June 15, 1993

CHAIRPERSON FLETCHER. This hearing is in the process of being convened.

This morning one of my colleagues recognized that for the first time since I've been in the chair that this morning I put on my collar. I promised the members of the Commission at our last hearing that when I step aside from the chair I would be spending a lot of time working with this Nation's Judeo-Christian community in an effort to restore hope, confidence and a desire to achieve on the part of those who appear to be left behind. That member of the Commission, Mr. George, referred to the fact that at our last meeting Rev. Jessie Jackson delivered prayer for the convening of that meeting and he asked me to do the same this morning.

So if you will stand for just a few minutes, I will proceed with this request. May I ask you to bow your heads and think in silence for a few moments about the significance and the importance of this particular meeting.

Dear God Almighty, we thank you for bringing us this far. We thank you for guiding us and guiding this Nation in creating this Commission. We thank you for the clear-headed thoughts and direction that led to the creation of the Commission and the passing of legislation that would remove barriers, real and imagined, that have prevented Americans, minority Americans, what is referred to as "statutory Americans," from realizing the gifts that you gave us all.

We came forth individually and collectively with a capacity to realize our potential and, upon realizing that potential, doing the work that you sent us forth to do. Because of the nature of mankind, his free will, we have experienced situations in which others have been denied the opportunity to develop and use that gift.

The mission of this Commission, sir, is to assure that any and all barriers that have stood in the way of any individual—race, creed, color, gender notwithstanding—realizing his or her potential and contributing to themselves and

experiencing the reality, the self-reality that is within each and every one of us is removed.

We ask your guidance. We ask your patience. We ask that you give us a divine vision, and we ask that you infuse that vision with the quality and the quantity of spiritual energy that will cause us to continue to keep on keeping on in spite of the difficulties that we encounter. Our mission here, Jesus, is to ensure that we help America achieve security, stability, prosperity, and a promising future for our children. That's the purpose of our call at this time. We ask your guidance in Jesus' name. Amen.

I open with a prepared statement, rather long and somewhat detailed, but I think it's important that we get it into the record in the proper fashion.

Opening Statement, Arthur A. Fletcher, Chairperson

CHAIRPERSON FLETCHER. Let me begin by saying good morning, ladies and gentlemen. I am Arthur A. Fletcher, Chairman of the U.S. Commission on Civil Rights, and I would like to welcome you here today.

The U.S. Commission on Civil Rights is holding a series of hearings throughout the United States entitled "Racial and Ethnic Tensions in American Communities." Subtitle: "Poverty, Inequality, and Discrimination." The series began with a January 1992 hearing on the racial disturbance that occurred in the Mount Pleasant neighborhood in Washington, D.C.

Later last year two other hearings were held looking at racial tensions, first in Washington, D.C., relating to nationwide issues and then in Chicago focusing on problems specific to that city.

This morning we are here to begin a hearing on racial and ethnic tensions in Los Angeles. This hearing will now come to order.

The civil disturbance that occurred in Los Angeles more than a year ago was most dramatic and most unfortunate. The roughly \$450

million worth of damage to buildings and those of loss of lives, to lifetime savings, to hopes and dreams deeply trouble me and other members of our Commission. The 1992 disturbance is not, however, the focus of our hearing. This terrible event only served to confirm that the Commission's prior opinions that the tensions between racial and ethnic groups in Los Angeles were great enough to merit the attention we're giving it today.

Over the next 3 days we will hear testimony about a variety of underlying causes for tension here in Los Angeles. We will look in particular at the role of the Federal Government. Because our time is limited, we have focused the testimony on three general areas: the administration of justice, economic development, and the media.

Under the topic of the administration of justice, we will hear testimony concerning the role of the Federal Government in affecting police practices and policies and the progress of local police reform in the Los Angeles Police Department and the Los Angeles County Sheriff's Department.

The topic of economic development will begin the discussion of racial tension between groups and the exodus of business from southern California, which has left vast numbers of unemployed and dislocated workers.

Testimony will then focus on Los Angeles' transportation system. The Los Angeles County Metropolitan Transportation Authority is undertaking a 30-year, \$183 billion public work project, the largest public work project on the way in the nation. This project, funded in part by the Federal Government, could stimulate economic development in poor and minority communities of Los Angeles by providing jobs and contracting opportunities, increasing access to job opportunities and social services outside of the immediate community, and increase property values and commercial development along the transportation corridor.

We will then examine job training, in particular as implemented through the Federal Job Training Partnership Act, as a mechanism by which low- and unskilled minorities and other disadvantaged people can be prepared to enter existing and newly created jobs. A number of small business owners will then testify to the bar-

riers they encounter in developing their businesses in the inner city. This topic will close with panels on policy, initiatives for inner-city development and job creation, and policy direction for the future economic development of Los Angeles.

Finally, the testimony will address civil rights issues for the television industry. First, we will examine the decisions that are made by news management in deciding what is news and by working journalists in getting the news.

Secondly, respecting the entertainment industry, testimony will discuss minority involvement in entertainment, program production, executives representing various views of the studios and the networks, and future direction in the industry and the hearing as it relates to Los Angeles within the historical perspectives of civil rights in this city.

We will conclude the hearing with testimony from three prominent persons from the city of Pasadena who will discuss racial and ethnic issues affecting that city.

Before we begin, allow me to further introduce myself and my colleagues. In addition to being the Chairman of the U.S. Commission on Civil Rights, I am also director of the Center for Corporate Social Policy and the distinguished professor of business at the University of Denver, Colorado. I'm going to pause for a moment and let my colleagues introduce themselves starting to my extreme right. Russ, please introduce yourself and give them a capsule summary of what you do.

COMMISSIONER REDENBAUGH. I am Russell Redenbaugh. I am chairman of Action Technologies, Inc., Software, an economist by training, investor by profession, and a professor at University of Pennsylvania by love.

CHAIRPERSON FLETCHER. Thank you. Next, please.

VICE CHAIRPERSON WANG. Charles Wang here, Vice Chairman of the Commission. My full-time position is president of the China Institute in America, a nonprofit education and cultural organization based in New York City.

CHAIRPERSON FLETCHER. To my extreme left, please.

COMMISSIONER GEORGE. I'm Robert George. I'm a professor in the Department of Politics at

Princeton University, where I teach moral, legal, and political philosophy.

MR. DOCTOR. I'm Bobby Doctor, the Acting Staff Director of the Commission.

CHAIRPERSON FLETCHER. Now, we have some Commissioners who will not be with us today. One is Mary Frances Berry, professor of social thought and professor of history at the University of Pennsylvania. She's been with the Commission for some time and is a very able member, and we're going to miss her participation in this particular hearing.

The next person who is not present with us today is Constance Horner who was the presidential personnel person in the White House and also the Office of Personnel Management.

And, of course, we will have our latest member to join us a little later on, who is a Los Angeles resident and professor of law at UCLA School of Law and special counsel to Kaye, Scholer, Fierman, Hays and Handler, and that is Cruz Reynoso. I might say he was sworn in before a group of his friends, and when I learned of all the things that he has done and the extent to which his friends and colleagues respect his achievements, I was more than pleased to know that he's with us and the expertise that he brings.

Now, we have also Carl Anderson, who is not with us yet, but he's on his way here. Carl Anderson is vice president for Public Policy in the Knights of Columbus; dean, vice president, and professor of family law at the North American campus of the Pontifical John Paul II Institute for Studies on Marriage and Family in Washington, D.C.

So you see what we have here is professors, economists, business people, educators. We kind of cover the waterfront.

Let me move on now to the final parts of this statement.

This hearing has been prepared under the direction of Mr. Bobby Doctor, Acting Staff Director of the Commission, and the Office of the General Counsel and the Public Affairs Office for the Commission. Bobby Doctor, sitting next to me on my left.

For people unfamiliar—I want you to hear this really well—for people unfamiliar with our agency, the Commission on Civil Rights is an in-

dependent, bipartisan agency of the United States Government. I want to read that sentence again.

For those who are unfamiliar with our agency, the Commission on Civil Rights is an independent—I want to underline "independent" several times—an independent, bipartisan agency of the United States Government. It was established by the Congress in 1957. Among its several duties are to appraise the laws and policies of the Federal Government, to study and collect information, to serve as a national clearinghouse for information, all in connection with discrimination or the denial of equal protection of the laws of the nation because of race, color, religion, sex, age, handicap, national origin, and in the administration of justice.

What we are not? The Commission is limited in that it is not—let me say it again—it does not adjudicate. We don't hold trials. We do not determine anyone's civil or criminal liabilities. We don't indict, punish, or impose legal sanctions. Its purpose is to find facts. I'll say that again, now. The Commission's purpose is to find facts and to make recommendations to the President and to the Congress, which subsequently may be used as a basis for legislative and executive action.

Through the 36 years of its history, it has conducted many hearings in areas such as voting rights, public education, housing, employment, and the administration of justice. These activities, as our hearing today, typically focus on a single locality to explore problems and relations that are representative of broader civil rights issues on a national scale.

Let me pause here and say that although this hearing is in Los Angeles, it is not of Los Angeles. And when I say that, I say the problems that are here are nationwide, and we are here in the national interest. We want to discover that those things that are occurring here that have impacts and implications far beyond Los Angeles. So we're here to find out what we can learn here that Congress and the President need to know with reference to dealing with identical and/or similar problems in other States and communities across the country. So we're here in the national interest. I want that said over and over again. Keep that in mind. We're here in the na-

tional interest. What we can learn here that is applicable elsewhere.

Pursuant to this statutory mandate, the Commission is required to submit reports to the President and the Congress. While securing information for such reports is the major purpose of any Commission hearing, we are hopeful that this hearing, like others, will have an important collateral effect.

Many Commission hearings have stimulated discussions and increased understanding of civil rights problems among responsible community leaders and have encouraged the correction of injustices. To enable the Commission to fulfill its duties, the Congress has empowered the Commission to hold hearings and issue subpoenas for the attendance of witnesses and the production of documents at these hearings. Most of the witnesses who are scheduled to testify in this area have been subpoenaed. I say that again. Most of the witnesses who are scheduled to testify at this hearing have been subpoenaed.

At the conclusion of our scheduled testimony each day, individuals wishing to make statements relative to the subject matter of this hearing will be permitted to testify during an open session. Anyone wishing to speak during the open session must see a member of our staff in the adjacent room to do an interview.

MR. DOCTOR. In the caucus room just behind.

CHAIRPERSON FLETCHER. The record of this hearing will remain open for 30 days for inclusion of materials sent to the Commission after the hearing ends Thursday. If anyone wishes to submit information as part of the record, he or she may do so during this period in accordance with the Commission rules.

Federal law protects all witnesses before this Commission. A Federal criminal statute, section 1505 of Title 18 of the United States Code, makes it a crime to interfere with a witness before this Commission. This crime is punishable by a fine of up to \$5,000 and imprisonment of up to 5 years and/or both. The Commission's procedure requires the presence of a Federal marshal at the hearing.

Where is the marshal, please? Please stand so we can see you. Thank you very much.

Although the Commission and the marshals know that the majority of citizens would not wish to impede the order of the process of this hearing, the marshals have determined that the security measures they have instituted will help to provide an atmosphere of dignity and decorum in which our proceedings will be held.

As required by law, a notice of this hearing was published in the *Federal Register* on May 6, 1993. A copy of this notice will be introduced into the record as exhibit no. 1.

I will now ask our Vice Chairperson, Chairperson Wang, to read a statement of the rules on this hearing.

Statement of Rules, Charles P. Wang, Vice Chairperson

VICE CHAIRPERSON WANG. Thank you, Mr. Chairman. At the outset, I would like to emphasize that the observations which are about to be made on the Commission's rules constitute nothing more than a brief summary of significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will also be available to answer questions which arise during the course of the hearing.

In outlining the procedures that will govern the hearing, it is important to explain briefly the special conditions and procedure for testimony or evidence that may tend to defame, degrade or incriminate any person. Section 102[e] of our statute provides as follows:

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

The term "executive session" means a session in which only the Commissioners are present, in contrast to sessions such as this one in which the public is invited and present. In providing for executive or closed session where testimony may

tend to defame, degrade, or incriminate any person, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why testimony that might be damaging to them should not be presented in public.

Congress also wished to minimize damage to reputations as much as possible and provide the person an opportunity to report and file the charges before they are well publicized. Therefore, the Commission, when appropriately convened in executive session, argues the receipt of anticipated defamatory testimony.

The hearing which begins now is open to all, and the public is invited and urged to attend. Almost all persons who are scheduled to appear have been subpoenaed by the Commission. All testimony at the public session will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript, on payment, of course.

In addition, within 60 days after the close of the hearings, a person may ask the Commission to correct errors in the transcript of the hearing of his or her testimony. Such request will be granted only to make the transcript conform to testimony as presented at the hearing.

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

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

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

request that witnesses be subpoenaed on her or his behalf.

All witnesses have the right to submit statements prepared by themselves or others for inclusion in the record provided they are submitted within the time required by the rules.

Any person who has not been subpoenaed may be permitted in the discretion of the Commission to submit a brief statement in this public hearing. Such statement will be reviewed by members of the Commission and be made part of the record.

Witnesses, including those in the open session, at Commission hearings are protected by the provision of Title 18, U.S. Code, sections 1505, 1512, 1513, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at government proceedings. The Commission should be immediately informed of any allegation relating to possible intimidation of witnesses. Let me add that we consider this to be a very serious matter, and we will do all in our power to protect witnesses who appear at this hearing.

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

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

We hope that such an atmosphere will prevail at this hearing. With respect to the conduct of a person in this hearing room, the Commission wants to make it clear that all orders by the Chairman must be obeyed. Failure of any person to obey an order by Chairman Fletcher or the Commissioner presiding in his absence will result in the exclusion of the individual from this hearing room and criminal prosecution by the U.S. attorney when we part. As previously noted, each session of this hearing over the next 3 days will be open to the public.

CHAIRPERSON FLETCHER. Thank you very much. Can I have the clerk and the court reporter please stand and take the oath.

[Whereupon, the court reporter and the clerk were sworn.]

CHAIRPERSON FLETCHER. Now I would like to introduce our General Counsel who is sitting poised and ready to go. General Counsel Glick, please proceed.

MR. GLICK. Chair, with your permission I will introduce the notice that appeared in the *Federal Register* on May 6, 1993, of the hearing. That will be exhibit no. 1.

[Whereupon, the aforementioned document was introduced as exhibit no. 1 for identification.]

CHAIRPERSON FLETCHER. At this point we are going to have the Chairperson of the California State Advisory Committee to the U.S. Commission, Mr. Michael Carney. Would you please make your welcoming statement?

**Welcoming Statement of Michael Carney,
Chairperson, California Advisory Committee to
the U.S. Commission on Civil Rights**

MR. CARNEY. Good morning. My name is Michael Carney, Chairman of the California State Advisory Committee. On behalf of the Advisory Committee, I welcome you to Los Angeles. The work of the United States Commission on Civil Rights is an important commitment, and you face an unprecedented challenge in tackling some of the most complex and diverse issues in this nation. These will present themselves to you in the next several days in testimony relating to civil rights problems in our community.

The ability of national, State, and local leadership to respond to and successfully resolve the critical urban crises confronting Los Angeles and other cities may well determine whether the United States enters the next century as a pre-eminent world power or becomes mired in the self-destructive syndrome of xenophobia, racism, economic paralysis, and fear.

The California Advisory Committee has a long history of involvement in issues affecting this State. This body has presented nearly 40 reports to the Commission beginning in 1963 addressing such diverse topics as education, race relations, the administration of justice, employment, the

media, voting rights, and immigration. A 1983 report of the Advisory Committee entitled *Los Angeles Reapportionment: Unfinished Business* was instrumental in bringing about several voting rights litigation resulting in enhanced minority representation in the Los Angeles City Council and the Los Angeles County Board of Supervisors.

More recently, the Advisory Committee has addressed bigotry and violence on college campuses and civil rights issues in the communities of Santa Maria and Bell Gardens. We are also conducting a joint project with three other Southwestern State Advisory Committees examining violence and the denial of constitutional protection along the U.S.-Mexico border.

We are hopeful that our reports to you continue serving a valuable purpose. We have attempted to be your eyes and ears in this State and are honored to be a part of this unique national network of State Advisory Committees. It is becoming increasingly more important that this Commission serve as the conscience of the nation on matters pertaining to equal protection of the laws.

California is undergoing an historic demographic transformation. Our total population will exceed 32 million by the turn of the century. More significantly, a majority of our citizens in the first decade of the next century will be persons of color. Already most of our public school enrollment is nonwhite. One of every six elementary students was born in a foreign nation.

By the year 2000, it is estimated that more than a third of all schoolage children will be Latino. One in eight will be Asian. One in 12 black. By the year 2020, one of every three Californians will be Latino. One in seven will be Asian. While 75 percent of our retired population will be white, approximately 60 percent of our work force will be persons of color.

According to the California Legislature's joint committee for review of a master plan for higher education, the high rate of school dropouts for minorities, combined with statistics on literacy, unemployment, and underemployment, would show an insupportable future for California, one of de facto education, economic, and social apartheid.

Statistics for the city of Los Angeles are even more dramatic. For example, in 1965 the Los

Angeles Unified School District was 70 percent white. In 1991, 64 percent was Latino, 15 percent Afro-American, only 13 percent white, and 8 percent Asian American. Today 60 percent of the public school students are scoring below average in basic skills. More than half come from families with income low enough to qualify for free meals. Thirty-three percent have no health insurance, and 40,000 teenagers are out of school and unemployed.

In South Central Los Angeles, the jobless rate for black and Latino males aged 18 to 35 is almost 50 percent. And almost half a million workers in Los Angeles earn less than \$10,000 a year.

Over the past 20 years, the highest growth in poverty has occurred among those who work full time. The percentage of working poor has doubled from 18 percent to 37 percent, and the average wage for all workers after adjusting for inflation has dropped by 17 percent since 1973. At the same time, the Los Angeles area has lost more than 300,000 jobs in less than 2 years.

The city has a municipal budget deficit of \$500 million. The Los Angeles school district is running a deficit of \$400 million. Over the past 12 years, Federal funding for job training has shrunk from \$23 billion to \$8 billion. Community development block grants have been cut from \$21 billion to less than \$14 billion. General revenue sharing has been eliminated, and overall Federal support for housing programs has been reduced by 80 percent.

The story of urban unrest in Los Angeles is not new. Following the Watts civil disturbance in 1965, a commission headed by John McCone found that the causes of the unrest were lack of employment opportunity, poor educational system, and resentment, even hatred, of the police as a symbol of authority. The McCone Commission called for improvement in employment, education, and police-community relations.

And in 1968 the Kerner Commission completed what is probably the most comprehensive survey of economic inequality and lack of opportunity in America's cities. It recommended extensive reforms in education, welfare, employment, and housing, as well as advocating large-scale Federal investments in the inner cities to create job opportunities.

Despite these two studies, the California Assembly's special committee on the Los Angeles crisis concluded last September that little has changed in 1992 Los Angeles. They found that the causes of the 1992 unrest were the same as the causes of the unrest in the 1960s, aggravated by a highly visible increasing concentration of wealth at the top of the income scale and a decreasing Federal and State commitment to urban programs serving those at the bottom of the income scale. In 1992 Los Angeles is moving toward a society divided by race, yet the fault lines here will be drawn black, brown, yellow, and white. The committee concluded that no American city has ever faced the task of providing economic opportunity and a climate of mutual tolerance for so many different ethnic groups.

In conclusion, the California Advisory Committee recommends that the Commission look closely at the following issues during the course of its hearing:

(1) The administration of justice. The Advisory Committee has received numerous complaints alleging misconduct by law enforcement agencies throughout the greater southern California area, which covers five counties and has 14 million residents. In addition, both the independent Christopher Commission on the Los Angeles Police Department and the report of the Special Counsel James Kolts on the Los Angeles County Sheriff's Department confirmed the existence of a pattern of excessive force, inadequate discipline, racism and bias, and a lack of meaningful citizen participation, a lack of complaint mechanisms, and a lack of public accountability in law enforcement. Increasing crime rates combined with insufficient police resources have resulted in increased levels of police brutality and mistreatment of citizens. The Advisory Committee has heard from many citizens who believe that there exists no independent, impartial, or effective system to seek redress for alleged police misconduct. Many knowledgeable persons have recommended the establishment of a countywide civilian review board with independent powers to investigate and, where necessary, to discipline law enforcement officials for use of excessive force or other violations of civil rights. It is es-

sential that public confidence in our law enforcement agencies be restored.

(2) Political institutions. How well are our elected political structures serving the good of the community? Is there an equitable and fair distribution of public benefits and services? Have vested interests coopted our democratic institutions in such a manner that they have demanded more than their fair share of resources? Should we not be concerned with an apparent breakdown in our political participation process? These are difficult and vitally important questions we must ask ourselves.

Voter turnout in recent municipal elections has been abysmally low. Significant communities within our city apparently have lost hope in our democratic institutions and see no relevance in voting, much less in seeking office or working for candidates. They are effectively disenfranchised. They have concluded that their lives will in no way be improved by the electoral process. At the same time, representative government has apparently served well the interests of a narrow but affluent group of special, private economic interest. They have succeeded in imposing their agendas on a public decisionmaking process. They have received favors, subsidies, and other largess from government units. They have manipulated the electoral process and in so doing may have corrupted it to an extent that elected officials are the servants of a powerful few at the direct expense of the most vulnerable, fragmented, and disenfranchised communities in our society.

These are questions which must be raised, especially insofar as elected governmental bodies have been so wholly incapable of confronting the despair of inner-city neighborhoods and of offering meaningful help or hope.

(3) Federal civil rights enforcement. The California Advisory Committee urges this Commission to closely scrutinize the Federal Government's efforts to enforce existing civil rights statutes and regulations. It is disturbing to hear evidence that Los Angeles is one of the country's most segregated cities with respect to housing and residential patterns. We must ask, How effective is our nation's fair housing law? Despite enactment of the Federal Community Reinvest-

ment Act, our Advisory Committee has heard numerous complaints concerning the unavailability of credit in minority communities. Redlining would appear to be alive and well in our community. The inequality of education of our public schools is well documented. We ask: How well are this Nation's equal educational opportunity laws being enforced? The Advisory Committee is concerned as well as the complaints alleging that Equal Employment Opportunity Commission is failing to aggressively enforce antidiscrimination provisions. Also, the Advisory Committee is aware that the Department of Justice receives annually about 8,000 complaints of criminal civil rights violations committed by local police throughout the nation. These are but a few examples of civil rights enforcement concerns.

As a Federal body, this Commission is uniquely equipped to study Federal civil rights enforcement efforts, and our committee urges you to devote resources and energy to this task. Our renewed national commitment to the full enforcement of our civil rights laws is, we believe, critical to the resolution of discrimination and racism ravaging our nation's cities.

There will be no effective solution to our urban crises unless our national, State, and local leaders recognize that the economic revitalization of our cities cannot occur without assuring the equal protection of the law to all of our citizens.

The California Advisory Committee expresses its sincere gratitude and appreciation for your presence and interest in our community. We are prepared to assist your important work in every way possible. Please call on us. We are waiting to be of service.

CHAIRPERSON FLETCHER. Thank you very much.

In the past few moments, a new member of the Commission arrived. I asked the previous members to introduce themselves and briefly state to the audience what they do. So I'm going to ask you to do the same.

COMMISSIONER REYNOSO. Thank you very much. My name is Cruz Reynoso. Apologies. I had an emergency meeting earlier this morning. I teach law at UCLA School of Law, and I'm associated with the firm of Kaye, Scholer, Ferman, Hays and Handler. And I'm very pleased to be

the newest appointee to the U.S. Commission on Civil Rights.

CHAIRPERSON FLETCHER. We're very pleased to have you with us.

Mr. Staff Director, you may call the first witnesses, please.

Overview: Local Leadership of National Civil Rights Organizations

MR. DOCTOR. Yes, sir. Rev. Richard Lamar Horton, Mr. John J. Mance, Mr. Stewart Kwoh.

CHAIRPERSON FLETCHER. Would you please take a seat somewhere on the platform. If you'll remain standing for just a moment, I'll issue the oath.

[Whereupon, the three witnesses were sworn.]

CHAIRPERSON FLETCHER. Mr. Horton, would you please proceed.

Testimony of Lamar Horton, President, Board of Directors, Los Angeles Chapter, Southern Christian Leadership Conference

REV. HORTON. Chairman Fletcher and committee members, it's indeed an honor to be here to speak with you regarding the views of the Los Angeles chapter of the Southern Christian Leadership Conference in relation to intergroup relationships in Los Angeles. Interracial relationships in Los Angeles leave much to be desired. Dr. Cornel West in his book *Race Matters*, page 16, speaks of the "cutthroat market morality." I feel this morality of which Dr. West speaks is at the core of the unhealthy racial tension between African Americans, Hispanics, and Asians.

In large numbers Hispanics and Asians are moving into once-predominantly African American neighborhoods. These, in some respect, were once neighborhoods where jobs existed for unskilled laborers, such as were the Hispanics and Asians moving into these neighborhoods.

Examples of which I speak are as follows: in these neighborhoods once existed the Goodyear Tire and Rubber Company. Firestone Tire and Rubber Company had plants in the inner city of Los Angeles. General Motors had an assembly plant there. U.S. Steel and Helms Bakery were also inner-city employers. Many jobs were lost with the withdrawal of these industries, and

many also became unemployed statistics with the termination of departments in Hughes Aircraft.

With the withdrawal of these industries from the core of the city where they were most needed, unskilled residents of the differing racial and ethnic groups were left to compete for the insufficient little that was left. This, of course, created and creates tension among the races, which makes for a confrontational setting. With more factories leaving in the late 1970s and early 1980s and more people in need of the offerings of these factories coming into the places where they once occupied, the stage was set for the present-day intergroup hostilities that exist between blacks, Hispanics, and Asians, especially in view of the fact that the very resources needed to aid in the development of harmony in the community were being removed and nothing of equal value replaced them.

Intergroup tension is also worsened by the language barrier between the differing racial and ethnic groups. With African Americans and Hispanics, the problem is further exacerbated by the number of illegal Hispanics who reside in the Los Angeles area and who work for much less than the minimum wage.

Between Asians and African Americans, the tensions which lead to confrontations are exacerbated by the fact that many Asians come to once predominantly African American neighborhoods with money to start their own businesses. This in itself is enough to cause resentment. The mistreatment of African Americans by Asian merchants in their own neighborhoods tends to feed more fuel to the fire. A manicure shop opened near the church where I am pastor. I called their business and was given a quote for the service I wanted. Upon arrival, the price was much higher.

Generations of jobless people are handing to society more generations of jobless people. There is a police report which confirms that there was a cessation of gangs in Los Angeles between 1965 and 1969. The late 1970s to the present has witnessed the resurgence of gang activity in the very places where industry has moved out. A large part of this can be traced to the cutthroat market morality which cares more for profits than for people

and which is willing to sacrifice corporate failure at the expense of personal success.

I would like to believe that this was not done by design, but reflects a lack of imagination; that is, the failure to envision the results of a society moving from an industrial one to a technological one without making provisions for the retraining of industrial workers.

Last but not least, the attitudes toward African Americans that Hispanics and Asians bring with them to African American neighborhoods don't help. I recently heard a missionary say that very negative attitudes are instilled in Koreans towards African Americans before Koreans leave Korea. While a high school student in Detroit in 1956, I remember an incident in which an Asian woman and her boyfriend killed her husband. They were recent in America. They understood that anything could be blamed on a black man. When first questioned by the police, the wife said a tall dark black man killed her husband.

What is the Southern Christian Leadership conference doing to try to reverse intergroup tensions to intergroup cooperation? In place now is the Multicultural Collaborative. These are Asians, Hispanics, and African Americans who have come together to address language and cultural barriers that exist among the different races.

Culture is as great an influence in the lives of people as economics and politics. Values produce culture and culture houses values. Cultural values are expressed through the economic, political, educational, religious, and sociological institutions which shape lives and mold ideas.

In place also is the New Majority coalition. This is a think tank of Asians, Hispanics, and African Americans. They deal with the issue of power shift. Much thought is directed toward an economic development model. The re-visioning of Los Angeles suggests by the year 2000 the majority population will be composed of Hispanics, Asians, and African Americans.

CHAIRPERSON FLETCHER. Thank you very much.

MR. DOCTOR. Mr. Chairman, I would like to take this opportunity to apologize to Mr. Richard Martinez who is also scheduled to be on this particular panel. Mr. Martinez is with the Southwest Voter Educational Project.

Mr. Martinez.

Also, Mr. Chair, for the sake of the record, we should also ask Miss Antonia Hernandez of the Mexican American Legal Defense and Education Fund to also come forward. Let the record show that Miss Hernandez is not in the room.

CHAIRPERSON FLETCHER. Mr. Martinez, would you stand just a minute and let me issue you the oath.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Next, please. Mr. Mance, please.

Testimony of John J. Mance, Member, National Board, National Association for the Advancement of Colored People

MR. MANCE. Thank you.

Good morning, Mr. Chairman. It's good to see you again. The last time we met was in Arkansas.

CHAIRPERSON FLETCHER. Thank you.

MR. MANCE. At a meeting.

And to the Commission, let me on behalf of the national board of directors of the National Association for the Advancement of Colored People welcome the Commission to Los Angeles. It isn't just a welcome. We need you. We need you in the worst way.

There is a thing called "institutional discrimination." By the way, I came here this morning with notes, not a prepared statement, because I really want you to hear from the NAACP.

Institutional discrimination is responsible for a thing we call "the chilling effect." Does everybody know that expression, "the chilling effect?" What it means, as an example: I'm black. I walk along a street in downtown Los Angeles or Jackson, Mississippi, or New York City and I'm hungry and I've got a little money in my pocket and I want to go into a restaurant and eat.

But you know what people do first? You look inside to see if there's somebody in there who looks like you, and if you don't see anybody there who looks like you, you pass that restaurant by. That's the result of being kept out of even public places. This was true 40 years ago. It is still true today. There's a reason why not only young black Americans, I could even say this in behalf of young Hispanics, who don't go looking for jobs in

certain areas because they don't see anybody there who looks like them, afraid that they'll be disappointed again.

The unfortunate thing is that only the American white people feel free to do what they want, when they want, and where they want. I'm just stating a fact, ladies and gentleman. I'm just stating a fact.

In the late 1960s it seemed that some changes were in order and were happening. There were Federal training programs and jobs to match. I, at that time or up until just a few years ago, worked for a very large aerospace corporation in this community and had the good fortune to manage, if you will, a small field assembly plant in what was generally called South Central Los Angeles. It was actually in the corner of Lynwood, but that's again another kind of thing where—you know, Watts is not only at 103rd; Watts is in Pacoima, in the San Fernando Valley. It's how the people who operate the communications, the media, try to make the rest of us think.

But, at any rate, at that small plant a full week before we were due to open in February of 1970, somebody had put out the word that the plant was going to open on a given Monday. It was raining. You could not believe it. Foggy. And I went down there because I heard people were going to be there seeking jobs.

Ladies and gentlemen, on that day I personally interviewed more than 200 people, more people than I was able to hire for that plant over the next 2 years. Not my effort, but what those people showed, and they were about 99 percent black, was that they're seeking work. Labels lie to the notion that welfare people enjoy their plight. They were looking for jobs then. Fortunately, we were able to hire some.

But, again, today, with aerospace practically out of Los Angeles altogether—that's just one business—jobs are so few that people even with training, even with training and experience, have difficult times in finding work.

"Economic inequality" is an expression that is supposed to mean if you don't have the education, you can't find work. It's supposed to mean that with education you can do whatever you want to in this city, in this State. But frustration

abounds because of the lack of jobs and because discrimination in employment still permeates this county of Los Angeles.

Success, I'm told, is that point at which opportunity and preparation meet; and while it is true that many young people in particular are not yet prepared academically, even those who are, cannot provide for themselves or their families because of the lack of opportunity.

The NAACP, in an effort to bolster the economy, in an effort to bolster the wants and desires of black people, young people in particular, has over the past 84 years, its entire history, attempted to show black Americans how important formal education is.

We have a program currently called "Back to School, Stay in School," in an effort to encourage youngsters to understand how important education is. Well, that program is working, but our hardest problem, most difficult problem right now, is trying to get young people to understand still how important education is, even after they've gotten it. And so we have to work on that. We have to work on that.

I was told that we were going to talk a little bit about the administration of justice, and I can't recall how many times I've been asked, "Do you think there's a dual system?" But I can assure you that every time I've been asked, I said, "Yes, there is. Yes, there is." What happens—a number of years ago—and I don't apologize by using me as an example because I've had some experiences that are good and some not so good. But they will help, I hope, to make a point.

About 18 years ago my wife and I moved into a certain neighborhood in the San Fernando Valley within which were no black people. I was driving up the hill to my street, and I was pulled over by a Los Angeles police officer—for speeding, he said. I was going uphill and it's kind of difficult to go up this particular hill, because it winds, faster than, say, 40 miles an hour.

But I even acknowledge that I drive fast. I do drive fast. But, understand, he was about to write me a ticket until he learned that I lived just around the corner. If I hadn't lived in that neighborhood, I don't know what would have happened to me. At least, I would have gotten a traffic citation. But it's that kind of thing that

makes it difficult for black people to believe that white people, in this instance, police officers, are sincere about doing their job right and on behalf of all the people whom they are supposed to serve.

A long time ago it used to be—and maybe it's true today; I haven't asked anybody lately—but it used to be true that young black men, boys even, felt that you could never become a man if you hadn't been to jail. Do you understand that? Do you know what that does to somebody to believe that, "I will never grow up unless I go to jail first"? That proves that I'm a man? It's like impregnating a woman and saying, "That makes me a father."

Well, that's the kind of thing that black people have had to suffer and some maybe still suffer. And let me hasten to say that that doesn't just happen to black people. It doesn't just happen to black people.

I have two more items real quick.

One, the news, the entertainment media. Back in the late 1960s, the Beverly Hills-Hollywood branch of NAACP came into being. Its purpose was, of course, to help those in the communications media and in the entertainment field to seek and acquire employment. It began a thing called the "Image Awards Program," an annual program. And, understand, the awardees at that time were those white persons who gave jobs to black people. There were so few of each.

In these days and times those awards are given to black entertainers who have achieved—there are a few, but ever so few, white. So we have come a little ways, but not nearly as far as we ought to. Jobs are pitifully few and the manner in which the communications media deals with the entertainment industry and with communications, generally speaking, is such that you wonder if their job is not to stir up rather than to clear up.

Somebody talked about what happened a couple of years ago here in Los Angeles. I talked to a number of reporters and it was as if I was supposed to say, "Yes, we did it, and we did it because we're sad and uncomfortable and unhappy people, and we're going to do it again."

I recall being asked by a reporter way back in 1966, "Why do black people riot? Why do black people riot? Why do they loot?" They were, of

course, thinking about Watts. I said, "Well, when you explain to me why the children of wealthy white people riot in Florida during Easter vacation, and in Palm Springs, then maybe I can explain to you why black people riot. You'll know."

Finally, let me say that black people are having a difficult time with Asian Americans and Hispanics, and I maintain that the primary reason is that we haven't gotten our just due and along come newcomers who seem to fare better with a bigger handout from the Federal Government than the black people who never got their 40 acres and a mule.

Thank you very much.

CHAIRPERSON FLETCHER. Thank you very much. Next person, please.

Testimony of Stewart Kwoh, Executive Director, Asian/Pacific American Legal Center of Southern California

MR. KWOH. Good morning, Commissioners, and welcome to Los Angeles.

CHAIRPERSON FLETCHER. Thank you very much for being with us.

MR. KWOH. The staff of the Asian/Pacific American Legal Center provided for the Commission a series of recommendations that I'd like to share with the Commissioners.

CHAIRPERSON FLETCHER. Thank you.

MR. KWOH. And to proceed summarizing those recommendations, I'd like to make a few general points and observations and then proceed with the recommendations.

In my view, intergroup relations in Los Angeles remain in crisis and are extremely dangerous. These tensions are fueled by a number of factors, some of which my fellow panelists have already spoken to. They include racial tensions, both among minorities themselves as well as between so-called minority groups and whites.

There is polarized voting, and it's not often talked about, in the recent mayoral election, but 70 percent of whites voted for Mayor Riordan and 70 percent of minorities voted for Michael Woo. There is polarized voting in Los Angeles.

We have extreme economic polarization, which I'll share some statistics for the Asian community alone. We have an increase in hate violence in Los Angeles County to record levels

not abated by anything that government or communities have done.

We have a frustration in the community due to a sense that there is no government strategy or commitment to deal with either poverty or intergroup relations. And despite the positive efforts of a new police chief, police brutality continues in Los Angeles.

Let me make a few general remarks in the specific categories that we were asked to address: administration of justice, economic inequality, and then I'll briefly touch on the media's role in the tension.

To summarize the administration of justice problems that Asian/Pacific Americans have, I think I can summarize it by saying Asian/Pacific Americans have trouble trusting law enforcement and the court system. This is partly due to instances of brutality—and I will get to the Tulaulelei brothers' case in a moment. But it is a unique situation in the Asian/Pacific American community where there are a large number of people, perhaps the majority of people, who feel that the police have deserted them and ignored them.

It is also due to some historical cultural factors that are particularly unique to immigrant populations. What is problematic is that many—for example, Korean Americans—still feel that they were deserted by the police during last year's urban unrest. And part of this problem is that the Los Angeles Police Department, even though the city population is 11 percent Asian/Pacific Americans, still has less than 4 percent of its police force being Asian/Pacific Americans. There are probably less than 20 Korean American officers, out of 8,000 officers, who speak Korean, who can deal with a significantly growing population.

This type of situation simply is unsatisfactory and continues to create distrust. On top of that, even though most people in the communities don't even know it, California has not monitored hate violence in accordance with the Federal encouragement from the Hate Crimes Statistics Act.

This overall picture is a dismal picture and increases the distrust that community activists as well as community members have of the police. Perhaps the most telling statistic I can share with you today is that in a former Attor-

ney General of California's report on violence against Asian/Pacific Americans: in some jurisdictions in California only 1 in 10 Asian crime victims will report the crime to the police, and in many jurisdictions it's only 1 in 3.

Let me mention some general points about economic inequality. I believe that we all suffer from the lack of a new economic vision in Los Angeles and California. As a consequence, poverty is increasing and there does not seem to be a consensus or a game plan to deal with the structural changes that are influencing our economy, changes due to technological and global competing factors.

But, particularly for Asian/Pacific Americans, we are seen as the "model minority," sometimes used as a buffer between the powers that be and other minority groups. And yet the statistics speak to another dimension of Asian/Pacific American reality, and I'll mention two.

One, there are 13 percent of the Asian/Pacific American population in Los Angeles County which are poor, twice the statistical figures of whites. There are over 120,000 Asian/Pacific Americans who live below the poverty guidelines and many others who hover in underemployment problems.

Secondly, after the unrest of last year, many African American, Latino, and Asian/Pacific American, particularly Korean American, small business owners, who found their stores destroyed, clearly two-thirds of them have not been able to restart their business. Many of these people now are joining the ranks of the poor. They are losing not only their stores and businesses; they're losing their homes to foreclosures. They're going bankrupt. They're wandering around sometimes to different shelters looking for food.

If you go to the Korean American food and shelter service program, you will find many, perhaps 100, 200 Asian/Pacific Americans and other people from that neighborhood standing in line every day waiting for old onions and old potatoes. And this picture certainly needs to be taken into account when we're looking at the economic inequality and problems of Los Angeles. The "model minority" myth needs to be shattered.

Finally, a brief comment about the media. Media sensationalism has contributed, exacerbated the tensions in Los Angeles. I believe that some of the media has improved over the past year; but, nevertheless, during the urban uprising, there were many pictures of Korean Americans only in a context of handling guns. And yet many Korean Americans and other Asian/Pacific Americans suffered a great deal of physical and certainly property losses. The picture of African Americans, Latinos is also similarly flawed. And so these pictures, as the Reverend mentioned earlier, reinforced even the negative images we have of each other as minorities and as people of color.

Let me now turn briefly to some of the recommendations that I'd like to share, and I developed these recommendations with a particular eye to what I believe the U.S. Civil Rights Commission can help us do in Los Angeles. And I'll try to be very brief.

In the administration of justice, I believe that the Commission should continue its investigation—and we thank you for beginning it—of the civil rights violations in the killings of the Tulaulelei brothers, the two Samoan brothers who were shot by Compton police officers in 1991 before the beating of Rodney King. As people may recall, they were shot 20 times, including about a dozen rounds in the back. To us in the Asian/Pacific American community, that crime by a police officer has not been resolved even though the State trial is over.

Secondly, we believe that the Commission needs to work with California, particularly the attorney general, so that California will join in the Federal effort to collect hate crime data. It is absurd for California not to be involved in an effort to, at a Federal level, collect hate crime data.

Third, I believe the Commission can encourage the law enforcement agencies of southern California to hire and promote more women and minorities. But, in our case, for Asian/Pacific Americans, there's a crying need even to get officers in at the ground level. Three to 4 percent doesn't cut it in a city where the Asian/Pacific American population doubled in the last decade.

And I would stress training as well. There needs to be certainly new forms of training. I

believe that agencies such as the Community Relations Service and the U.S. Commission on Civil Rights through your vast clearinghouse of model programs throughout the country can provide for the LAPD and the sheriff and other law enforcement agencies.

Let me mention a few other items briefly in the administration of justice that are usually not known. We need help in encouraging language access in law enforcement and the criminal justice system. Too often I have had people come into the Asian/Pacific American Legal Center saying that they wanted to report a hate crime to the Los Angeles police, and eventually after five transfers in the phone call, get transferred to the Asian crime task force that is mainly tracking down Asian criminals. So the help that the Asian/Pacific, particularly the monolingual Asian/Pacific Americans get because of the lack of bilingual personnel is astoundingly poor. But it doesn't begin and stop at the police department.

Many of our courts have a major difficulty having qualified translators. So, as a consequence, we are finding an increasing number of individuals who are going through the criminal courts system who we believe are being incarcerated, detained, and imprisoned without due process and without a fair hearing. We believe that this is something that the Commission can also encourage, the language access in the court system.

We also believe that the Commission needs to encourage community-based efforts at mediating conflicts through disseminating information on model programs and programs that work, not only in the local area, but models that you found throughout the country.

Reverend Horton mentioned a few programs that we have been involved in like the Multicultural Collaborative that is doing a survey and assessment with the building of a coalition around programs that work in Los Angeles. We also are working with the Southern Christian Leadership Conference and LULAC [League of United Latin American Citizens] on a leadership development and interactive relationship program. We have a dispute resolution program that has also worked with Community Relations Service, that also is a partner with the Martin Luther King Dispute Resolution Center, that is

teaming African American and Korean American mediators to go to the sites of disputes.

The fact of the matter is, is that there are positive examples in our communities where people of color treat each other with respect. But there are instances where Asian store owners cheat other minority customers or treat them with disrespect. There are other instances where African American or Latino customers have intimidated and sometimes extorted Korean American or Asian American merchants.

Those are the facts. The reality is what we need to do is promote the positive programs that can address the mediation, conflict resolution efforts as well as the leadership development in the long term. Those are the programs that we need help on. Those are the programs that the media doesn't always cover. Those are the programs that suffer from a lack of funding. Those are the programs the Commission needs to promote.

Finally, I believe that the Community Relations Service has done an outstanding job in Los Angeles, but its focus has been urgent crisis situations. I believe that the Community Relations Service has to expand its capacity to be able to do collaborative training of community-based efforts and groups, churches and nonprofits, so that there are many more mediators than just the limited staff of the Community Relations Service.

Finally, I believe that the Commission can help encourage our city leaders and county leaders expand the work of county and city human relations commissions. Do not contract them even in this period of fiscal problems. Finally, those efforts need to be coordinated with the Community Relations Service.

I will very briefly mention some of the recommendations I have on the economic inequality and in two areas. One is the people who were victimized by the violence of last year's unrest and, secondly, in terms of a process of power sharing for those who are economically out of the picture, for the poor.

I believe the Commission needs to look at other Federal agencies' roles in the dilemma that finds that only one-third of the small businesses have been able to restart from last year's uprising. Namely, the Federal Emergency Manage-

ment Agency needs to be pressured to change many of the regulations that led to 60 to 70 percent denial rates of those people who were victimized, both store owners and nonstore owners. They need to make some emergency changes in the way that they are providing relief. Unfortunately, there are many people in our community who feel that the Federal Emergency Management Agency was a disaster in itself. The Small Business Administration needs to step up its efforts to resolve disputes because they, too, denied many claims, particularly for Latinos, but also for Asian and African Americans.

Federal legislation should be encouraged in the nonadmitted offshore insurance carrier problem. Our legal center has joined with the public counsel and a private law firm to sue about 100 defendants who are nonadmitted insurance carriers. The State of California does not regulate its insurance companies. Our defendants, we claim, defrauded people of over \$15 million. They're not paying. So what we're finding is that because of redlining, mainstream insurance companies don't insure African Americans and Asian/Pacifics. But Korean Americans and Asian/Pacific Americans found an alternative, and unfortunately that alternative ended up to be a massive consumer fraud.

Finally, let me say about the economic depression affecting California, and particularly the poor. Let me encourage you to tell the Federal agencies that are coming to Los Angeles: first of all, work with the local communities. Involve us in the bottom-up process to develop the plans. We realize that there's a fiscal emergency in the United States, in California. We feel it every day. But if we are not involved in the bottom-up planning, if we are not sharing power in how those plans develop and how they're implemented, they will not work. They will not work because it will be top down. Even though we need regional solutions, we fear that we will be left out of that development.

And finally, for Asian/Pacific Americans, you need to help us, and I believe you have through some of your reports, to shatter this "model minority" myth. When 13 percent of Asian/Pacific Americans are poor in Los Angeles and totally unnoticed, there is a statement to be made.

And finally in the media, I believe that the Commission can help encourage positive stories and encourage the hiring of more minorities, reporters and editors, and can encourage both the ethnic press and the mainstream press to network amongst each other, to share editorials, and to share promotions that they have. Thank you very much.

CHAIRPERSON FLETCHER. Thank you very much. I say to each of you, please, if you have a prepared statement, submit them for the record. And in your case in particular, sir, I would appreciate that you enter the programs that you talked about trying to find the common ground. We would like either proposal form or report form, whatever. Please submit those for the record.

MR. KWOH. Yes, I did.

CHAIRPERSON FLETCHER. Next, please.

Testimony of Richard Martinez, Executive Director, Southwest Voter Education Project

MR. MARTINEZ. Thank you, members of the Commission.

I would like to address the issue of exclusion as it affects specifically the Latino community, and it specifically addresses the Latino community within a context of the political process. I don't believe that our experience is unique to the Latino community, but I can speak eloquently, I hope, to the Latino community experience within the political process.

I believe that government and the decisions of government are fundamental to the environment under which education occurs, under which economic development occurs, under which corporate America operates. Without the decisions of government, corporate America cannot operate. The question becomes: Does our minority people, and in our case the Latino community, are we part of that government, part of the decision-making process of government that creates the environment for corporations? Do corporations take those communities into consideration? Do institutions take those communities into consideration when they approach government? Let me give you some statistical background with regards to the Latino community and the political process, especially as it relates to California and to Los Angeles specifi-

cally. The reason I raise that point is because Los Angeles and California for Latinos are a political anomaly in the southwest United States.

In States like Arizona, New Mexico, and Texas, the Latino political process has advanced itself to one where it is a political factor; it is taken into consideration. Here in California that is not so. It is an excluded community.

The data is briefly this: in the last 16 years, the Latino community in the United States has been the fastest growing voter registration, voter turnout community in the country, faster in its rate of growth than the Anglo community and the African American community.

The statistics are these: that between the elections of 1984 and 1988, Latino voter turnout in this country increased by 20 percent or 618,000 additional voters, while the nation as a whole only increased 0.03 percent or 345,000 additional voters. Again, between 1982 and 1992, the nation as a whole did improve and its voter turnout increased by 11 percent, but Latino voter turnout increased by 14 percent. Consistently, the Latino community has been showing itself to be a strong political, involved community in this nation.

In California, voter registration of Latinos between 1980 and 1992 increased by 66 percent, from 988,000 in 1980 to 1½ million in 1992. Voter turnout, Latino voter turnout increased by over 58 percent between 1980 and 1992. In 1980 Latino voter turnout in the State of California was 552,000 voters. By November of last year it was 1,100,000 voters.

In Los Angeles County between 1984 and 1992, Latino voter registration increased 86 percent, going from 453,000 to 525,000. Voter turnout for Latinos in Los Angeles County in 1984 was 259,000. By 1992 it was 325,000, an increase of over 80 percent again.

In 1992, because of hard-fought victories won during redistricting, Latinos in the State of California doubled the number of assembly members who are elected to the California State Assembly, going from 4 to 8. In 1987 there were 471 Latinos elected for political office throughout the State of California. By 1992 there are 682 Latinos elected to political office throughout the State of California, an increase of 69 percent.

In November of 1992, United States Senator Barbara Boxer defeated Bruce Herschensohn by a margin of 5 percent or 529,000 votes. The Latino community gave Senator Boxer over 700,000 votes. There are 900,000 Latinos over the age of 18 who are citizens who are yet to be registered in the State of California and over 2½ million Latinos over the age of 18 who are not citizens, and less than 10 percent of those are undocumented, who could be voters if they were citizens.

The political presence, if I were to give that piece of information to any body of experts outside of the State of California, would speak of a dynamic, politically powerful community. The reality here in California is that the Latino community is still perceived as a politically impotent, nonvoting community. Political experts of the party candidates will generally tell you that the Latinos, once they get themselves organized, will be able to vote. They do not understand the Latinos are voting and are becoming a political power. What is ascribed to Latinos is that we are an apathetic community, that we are culturally opposed to the democratic process because of where we come from. Let me tell you, under studies conducted by NALEO, the National Association of Latino Elected Officials, they have found that noncitizen Latinos have a higher level of civic participation and civic awareness than native-born Americans; that once Latinos become citizens, they have a higher voter registration rate and voter turnout rate than native-born Americans.

What has been occurring is that the rationalizations of apathetic Latinos have been leading to an exclusion, a systematic exclusion by the political parties here in the State of California, both the Democratic Party and the Republican Party. Both parties have refused to pursue viable Latino candidates for statewide office. Both parties have refused to support and generate viable candidates of Latinos in marginal political offices or in offices where Latinos may have a population base, but it is not a large population base. Both political parties will only support Latino candidates if they're in a district or a situation where the Latino community is the majority voting population.

I can give you a number of examples. We have viable people who could have run for the

United States Senate last year, 1992. In 1986, 1988, we had a viable candidate who was running for reelection to the California State Supreme Court. Neither political party—and probably the Democratic Party, more to their shame—they refused to support our Latino candidate for the California State Supreme Court. They left this gentleman, an eloquent spokesman for our community, out there to fend for himself. He is a member of your Commission right now, the Honorable Cruz Reynoso.

Candidates for major offices in the State of California have also excluded the Latino community. The incumbents who hold office have also excluded the Latino community. It was only through the efforts of MALDEF, Southwest Voters, NALEO, Mexican American Political Association, that the 1992 redistricting, not only the State of California, County of Los Angeles and City of Los Angeles, had any semblance of fairness. Otherwise, gerrymandering would have been the rule of the day in the State of California in 1992.

California has over 90 percent of all school districts and city councils that elect their representation on an at-large basis. That is worse than most southern States. And the basis for the at-large election scheme historically has been to exclude as opposed to include. The recent elections here in Los Angeles for mayor are a prime example of exclusion. All major candidates for the mayoral position failed or ignored the issues of the Latino community. Looking at the data, as we have at this point, we can determine that the low turnout of the Latino community was primarily because the two candidates, two major candidates, failed to address the issues of the Latino community specifically or even discuss their own issues in the context of how the Latino community experiences those issues. Both candidates invested heavily in their campaigns in areas outside of the Latino community. Very few attempts were made to encourage Latino voter turnout. What was done was that the candidates' campaign managers—and I believe that not necessarily the candidates, but their campaign managers bear the blame for this—focused the majority of their campaign on what is called the "chronic voters" in Los Angeles. Those people are

in west Los Angeles and they're Anglo. Those people are the voting parts in the San Fernando Valley, and they're Anglo.

What do they do in those communities? They pander to the fear of those communities by making the number one issue not so much police protection, but protection from "the other." "If you elect me, I will protect you. I will hire 3,000 new policemen." For what purpose? To protect someone from someone else. I believe it was a divisive, subliminally divisive election on that basis. And I believe that the challenge of Mayor Riordan is to undo the damage of this election. His greatest challenge. I believe he's up to it. I believe he's capable of it.

Finally, the political experts, generally the media, who in their wisdom continually characterize the Latino community as an apathetic community. In 1990 in the *San Francisco Chronicle*, the California poll, the Murray Field California poll, did an analysis of minority voting communities prior to the gubernatorial election. Their analysis and data was very similar to our analysis and data, but their interpretation was that minorities, especially Latinos, were not going to be voting in large numbers because they did not have a tradition of democracy in their culture, that they had to wait two or three generations before the traditions of democracy would become part of their own community traditions. I believe that the information that I have provided you here with puts a lie to that.

All of these kinds of environment created by the political process excludes people, chases people away, makes people feel as though their vote doesn't count, that the candidates aren't listening, that nobody cares, so why should they vote?

The meanest exclusion of all is the invisibility forced on the immigrant communities, especially in the Latino community. The xenophobia that runs rampant here in California—and I can cite the number of legislative pieces this year that are anti-immigrant. I can cite studies done by the County of Los Angeles and promoted by the most conservative member of the county board of supervisors indicating that the Latino immigrants were costing the county, when, in fact, that very same study showed that Latino immigrants were generating billions of dollars in tax

revenue for the Federal, State, and the county was not getting their fair share.

The xenophobia that is running rampant in this State and in this community is getting out of hand at this point. Immigrants are being blamed for crime. Read the newspapers and especially the articles in this last weekend *Times*. Immigrants are being blamed for the poor economy, the low wages. Immigrants are being blamed for the poor quality of education.

I would liken this condition to other conditions that we see today in the newspapers. I would liken this condition to Germany. I would liken this condition to Yugoslavia. I would liken this condition to any country where one community is oppressing and fearful of another community. We may not be violent here in the same fashion that we see in Germany and Bosnia, but the roots of the same problem are occurring here in Los Angeles.

I would make several recommendations to the Commission to address some of these problems. First of all, that the Immigration and Naturalization Service divide itself, two agencies. One agency concerned with naturalization. That the naturalization process and procedures that are used by the United States be streamlined and many of the questions and many of the procedures be eliminated to facilitate the becoming of a United States citizen.

Because, frankly, gentlemen, at this time in the United States, naturalization is only another word for voting rights barriers. There are very few things that naturalization affords an immigrant. The one thing it denies an immigrant is the right to vote. And we are in a constitutional crisis here in the State of California today because over 40 percent of the population of the State of California is immigrant. That means that the assembly sitting in Sacramento today only represents less than 60 percent of the population of California. That's not a civil rights problem. That's a constitutional crisis. I believe that in some regards the immigration and naturalization laws of this country are in direct violation of the Federal Voting Rights Act, and I would encourage the Commission to begin to look into and encourage the changing of naturalization in this country.

Secondly, and this may not be something that you can directly have an impact on, but you may be able to raise it as an important issue. The State of California needs to pass laws mandating that all cities, all school districts convert to single-member districting. That enforces a basic principle of the Constitution of the consent of the governed. At this point those laws deny a majority of the population of the State of California from providing their consent to those who govern. We have a constitutional crisis in that regard.

Third, I believe that voter registration was initiated at the end of the last century in this country to exclude black people, to exclude minorities, to exclude Mexicans from participating in the political process, to exclude women from participating in the political process. Voter registration is something that needs to be eliminated. The State of California or the Federal Government can act. There are States now that use what is called "same day voter registration." In effect, no voter registration. Just citizenship and the right to vote.

Finally, I believe that accountability is critical in this process. This Commission has the ability to return to Los Angeles in 6 months or a year to see whether the institutions that are going to address you in the next 3 days—the companies, the corporations, and the government officials who are going to address you on these issues in the next 3 days—have actually done or made any attempt to do the things that they say they want to do, to see whether we here on this panel are able to move and begin to do the things that we need to do.

Because the Latino community, the Asian community, and the African American community, we need to stop arguing among ourselves, if there is such a thing, and stop fighting over the crumbs and begin to get a piece of the whole cake. We can no longer afford to fight it with a crumb.

A panel such as yours, if you return, and I hope you do and I hope you address this point either today or during your term here, will return here in 6 months or a year and see if we lived up to any of the promises we made to you here today or in the next 2 days. Thank you.

CHAIRPERSON FLETCHER. Thank you very much. Counsel.

MR. GLICK. I have no further questions.

CHAIRPERSON FLETCHER. Any members of the Commission?

COMMISSIONER REYNOSO. We're running late, so I'll just ask one question, briefly, of the panelists. Reverend Horton, you talk particularly about the friction among the ethnic groups. I'd like to ask you about the attitude toward the judicial system and how you see that affecting the relationship of crime—black on black crime, black on Chicano or Chicano and Asian, etc. What is the relationship of the judicial system to the tensions that you've described?

REV. HORTON. Well, one, I believe that in the black community there is no confidence whatsoever in the judicial system, and I cite the recent trial of a year ago of the young black woman who was killed—murdered, Latasha Harlins, who was murdered by Soon Ja Du, and she received probation. And that set the stage to believe—the black community—at SCLC we believe that that set the stage for the verdict which came down later in the Simi Valley trial of the four police officers. With the sentencing or the giving of probation to the murderer of Latasha Harlins, it also created an atmosphere of, "Well, we can also really not do anything in relation to the four police officers who beat Rodney King."

And it's incidents such as these that leaves the feeling that there is no justice or that justice in the city is a matter of race and class. If one is the right race, if one has the right social status, then one can expect justice in the courts. But if one is black, Latino, or Asian or Asian/Pacific, then one's chances of receiving justice are null and void.

COMMISSIONER REYNOSO. Mr. Mance, I'd like to continue with this for a minute. As indicated by one of the witnesses, I happened to be on the ballot in 1986, and we made some surveys. It indicated that the African American community at that time in 1986 had the highest support for the judicial system, something like 90 percent felt affirmatively to the judicial system. I notice that recent surveys indicate that about 10 percent of the African American community feels affirmatively toward the judicial system. What, in your view, has made the change in just a matter of 7 years?

MR. MANCE. I believe—

COMMISSIONER REYNOSO. In California.

MR. MANCE. I believe that there are at least two reasons. I believe the state of the economy is one reason. I believe that the expressions made just a moment ago by Reverend Horton are the second reason.

African Americans feel put upon. We feel put upon. Even those who are registered to vote and who do vote—and let me hasten to say that as we try to find reasons for or answers for questions, oftentimes there is no logical solution to an illogical problem, just can't find it.

So while minority groups need to stop fighting among ourselves and come together as my neighbor here has suggested—I sure do agree with that—it is difficult. It is difficult. You become very personal in this matter. If you sit down apart from it and discuss it, it's one thing, but in the grocery store it's something else. When you walk into a grocery store and you see this Plexiglass or something there, and that's where you've got to hand your money and they hand you your package, that's so dammed insulting. But that's what black people and Hispanics and others have to face by whoever that storekeeper is.

COMMISSIONER REYNOSO. Mr. Kwoh, I'd like to speak to the language access issues that you raise. How does that affect the administration of justice—and I suppose that that's even more important with the first forces of the administration of justice, the police. But, also, how does it affect that in terms of getting to the courts and feeling that the courts are being responsive?

MR. KWOH. The lack of language access for many of the immigrants of Asian ancestry means there's no access to the court system. At our Asian/Pacific American Legal Center, we attend to many domestic violence cases. Oftentimes, we help poor Asian/Pacific women that go to court and they are to file their temporary restraining order.

The judges oftentimes treat these women who don't speak English or who barely speak English the same as they would an attorney from a wealthy part of town, and so these women are totally petrified and terrified and cannot express themselves so that they end up losing many

times—sometimes child custody. Oftentimes they don't get the type of support levels that they would like.

The lack of language access means no access. One positive example is with the bilingual ballot provisions of the Voting Rights Act. We found that there has been an increase in Asian and the Latino request for the bilingual ballots which were mandated as of last year's voting rights commission. And I think that is a positive example where, if language access is provided, there is access to the voting system.

COMMISSIONER REYNOSO. Mr. Martinez, you mentioned a recommendation that the INS be divided. I think that you mean that to be some of the proposals that are or about to be introduced in Congress that the INS be divided so that one branch is the enforcement branch, the cop role, if you will; the other branch is the branch that's a social service to encourage immigrants to become citizens and so on. Why have you put that at the top of your list of recommendations to us, the U.S. Commission on Civil Rights?

MR. MARTINEZ. Because we found, as I mentioned before, that the type of exclusion that affects the Latino community—especially the Latino immigrant community—can have a debilitating effect not only to that community, but to the society as a whole.

In the 1992 uprising, the Latino community, as they rioted or looted the stores, were reflecting two things: first of all, their sense of exclusion from this society, that they had to feel as though they had to continue surviving as though they were in their own country, and secondly, they have not been included in the community of Los Angeles in the political process.

When we have citizenship, when we have people voting, we have the ability to participate. We have the ability to make a difference. We feel a sense of ownership, not only of our own community, but being part of this nation. When there is no citizenship, when there is exclusion, there is only invisibility. And invisibility can and will lead to violence, as we saw in 1992 last year. I think it is critical that this country begin to look at and address some of the fundamental issues.

It's not just, "Are people here legally or illegally?" It is, "Are people welcomed here who are

here, who are contributing in taxes, who are contributing in labor, who are contributing in every form and fashion, but are not being given the right to participate in the decisions and the creation of their own community?"

If we continue to exclude people and use systems such as naturalization procedures to exclude people, we will only exacerbate the problem, and 1992 will only be repeated and not just in Los Angeles.

COMMISSIONER REYNOSO. Thank you very much. Nothing further.

CHAIRPERSON FLETCHER. Commissioner Wang, do you have any?

VICE CHAIRPERSON WANG. Very briefly. Mr. Kwoh, if you can just help us to understand your thinking, because when you started your presentation, you put on the top of your list by saying that the intergroup relations are in a crisis here in this city. Then we heard from others that you have a different kind of coalition in the works and that very soon the whole city minorities are becoming the majority. From your own observation, how can we make this whole situation different, improve and not to be in a crisis?

MR. KWOH. First of all, the city's population already is a majority of racial minority groups. I don't think there's any silver bullet for improving intergroup relations. There has to be a comprehensive approach that basically ties together the things that you're hearing.

There needs to be a change in the administration of justice from the police to the court system. There has to be a respect of individuals by those institutions and a reduction of crime. We're using community-based policing to do that.

Secondly, there needs to be different types of programs and initiatives from the schools to community-based groups to churches that increase racial understanding and working relationships. There are programs that are in place, but they are too small in scale to make a large impact. They don't get funding, so that they don't often get heard of, and they aren't able to make a large impact that's needed.

And finally, there has to be a lessening in the economic polarization. While it is not true that just the creation of jobs will lead to everybody getting along, it is also true that if we do not

significantly improve our economic growth and lessen our economic polarization, it is also true that the programs meant to bring people together and bridge differences will have a much, much more difficult time because there will be that economic gap.

VICE CHAIRPERSON WANG. Thank you. Mr. Mance, I think I'll ask you a question. You made a statement that to me was very, very, shall we say, alarming. You said that you are not a man if you've not been in jail. I mean, from the NAACP standpoint, what can we do about that? If that's really the reality or the perception by our young people, that they have to be in jail to become a manhood or person or whatever?

MR. MANCE. The NAACP, Commissioner, is attempting to do a couple of things. One of them I mentioned. It has to do with the "Back to School, Stay in School" program.

First of all, let me say that I'd be willing to wager that almost any African American in this assembly here who is my age or older has heard what I said before coming here today. Nobody is proud of that. No one is proud of that. Individuals seek manhood or adulthood in whatever way they can, and that's a pitiful way that was thought of. The Chairman, he was nodding his head. He's heard that expression. He's heard that expression. And it is indeed terrible. What can be done? Almost anything that allows a human being to feel that he is something, that he is somebody. Business of an education—not even high school is enough these days.

But there is something else that's needed, too. I don't know how in the world you abolish expressions like "the black plague" and "black Friday" and whatever else that's black is bad. The only thing black that's good as far as white America is concerned is "being in the black," accountingwise. Continuing to use those expressions—"black Friday" with respect to the market collapse in 1987, just a few years ago—how can you expect young black people to think otherwise? We may do otherwise, but we're going to make sure that you remember all of these things until they are no more.

VICE CHAIRPERSON WANG. Reverend Horton, here is a very brief question. You talk about the resentment within the groups and among the

groups at all these different mistreatments. Are there programs or stacking cases in your organization to kind of work on those type of concerns and tensions among groups?

REV. HORTON. Yes. The two organizations that I mentioned, the Collaborative and the New Majority, brings together people from the Latino, African American, Asian, and Pacific Asian communities to address the issues that we feel most urgently tend to create the most confrontation. We look at these and then come up with ways on how to address them.

VICE CHAIRPERSON WANG. Mr. Martinez, you mentioned about a single-member district. Can you elaborate a little bit about that so we understand?

MR. MARTINEZ. Simply put, that means that in a city with five city council members, under the at-large system, everyone in the city votes for all five city council members. In a single-member district, the city is divided into equal population parts or five individual districts, and each one of those districts elects their own representatives.

Now, the at-large system is based on a theory of majority rule, and it is a throwback to the prerevolution debate of virtual representation. In communities where there is significant Latino population, say 40 percent Latino population—and we found this in many, many communities—60 percent of the population will always outvote 40 percent of the population, which guarantees that every time there is an election in an at-large community, an at-large city for city council, the city council will always be elected from the 60 percent population, generally an Anglo community.

So there is literally—even though by population, the Latino community should have at least one or two representatives on that city council, it is never done. So Latino voter turnout dramatically decreased over a period of time.

COMMISSIONER GEORGE. Mr. Martinez, I would like to give you an opportunity to correct the record if you agree with me about a usage that was part of your presentation or to defend your usage if you disagree with me. You refer to when the Latino community rioted. And I submit to you that the Latino community did not riot, that individual people, some of whom happened to be La-

tino and happened to be black and who happened to be white, as I understand it, rioted. That others, in all of those communities, did not riot and did not riot expressly because they felt it was morally wrong to riot and morally wrong to steal. So that we should refer to the individual participants and not to the community as rioting.

MR. MARTINEZ. Well, I think we can clarify that in the sense that when I say the Latino community rioted, we don't mean all the Latino community; we mean what occurred in the Pico-Union area, the South Central area of Los Angeles. Latinos participated in the uprising.

But let me also clarify that those Latinos, the Latinos living in those communities, Latinos who participated in the uprising were reflecting a community concern and a community fear and a community feeling as though it is excluded.

Let me give you an example. After the riot, County Supervisor Gloria Molina put together an ad hoc community leadership to begin to try and understand the role of the Latino community in the uprising. They conducted a series of focus group sessions. One in the Pico-Union area, I sat in on that one. One woman said—I think she was fairly typical of most of the community—"I work in West Los Angeles. I see Anglo people. Do you know, I don't know one Anglo at all."

That means that she lives in a separate segregated community. And if you've had the opportunity, and I hope the Commission has the opportunity to travel through Pico-Union to take a look at the conditions of Pico-Union, that would be the clearest indicator of a community excluded, and beyond exclusion, a community deemed invisible and not worthy. If people from a community like that riot, become violent, it is a reaction to a condition.

I think almost every civil disturbance in the United States since 1965 can find its roots in the exclusion and the degradation of the life of the people of that community. Even though 100 percent of the community did not participate, 100 percent of the African American community did not participate, very few of the African American community actually participated, very few actually participated in the Latino community. Very few participated in 1965 in Watts. But those who did were giving a signal of how the community

as a whole felt, and I think that needs to be really clearly understood.

COMMISSIONER GEORGE. But I take it that you don't justify the actions of the rioters or the looters. You're simply trying to say that the conditions were ripe for this sort of thing to take place, that those who riot as a group remain morally at fault. Those who don't are commendable for their restraint. Or have I read you wrong?

MR. MARTINEZ. No, I'm not giving condemnation nor credit to anyone. I believe Ronald May put it very well. When people feel as though there is nothing else that they can do to obtain understanding or justice, when words cease to be a vehicle, the only thing left is violence. Violence is not in and of itself the act. It is the message and they are the messengers. And we must listen to their message, not just because they were the rioters.

I will not condemn them. I will say that there were people who did not participate. And that the majority of all the communities did not participate. But I think the rioters were the messengers, and they were conveying a message to all of us. Not just to the Anglo community, not just to government, but to myself, to you, to everyone, that exclusion is not acceptable and must be addressed before it becomes worse.

COMMISSIONER GEORGE. So, you're specifically declining to say that what the rioters or looters did was wrong?

MR. MARTINEZ. I'm declining to characterize the rioters as either evil incarnate because they broke laws—I am trying to put another face, an additional face—I do not condone the breaking of laws. We are a nation of law. And if we're not a nation of law, then we are in chaos.

But I must also put another face on the events and the people of that time, and that face was the face of exclusion and the people who have no feeling of ownership, have no feeling of redress, who feel denied and feel invisible. You cannot just say that because somebody broke the law, that was wrong.

You have to take a look at also the conditions that are occurring, the environments that are occurring. It's a human dynamic. I believe what Ronald May said was correct. When there are no more words to be spoken, the only thing left is

violence. And if we are deaf to that kind of communication and only condemn them for the wrong that they did, then we will be condemned to the violence that will yet come.

COMMISSIONER GEORGE. Why treat this as an either/or proposition? Why can't we both attend to the conditions which tend to facilitate and give rise to a form of action, but at the same time also speak unhesitatingly not only about the breaking of laws, which sounds like an abstract proposition, but the violent violation of the rights of others, including merchants who were the rightful owners of property looted? Can't you say both?

MR. MARTINEZ. I think we should, but the problem is that we didn't. We only condemn the violent acts. We have only been addressing the violent acts. I think my colleagues here have been speaking eloquently to the conditions that existed after the riots, to the complete breakdown of FEMA, the breakdown of Immigration and Naturalization Services.

Here in the Pico-Union area, during the uprising, the National Guard was not sent in. LAPD was not sent in. Sheriffs were not sent in. The Immigration and Naturalization Service was sent in to the Pico-Union area. What message are we sending to the immigrant community? Are we telling them we hear you, or are we telling them we fear you?

I think we have to condemn violence as a society of law, but we also have the responsibility to act on the conditions of violence. And I believe I agree with you that we should condemn violence, but we have not done the second part. We have not listened. We have not addressed ourselves to the endemic problems that created the conditions.

COMMISSIONER GEORGE. Thank you, Mr. Martinez. I have a quick question for Reverend Horton. Reverend, you made reference to my colleague, Cornel West. He's my colleague at Princeton but also my friend. One of our colleagues is Robert Wuthnow [phonetic], a sociologist who has drawn attention to the secularizing trends in American culture and the impact of secularizing trends on various communities in American culture. I wonder if you have any comments on the situation with the black church, whether the black church has been

formed by the general secularization in American culture, particularly popular culture, and what is the condition now of the black church in its ability to be a transmitter of values within the black community.

REV. HORTON. Well, I—

COMMISSIONER GEORGE. I don't know if I've used the proper terminology, but I think it's in the thrust of the question. Is the black church in good health?

REV. HORTON. Yes, I think the black church is in good health. In fact, I believe that the black church is still one of the strongest institutions in the black community, one of the most influential institutions in the black community. The fact that when political election time comes, it's still the black church that is the first place politicians come. It's also the first place people come to tend to try to get things organized, and black ministers still tend to be the first people who are gathered together to push and move issues and so forth.

So, I still believe that the black church is still alive and is still the best hope in the black community to set up the kind of barriers that Dr. West also talks about, the kind of vast barriers against the nihilism that's a loss of hope and absence of meaning that black people encounter when we grow up in homes where our worth and dignity are affirmed as persons, but then we go out in the community and run into all this existential absurdity which says we don't count and we don't matter. It's still the black church that's saying that we are somebody, that we do have worth and that we do have dignity and we are persons.

COMMISSIONER GEORGE. In brief, has the participation in the church, contributions of the church, attendance at Sunday services and so forth, precipitously declined in the past 10 years as it has in some communities, or has it remained pretty much steady? Do you have the data?

REV. HORTON. No. I think it is the same. Where I go and where I worship, I think it has remained steady. And in many instances it has increased. And one of the main reasons it has increased is because even among—the blacks who are really attending church now tend to be black—to use the phrase “yuppies” and the

“buppies” and persons who would have shunned. Because they are also finding in many instances that materialism has failed us, that materialism has failed us and we need something. And if we have all the materialistic things that we once desired, there will still be an emptiness in our lives, a void which only a relationship with the supreme power can satisfy.

COMMISSIONER GEORGE. Thank you very much.

CHAIRPERSON FLETCHER. We are running a little late, but this is an interesting panel. Commissioner Anderson.

COMMISSIONER ANDERSON. I'll reserve my time.

CHAIRPERSON FLETCHER. Commissioner Redenbaugh.

COMMISSIONER REDENBAUGH. Yes. I have one question for Mr. Kwoh. My question is for Mr. Kwoh, and it deals with the very disturbing and unacceptably low rates of restart of businesses in the last year. If you could comment briefly, what are the barriers to restarting in the two-thirds that have not and what recommendations do you have for accelerating that process?

MR. KWOH. There are a number of barriers that the business victims from last year's unrest have suffered. They face a number of bureaucratic barriers in terms of getting permits and licensing, most of them. There's also political conflict over some of the, for example, liquor stores. The one positive program that our Asian/Pacific American and Korean coalition has developed is a conversion program for some of those liquor stores to go into other viable forms of businesses.

So there's bureaucratic hurdles. There's financing hurdles. There's other types of hurdles. I would say the number one problem, though, is that we have not had sufficient political leadership to be accountable for getting the businesses started. The political leadership in the State and the Federal Government has helped, but only in their jurisdiction.

What these people need is somebody to say, “I'm going to be accountable to get the businesses started, and I'm going to coordinate and facilitate and work through the problems cross-jurisdictionally.” If that doesn't happen, then peo-

ple go to five different counters and get five different answers, but the answers are only partial answers. Somebody—I would suggest the mayor, meaning mayor of Los Angeles, appoint a person who is going to be in charge of precisely being accountable to get most of the businesses started within the next year.

COMMISSIONER REDENBAUGH. Are you saying that businesses which were once licensed are having difficulty being relicensed?

MR. KWOH. Well, for example, there is a zoning process where those businesses that were destroyed have to get repermited. And those zoning deliberations have taken a long time, partly because of the dispute over liquor stores. My own feeling is that what has to happen is that where we can convert some of the liquor stores, particularly in South Central Los Angeles, we need to do that. Where the liquor stores will abide by certain conditions to improve the community environment, let's get on with it. Get them back up. Let's get on with the overall rebuilding in that area at the same time. But what I'm saying is that this process is so slow, it's killing the people there, both the business owners and the people who could be working there.

So, I think finally the Federal Government needs to coordinate the action of its various agencies. I hope that Ron Brown will do that job, but there are so many different Federal agencies that have their hands in the fire and the capability of doing something positive, but I don't think that any one person yet has a handle on what they're doing and to help remove the obstacles in various agencies.

I mentioned FEMA, SBA, insurance regulations. All of those areas need to be coordinated, along with coordinating with the local governments and private nonprofit church entities that are trying to lead the rebuilding efforts as well in our LA.

COMMISSIONER REDENBAUGH. Thank you very much.

CHAIRPERSON FLETCHER. I'm going to do something that I don't like, but I'm going to do it anyway. The newspaper people asked me this morning—not the news, but radio and television asked me to answer a question on a sound-bite basis. This problem ain't hardly no sound-bite

basis. We can't get it done that way. But be that as it may, I want to ask each of you, if you will, to make a succinct statement with respect to the effectiveness and/or the lack of effectiveness of Rebuild LA. I'll start with you, Reverend.

REV. HORTON. I personally fail to see the effectiveness of Rebuild LA. I have given much time and energy to really try and understand what it is they're doing, and I personally have not been able to see anything of any real significance, other than several Taco Bell places were rebuilt and things like that. But I have not seen anything beyond that.

MR. KWOH. Being a board member of Our LA, I have personal insight. I think there's been mixed success, and I would suggest two remedies for the problem that is faced. One is that we need a new economic vision. The vision is not going to be developed only by an emphasis on what big business can do. The vision has to be inclusive of not only big business, but particularly what small business, the grassroots economic development and housing development programs offer, as well as a better coordination of government agencies.

And finally, I would come back to my point that political officials have to assume more accountability for the rebuild efforts. I believe that Rebuild LA suffered from overexpectation, partly because politicians did not say exactly what they would do in the rebuilding of Los Angeles, and therefore—not that they weren't helpful in part, but they didn't say, "We are going to be accountable, for example, for getting the small businesses back up starting within a year." Nobody said that.

CHAIRPERSON FLETCHER. Next, please.

MR. MARTINEZ. I believe that Rebuild LA was an abdication of political responsibilities. At the moment of crisis, the mayor and the Governor threw up their hands and said, "We no longer govern." Peter Ueberroth was the decision to take over at the last minute. That was unfair to Mr. Ueberroth. That was an abdication of responsibility.

I believe the difficulties that Rebuild LA has encountered are a direct result of the way Rebuild LA was created. I believe that the staff of Rebuild LA has made every effort to do a good job, but

when government gives up governing, nobody, literally nobody, can come in and take over for them. And that's what government asked Peter Ueberroth and those people to do, and that was irresponsible at the time of crisis.

CHAIRPERSON FLETCHER. Thank you very much. Next.

MR. MANCE. I think there is more to building Los Angeles than rebuilding Los Angeles. Much of what the people need, they needed before they burned down those buildings. The loss of the buildings caused the loss of some jobs, but more people needed jobs or at least as many people needed jobs before than those who need them now. So I think it's farcical to think in terms of a legitimate Rebuild Los Angeles. The city needs to be built in several ways. Economics, number one, in my opinion. Education secondly.

Lastly, let me say I think the residents of the city, especially those in the central city, expected too much. I don't know what makes people think that the government is our savior. Said, "The government hasn't come in to do this or hasn't come in to do that." I don't expect the government to do that. I think that we ought to do more ourselves and seek some help from government and from some agencies such as your commission, but I don't think the government's going to do much of anything.

As you recall, I said a little while ago that at the time black people were released from slavery we were promised 40 acres and a mule, and we haven't gotten that yet, even though some other groups have gotten some things. Why should I expect the Federal Government to rebuild LA?

CHAIRPERSON FLETCHER. Thank you very much.

REV. HORTON. I think we need to be careful not to quickly excuse the government because that's why we have government. Government can intervene to help people do what we cannot individually do ourselves. And I think we should be very careful to excuse government's assistance.

CHAIRPERSON FLETCHER. Let me say for myself and on behalf of the panel, you've gotten us off to a good start. As usual, these things run a little longer than they're supposed to, but I think you've helped us a ways. I like the looks of that panel. You almost look like America. We'll come

a little closer the next time around. But thank you very much.

And let me just respond to one of my panelists' concerns about the judicial system. I recall that number two also with reference to confidence and faith in the judicial system. And I like to remind folks, and I'll remind you on the panel, that it wasn't about violence per se. If it would have taken mere violence to start the riot, the first time Rodney King's beating was shown on television, you would have had the violence right then and there.

The confidence crisis came when the judicial system broke down and when a decision was made that these gentlemen were innocent. At that point, the last vehicle in the process that we depended on—we expected that the judicial system would disburse and dispense some justice. And when that didn't happen, the explosion was at the very place we turned, lo and behold, it didn't function or malfunctioned.

That's the reason that it went down. That 90 percent of the confidence in the judicial system all the way down to almost off the scale was because of that. That's my opinion.

Thank you very much, and if you have anything now that you want to submit for the record, it does not close for 30 days. And I'm sure that you're like other folks. Once you get away from here, you forget specific things you should have said and you want to get them back. Thank you so much.

Administration of Justice: Role of the Federal Government in Police Practices and Policies

MR. DOCTOR. We obviously have just heard from the local leadership of the national civil rights organizations. At this particular time, we will get into the subject of the administration of justice. More specifically, you will hear from the community and our community expert witnesses on the subject of the role of the Federal Government in police practices and policies. Mr. Paul Hoffman, who is the legal director of ACLU—Southern California. Mr. Samuel Paz, who is an attorney in private practice, and Mr. Patrick Murphy, who is a national law enforcement expert from Washington, D.C. Will those gentlemen please come forward?

[Whereupon, the witnesses were sworn.]

Expert Witnesses

CHAIRPERSON FLETCHER. Thank you very much. Please be seated. Again, I want to thank each and every one of you for being with us. Mr. Hoffman, I understand you had to change your schedule to be with us, but thank you very much. I'm sure we'll appreciate your presentation. I won't delay you any longer. You can get right on with it.

MR. GLICK. Mr. Chairman, I would ask the staff attorney, Susan Muskett, to begin the questioning of the witnesses.

CHAIRPERSON FLETCHER. All right.

Testimony of Paul Hoffman, Legal Director, American Civil Liberties Union Foundation of Southern California

MS. MUSKETT. Mr. Hoffman, would you please state for the record your name, your position and how long you've held that position.

MR. HOFFMAN. My name is Paul Hoffman and I'm the legal director of the ACLU Foundation of Southern California. I've had that position since September of 1984.

MS. MUSKETT. As legal director of the ACLU Foundation of Southern California, would you please give the Commission your assessment of the role of the Federal Government in Los Angeles over the last decade with respect to police policies and practices and, in particular, police misconduct.

MR. HOFFMAN. The record of the Federal Government in the last decade with respect to police abuse has been one largely of inaction and neglect, in my view. The Federal Government has brought only a handful of prosecutions against police officers in the City and County of Los Angeles in the last decade; and, in fact, most of those were in the very beginning part of the decade.

In the 10 years before the Rodney King beating, what you have is a situation where the Federal Government really brought essentially no prosecutions against Los Angeles police officers or Los Angeles County Sheriff's Department officers. And so, essentially, the Federal Gov-

ernment played no role in bringing police abuse under control in my estimation.

MS. MUSKETT. The Federal Government considers its prosecutorial role as more of a backstop to those in place by local authorities. Does the fact the Federal Government has a secondary role to that of the local authorities justify this lack of a Federal presence that you've alluded to?

MR. HOFFMAN. Not in my view. And I have no difficulty with the Federal Government assuming a secondary role in terms of enforcing constitutional standards in favor of local prosecutions and local actions, if those actions actually occur.

I think, though, that the Christopher Commission Report on the Los Angeles Police Department and the Kolts Report on the Los Angeles Sheriff's Department show fairly clearly that the local systems of accountability in the City and County of Los Angeles broke down in the 1980's and in the decade before the Rodney King beating.

There was no truly effective internal system of discipline within the sheriff's department and the Los Angeles Police Department, particularly with respect to issues of excessive force and racism within the department. Officers were not given serious discipline in those areas. The district attorney's office did bring some prosecutions but, in my view did not bring very many prosecutions. And there were—and I think this is the important part. I think there were many instances in which prosecutions were warranted of LAPD officers and sheriff's department deputies, and they weren't forthcoming.

So, if the Federal Government really had a backstop role that was meaningful, there would have been prosecutions, and the Federal Government certainly could have stepped in where local systems of accountability broke down as they did in the last 10 years.

And I think what became obvious after the King beating, when Assistant Attorney General Dunn testified before Congress in March of 1991 and in the period after that, was that the Justice Department's Civil Rights Division really had maintained no oversight function in any kind of comprehensive and systematic manner. There was no real inquiry into whether local systems of

accountability had broken down or not. There was no systematic evaluation of complaints against any local law enforcement authorities, not only in Los Angeles, but anyplace. Essentially, the Department became and the FBI became a repository for complaints. Some investigation was or wasn't done in the early stages, and very few prosecutions were ever brought nationally, and certainly virtually none brought in Los Angeles where there was a serious and ongoing problem that people in the community were complaining about on a regular basis.

MS. MUSKETT. In the decade prior to the King beating, how well known were allegations of police misconduct in the LAPD and the sheriff's department?

MR. HOFFMAN. I think they were about as widely known as they could be. Los Angeles has a very active media. The media covered police abuse issues fairly extensively. Many of these issues came to the public attention through civil litigation that was prominently covered in the news media.

Complaints about the way that Daryl Gates, for example, handled the Los Angeles Police Department were a constant and prominent feature of public life in this community. The same kinds of allegations that the Christopher Commission and Kolts Reports documented so extensively were made by the civil rights community on a regular basis throughout this period. And when we made those allegations, they did not receive the same kind of attention, I think, that the Christopher Commission and Kolts Reports have received by making essentially the same allegations based on a more comprehensive review of the data.

MS. MUSKETT. Mr. Chairman, before staff continues with the questioning of the other panelists, we will stop at this point to see if any of the Commissioners have any questions for Mr. Hoffman.

COMMISSIONER REYNOSO. What do you think should be the role of the Federal Government in looking at what local police do?

MR. HOFFMAN. There are two different kinds of answers to that question. One of them is based on what exists now in terms of statutory authority and what should be. Unfortunately,

the Federal Government lacks authority to intervene in local law enforcement and local police brutality issues. They have authority to bring criminal prosecutions under Reconstruction-era statutes that do make it somewhat difficult to convict police officers. But they lack any kind of civil authority, particularly pattern or practice authority, to intervene against abusive police departments. And so the Justice Department does have a limited ability to intervene at the current time, and I think that has been one of the problems that has existed. The only other area that the government can become involved, I think, is in the provision of expertise and technical assistance and financial assistance, which has been done from time to time, but I think there needs to be more of that.

The other answer is what could the Federal Government do. And I think that this is, again, not new material. In *Who is Guarding the Guardians?* this Commission laid out a whole program for reform and for additional authority for the Federal Government that I think fell on deaf ears since that book has been published. I think it's vital for the Federal Government, in my view, to have a range of tools at its disposal to intervene in cases of local police abuse where local systems of accountability have broken down.

It seems to me, to start on a more positive note, the first order of business really ought to be to try to develop local systems and accountability, to encourage police reform movements like the ones that are now going on in Los Angeles by providing money, which has been done to the LAPD to give training for community-based policing. But much more needs to be done, and in our financial crisis, there's an urgent need for money to make those reforms.

There's expertise the Federal Government has in a wide range of areas that should be made more available to local law enforcement authorities. For example, expert witnesses that assist the local district attorney in bringing police abuse prosecutions under the State law would be of invaluable assistance. And yet that has not been on any systematic or even a regular basis as far as I can tell.

I think in the enforcement area the pattern or practice authority as chief, the Justice Depart-

ment should be able to come in and intervene. I think the Justice Department should also be able to intervene in private actions, to give the kind of expertise and technical assistance that the Federal Government has in identifying patterns, in assisting private litigants to vindicate Federal interest in private civil rights litigation. I think that, in order to do any of this, the Federal Government has to have more ability to monitor local police abuse, to collect data, to identify trends, to identify situations where, in fact, local discipline systems have broken down and where constitutional rights are not being protected by those systems.

By the way, I've provided the committee with an article that I've written for the *USC Law Review* that goes into much more detail on the history of Federal noninvolvement, as I put it, in the last 10 years and also on the things that I think the Federal Government could do. And I hope that will help.

VICE CHAIRPERSON WANG. Thank you. Commissioner George.

COMMISSIONER GEORGE. Mr. Hoffman, is it your impression that the overwhelming majority of cases of police abuse which you refer to are racially or ethnically motivated, or is the problem broader than that, one that the police force or sheriff's department is out of control and is abusive, in many cases not on the basis of race or other factors, but simply abusing their power?

MR. HOFFMAN. It's positionally a difficult question to answer. I think that the racial dimension of police abuse in Los Angeles is unavoidable, and I think the—and how you describe it, I want to be careful about that because I think that some of it clearly is the result of racism, and some of it is the result of factors that go beyond racism, in regard to all the problems that you're going to be examining about Los Angeles in the course of your time here.

But I think the racial dimension is unavoidable. But in addition to that, I think that because the police department was so out of control for so long, and in some ways still is still out of control, that that does affect all communities. Clearly, people of all races have suffered at the hands of the police department and have suffered constitutional violations. And I, in my own

practice, have represented people of all races and all backgrounds, although I think the predominant feature of police abuse in the community has had a racial dimension.

Certainly, when it comes to issues like pretext stops, for example, I don't think that that problem affects white Americans in the same way that it affects African Americans. It's not going to be the case that someone like me is going to get pulled over and subjected to abuse in the same way that someone my age as an African American might be pulled over if they drive the same kind of car I do because they might be perceived to be a target of the war on drugs or the war on crimes in ways that I don't think white Americans suffer.

COMMISSIONER GEORGE. Are you aware of cases of police or sheriff's department abuse of Operation Rescue or other abortion clinic protesters at abortion clinics were arrested?

MR. HOFFMAN. Yes. I mean, I think there was excessive force used in some of the police actions dealing with Operation Rescue blockades. And I say that—the ACLU represented people trying to get into those clinics and oppose the Operation Rescue activities.

On the other hand, I will tell you that in some of the cases I believe the police force did use excessive force. We did file a brief in support of a case that people in Operation Rescue filed to challenge that abuse. I think that it is also a reflection of a police department that often did not live within constitutional boundaries affecting people beyond minority communities in the city and in the county.

COMMISSIONER GEORGE. In the rescue cases, is it your impression that the police abuse was ideologically motivated, or was it simply "These guys are breaking the law. We beat up people who break the law"?

MR. HOFFMAN. No, I don't think it was ideologically motivated because I think that, in fact, probably some of the police officers involved in the operation probably had some ideological affinity for Operation Rescue.

COMMISSIONER GEORGE. They were beat up very badly, nonetheless.

MR. HOFFMAN. I think that what happened was there is kind of a militaristic tone to the po-

lice, to law enforcement in Los Angeles that I think Daryl Gates reflected perhaps better than anybody else. In that it really was the case that if you don't do what the police ask you to do, they're going to do what they think is necessary to deal with you whether or not that really complies with the Constitution.

I think in the case of Operation Rescue protesters, clearly, the police had a legitimate basis for getting people out of the way. People were involved with violating the law. But in order to get them out of the way more quickly and use less resources, they applied techniques that I think went beyond constitutional bounds, rather than taking the resources necessary to take people out in a constitutional way, which was the case in other examples. But in some of the—

COMMISSIONER GEORGE. Sounds like it's similar to Rodney King. I take it that the arrest itself was legitimate?

MR. HOFFMAN. Clearly, the arrest itself in Rodney King was legitimate. I don't think there's any question about that. I wouldn't say that there was an exact analogy in the two situations. I'm not sure I would accept that. Certainly, in terms of the underlying constitutional violations, yes, it was reason to stop him. No, there wasn't a reason to impose street justice because he indeed went from a high-speed chase.

COMMISSIONER GEORGE. Thank you, Mr. Hoffman.

VICE CHAIRPERSON WANG. I just want to mention that anyone caring to make a public statement, we have time to sign up. I would hope that during the session that we will have no interruptions.

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. Mr. Hoffman, I'd like you to comment on more specifically on the issue of pain avoidance techniques and whether you think they inherently pose a threat to constitutional rights.

MR. HOFFMAN. You mean pain compliance techniques like the nunchakus and things like that?

COMMISSIONER ANDERSON. Yes.

MR. HOFFMAN. There's a range of techniques involved in a situation like that, and it could be that in some situations pain compliance techniques would be appropriate. I think that the

issue is whether, Is the force more than is objectively reasonable in the circumstances? And that is dependent to a large degree on the circumstances. My comments in response to the prior question is that, in my view, the circumstances in at least a couple of the cases that I've seen evidence of, the techniques that were used went beyond what was objectively necessary in the circumstances. I certainly don't think it is possible to condone the breaking of limbs in order to move people who are engaged in that kind of civil disobedience away from a blockade, that there are other ways to have done it. Even other pain compliance techniques could have been used that would have imposed fewer injuries on people who were engaged in that activity. It seems to me that is the standard; and it was not complied with, in my view, on a couple of occasions in the Operation Rescue blockade.

COMMISSIONER ANDERSON. Thank you. For example, in the District of Columbia, we have many demonstrations that occur; I think more often than, perhaps, many other cities. The police department there does not use pain compliance or pain avoidance techniques, but they use additional personnel to remove people who are violating the law without resorting to that type of tactic. Now, we heard in the first panel a reference to the mayor elect's promise or recommendation of hiring 3,000 more police officers in Los Angeles. I've been told by some nationally prominent law enforcement officials that a very serious cause of the difficulties in Los Angeles arises from the lack of adequate police staffing. Certainly, as you mentioned, pain compliance techniques are an alternative to having more police officers available to respond to those type of issues. What's your view on the question of hiring more police officers for Los Angeles, maybe perhaps 3,000?

MR. HOFFMAN. Well, in my view that is necessary. I think that my position would be that the city and the county do need more officers in order to perform the law enforcement tasks that need to be performed. The only caution that I would make on that, though, is that we need well-trained officers who are acting within a disciplinary structure that safeguards constitutional rights. And one of the concerns that I'd have, particularly in the budget situation that

we're in, because we're starting to hear from Sheriff Block and from Chief Williams that some training programs may have to be cut back, some other reform initiatives may not be able to be put in place, because of the budget crisis. I think that if you put untrained police officers out on the street in large numbers that are not operating within the kind of restraints that are required, I think you would create a worse situation than a better situation. So what I'd like to see is more police officers who are given the kind of training that they need, acting under disciplinary structures that are appropriate, so that we have officers that are able to do the job that obviously needs to be done in the city, and they can do it within constitutional bounds.

COMMISSIONER ANDERSON. Do you see any improvement in terms of hiring and training and disciplinary procedures and standards under the new chief?

MR. HOFFMAN. Well, one of the problems, I think that—I don't remember the exact number, but I think 29 police officers came out of the academy in the most recent graduation. So, I don't think that Chief Williams has seen any increase in the number of people. In fact, I think he's seen a decline in the number of police officers at his disposal. So, we have a serious problem in that regard, in terms of more officers. So we haven't seen much about new police officers.

In terms of discipline and training, I think it's still pretty early. In the status report that the LAPD put out that was dated December 1992 that was released only a couple of months ago, there were a number of indications that important training programs, important reforms in the disciplinary process, the early—the tracking system, the computer tracking system that went into effect, are all either stalled or put off or not completely implemented because of budget problems that are obvious, I think, to everybody. So, I think that they're moving in the right direction on a lot of fronts, but they haven't been able to implement a lot of the reforms that I think the community believes are necessary.

COMMISSIONER ANDERSON. Do you think that's primarily a problem of money and not motive or a willingness to do so?

MR. HOFFMAN. Obviously, there is a budget problem, and so that's unavoidable. Whether there's something more to it, whether it's a lack of will—and certainly the history of police abuse in Los Angeles has been a lack of will and a lack of leadership to carry through with reforms.

I think the concern in the civil rights community is that Chief Williams may not have the support that he needs within the department, that there may not be the kind of will in the sheriff's department to really follow through with reform. I think that's one of the reasons why I believe that Federal oversight and new Federal authority for accountability is so important because I think it's easy for that will to be lost. In a political environment where fighting crime is the absolute number one priority that everyone thinks about, the discipline and accountability of the police officer is not always high on the public's agenda.

So, I think that the jury is still out, in a way, whether the LAPD and the sheriff's department can carry through on reforms of due process. And I think the whole community is monitoring that process and waiting to see whether the will is really there to follow through.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. I have one question for Mr. Hoffman. You can comment a little bit about timing. When do you think would be the best timing when the Federal Government should really come in once it's determined to be, say, a bias-related crime?

MR. HOFFMAN. You know, one of the things that I think—and I hope this is in answer to your question. But one of the problems with the backstop role, going back to one of the earlier questions, is that it puts the Federal Government kind of as an outsider to wait and see whether anything breaks down, rather than being an active participant in a comprehensive program to deal with protecting constitutional rights.

I think the Federal Government should play a much more active role in being engaged with local law enforcement, being engaged with the district attorney's office, and even more importantly in some ways, being more engaged with civil rights groups that are also on the same side

of this issue, rather than being viewed as the enemy. I think we all should be working together to try to deal with these abuses. I'd like to see the Federal Government in a more ongoing relationship with all of the different actors that are working on this situation, rather than being removed from the scene only to come in for high profile prosecutions every decade. That I don't think is the way to do it.

VICE CHAIRPERSON WANG. An earlier panel talked about community assistance in the Justice Department. What is your view on their role?

MR. HOFFMAN. I think that there's an important role to be played there, and I think I would add words to what Stewart Kwoh said about that during his remarks to the panel.

VICE CHAIRPERSON WANG. Thank you, counsel.

MS. MUSKETT. Mr. Hoffman, I had one final question. Do you believe that your assessment of the Federal Government's role is unique to Los Angeles?

MR. HOFFMAN. As far as I can tell, certainly in the contacts I've had with colleagues in the civil rights community and from the evidence I've been able to glean, this is not an unusual problem. I think that it is true in many of the urban areas and maybe probably in other areas as well.

But I think that the Los Angeles experience is not unique with respect to the Federal Government. Obviously, the absence of enforcement authority is something that is across the board. I mean, the problems that the Federal Government has in terms of the absence of an ability to act is something that affects the entire country.

**Testimony of Patrick Murphy, Director,
Police Policy Board, United States
Conference of Mayors**

MS. MUSKETT. Thank you. Mr. Murphy, would you please state for the record your present position and the previous positions relating to law enforcement that you have held?

MR. MURPHY. My current position is director of the Police Policy Board of the United States Conference of Mayors. Before that I was president of the Police Foundation. I was the first administrator of the Federal Government Law Enforcement Assistance Administration, and I

was police commissioner in New York, police commissioner in Detroit, public safety director in Washington, D.C., police chief in Syracuse, New York, and I was a New York police officer.

MS. MUSKETT. In light of this experience, would you please give the Commission your assessment of the current role of the Federal Government with regards to police practices and policies as well as your recommendations for strengthening the Federal Government's role.

MR. MURPHY. Following the Watts riot in 1965 was the first time that the Federal Government provided law enforcement assistance to State and local criminal justice and police agencies. At that same time, President Johnson appointed the Crime Commission, which reported in 1967 and which recommended the need for the Federal Government and State governments to provide support services for local policing.

We do not have a police system in the United States. It is a nonsystem of more than 15,000 fragmented, insular, unprofessional agencies. Good people, but the lack of a structure. As a result of the Federal Government providing law enforcement systems, we have seen dramatic improvement in policing in the United States, in my opinion, in the past 26 years. Police officers are better educated. Police chiefs are much better educated. Police departments are much more representative of the communities they protect, and the police are much more restrained, in my opinion, in the use of force. That is not to say the situation is good. There is entirely too much excessive force, in my opinion, and there are too many violations of civil rights by police officers.

The role of the Federal Government in recent years has changed slightly. There is less money for general law enforcement assistance, to criminal justice agencies and the police, except in the war on drugs. However, the research part of the working for Federal Government, the statistical programs, and other programs are very valuable assistance to the upgrading and improvement of policing. In my opinion, which is based on the recommendations of the President's Crime Commission in 1967, the Federal Government must provide a backup structure for local policing if it is to become effective. We're the wealthiest, most powerful nation on the face

of the earth, and yet we have the highest crime rates in the industrial world.

A part of the reason is that we do not have a police system. The more fundamental reason, of course, is that we do not have the safety nets, the social or economic safety nets, that exist in other industrial countries, because we see crime and we see violence where there is poverty and unemployment. I believe the Federal Government has a responsibility to coordinate local policing into networks that would be effective and to provide intelligent systems, planning, assistance-setting goals through the States and down through the local level, providing more training and education and research and technical assistance. And so it's—and I must say that the level of effectiveness and the quality of policing varies enormously from one jurisdiction to the next. We have some excellent police departments in the United States, but we also have some police departments that are very ineffective.

In one sense, we can think about American policing in two aspects. The middle class and affluent people do not depend very much on the police. The work of the police is really heavily focused in the poor communities where we see the social and economic ills of the society that are the root causes of crime. And it is there that police work is most difficult, where officers face situations in which they must use force, and many of those situations are extremely difficult situations. The decision to shoot or not shoot can be a split-second decision at 3 o'clock in the morning in a dark alley. The decision to use force and how much force is reasonable can be very difficult, but it's very important for police departments to have strong supervision and management and data. And in order for departments to have those things, they do need the assistance of their State governments and ultimately the Federal Government.

MS. MUSKETT. As a former administrator of the predecessor to the Office of Justice Programs in the U.S. Department of Justice, do you have any recommendations for improving the role of the Office of Justice Programs with respect to police policies and practices?

MR. MURPHY. Yes. Bring back the Law Enforcement Assistance Administration, which I

believe was a dramatic success as modest as it was. The annual appropriation never reached \$1 billion. So, it was a modest appropriation considering what local government spends on policing. However, there came a time after about 10 years of that program when the question was raised in Washington, "Has it reduced crime?" Well, it had not reduced crime, because we hadn't done much of a job in reducing poverty and unemployment and the social and economic ills of the society. But it then became popular to say the program was a failure, because it had not achieved its ultimate goal of reducing crime. So the law enforcement assistance program collapsed. And the new program, as I indicated earlier, has a very small component for research, really. The Federal Government should be spending 10 times as much on police research as it is spending. I'm sorry to say that very often the police don't know what they're doing. I hasten to add that I'm a member of a four-generation police family which has given 150 years of service. So no one has more admiration for police officers and chiefs. But I think, in a sense, they are handcuffed because the Federal Government is neglecting its role. It took that on for a few years. That has changed now and I hope that we will see a renewal of acceptance of responsibility at the Federal level to do many of the things I've identified for local policing.

MS. MUSKETT. Mr. Chairman, at this time I'll pause to see if any of the Commissioners have any questions for Mr. Murphy.

VICE CHAIRPERSON WANG. I will start. Commissioner Murphy, I remember the year that you were in New York. My question is, Do you believe that in addition to bringing in the Federal prosecution for official misconduct by individual officers, the U.S. Department of Justice should have authority to bring pattern or practice suits against local law enforcement agencies? Not just one individual, the whole department?

MR. MURPHY. I think the role that the Federal Government has played in a number of very visible cases, not only here in Los Angeles, but I think in cases in Houston and elsewhere in the country, where they did come in after local prosecution had not done an effective job, but the Federal Government has made very valuable

contributions. And I am sensitive to the point that Mr. Hoffman has made about providing more authority for the Federal Government to come at the problem in a more systematic way. I'm not an attorney, but I am sympathetic to that approach.

VICE CHAIRPERSON WANG. In your opinion, what additional resources or administrative changes are necessary to implement community-based policing throughout the community.

MR. MURPHY. Community-based policing is the buzz word of American policing today. Most chiefs, if asked, will say they have community policing. But when analyzed, because very little real data is available, most departments are doing community policing on a rather limited scale, which is a specialized function of the department. My own view of it is that community policing should be a general function of the police department. Every general patrol officer should be doing community policing. And I've written a book chapter on organizing for community policing in which I advocate just that. One of the reasons why I think using community policing as a specialization is not very effective is that, having been a police officer, I know the attitude of the generalists, the people who are out in those patrol cars night and day toward the specialists. It tends to be an attitude of "we're the real cops doing the real job." They really are. And they don't have the same attitude toward the work of the specialists as toward their own work. And I believe there is a way of organizing departments to involve all of the patrol officers. And that would mean every 1,000 residents approximately in Los Angeles—it might be every 1,200 residents—would have an individual patrol officer, one of the officers in the car in that area as their own. And the key to crime prevention and crime control is that relationship between an officer or small group of officers and a small neighborhood community.

As a matter of fact, I believe the police are so important, I believe with Charles Reade, the English police historian, that police are the germ of a democratic society. That doesn't mean very much in a middle-class community, but among the poor, the way the police officer relates to that small community is critical in empowering the

people to be a community. I'm sorry to say that in many of our inner cities in the United States today I believe community has broken down. There is no community and part of the reason for that is the failure of the police to see their sacred responsibility to be the germ of democracy, to see that all the people, no matter how poor and no matter how disadvantaged, that they will work with them to be a community, to try to strengthen themselves. And, of course, in the highest crime census tract in any city, 90 percent of the people are law abiding. If the police will work with those 90 percent, they will help them to protect themselves so we can find the criminals, the burglars, the pushers, because the people tend to know a great deal about who they are. But if the police aren't closely interacting with them as partners every day, the police might not be told who the bad people are, and those bad people can control the community rather than the government and the police.

VICE CHAIRPERSON WANG. Thank you very much, Mr. Murphy. Mr. Chairman, do you have any questions?

CHAIRPERSON FLETCHER. If it's been answered already, I'll withdraw. But I would like to have Mr. Hoffman speak a little more about the military approach to law enforcement period, across the board, in particular as it relates to a depressed neighborhood. Is there a need for change? I guess I could be a little more specific. Is there a need for change, and how do you phase out one and phase in another in a way that it doesn't diminish but enhances law enforcement and community relations?

MR. HOFFMAN. I think that the way that I have thought of militarization of the LAPD in particular, it's been kind of the antithesis of community-based policing and what commissioner—Mr. Murphy has said. In a sense that really—for one thing, the word "war," like the "war on drugs" and "war on crime"—I think connotes a situation where the police are involved in an adversary relationship with your community or at least large segments of it or segments of it that are hard to identify and may be identified by the police very broadly. I think that we've had a lot of situations where there's been a style of militarized or hard-nosed policing that really

completely disregards constitutional rights and creates barriers between the community and the police department. One example, I think, which to me typifies that problem is an operation that was called Operation Hammer here in Los Angeles, where after an Asian American woman was shot in Westwood, the police department started operations in South Central and other parts of the community where hundreds and sometimes more than 1,000 police officers were put out through the community over a weekend or a night to essentially round people up. And thousands of people were rounded up in those operation rescue operations. People that the police thought were gang members, people that looked like gang members, people that the police wanted to teach a lesson. And they were put through the system and in most cases never charged, never convicted. It was just a way for the police to show that they were going to take back the streets.

There was lots of media and public statements. What it said in that message was that it was going to be a war, that constitutional standards weren't going to apply. The police were going to do what was necessary to take back the streets. I think they wound up communicating the message that the police were completely out of control, and it really didn't have the effect that they wanted anyway. And when the media hype was over, the crime rates went right back up again, and the number of murders continued to escalate, and it really didn't have an effect like that.

The only way we were able to stop it—in the early part—in the mid-1980s the police came up with the idea of a battering ram. They would throw flashlights in the house and bring a battering ram back out and crack those houses regardless of whether there were children inside or families. And we were able to get an injunction against them before it went too far. But there were a number of situations like that where a military style of policing was adopted rather than a style of policing that would be more involved with the community, in a way that at least the message of community-based policing has been. Although, to be honest, it's a little bit—it's hard to know what community-based

policing does mean. But at least the idea of it is, I think, the opposite of what was the case in Los Angeles for so long.

CHAIRPERSON FLETCHER. I'm going to let the next witness testify. But, gentlemen, I'll come back to you.

MS. MUSKETT. I had one final question for Mr. Murphy. In your opinion, in order to implement community-based policing, does it require additional officers?

MR. MURPHY. No. Most police departments to this day continue to waste a great deal of valuable police officer time because they're still practicing the preventive control method. When the automobile came into use in police work, a theory developed that by merely being visible and seeing the neighborhoods, by being mobile in a marked police car, a uniformed officer would actually prevent crime. Well, an experiment was conducted to test that hypothesis in Kansas City, Kansas City Preventive Control Experiment. And it found that preventive controlling by police officers had no significant effect on crime. And yet, many police departments today continue to devote a great deal of effort to preventive patrolling. Some enlightened police departments have gotten away from that, are using a system called "differential police response," in which they can assign fewer officers to patrolling and not responding to every call from citizens. Research has also revealed that only 10 to 15 percent of the calls coming into a 911 assist station from the public require an immediate dispatch. Again, I'm sorry to say that many police departments to this day continue to dispatch to every call that comes in. That's waste call. And so by changing from the preventive patrolling method, which is still cherished in many segments of the police world today, by changing from that and the immediate response to all requests for service, the savings in police person power would be enough to install community police impact. I've experimented with community policing myself at a time when the number of personnel were declining.

So, I don't think more people are needed. That's not to make a judgment about how many police any individual city needs because there are enormous variations. Los Angeles is on the

low side. There are major cities that have even fewer police officers per 1,000 than Los Angeles. But if we factor in crime rate, Los Angeles is without question on the low side of the spectrum. But in Washington, D.C., they have at least three times as many police officers per 1,000 as Los Angeles does, and yet Washington has the highest murder rate in the country. A few years ago Congress decided to give Washington a thousand more police officers, even though it had many more than the next closest city at that time. And so Washington hired 1,000 more police officers. But crime and murder continued to go up.

**Testimony of Jerome H. Skolnick, Professor,
University of California-Berkeley School of Law**

MS. MUSKETT. Professor Skolnick, would you please state your name and your position for the record and briefly state your recent publication relating to law enforcement.

MR. SKOLNICK. Yes. My name is Jerome H. Skolnick. I'm a professor of law in the jurisprudence and social policy program at the University of California Berkeley School of Law and a research sociologist at the Center for the Study of Law at the University of California Berkeley. I've written a number of books and articles on law enforcement. The most recent has been coauthored with James J. Fife, F-i-f-e. It's called *Above the Law: Police and the Excessive Use of Force*. And if I may add, the book is dedicated to Patrick Murphy, whom Fife and I regard as the most important police reformer of the 20th century.

MS. MUSKETT. In your opinion, what more could the Federal Government be doing to enhance the performance of our nation's local law enforcement agencies?

MR. SKOLNICK. A great deal. Much of what has already been said. I don't want to really go over the ground that Paul Hoffman went over. Let me just say that I agree with what he said. I read his article. I thought it was an excellent article, and I endorse it. There is nothing in it that I would disagree with.

The only point that I might make some slight disagreement is that, in major cases of police brutality, I think the Justice Department ought to be the first resort rather than the last resort. I

would emphasize a little more than he did how difficult it is for local district attorneys to prosecute police with whom they have to work on an everyday basis. So I think the Justice Department ought to be quicker to be proactive in major cases of police brutality.

That would also eliminate another problem, which is the problem of double jeopardy. The Civil Liberties Union, of which Mr. Hoffman is a representative, recently voted about whether there ought to be a second Federal trial in the Rodney King case—and I can't remember the vote, but it was something like 33 to 32; I know that the chair had to break the tie—because the Civil Liberties Union had a longstanding position against double jeopardy.

And many police have said, "Gee, these cops didn't get a fair shake. They were acquitted in Simi Valley, and then they had to be retried." Well, there is something to that. And I think it would be better if, in cases like this, which are national cases, which are prominent cases, the Justice Department was the first resort rather than the last one. That's one. I have a number of other things I can state.

MS. MUSKETT. Certainly, if you'd like to add.

MR. SKOLNICK. I would also say that it is very important, as Mr. Hoffman said, that the Justice Department have statutory authority to bring pattern or practice suits. Now, what you have to understand is what is a pattern or practice suit. A pattern or practice suit isn't going to be brought when there are individual cases of police brutality.

What we're talking about are police departments in which brutality is customary, where it's rampant, where there are norms and understandings within the department that brutality is okay. In those instances, I think it's very important that the Federal Government can go in quite independently and bring a pattern or practice suit. You would need legislative authority for that. The Federal Government—Mr. Hoffman is quite right—does not have legislative authority for that.

There are some points that are made in his article that I think are also very important that he didn't mention in his testimony. And that is that in the Federal courts there should be *re-*

spondeat superior liability in cases of police brutality. And I'll just refer you to his article. He discusses it very well in that.

Now, I want to talk a little bit more about the point that Patrick Murphy made about the importance of research. I think it's very important that the Justice Department, and now we have a new Attorney General, be aware that there is a National Institute of Justice, which is the research arm of the Justice Department and which over the past decade has paid relatively little attention to the problems of police. Most of the attention has been to the question of prime causation and wars on drugs and so forth. And I agree, by the way, with the criticism that has been made.

I would think that the Federal Government ought to do the following with respect to research. One recommendation is very easy, and that is, we have a national crime survey which reports on household and personal victimizations from crime. Now, the reason for the national crime survey is that crime reported to the FBI underestimates the amount of crime. We criminologists call that the "dark figure of crime." As a result, some years ago a national crime survey was developed to find out how much crime there really was, because lots of people who are victims of crime don't report it to the police. Rape victims, for example, frequently will not report it to the police. Even burglary victims and robbery victims will not report it to police.

The same is true of victims of police brutality, and I would compare victims of police brutality in many ways to rape victims. They're often people like Rodney King, who would not be very credible as complainants. Rodney King was not credible as a complainant. His bother was not credible as a complainant. It was only by the chance of George Holliday making that videotape and having it rejected by the Los Angeles Police Department and then bringing it to a local television station that that became a worldwide media event and lent credibility to allegations of police brutality that heretofore had never been credible. So I think we need to do a survey—to include in the national crime survey questions about the extent of police brutality.

I think we also need to do studies of police accountability. It is interesting that over the past 12 years there have been developments in civilian review boards and comparable accountability systems for police, but the National Institute of Justice has never had as one of its priorities studies of these agencies. I recently returned from a conference just last month in Sydney, Australia, a national conference on police accountability put on by the ombudsmen of New South Wales. Three hundred and fifty police executives from all over Australia came to this conference.

We ought to look into whether we're going to have a Federal ombudsman with respect to police brutality. I'm not sure whether we should yet, but that is something that we haven't even considered. We don't have any studies as far as I know, any recent studies. We have one way back in 1940, right after the Spruce [phonetic] case came down, of the Civil Rights Division of the Justice Department. I'd love to research a study. I think such a study would be immensely important. What are the occasions under which the Justice Department decides to go in and do a prosecution? How effective is the Justice Department's monitoring of police brutality? How could it be better done? I agree with Mr. Hoffman that it should be better done, but I don't think we know how to do it yet. And it would be interesting to start with the Civil Rights Division to see what they are doing, to analyze what they are doing and then maybe to have one or two programs and evaluate which one works better.

So those are some of the areas. Another area that I think is important is to study police organization and management strategies. You had several questions about community-oriented policing. We do have a small initiative in the present NIJ program in this direction, but I don't think it's enough. I agree with Patrick Murphy that the community-oriented policing is very important. One of the reasons—and this goes to the question that Mr. Fletcher asked Paul Hoffman—one of the reasons is that whatever community-oriented policing is—and it's not quite clear what it is. My last book was about community-oriented policing; it ain't what went on in Los Angeles under Daryl Gates; that's not what community-oriented policing is. Above all, what

community-oriented policing represents is a philosophy of policing such as you heard expounded by Patrick Murphy, in contrast to the philosophy of policing that characterizes the police departments that you heard expounded by Paul Hoffman.

So we need to do studies of that kind that would emphasize various organization and management strategies, the kind that Pat Murphy just talked about. Do you want to have differential response? Do you really need more police? Well, "We're not sure" is the right answer. Sometimes we do and sometimes we don't depending upon what kinds of problems we have, what kinds of programs. As he said, there may be some departments where you do actually need more police. I think the Oakland Police Department, which has under 700 sworn officers in a city of 350,000 that has 175 homicides a year, in order to implement community-oriented policing could use more officers. I also think—and I'll stop here—that we ought to do studies of police culture and ways of changing attitudes through what some criminologists are coming up with, calling "shaming and reintegration ceremonies." Actually, some of these started in the 1970s in the Oakland Police Department under Charles Gaines and [were] studied by Hans Tulk [phonetic], of having peer groups of police who tried to change the attitudes of those cops who are the most miscreant cops.

There are problems in changing police. One of the problems was resolved in Los Angeles recently when civil service tenure was removed. I think that Mr. Williams is going to have a problem in changing his department because he has high-ranking civil service executives from the old regime, which makes it tough. These are all difficult issues. I don't think the Federal Government can do anything about this. So these are some of the things, though, I think that the Federal Government can do. The Federal Government can set standards. The Federal Government can do research. And the Federal Government, through the Justice Department, can begin to implement programs and be more proactive in all the areas that the two previous speakers have suggested.

MS. MUSKETT. Thank you very much. Mr. Chairman, I have no further questions.

CHAIRPERSON FLETCHER. Members of the panel? Mr. Anderson?

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. I have one question for each of the panel, if they would be able to answer it—I would like you to assume that the Federal Government has authority to bring a pattern or practice suit and whether you believe that such a suit ought to be brought against the LAPD. If you do, I'd like you to state your grounds specifically as to why you think that would be beneficial or correct; and if you do not think it is appropriate, why you do not think it would be appropriate under these circumstances? Maybe we can begin with Professor Skolnick.

MR. SKOLNICK. Two years ago or a year ago it would have been certainly appropriate. Why would it have been appropriate? Because, as is detailed in my book and Mr. Hoffman's articles, there were any number of lawsuits that had already been brought against the LAPD that indicated sets of norms, customs, usages, Operation Hammer, various constitutional violations that already occurred. So, under those circumstances, I certainly think that it would have been appropriate to bring a lawsuit. And the lawsuit would have done many of the things that the commission did. I mean, the fact is that the LAPD had to be investigated. What went on in—the Rodney King beating, in my opinion, was not an aberration. The Los Angeles Police Department was the aberration. The LAPD beating was something that was captured on videotape.

If you go back to the McCone Commission Report after the Watts riot, you will see instance after instance of nonwhite, particularly black, called "Negro," witnesses coming before the McCone Commission report complaining about police brutality. It was night, of course, and there was no way to prove it. What this videotape did was to give credibility to allegations that have been made about the LAPD for a quarter of a century. So, I think a pattern or practice suit would have been very useful for that department, for the Philadelphia Police Department under Frank Rizzo, for the Milwaukee Po-

lice Department under Harold Brier. And I might be able to think of a few others.

MR. MURPHY. I think, as Professor Skolnick just pointed out, the number of lawsuits against the Los Angeles Police Department as well as a number of other documented complaints that testify against the Los Angeles Police Department. I also agree with Professor Skolnick that the Los Angeles Police Department was an aberration under Chief Gates, about the only major city police chief in the country with life tenure who had power that was just unimaginable to most police chiefs because of that position of independence that he was in. And I have very strong feelings about the importance of leadership in our police departments. I think the chiefs do have a very powerful influence in setting the pattern of behavior. And the evidence we have—because we don't have good data in the police world—but the evidence we have was such that in my opinion such an action was exempt.

MR. HOFFMAN. I would agree with the previous speakers. The only thing I add is that the idea of a pattern or practice lawsuit in that authority would not only mean one big lawsuit because of a department is completely out of control, but it might be targeting a particular practice that's been resistant to change. The example that gives rise to a lot of this is the Lyons case and the use of chokeholds in Los Angeles. I think that if Los Angeles for some reason wanted to reintroduce the chokeholds that led to a series of deaths prior to 1982, as there has been some discussion, I would think there would be a Federal Government with authority to stop it because we know that private lawsuits can, after the Lyons decision. I don't know that there are issues like that now, given the reform process, but I think that easily issues could arise in the LAPD or other law enforcement agencies where that kind of authority would be important to protect peoples' rights.

COMMISSIONER ANDERSON. If I could just follow up on that for a minute, and let's just take the example of the chokehold. Doesn't that suggest really something terribly wrong with the community that a Federal response can get at the specific in the sense of treating the symptom and a Federal response really masks an under-

lying community problem that has to be resolved at the community level by taking the type of responsibility to cure that type of problem?

MR. HOFFMAN. It's good that you raise it that way because there are many practices, and that was one in particular, that had an impact on the African American community. It didn't have a broad impact. Seventy-five percent of the deaths that were attributable to chokeholds were of African Americans in a city that had a population of about 10 percent or 13 percent African Americans at the time. It turned out that outrage over it did lead to some solution at the political level, and that's a good thing. But had that not happened, you might have been confronted with a situation where a practice that's more heavily on a minority community is not stopped because the political process was just not available and the Federal courts were not available, and the police essentially would have absolutely nothing to stop them from engaging in a practice that might well be unconstitutional and found in damage actions to be unconstitutional. But, essentially, the city would be free to pay for those constitutional violations and have. Certain people died from one community so that the rest of the community could be happier about the way that law enforcement was conducted. And I think that's a danger.

One would hope that these pattern or practices would rarely be brought. That's true of a lot of similar types of cases that the Federal Government gets involved in. As an example, in the area of voting rights, it's really not all that frequent that the Federal Government gets involved. It did in this county, in the Garza case, and we were standing right alongside the Civil Rights Commission on that case. That had an enormous impact on this community because it changed the way that the county board of supervisors were districted, and finally a Latino after more than 100 years was elected to that board. Those are the kinds of situations where the power and expertise of the Federal Government on behalf of constitutional and civil rights is so essential. And the absence of that authority, I think, is a major problem in the accountability system.

MR. MURPHY. May I respond to that same question that you raised, which to me is an es-

sential question. Should not a local community be able to hold its police department accountable? Communities don't know how to hold police departments accountable. Even elected officials, even city managers don't know how to hold police departments accountable, because, as professors of public administration have said a number of times, the administration of a police department is the most complex problem in public administration. Administering a large police department, the President's Crime Commission said, is more difficult than administering a large corporation because of the very nature of police work, dealing with human behavior and all of the difficult problems of selecting people, supervising them, leading them, directing them, holding them accountable.

For example, England is in the process at the moment of moving to more centralized control over the police, although there's still—like you say, they have local policing. They have 42 forces for all of England and Wales, and we have 15,000. I've talked to hundreds of foreign police administrators. When they understand that we have 15,000 fragmented local police departments, fully independent, not significantly influenced by State or national government, their answer inevitably is "that can't work."

That's our problem in the United States today. Policing does not work in the inner cities. So if all of the good intentions of people at the local level, all of the people, I submit that we need the State and the Federal Government, especially the Federal Government, to be doing much more in coordinating. I'll cite one other example. The Federal Bureau of Investigation now has the VICAP [Violent Criminal Apprehension Program] program. That's the violent crime program. For years, serial murderers, rapists roamed this country leaving their fingerprints at the scene, and the poor police chief who had one of them come to his town had no information from the Federal Government or State government that, "We've got a profile of this guy. We know the m.o." It took until one father whose child was kidnapped contacted a police department where he had reason to believe the child could have been taken, and when he received an indifferent response from that police depart-

ment, pursued it and learned there is no system. They don't talk to one another. They don't coordinate. He started his campaign of public information and political pressure, and we now have a VICAP program which is quite effective, certainly much better.

So, I appreciate your very important question. Local communities and local governments should do much more. They should take the time to become more familiar with what goes on in the police world in general, to learn where good practices occur and try to transfer them into their own cities. But I firmly believe that we need assistance from the Federal Government to make that happen.

MR. SKOLNICK. Can I just say one thing about that? Local communities, of course, have local community special needs and so forth. What we need to professionalize in police, however, is to have large State and perhaps even Federal standards. You can have cops now who are kicked off police forces and go join the police force in another State. In some States you can have cops kicked off a police force who will join a police force in the same State. You couldn't do this with attorneys. At least we have statewide bar associations. It is important to have at least minimal standards, and I think we ought to think about what would minimal standards be federally, what would minimum standards be statewide.

Maybe we ought to think also in terms of regional policing because one of the problems with local policing is that local police departments develop cultures, loyalties, and frequently develop patterns of corruption and brutality that become very much entrenched and very difficult to break into precisely because they're local. While there are certain advantages to the local, there are considerable disadvantages. What we have to think through is how can we remove the disadvantages while retaining some of the benefits of the community.

CHAIRPERSON FLETCHER. Mr. George.

COMMISSIONER GEORGE. Actually, Professor Skolnick's last comment answered the question I had.

CHAIRPERSON FLETCHER. Commissioner Redenbaugh, do you have any more?

COMMISSIONER REDENBAUGH. No.

CHAIRPERSON FLETCHER. I have a couple that I want to pose. Not necessarily police force, but more along the lines of keeping the peace beyond their capacity. I think the record will show that the National Guard, when they've been called in in the past, have been a little bit reckless in terms of restoring the peace. So much so that recently I heard discussions in Washington that they'd much prefer to see the regular military called in as opposed to the local National Guard. Some have said that many of the people in the National Guard live in the suburbs and have a real problem with always being viewed as racist to everything else, and when you bring them in and allow them to keep the peace, you give them a license to do a number. Would anyone want to speak to that?

MR. MURPHY. I guess I could speak to it from practical experience, Mr. Chairman. When we had rioting in Washington in 1968 and I was public safety director, the people in the Guard were not suburbanites because Washington, D.C., has its own National Guard, and, in fact, they were all local residents. And they did an excellent job. They were very helpful, I assure you, thank God for it. But when the 82nd Airborne came in, they were more tightly controlled and disciplined because they were people working every day in a military unit, whereas the National Guard people, understandably, were people with full-time jobs that did weekend duty and were not up to that level of tight control and direction. They all did very well.

In other jurisdictions, we certainly have seen in the history of major riots in the country problems with the National Guard. In police work you need very mature people, ideally, who require a lot of training and a lot of experience in being able to remain controlled under difficult situations. And as well trained as the National Guard are and even military, it's for a different kind of situation. Suppressing a riot in one of our own cities is not war, and getting people who are trained for war to behave in that different mode that police officers behave in all the time.

COMMISSIONER GEORGE. Thank you very much.

Federal Government Officials

CHAIRPERSON FLETCHER. I have no further questions. Again, you've been very helpful. And may I add once again that if there's any information—as you leave on your way and you think of some additional information, the record stays open for 30 days, and we'd love to have it. Thank you very much.

Under the subject of the administration of justice, the role of government police practices and policies, we'd like to have Miss Linda Davis who is the chief of the Criminal Section of the Civil Rights Division of the U.S. Department of Justice, Washington, D.C. Would you come forward? Along with Inez Alfonzo-Lasso, who is director of the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, again Washington, D.C. Would you both, please, for the record state your name? Before you are seated, may I ask you to stand for a moment so I can swear you in.

[Whereupon, the two witnesses were sworn.]

Testimony of Inez Alfonzo-Lasso, Director, Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice

MS. MUSKETT. Miss Alfonzo-Lasso, I'd like to begin with you. Would you please state your name and title and how long you've held that position for the record.

MS. ALFONZO-LASSO. My name is Inez Alfonzo-Lasso. I'm the director of the Office of Civil Rights, Office of Justice Programs of the U.S. Department of Justice, and I've held that position since October of 1992.

MS. MUSKETT. What are the duties of your office?

MS. ALFONZO-LASSO. Primarily, I'm in charge of enforcing and monitoring the civil rights compliance of those grantees, State, local grantees, who receive funding from the Office of Justice Programs.

MS. MUSKETT. What is the total number of grantees that your office is responsible for monitoring for civil rights compliance?

MS. ALFONZO-LASSO. I don't have an exact figure at the moment. I wasn't aware that—

MS. MUSKETT. Could you provide that for the record, please?

MS. ALFONZO-LASSO. I'm sorry?

MS. MUSKETT. Could you supplement the record with that information?

MS. ALFONZO-LASSO. Yes. I'll be glad to.

MS. MUSKETT. Thank you. To your knowledge, has the Office of Justice Programs terminated or suspended funds to local law enforcement agencies nationally or in Los Angeles during the last 10 years?

MS. ALFONZO-LASSO. I have checked the records, and I'm not aware of any termination of funding by the enforcement department in the last 10 years.

MS. MUSKETT. To your knowledge, has the Office of Justice Programs ever taken any action pursuant to the Department of Justice regulation at 28 C.F.R. 42.20338, which prohibits recipients of Federal funds from subjecting any individual to physical abuse or suffering any type of punishment or denying any individual the rights guaranteed by the Constitution? Has any action been taken under that here in Los Angeles or elsewhere, and if not, why not?

MS. ALFONZO-LASSO. Well, I can't respond for the past 10 years, but there is a ground which gives the Office of Justice Programs jurisdiction to enforce that particular provision. And that would be that there would have to be the violation on the basis of race, color, national origin, sex, or religion. Then we would be able to proceed with the summary punishment provision. But, no, there has never been enforcement under that provision by the Office of Justice Programs.

MS. MUSKETT. But your office does interpret it to require that there be some type of discrimination involved in the use of that force?

MS. ALFONZO-LASSO. Absolutely, yes. It's a specific preface of that provision.

CHAIRPERSON FLETCHER. May I intervene for just a moment?

MS. MUSKETT. Certainly.

CHAIRPERSON FLETCHER. I'm going to ask your indulgence, if you will. We have the chief of police here who is under a real tight schedule. He'd like very much to testify. And I wanted to ask your indulgence. Would you be willing to make room for the chief of police so we can get going?

MS. ALFONZO-LASSO. Absolutely.

CHAIRPERSON FLETCHER. Thank you very much. We'll call you right back. Thank you. Chief, thanks so much for coming. Let me ask you to stand so I can swear you in, and then we can get on with your testimony. Will you please stand, also, Mr. Brewer?

[Whereupon, the two witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you very much. We will proceed immediately with our counsel asking you questions.

Testimony of Willie Williams, Chief, Los Angeles Police Department

MR. MURILLO. Chief Williams, we understand the computerized early warning system relating to potential officer misconduct is not yet operational. What steps are you taking to implement this as quickly as possible?

CHIEF WILLIAMS. The Los Angeles Police Department has followed the recommendations in the Christopher Commission Report. We agree that it's necessary. We have submitted a request to the mayor's office and to the CAO [chief administrative officer], and our request for the funds, approximately \$55,000, has been denied due to the fiscal resources and the lack of those resources here in the city government. That request has been submitted three times and turned down all three times. In the meanwhile, we are attempting to gather the same information which is necessary. However, we are doing it through a paper process, which is very cumbersome and not working to the degree that a computerized system would.

MR. MURILLO. Thank you. What steps are you taking to increase the internal affairs division's resources to meet the additional duties of investigating all excessive force complaints?

CHIEF WILLIAMS. Upon being appointed chief of police in June of 1992, I took as one of my primary responsibilities and obligations to improve the operational capabilities of the internal affairs division. After 10 months of evaluating in which direction to go, we made the decision that the Internal Affairs Bureau should investigate all citizens' complaints except those of a very minor nature. Effective 2 weeks ago I sent out an order that starting Monday of last week Internal Affairs Bureau will begin in the south bureau of the city,

which is approximately 25 percent of the city. We will begin investigating all civilian complaints. To increase the resources of the Internal Affairs Bureau, we are adding approximately 10 to 12 officers to IAB; and, in addition, for the first time, we have established a field point outside of Parker Center, police headquarters.

There will be a field office in internal affairs division in the southern end of the city of Los Angeles. The reason that we're starting in one section rather than doing it citywide is that we will have to add over time approximately 40 to 50 additional officers to the Internal Affairs Bureau as well as locate physical resources outside of the bureau so that we don't have to bring everyone into Parker Center. But the process has begun and we agree completely with the recommendations of the Christopher Commission. They are also in—following over my philosophy which I brought here from Philadelphia.

MR. MURILLO. Thank you. A couple more questions. Could you describe the status of your meet and confer negotiations with the union regarding certain reforms such as the identification of a civilian for the disciplinary board, the board of rights, and the consideration of not-resolved citizen complaints?

CHIEF WILLIAMS. I am prohibited from discussing in this forum any ongoing labor negotiations. However, the issue of implementation of the civilian on the review board, I believe, would be most appropriately answered by the president of the police commission, Mr. Jesse Brewer, when you get to him. It's the police commission's responsibility and authority. They are moving forward in that area.

MR. MURILLO. Thank you. One more question. What steps are you taking towards implementation of community-based policing in the Los Angeles Police Department, and do you have a timetable for this implementation?

CHIEF WILLIAMS. Our timetable is continuous and ongoing as long as I am chief of police in the city of Los Angeles. We are changing our philosophy to one of community-based policing. We have taken numerous steps during the past year. Several steps started long before I became chief of police and others have started since. Our philosophy is believed [phonetic] the decentraliza-

tion of management within the department. We have begun this process by retraining all of the senior managers in the department today, yesterday, and next week. We're continuing this retraining process with all of our captains, lieutenants who are commanding officers, as well as all of our civilian leaders. They're attending a program as we speak.

Prior to being appointed the chief of police—prior to being sworn in as chief of police, but after my appointment, I secured a \$400,000 grant from the National Institute of Justice for the implementation of community-based policing in the city of Los Angeles. And the complete description of that program and budgetary package has been provided to the council. This one particular element provides for executive-level training in decisionmaking, in leadership, in decentralized management, and also provides training for our executives in sharing the decisionmaking process with our customers, the men and women who live and work in the city of Los Angeles.

In addition, the grant also provides training for captains and community leaders to work together as equals in handling the day-to-day processes of managing the geographic areas here in the city of Los Angeles. The final component provides dollars for training our city lead officers and our field training officers to give them the skills that are necessary to have them teach and train their force that works with them within the Los Angeles Police Department rather than just being reactionary and responding to calls for service.

And other areas of community-based policing ensures that we set the tone from the top. I have made it a point to—I've attended more than 100 to 125 neighborhood community meetings all across the city of Los Angeles. I've made the office of the chief of police available to friend and foe, advocates, protagonists alike. We've opened up this organization to ensure that all those groups that for whatever reason did not have access or believed they did not have access to the chief of police, do. I have followed the leadership guidelines of the city when it comes to dealing with our gender issues, dealing with our gay-lesbian issues. I have set up a relationship of the gay and lesbian police officers association. I have indicated within this organization that there will be abso-

lutely no tolerance of discrimination based on sex, race, sexual orientation, gender, ethnicity. We are reexamining our disciplinary system to ensure that everyone from the chief of police to the newest police officer understands their role, their responsibilities, the accountabilities that go with that, they understand the response from the office of the chief of police should they move left or right from that center line.

In addition, we are looking at the organization in terms of how we function. We are emphasizing that patrol services must be number one in the city of Los Angeles, closely followed by the detectives and investigators who follow the crimes that are committed where we have made apprehension, and just as important are those crimes that are committed where the offender has been released. In order to support that, this past February we reassigned nearly 100 officers from nonpatrol duties back into the black-and-whites answering 911 calls. We have a goal to, over the summer, identify an additional 100 positions to move people back into the black-and-whites. That process is very long and it's very difficult because today they are also being called upon to do a myriad of duties that do not directly relate to law enforcement, but we are called upon to do because of the inability of the rest of the city government to respond.

In closing, when I say our timetable is continuous, the community policing works and it takes hold of the city of Los Angeles, it won't be because of the action of the chief of police by himself or by herself, it will be because of the support and dedication of the men and women inside the organization that follow through, as well as including the public, the men and women who live in our city, who work in our city, involve them in this process.

MR. MURILLO. Thank you. I have no further questions, Mr. Chairman.

CHAIRPERSON FLETCHER. Thank you very much. Commissioner Wang, please.

VICE CHAIRPERSON WANG. Chief Williams, you have currently 7,700 police officers in your force. Could you characterize these people in terms of their ethnic breakdown?

CHIEF WILLIAMS. Yes, sir. Today we have approximately 7,650 sworn, about 2,200 civilians.

The Los Angeles Police Department is approximately—these are round numbers: 60 percent white, 14 percent African American, and about 20 percent, 21 percent Latino. And the rest are Asian and other ethnicities. The staff and command and management of the Los Angeles Police Department is about 86 or 87 percent white male. We have one white female who is a captain.

VICE CHAIRPERSON WANG. Now, you have the opportunity to add another 1,000 personnel to your forces. Would you tell us your plan and also within that plan of recruitment would you fill in some of the gaps, balancing more on the ethnic scales?

CHIEF WILLIAMS. Well, sir, just one correction. I don't today have the opportunity to add that 1,000, but if you've been able to arrange that, we'll certainly talk.

CHAIRPERSON FLETCHER. We're trying to help you with that question.

CHIEF WILLIAMS. I appreciate that. Whenever we have the opportunity to recruit and then hire, I believe it is the absolute responsibility of the chief of police and the city leadership to take aggressive and public actions to ensure that the department reflects the community that it serves. That is both gender and ethnicity. In terms of what we were doing in recruiting, we have a diverse mixed recruitment program within the Los Angeles Police Department as well as with the city's personnel department. We go out to all the communities. We go into the general neighborhoods. We go to the public housing areas. We go to high schools. We go to colleges. We recruit beyond our city borders. We openly and aggressively recruit women. The city has a goal that no end line [phonetic] could have the police department approximately 43, 45 percent female. We are approximately 10 percent today. The city has an affirmative action goal to add additional African Americans, Asians, Latinos, and members of other ethnicities. So, we aggressively recruit all parts of the community and specifically targeting those areas where we are short in numbers.

VICE CHAIRPERSON WANG. Here in your city, you have the roll call at 7 o'clock. That's when you have a chance to speak to the officers so as to be able to give them some insight about com-

munity and also about the changing demographics of our city. In your training or retraining of your officers, these multicultural aspects and also the neighborhood demographics and all the other important data and information, are they part of the academy curriculum or are they gradually being updated?

CHIEF WILLIAMS. Yes, sir. In dealing with the multicultural aspects of training, we have over the past 7 months refocused and reexamined our entire training component. I have a new reenergized leadership of the training bureau right now. We have made a decision to have smaller recruit classes so that we can focus on a team-teaching method when we're training our officers. Rather than just having an officer sit in a class and learn about crime codes or motor vehicles or cultural diversity or using a gun, we have groups of instructors that teach individuals to work together, to point out to an officer a myriad of car stop classes depending upon their actions.

As an example, the actions of a student who's pretending to be the driver. why it's necessary, for example, to speak Spanish or Korean or another language, why you need to understand the values of different communities and that a certain action or reaction of an individual is not necessarily seen as aggressive or nonresponse. And tying all those courses—those semi-courses together, rather than just pass Spanish 101 and go on to the next class.

In addition, we have invited members of all the various communities to come up to the police academy, to sit in on our cultural diversity training, to review the curriculum, to review the lesson plans. As a result of that process, those plans are going to change about 60 to 70 percent because they pointed out that traditionally we have an African American teaching about the African American community, Latino about the Latino community, and so forth. And those officers, with good intent, were only teaching from their perspective. The various communities are now going to be part of developing the lesson plan and also be part of the instructional plan. And we're going to do it in a seminar process, where there's not necessarily a pass and fail, but test an officer or a potential candidate as well as inservice officers on their ability to learn and adjust.

VICE CHAIRPERSON WANG. Thank you.

CHAIRPERSON FLETCHER. Chief, would you please submit that training program for the record? We'd like to have it as part of our record on this particular hearing.

CHIEF WILLIAMS. Yes, sir.

CHAIRPERSON FLETCHER. Any other questions from any of the members of the panel?

COMMISSIONER REYNOSO. There was a suggestion this morning by one of the speakers that it would be helpful if the Federal Government had legal authority to bring actions, what they call pattern actions, if they find through investigation that the entire police department has a pattern of not treating the citizens as the Constitution requires. What is your reaction to that recommendation?

CHIEF WILLIAMS. I'm not sure if I understand what it was that the speaker requested be done.

COMMISSIONER REYNOSO. We were discussing how the Federal Government could be of assistance to the local communities, the local police departments, and one of the suggestions was that in terms of the role of the Federal Government, that the Federal Government, it was recommended, should have the authority not just to come in at the end of something bad happening like the Rodney King case and bring in a lawsuit when civil rights are violated, but to come in early on if their investigation indicated that there was a pattern of violating of constitutional rights, to bring an action, if you will, to change that pattern early on. It was suggested that that would be an important function for the Federal Government, that would be helpful to the various communities. And I just wondered what your reaction is.

CHIEF WILLIAMS. Well, I really wouldn't be able to give a full and complete response today. But I believe the ultimate responsibility and accountability for the services of the police department rest with the leadership of that particular city. In the city of Los Angeles, for example, if there are major problems with the administration of justice in terms of leadership and direction in the city of Los Angeles, then you should examine the activities of the chief of police and examine the activities and support from the mayor and the city council and the Los Angeles Police Commis-

sion, those people who have the responsibility and authority. If all else fails, then it may be time to reach outside, but the realities are, under any form, the United States Federal Government cannot consistently and effectively address all of the various social and organizational changes that are necessary in many cities around this country. The ultimate responsibility rests with the people who live in our city to hold the elected and appointed officials who are responsible, hold them accountable. And if they don't do the job, vote them out of office or run them out of office or out of appointment.

CHAIRPERSON FLETCHER. Any other questions? Yes. Commissioner Anderson.

COMMISSIONER ANDERSON. Just to follow up on that previous question. I think the pattern or practice is a suit that would be brought against the local police department and handle—suggest the conduct of one of your predecessors in Philadelphia and one in Los Angeles as a justification for bringing the lawsuits against police departments in those two cities. I have a similar question. So I take it that your answer for that is to the extent that it is conditional, you would not necessarily support that?

CHIEF WILLIAMS. It's kind of hard, without having a very detailed philosophical discussion about it. If all else fails and you have to reach into the State or the Federal Government to get some relief, then I certainly would never oppose individuals seeking out that relief. But I would have to assume that all other measures have been taken. And then when you talk about bringing suit against a police department, one of the things we quite often focus on, we focus on the police department or the personnel department or the fire department, whatever the organization may be. Those departments are part of the city government. If there's a failure of action and responsibility within a specific city department, then I would assume, unless it's a very strange structural government, that there's some type of failure on the part of that supportive and governing body as well. And if you're going to do that, then you should look at the government body that is responsible, rather than just carving out the police organization by and of itself.

COMMISSIONER ANDERSON. I have another question that goes to a Federal response, and I think that your unique experience would be very helpful to us in trying to weigh how we make a recommendation on this matter. But, as you know, the Federal police misconduct law, 18 U.S.C. 242, requires that the prosecution show a specific intent to engage in excessive force and to violate a civil right. There's been some recommendation that that "specific intent" requirement be removed. Do you have an opinion on that? Do you think that would be helpful to police morale? Would it be helpful to enforcing tight standards in the police department?

CHIEF WILLIAMS. I really can't respond to that today. I'd have to review the law on what's meant by a "specific intent" to violate a law, particularly in terms of impact on police morale. I can't say of—any Federal law which would lead to prosecution, if you, in a sense, water it down to make prosecution broader, for the right or the wrong reason, you're going to have a negative impact on police morale. I believe police officers would want to be held to more stricter rules and accountability, but I just couldn't go much beyond that this morning.

COMMISSIONER GEORGE. As a law enforcement leader, you must reflect on the underlying causes of crime and the conditions that lead to increased crime and so forth. I myself don't believe that crime is caused, although I do believe that there are conditions that encourage it or discourage it, that encourage people to behave and violate the rights of others and other conditions that lead people not to do that by and large. But I'm going to ask you a particular question. I know it's very difficult to pin down the cause affecting these matters, whether bad economic conditions caused certain sorts of behavior or whatever, but my question has to do with the impact of popular culture, in your experience, on the various subcommunities within your jurisdiction. Are you one of those people who believes that popular culture has had a damaging influence? The celebration of violence, sexual license, the celebration of the individual as not constrained by family considerations, and so forth? Do you see any sense in which that—certain communities are vulnerable to those kinds of

bad influences from popular culture, or would you say that's not a simple component of the problem?

CHIEF WILLIAMS. I'm not sure if I understand your definition of popular culture as it relates to the various—

COMMISSIONER GEORGE. Violent television, violent movies, violent music. Music that celebrates sexual license.

CHIEF WILLIAMS. Violence in the movies, on television, or on our streets can definitely have an impact on a community. I do not believe that it has any greater impact on one community over another, and I believe that history has shown that. I mean, if you have a community that for whatever reason has not had an opportunity to utilize and absorb the resources that are available to the general populace, whether we're dealing with law enforcement, whether we're dealing with education, whether we're dealing with housing, and you infuse violence into that mix, you may have some problems. But there's not one ethnic community or one socioeconomic community that is more susceptible. History has shown in dealing with gangs—in certain parts of our city where those conditions exist and the population is white, you'll have white violent gangs. In another city where the population is Latino or Indian or Asian or African American, you'll have gangs in that population. I am firmly convinced that looking at it from an ethnic standpoint, that there is no population that is more susceptible to be led toward violence by those many issues that you mentioned.

COMMISSIONER GEORGE. Would you have any message for people in the media when it comes to violence and related sorts of issues in popular culture? Would you ask them to restrain themselves? I mean, we wouldn't ask for censorship, but what would you say to them when it comes to production of movies, production of television movies, so forth?

CHIEF WILLIAMS. I have consistently said, for the last 10 or 15 years, that I believe those people who are in the general media have to be responsible. We have to understand that, for whatever reasons, our children, young adults watch more television than listen to their parents, listen to responsible adults. I have a major

problem with our songs and our videos that degrade women and basically make them look beyond whatever sex objects are these days. It's almost assault thriving on the screens of our studios. I think the media that produces these types of products have to be held accountable sometimes for the results. They also have to understand that I may be able to guide my child, what my child does, whenever the youngster watches television. But many of our parents, because they're both working or they're not watching what's going on in the room, don't. But there is that fine line between censorship and responsibility, and we have to walk it very, very carefully.

COMMISSIONER GEORGE. And so the traditional factors would be that your children are going to have the powers of law of other people's children. If you are behaving responsibly for your children, what happens in other homes because of the influence of other children, your children won't be able to perform.

CHIEF WILLIAMS. Well, you're not necessarily at the mercy of what would happen at other homes. If the child has the luxury of having interested parents, that parent has a responsibility to know where the child is for quite a bit and also to provide some guidance. I mean, I raised three children and I could just take care of them at home and let them go in the street. But most of the time I knew where they were and who they were with.

COMMISSIONER GEORGE. So you also lay stress on parental responsibility as part of that?

CHIEF WILLIAMS. With reason, yes.

CHAIRPERSON FLETCHER. Any further questions? I have one, chief. There's an organization referred to as the National Association for Accreditation of Law Enforcement Agencies. Have they been involved with the LAPD?

CHIEF WILLIAMS. To my knowledge, the Los Angeles Police Department, I do not believe, has undergone the accreditation process. Or, if they have, it's been quite a while. We have not undertook to start the accreditation process here for a number of reasons. We're involved in the implementation of the Christopher Commission Report, and we're a long way from being complete in that area. We're still responding to the recommenda-

tions and concerns and criticisms to the Webster Williams Report, which was a report developed in the aftermath of the police response in the riot in 1992. We're in the middle of an organizational and cultural change in this department. So, it would be very difficult to begin to undergo the accreditation process. Having reviewed and sat down at very, very many meetings involved in that process—it's a very long, a very difficult process and it's an expensive process. And it requires an organization having a lot of the resources that the LAPD does not have. LAPD does not have the personnel from the external support, and particularly looking at technology, we are way behind in that area. So, for a number of reasons, today is not the time to begin the accreditation process, although I do support the philosophy in that direction.

CHAIRPERSON FLETCHER. Does this lie somewhere in the future, or are you at liberty to say that?

CHIEF WILLIAMS. It's not on the table right now because there are so many things that we have to accomplish them before. But to say—if we were here for some definite period of time, I would envision at some time in the future it would be appropriate to put on the table and say, "Are we now prepared to move toward accreditation?"

CHAIRPERSON FLETCHER. I don't think anyone's asked this yet, but what has been the biggest obstacle to implementing the reforms in the area of police-community relations?

CHIEF WILLIAMS. I don't know if there's one obstacle. There are several that are probably equal for different reasons. One has been the very small size of the LAPD. One of the ways that you increase police-community relationships and contact is you have to have enough officers out in the street that you can have officers in the cars to respond to calls for service in a reasonable amount of time, but also have officers that can walk foot beat, that can make that personal contact, that can follow up on those noncriminal service needs that the department provides.

Today we can't do that. We have 7,650 officers before one officer takes off on vacation, holidays are mandated because we only get funded for 30 percent of overtime. We have, in actuality,

less than 2 officers per 1,000, the smallest of any major city in the United States, one-half of what I had in Philadelphia. If I put officers on foot beat, I take them out of black-and-whites. If I put officers in narcotics, I take them out of black-and-whites. If I put officers in substations or many ministations, I take them out of black-and-whites. We're only doing bare bones, no frills policing today. That is not a criticism. That is a fact.

So the number of personnel as an economic issue is one impediment. Another impediment is that the department is going through a cultural change. The community here in the city of Los Angeles all strongly supports LAPD. They want the officers there. They want them to provide the best service they can in a fair and equitable manner. My tour through, all over, this police department, I've addressed officers at roll call in all 18 divisions plus many of the stress life functions. The large majority of the officers want to come to work; they want to do the job. The average commute is 48 miles one way for officers here in this city. So, they want to do the job.

The real challenge is to bring officers that, because of a number of reasons, have not been trained or been led to have close contact, to bring those officers closer to the community and at the same time bring the community that, for a number of the right reasons or a number of wrong reasons, has gone to stand a little further away. Bring the two groups together. That means changing our philosophy. We talked about decentralized management. Share a neighborhood advisory committee, share your authority, share your responsibility. But at the same time, it also means that we have to come up with additional resources, which is very difficult to do in California today, so that we can add the number of officers to do these new or redo different things, while not further impeding our ability to deal with lifesaving activities, which is very, very critical here in Los Angeles.

CHAIRPERSON FLETCHER. At the moment, if you could have your "druthers" within the next 90 days, what would you like to see happen in order to improve police-community relationships within the next 90 days?

CHIEF WILLIAMS. I'd like to see the city have the ability to settle our labor contract with our union because that's a major morale issue here in the Los Angeles Police Department. And that would have a major impact on the community relations because, if you have a satisfied employee coming to work, you're going to have better quality or improved quality—not a better quality. Improved quality.

I believe that we need to have the technology resources that are necessary to manage this organization which we do not have today. We are a paper-driven department. I cannot pick up the phone right now and say "How many people are working?" and someone punch it up in the computer and tell me. It would take about 2 hours to call around to get that information. That's unacceptable. That has a direct impact on community relations because the people in our community have the expectations that we can do these things right away.

I guess the third "druthers," I'd like to wave a magic wand and wake up tomorrow and see the organization is further reflective. See that not just the rank and file, but all the way up through the organization, and having to learn from mistakes of the past.

CHAIRPERSON FLETCHER. One final question. Once this report is cleared by the members of this panel, it goes to the President and it goes to the Congress, House and the Senate. And it will go to the Justice Department, with the idea that there's something they can do to improve your capacity and the capacity of others to carry on your mission. In terms of priority, what would you like to see us underlining in our report with respect to the Federal Government enhancing your capacity to do your job?

CHIEF WILLIAMS. I think the Federal Government has to understand the next couple of years, as distasteful as it may be to some members of Congress, but as important as it is to the survival of the city of Los Angeles, we need some assistance. We need assistance in the area of technology. And these are one-time infusions. If we have improved technology, we can have machines do what officers have been called upon to do. Then we can return those officers to the streets where they belong. We need additional

resources in our rolling stock. We've not been able to purchase cars for 3 to 4 years. Our vehicles have over 120,000 miles on them. Cars fall apart every day. We don't have automobiles. We don't have officers to put in the cars. We don't have service for them.

So if the Federal Government could do one thing for me today, I would ask for a one-time infusion of resources that would enable us to get this department up to where we should be today and then hold us accountable to move forward from that point on. That would also give the city administration and the State administration the opportunity to correct the problems that are facing us right now, and then we could all move forward as a government.

CHAIRPERSON FLETCHER. Thank you very much. Thank you very much, chief. Our next question.

Testimony of Jesse Brewer, President, Los Angeles Police Commission

MR. MURILLO. I have a question for Mr. Brewer. Can you describe the status of the police reforms recommended in the Christopher Commission Report as they relate to the police commission, specifically the complaint on disciplinary process.

MR. BREWER. Very good. Chairman Fletcher and members of the Commission, thank you very much for your interest in our department. We think that we have made significant progress in implementing the recommendations of the Christopher Commission and the Webster Williams Commission. I think all of us who serve on the police commission today were appointed by Mayor Bradley, confirmed by the city council, with a very clear mandate that we fulfill all of those recommendations as quickly as possible, and we're moving in that direction. The commission itself, I think you should recognize that we have selected a new chief of police, Chief Williams, that you've been giving your questions to so far. We have hired an executive director who is responsible for handling and managing the police commission staff, and we have also had a police commit and review panel put together by the mayor who will take some of the workload away from the police commission because we

have found ourselves really overloaded with paperwork with the kind of attention that we have to provide in our oversight responsibility. We find ourselves reading a lot of material and also handling permits where there's a lot of controversy and also debate that really has taken time away from our ability to really perform our oversight responsibility.

With respect to your question, sir, I think that we now have a unit in the police commission that has the sole responsibility of monitoring the disciplinary process in the Los Angeles Police Department. It consists of six persons. We have vacancies there, and as Chief Williams has indicated, we have vacancies we must fill in order for the commission to be fully staffed, to really do the job we should be doing, we were hired for, but we're not waiting for that. These six people now monitor the disciplinary process. When complaints are lodged, we get copies. We have automated all of that so that we can provide reports to the other commissioners, to the mayor and the city council as to what progress we're making. That staff is up and fully functioning, working very closely with the internal affairs division, and we think we have an ability now to do audits, to go out and do operations to ensure that the people in the field are doing what is required of them. And I think that by having this unit there now, I think we can fulfill that oversight responsibility of looking at the disciplinary process.

MR. MURILLO. Thank you. I have no further questions, Mr. Chairman.

COMMISSIONER REYNOSO. Does the audit system include some method of spot checking the communities that are served by the police to see whether in their view the police are doing the jobs they were hired to do?

MR. BREWER. This audit system does not specifically have that ability. However, it does have the ability to go out and check to ensure that when citizens come in to lodge a complaint that the complaint is received and is accepted and is transmitted as it should be.

COMMISSIONER REYNOSO. Thank you.

CHAIRPERSON FLETCHER. Mr. Anderson.

COMMISSIONER ANDERSON. Do you anticipate a very lengthy time before all of the Warren

Commission recommendations would be implemented? What would your timetable be?

MR. BREWER. I think it's dependent upon when the city is able to fulfill its budgetary responsibilities in supporting the police department. For example, we're being held up because of the labor negotiations involving the meet and confer process. I mean, those are economic factors, I think, that are holding us up. The meet and confer process and funding, those are the two main obstacles right now to implementing all of the Christopher Commission recommendations and also the Webster Williams recommendations.

So, I would say if the city would be able to fulfill Chief Williams' wish, and that is to get the resources that they really need in order to perform up to the standard that we think we should perform, then I would say if the Federal Government would come to our rescue, I think we could probably do that within the next year or so. As far as bringing on enough staff, that's going to take time because it takes time to train people, to bring them on, and get them out into the field. In other words, their probationary period is 18 months. So when you think of hiring a class of 40 people, it's going to take 18 months before they're fully active as police officers in the field.

COMMISSIONER ANDERSON. Chief Williams indicated his desire for Federal assistance. Do you believe that the local community does not have the financial resources to implement these recommendations?

MR. BREWER. I'm certain that the city of Los Angeles does not have the fiscal ability to support the police department. Not only the police department, but the fire department and other city departments. This city is in a fiscal crisis right now, and we really do need help. And I can't over-emphasize that fact. Chairman Fletcher and the rest of you, whatever you can do to bring more funding, including all the resources we need, we certainly would welcome that. That's on our wish list.

COMMISSIONER GEORGE. Do you concur with Chief Williams' idea of a one-time infusion of Federal cash earmarked for computer equipment and, I take it, vehicles—equipment?

MR. BREWER. Certainly that would be a great help. Believe me, I'm not going to be greedy. But I think if we could get also the resources required to bring our staffing to an adequate level.

COMMISSIONER GEORGE. What about priorities? I took it—and correct me, Chief Williams, if I'm wrong—I took it that Chief Williams was placing that as a top priority. If Federal money can come in—we can't have everything. So this is the top of the line?

MR. BREWER. The problem with one-time infusion is these salaries will continue year after year, and I'm not sure that a one-time infusion would provide for continuing salaries that would be required to bring on the staffing that we need.

CHAIRPERSON FLETCHER. Anyone else? In terms of how do the police commission jointly monitor the complaints of LAPD, you do it jointly?

MR. BREWER. Yes, I guess it's a joint responsibility. But our responsibility is more than that. It is to make sure that the department itself is fulfilling its responsibility.

CHAIRPERSON FLETCHER. With reference to dealing with officers that you know have problems, how do you go about adequately dealing with that? I think in one of our commissioners' testimony a minute ago, this pattern or practice would lead to such a state that would lead to a class action suit against a group of individuals within the police department. How do you go about identifying those individuals, and then what happens in terms of correcting the flaws and turning them out as good officers as opposed to not good?

MR. BREWER. I think Chief Williams already explained what the system will do in order to identify those people. I think after those persons have been identified, then I think it is our responsibility, the police commission along with the chief of police, to provide whatever is necessary to make sure that particular individual receives whatever kind of counseling or psychological testing or whatever is necessary to make sure that this person is salvageable. And if not, then perhaps take some kind of disciplinary action to remove that person from the department, because we cannot afford to have people on the department who are creating problems for our citizens that we're supposed to be serving.

CHAIRPERSON FLETCHER. There are the experts who allege that the military folks training and developing police officers leads to a great deal of the abuse and the attitude when a police officer's on the ground, he is engaged in his car or whatever, he's engaged in war as opposed to keeping peace and stabilizing the community. So we're hearing over and over now suggestions and charges that there must be another way to diminish the amount of militarism involved in training and developing police officers. Could you deal with that for a moment?

MR. BREWER. Chairman Fletcher, I think that what we're talking about is an overemphasis of the militaristic-type approach to training. I think we're getting away from that. I wouldn't blame it on the military training itself because a certain amount of discipline needs to be, I think, promoted inside the department, so that people will respond to their supervisors and their managers. But I think we're looking right now at different ways of training people, and I think perhaps the direction that the chief is taking in adding a number of people we need and also the number of people recommended by the Christopher Commission and also adopting the philosophy that the Christopher Commission recommended that we adopt. I think we are proceeding in that direction. I think we're getting away from the overemphasis of the militaristic-type training.

CHAIRPERSON FLETCHER. Do you publish annual audits of problem police? Is that normal department practice?

MR. BREWER. We are required by the city council to provide them with an annual report on the disciplinary process, how effective it is, the number of people involved, and what kind of adjudication that we are getting in many of those complaints.

CHAIRPERSON FLETCHER. Thank you very much. Go ahead, counsel.

MR. MURILLO. I have some questions for Mr. Violante.

MR. DOCTOR. Mr. Violante needs to be sworn in.

CHAIRPERSON FLETCHER. Mr. Violante, I have to swear you in.

[Whereupon, the witness was sworn.]

Testimony of William Violante, President, Los Angeles Police Protective League

MR. MURILLO. Mr. Violante, can you describe the league's perspective on the progress of the implementation of the Christopher Commission's recommendations, including the community-based policing recommendation?

MR. VIOLANTE. Mr. Chairman and honorable panel, I hate to be the only person taking the opposite point of view here, but we see tremendous lack in the full implementation of the Christopher Commission recommendations. As a matter of fact, the Los Angeles Police Protective League believes it is of such paramount importance that we have placed these items on the negotiations table for our contract negotiations, which are over a year old right now. To date, we've received absolutely no proposals from the management side of the table, the management of the police department or of the City of Los Angeles, to implement many of the important reforms that need to take place to truly have reform within the Los Angeles Police Department, such as incentives for patrol, ongoing inservice training programs, videotapes—or audio equipment for police officers while they're on patrol, proposals to implement psychological retesting programs for police officers, a clear and concise program of use of force which the officers truly understand.

These things have not been implemented and many, many more. But I think it's really important for you to understand, if you can indulge me for a moment here, for you to understand what's happening to the police officers on the street. I'd like to read something that I just received last week from a police officer, and I think it will give you a sense of what's happening out there and the frustration of the police officers themselves. And I think it's very important for this panel, for the chief of police, and the president of the police commission to understand this as well. I'll be as brief as I can.

Hi, Bill:

I would just like to take this time to let you know that I've been a Los Angeles police officer for 3½ years. And I've enjoyed my job up until now. Not only the King incident, but also the passing of Proposition

F. I'm a hard-working policeman, not only hard working, but very dedicated to my job and the citizens of Los Angeles. I've worked West LA, Central, and now Southwest. You can ask any one of these divisions what kind of an individual I am and they will tell you.

Bill, I am afraid to do my job. I have been trained by my field training officer to do proactive police work. I'm scared to do that because doing that will put me in prison. I am so confused. I do not know what to do anymore. I never used to let suspects talk back to me or walk up on me, but I've noticed that it's been happening all of the time because I'm scared to use any kind of force.

Anyhow, Bill, you know how it is. It's really scary out here. Officers are so worried and scared about getting into trouble that they even forget to put shotgun rounds in the shotgun. I love LAPD, but it's time for me to go to another department that stands behind its officers. Thanks for listening. Take care.

I'm not going to give the officer's name, because I don't think that's the point. I think the point is Los Angeles police officers are very frustrated right now and very confused, and I think that we need to do something about that. And the implementation of these Christopher recommendations are paramount in doing that.

One of the things that is very important to understand is we need an ongoing training program for Los Angeles police officers, and we need a psychological retesting program for police officers, some way for police officers to deal with the stress that they have every day in the streets. We used to have an employee assistance program where officers were able to go to counseling. That program was eliminated by the city over a year and a half ago. There's no place for these officers to turn. The inhouse programs, the police officers don't trust them for one thing, and another thing there is not sufficient money to adequately staff them.

Public safety and police have to become the number one priority. At one time, in 1980, police and public safety was 52 percent of the city's budget. Today, I believe it's around 36 percent. Priorities have to change.

Training, I talked about. There are a number of things that were talked about here about law-

suits and the potential for lawsuits for police officers.

I'd like to share with you a liability management matrix that I've prepared. One of the things that is absolutely necessary in the Los Angeles Police Department or any organization is to have a clear and concise policy, to follow that policy up with training, ongoing training, and then to follow that training up with supervision. And then, if all else fails, with discipline. This liability management matrix, what this does is this will save the city tremendous amounts of money in lawsuits. Right now the city of Los Angeles is paying out—they're paying out all their money in this end here under discipline, and they're not putting the money forward for training and supervision. Here's another chart that shows the results of that. If you can look from 1988 to 1993, \$10,263,164 in claims paid in 1989—'88 and '89, that fiscal year. And we increase from there. In fiscal year '92-'93, we're already up to \$30,121,505. That's up to date. This does not include any potential liability from the Rodney King lawsuit or any other lawsuits that are currently pending.

We need to take our money and put our money in training, in ongoing inservice training programs for police officers. We're not doing that. I have another chart here that—this is really, it's sad to look at. The chief of police has talked about adding more trainers to the police academy. We have right now on an average, when they put police officers through the academy, we have around 90 recruits. By adding another, I believe, it was 26, we'll have around 50—this is an approximation—about 50 trainers for those 90 recruits.

We currently have 7,400 sergeants and below on this department, and many of them have not received any training for 10 years. We have currently 1,800 police officers who are without the minimum peace officers standard of—the State of California has a Commission on Peace Officers Standards and Training. That commission currently has what they call "continued professional training guidelines" of minimum requirements that an officer should go through courses during their time as a police officer. In the city of Los Angeles to date, we still have 1,800 below the rank of

sergeant—sergeant and below that have not even received that minimal training. We need to have an ongoing continual training program. We need to put our money into training. That is not being done. If the money comes up front, then we police officers, citizens, the department, everybody is going to save in the long run. And that is one of the fundamental problems historically with the Los Angeles Police Department.

MR. MURILLO. Thank you. Could you address the status of the progress of community-based policing within the LAPD?

MR. VIOLANTE. Commissioner Brewer talked about the management, the style, the way we handle police work in the city of Los Angeles. LAPD's current management style and culture is inconsistent with community-based policing. Its managers adhere to specific rules, and they discourage the exercise of individual initiative, something that definitely has to be changed. Managers on this police department continue to evaluate officers on their productivity. As early as the last part of May, we had a commanding officer in one of our divisions that developed a system of looking at citations and arrests and so on and so forth to rate the police officers on. That mentality has to change. Not only do we have to share with the community, but we have to share with the police officers themselves.

I'm going to tell you. The Los Angeles Police Department has tremendous resources. We have tremendous professional police officers out there. We have educated people. They have a lot of ideas that are innovative. We have to tap those resources, and we're not doing that because we're using that old management style. The chief of police is talking about making changes in that. I applaud him for doing that, and we hope that that work is going to be enough. Because you're not going to have community-based policing, number one, if you don't change that. Number two, it's impossible to do, as the chief said, when you look at the number of police officers we have in the city of Los Angeles. We were at one time like 2.2 officers per 1,000. I haven't looked as of late, but the chief says we're below 2 officers per 1,000 population, and I believe that.

You will not have community-based policing in the city, an effective program at all, if you

don't have more police officers. In addition to that, it's necessary to put money into those programs. If you don't put the money into those programs, you're not going to have an effective program.

MR. MURILLO. Thank you. Can you describe the league's position concerning the recommendation to include a civilian on the board of rights?

MR. VIOLANTE. The position of the Police Protective League is that—I don't have a problem discussing openly what negotiation posture we've taken in negotiations concerning a civilian on the board of rights. Our position is basically that we have no problem with a civilian being on the board of rights so long as Los Angeles police officers have the ability to have a review of their discipline. We are the only city union employees that have not a review of their discipline once it is meted out to them. Firefighters have binding arbitration. An outside arbitrator looks at their discipline and reviews that and renders a binding decision. Other city employees either have binding arbitration or civil service review.

The Los Angeles Police Department is the only entity within the city that does not have this review process. So we have no problem with a civilian on the board of rights so long as we have that. As a matter of fact, during the Christopher Commission Report's initial presentation to us and discussions with the city council and the CAO's office, the Los Angeles Police Protective League took a position that nobody expected. We have no problem with completely eliminating the board of rights, giving more authority to the police commission, more authority to the chief of police so long as we have a review process. So we're not standing in the way of that at all. We think it's something that can be accomplished, and if we have the review process, we see no problems with implementing it.

MR. MURILLO. Thank you. I have no further questions.

VICE CHAIRPERSON WANG. Commissioners, any questions?

COMMISSIONER REYNOSO. What is your suggestion for creating an atmosphere where the community feels closer to both individual police officers in the department and vice versa, the police officers feel closer to the community?

Clearly, this is part of the philosophy that's going to be implemented now. But all too often, as you know, there seems to be still somewhat of an attitude of "they" and "us." I just wanted to know what your best thinking was on that.

MR. VIOLANTE. I think it's really important to get the police officers involved with the community. Many, many years ago, I was involved with what was at that time known as the basic car plan, and we went from there to team policing. I think that was kind of a forerunner of community-based policing. And during that period of time—actually, police officers themselves started creating this community-based policing philosophy. Because what we were doing is when we broke down into team areas, we were actually taking the officers the first time in that area, and we were making them, by attending meetings and being involved with the members of the community and block captains and so on and so forth, we were actually bringing them closer to the community. They were having a dialogue. They were working out problems in the neighborhoods with the police officers. That in itself does a tremendous amount to do away with "us" versus "them." But you can't stop with that. You need some kind of programs for officers to relieve their stress. It is very important. I'd just like to give you an example.

Let's just take a young 21-year-old man or woman that comes onto the police department. Middle-class family, no military time. They've just grown up in a middle-class area or any area in the city of Los Angeles. They're called on a call. One of the first things that they see is a 16-year-old child with a shotgun in their mouth where they've blown their head off. Or they see another child that was so despondent that they hung themselves. I ask the chief and the police commissioner what programs are in existence for the Los Angeles Police Department today to help that person deal with something that they never had any idea they were going to see, and I can tell you they don't exist.

So you can't—you've got to do everything. Because what it does is it creates a hardened attitude on the part of the officer. That's their way of dealing with it. They close things out. That is the way things have been. It's caused problems

in marriages for police officers. It's caused problems in the community. These things have to be changed. We can't just look at one aspect and say, "We're going to implement community-based policing and that's going to take care of the problem." All these things hang together.

The Christopher Commission Report is wonderful. There are things in there that we don't agree with, but when you look at what those people had to do in 100 days, it is amazing to me how they were able to see what's really out there. But if we don't implement this report in its entirety, we're not going to have reform. We're not going to have change. We're going to continue to have problems.

COMMISSIONER REYNOSO. I'm very appreciative of what you're saying, but it seems to me that all too often the officers come in contact with troubled people, and it seems to me that a program needs to be implemented so they come in contact with those folks whom they represent and protect day in and day out and don't even know it because they don't have that contact. The chief mentioned, to emphasize, its agency officers—that there's a commute of 48 miles. I was impressed by that dedication, but it also meant to me that the officers don't live in the neighborhoods that they patrol and that some program has to be implemented to allow that greater contact. So I very much appreciate what you're trying to say.

MR. VIOLANTE. If I may, that has to be looked at even further, too, because we've had problems even recently where officers do live in the neighborhood that they patrol and they've been specifically denied by their commanding officers from working in that specific area—"We don't want you to work there because you live there, but we want you to work over here instead." That's counterproductive. That needs to be reevaluated, too.

COMMISSIONER GEORGE. I don't know if you accept the proposition that racism has been wide among white officers over the past decade or so in the department, but to the extent that you agree that there is a problem with racism, do you see that problem fundamentally as one of the culture that has developed on the force, so that officers who are not, at least, badly tainted

with the vice of racism tend to adopt it because they're integrated into the culture of it, or does it reflect racism being wide among the communities from which those officers have been recruited over the years?

MR. VIOLANTE. I think that it's very unfortunate in this day and age that we live in that racism still exists in our society; and it exists, I think, in all spectrums of society. I think what the Los Angeles Police Department should do is they should look at a means of bringing people together within the department itself. I recently attended a, for lack of a better term, a brainstorming session on sexual harassment. And this consisted of a number of officers within the police department that got together with outside facilitators and actually brainstormed a means of identifying what sexual harassment is and ways of dealing with it. I don't know what happened to that, the end study. That was supposed to be presented to the chief of police, and something was supposed to happen, but I haven't seen anything. I would suggest that that same technique be used with the police officers on the Los Angeles Police Department, that they get together and everybody have open discussions and deal with whatever problems might be there.

What we do is, we seem to be very good at pointing out problems, but we seem to be horrible at coming up with solutions. And I don't think that we as a society or as a police department can afford to do that anymore, and I think that that's one way of dealing with it within the police department itself.

COMMISSIONER GEORGE. Is, in fact, racism widespread in suburban LA?

MR. VIOLANTE. I think racism exists everywhere in society today, and I think that's very unfortunate.

VICE CHAIRPERSON WANG. Let me ask you. I'm a little bit puzzled by your presentation, Mr. Violante, to the extent I think you've been on the force since 1970. I'm just asking, some of the charges which you've said—have you been advocating those points before?

MR. VIOLANTE. Yes. I've been advocating ongoing training programs since I was elected to the board of directors of the Protective League in 1979. As a matter of fact, one of the first things

that I was able to do is when we had officers involved in shootings—

VICE CHAIRPERSON WANG. What kind of response did you get when you first brought up that?

MR. VIOLANTE. Right now?

VICE CHAIRPERSON WANG. No. In 1979 when you first brought it up.

MR. VIOLANTE. Nothing has changed since 1979. We're still not accomplishing the things that we need to accomplish, and I will keep hammering home on these things until somebody realizes it. This matrix that I show you, that's not mine. There are people throughout the United States that can talk about this. They talk about this to city governments to let them know, "If you want to save money, here's the way you save money," especially in the area of lawsuits with police departments. So what I've been doing is I talk about it. I talk about it to the commission. I talk about it to the chief of police. I talk about it to the city council. The response that we always get is, "There's no money." Well, if we want to continue on the path that we're going, then we can use that excuse forever. But if we want to move forward, we're going to have to make these things a priority. God help us all if we don't.

VICE CHAIRPERSON WANG. You read that letter from the police officer indicating how frustrated he is, and you hear from some of the community side how people are also frustrated when they were brutalized, they were being actually hurt with actual forces, that they are not really getting the kind of protection that they're supposed to get when the police failed to respond in time. So they are in need of police protection. How do we reconcile these things?

MR. VIOLANTE. We do it by bringing everybody together, which is what we've been talking about. We talk about community-based policing, which is very, very important. It has to be implemented. But we have to come up with the resources and the people to do it. We can't just talk about it. We're real good at talking. Government is real good at talking. It's time we start moving forward, and that is one thing that's definitely going to have a tremendous impact on the community and the police officers working together.

But, again, you have to tie it into all of these other things that I've talked about. Psychological retesting programs, incentives to keep police officers on the job. The videocameras and audio equipment the police officers can carry with them. All those things have to tie in together. And then, and only then, can we make some progress.

VICE CHAIRPERSON WANG. Early on the chief had made a comment that when I said he had 1,000 more, he said, "We wish we get 1,000 more on the force." Many of the resources are not going to be there. And we are in hard times. We're not, I think, in any threat of the United Nations [phonetic]. How the government with a new mayor is going to come up with all the millions of dollars to kind of do the kind of things that you say—without those we cannot—without those we've got to—I mean, we still live together. We still have to, in a sense, carry out the duties of a police officer to keep the community faith and people still need the protection, with or without the resources.

MR. VIOLANTE. Absolutely, we need to do that. But, at the same time, we also need to make public safety the number one concern. There's been talk about a cultural awareness training program. The chief of police has indicated how they're starting that for people going through the academy. That doesn't take care of the other 7,500 police officers that are out on the streets that haven't had that training. So, like I say, all those things tie together.

VICE CHAIRPERSON WANG. Okay. Thank you very, very much. I just want to say on behalf of the Commission and also our Chairperson, who is in a terrible situation and excused himself, I'd like to personally thank Chief Williams for your testimony, out of your busy schedule, and also to President Brewer for your candid remarks, and certainly Mr. Violante for your appearances here this afternoon. And we very much appreciate it. And in the meantime, as you know, our record is open for 30 days. So, any additional documentation that you care to make available to us as part of the record, we would really appreciate that as well. Thank you very, very much.

MR. DOCTOR. Mr. Chairman, we would like to call back to the table Miss Davis and Miss Alfonzo-Lasso.

VICE CHAIRPERSON WANG. Let me thank you again, Miss Alfonzo-Lasso and also Miss Davis, for your indulgence with us. You've been so kind to allow the other session to continue on while you've been patiently waiting. We really appreciate that and I just want to let you know. So we can at this point resume our questions from the counsel.

Continued Testimony of Inez Alfonzo-Lasso

MS. MUSKETT. If I might continue with Miss Alfonzo-Lasso. Has your office received any complaints regarding a pattern or practice of policemen's conduct?

MS. ALFONZO-LASSO. Our office receives individual complaints from citizens, but there's been no pattern or practice complaints received. I don't understand what you mean by that question. I did want to clarify one thing, however. It's been said over and over this morning that the Justice Department doesn't have pattern or practice jurisdiction. And the Office of Justice Programs does indeed have pattern or practice jurisdiction over those recipients of funding who are found to be in violation of the nondiscrimination provisions of the civil rights laws.

MS. MUSKETT. Are you referring to discrimination in employment or in terms of police misconduct?

MS. ALFONZO-LASSO. Both employment and in the provision of services and in summary punishment if it's based on a discrimination base. Those are all included in the jurisdiction of the Office of Justice Programs.

MS. MUSKETT. When you're talking about the summary punishment, are you talking about that provision that I referred to, 28 C.F.R. 42.203—

MS. ALFONZO-LASSO. Yes.

MS. MUSKETT. But you've never taken any action under that regulation, right?

MS. ALFONZO-LASSO. No. In the past there has never been any action on the Department of Justice, Office of Justice Programs, in that area due to lack of resources. However, the Attorney General and this Department of Justice is very

committed to enforcement of the civil rights laws and has approved my recommendation to allocate resources to aggressively and positively and affirmatively enforce those provisions that they have neglected over the past 10 or 15 years. But the regulations do give us that authority, and I have recommended to the Attorney General a proactive approach in that area to turn around the inaction.

MS. MUSKETT. What does a "proactive approach" mean?

MS. ALFONZO-LASSO. Well, we have authority under the regulations to conduct compliance reviews of those who receive awards of grants, and under the regulations we are allowed to select various grantees who receive over-\$500,000 grants from us and monitor their compliance. And that has not been done. And that's one of the recommendations that I did make and that I will be pursuing over the next couple of years.

MS. MUSKETT. You are talking about onsite compliance reviews?

MS. ALFONZO-LASSO. Yes.

MS. MUSKETT. None have been done; is that what you're saying?

MS. ALFONZO-LASSO. None.

MS. MUSKETT. To clarify my earlier question, I was referring to, Have you ever received a complaint from an individual which alleges that there's a pattern or practice of police misconduct in a particular local law enforcement agency such as a police department or a sheriff's department?

MS. ALFONZO-LASSO. I have not received any, no.

MS. MUSKETT. And if you were to receive a complaint like that, what would be the process? Who would investigate a complaint like that?

MS. ALFONZO-LASSO. Well, if it's for use of excessive force, it would be forwarded to the Criminal Section of the Civil Rights Division, who handles complaints of that nature.

MS. MUSKETT. So your own investigators are not investigated to see whether 28 C.F.R. 42.203—perhaps that some action should be taken under that regulation; it would be referred to Miss Davis' section?

MS. ALFONZO-LASSO. If it is on the grounds— if there's some discriminatory motive, then I

foresee our office keeping that complaint and investigating it and taking it through the administrative process. But it hasn't been done in the past. But that's what I foresee happening in the future.

MS. MUSKETT. That your own investigators—OCR's investigators—

MS. ALFONZO-LASSO. Right. Right.

MS. MUSKETT. How many investigators does the Office of Civil Rights have?

MS. ALFONZO-LASSO. We have one investigator, but that will be increased in the future.

MS. MUSKETT. When you say "increased in the future," is there an actual timetable?

MS. ALFONZO-LASSO. The Attorney General has committed her support to the enforcement of civil rights at the Office of Justice Programs, and I am in the process of putting together a proposal for the additional resources we would need to fulfill this responsibility. As I said, it has not been done in the past. So this is a new proposal, a new recommendation, and we've been given the go-ahead to go forward with it.

MS. MUSKETT. Have you developed some type of plan of action if you did find a local law enforcement agency had a pattern or practice of police misconduct of what type of action the Office of Civil Rights would take in that case?

MS. ALFONZO-LASSO. I'm in the process of formulating that plan of action, and I see a lot of avenues that are already placed, that would not need additional resources. Because we do have a Civil Rights Division that has a wealth of expertise in the different areas, in employment and voting rights and the Criminal Section and the Coordination Review Section where there are investigators and our attorneys that have had many years' experience, and I would call on their expertise in my enforcement efforts.

MS. MUSKETT. Would you please share that plan with the Commission when it's developed?

MS. ALFONZO-LASSO. I certainly will.

MS. MUSKETT. Thank you. Does the Office of Justice Programs place proactive conditions on recipients prior to receiving funding?

MS. ALFONZO-LASSO. Each recipient is required to sign certified assurances that they will comply and all their subgrantees will comply with the nondiscrimination provisions of the civil

rights laws. And that's the only requirement. They do need to certify those assurances.

MS. MUSKETT. So there are no other proactive conditions such as having sufficient accountability systems in the departments or any type of provision like that?

MS. ALFONZO-LASSO. No.

MS. MUSKETT. How does the number of civil rights investigators in the Office of Civil Rights compare with the number of investigators available for fiscal monitoring of grants?

MS. ALFONZO-LASSO. Well, as I said, we've never had—for the past 10 years, they did not have an investigator. They only had the director of the Office of Civil Rights who handled individual complaints. Now, with my appointment in October, I have one investigator. And there are—I don't know how many, but there are quite a few auditors who monitor the fiscal side of the grant programs.

MS. MUSKETT. Mr. Chairman, I have no further questions of Miss Alfonzo-Lasso at this time.

COMMISSIONER REYNOSO. When you say that the Department has jurisdiction over pattern or practice violations, what does that entail? What's the end result if you and Civil Rights investigate it and said, "Yes, we found a pattern or practice." Then what would happen? Would you simply withdraw the funds? Would you actually bring some sort of civil injunctive action? What would happen?

MS. ALFONZO-LASSO. Actually, there is a regulatory procedure that's quite complex, but it would start with seeking voluntary compliance and having meetings with the agency.

COMMISSIONER REYNOSO. Excuse me. Let me interrupt. What if halfway through the city says, "We don't like what you're doing. Here's your money back," and you get your money back, would you have any further jurisdiction?

MS. ALFONZO-LASSO. No. That would be the only remedy we would have, would be to terminate their funding.

COMMISSIONER REYNOSO. So this is the only power you have under the regulation, is just not to fund further?

MS. ALFONZO-LASSO. Yes.

COMMISSIONER REYNOSO. Were you here when we had the panel of experts, if you will, on

police matters? They recommended that there be Federal legislation providing the Federal Government the opportunity to bring a pattern or practice action, presumably for injunctive, maybe even for monetary damages, but I assume for injunctive remedies. Do you think that's a good idea?

MS. ALFONZO-LASSO. I think it is a good idea.

COMMISSIONER REYNOSO. Don't you think that probably you haven't gotten any complaints of pattern and practice because folks may not have seen much purpose in it; that is, all you can do is terminate the funding. You couldn't really seek injunctive relief and that sort of thing. Police departments always like to have more money than less. So there's some threat, but it appears to be rather minimal, particularly with all the, I assume, protective devices of the regulation.

MS. ALFONZO-LASSO. I think you misunderstood, Commissioner Reynoso. The Office of Justice Programs cannot only terminate funding, but if the agency fails to comply and refuses to comply, they could not only terminate funding, but they can also—the Office of Justice Programs can also recommend to the Attorney General to file a civil suit against the agency.

COMMISSIONER REYNOSO. On what basis would that suit be filed if there's no present legislation permitting such a suit? Violation of the constitutional rights in sub "c"? I'm a little bit puzzled as to how this would work. Those who came before us said, "We need a statute that gives the Justice Department the right to file a pattern and practice lawsuit because there's no such legislation." But you've now testified that you can recommend to the Attorney General that such could be filed. I guess in light of their testimony—I haven't studied this area—I'm just wondering on what legal authority the Justice Department would act, if it could. If there's a violation of constitutional rights, on what authority would they act, if there's no such statute authorizing that type of lawsuit? You're relatively new to this. If you want to check it out and maybe submit a letter to us later for the record, that would be fine. I was just curious in light of the prior testimony. Let me just further explain that the thrust of your testimony was that if community groups know that there's this

authority, then they can take advantage of your agency and so on. The thrust of the prior testimony was we need legislative changes. And so in terms of our recommendation, I think it would be helpful to us to know what the next step would be. Okay?

MS. ALFONZO-LASSO. Yes.

VICE CHAIRPERSON WANG. Any further questions? Please proceed.

**Testimony of Linda Davis, Chief,
Criminal Section, Civil Rights Division,
U.S. Department of Justice**

MS. MUSKETT. Miss Davis, if you would please state your position and how long you've held that position for the record.

MS. DAVIS. Yes. My name is Linda Davis. I'm chief of the Criminal Section of the Civil Rights Division, and I've held that position since 1984.

MS. MUSKETT. In your view, what impact does a prosecution like the Rodney King beating case [by the U.S. government] have on local law enforcement agencies' policies and practices or on bringing about reforms in local departments?

MS. DAVIS. We certainly hope that it has a deterrent impact and that it will be a message to law enforcement officers throughout the country about the consequences when they intentionally use excessive force. I think ultimately, however, you have to track the law enforcement agencies, police departments to find out what actual impact it has had. Certainly, in Los Angeles we've seen the Christopher Commission in response to that incident and also the Kolts Report with all of their recommendations. I think nationally that the incident brought the attention and the facts of police abuse to the forefront of national consciousness. Then Attorney General Thornburgh directed both the Civil Rights Division and the Office of Justice Programs, National Institute of Justice, to conduct various studies to examine the issue of police abuse, and I know that the National Institute of Justice is now appropriating a significantly higher amount of its grant monies to conduct research into the issue of police abuse and how it can be prevented.

MS. MUSKETT. In light of the testimony that we've received this morning and the Christopher Commission and the Kolts Reports and the lack of

Federal prosecution for police misconduct in Los Angeles from 1985 until 1991, would you offer your view on whether the Department of Justice could have played a larger role here in Los Angeles?

MS. DAVIS. Before I do that, however, I would like to present to the Commissioners and have as part of the record a copy of a statement which is almost identical to the testimony I gave before the Civil Rights Commission back in 1989 when it was studying the issue of police practices regarding nonviolent demonstrators. And the statement does set out basically the outlines of the enforcement program and the standards that we use in reviewing cases. I will not take the Commission's time and read that now because I realize how much behind time we are. I can only emphasize, however, that the same standards that are articulated there, the careful review of complaints of police abuse was going on from the time period of 1985 through 1991. There was no difference between the way we analyzed complaints from Los Angeles or any other place in the country.

Why there were no prosecutions, it may well be that the more notorious matters, the notorious incidents were being prosecuted by the local district attorney's office. Certainly, as you have heard described to you here today, our role is a backstop role, and we do defer to local prosecution when it occurs. I can tell you that from 1985 to 1991 there were three grand juries in incidents of police misconduct in California, but that none of those was ultimately deemed worthy of prosecution. During that same time period, there were other criminal civil rights cases brought in the district. There were two racial violence cases brought, one slavery case brought in Los Angeles commerce and another slavery case brought in Portland, Oregon, that involved many incidents that occurred in Los Angeles. And, of course, in 1991, two law enforcement cases were filed; those being *United States v. Miller* and *United States v. Hanson*.

MS. MUSKETT. I take it your testimony is that although there were millions of dollars in settlements during that time period, that the Federal Government did not find cases that warranted prosecution?

MS. DAVIS. I think that there's a danger in looking at civil settlements and assuming that the incidents that were the subject of civil settlements would also be appropriate for criminal prosecution. There is a world of difference between bringing civil suits where the officer is not about to be sent to jail and the factfinder knows that, where the burden of proof on the plaintiff is only preponderance of the evidence, a mere 51-49 percent shift before a judgment is rendered. That is a quantum leap difference from bringing a criminal prosecution where we have to show intentional misconduct that is not required in a civil case, and we have to prove that beyond a reasonable doubt, the highest legal burden of proof in our entire criminal justice system. Also, officers and juries are well aware that an officer is looking at jail time in a criminal case; and that is another factor that renders these prosecutions extremely difficult.

MS. MUSKETT. In the past, has your office played any role in coordinating with the Office of Justice Programs in terms of implementing the regulation that deals with individuals who are subject to physical abuse for summary time punishment?

MS. DAVIS. I referred a moment ago to the study—that then-Attorney General Thornburgh asked both the Civil Rights Division and the Office of Justice Programs to conduct various studies. The particular one that the Civil Rights Division was asked to do was to analyze approximately 15,000 complaints of police abuse over official misconduct allegations—I should say over a 6-year period—to see if there were any patterns evidenced. We, in fact, found no patterns, but we did provide all of that information to the Office of Justice Programs. I think it's questionable, however, just how useful that data would be to the Office of Justice Programs because, as Miss Alfonzo-Lasso described, their authority in pattern and practice cases is limited to instances of discrimination based on race, color, national origin, sex, or religion. And our official misconduct statute, sections 242 and 241, have no element of racial or religious motivation. So, our providing to them our complaints would have no information on that critical issue of invidious discrimination.

MS. MUSKETT. Do you have any recommendations for improving the Department's ability to bring police misconduct suits?

MS. DAVIS. Anything?

MS. MUSKETT. Yes.

MS. DAVIS. I think certainly that section 242 as it is currently drafted is a statute that is very difficult to explain to juries. In part, as the Commission undoubtedly knows, it was enacted in the post-Reconstruction era. It is written very broadly and has been interpreted by the Supreme Court and other courts to have a specific intent requirement to violate a constitutional and Federal statutory right, which frequently can be difficult to explain to juries. We would be very interested in exploring the possibility of a more limited statute. We want to keep 242 on the books—and 241. We don't want to do anything with them.

But to have a more limited statute that may speak more specifically to the intentional use of excessive force by law enforcement officers, that would solve a variety of constitutional problems that have arisen in the application of section 242, including what is the standard to be applied to the definition of "excessive force." In the arrest standard now, particularly in the arrest context, it is a different standard than an excessive force standard in a jail or a prison setting, which is an eighth amendment cruel and unusual punishment standard. We would like to see that simplified and clarified.

We do, however, feel that some intent element is required in even a new statute to be deemed constitutional, not to be found void surveillance, because police officers are allowed—not only are allowed—but are required as part of their job to use force, thus punishing the excessive use of force. When is an officer to know that they have stepped over the line? And we think that having an intent, a simple intent element will both save the statute from constitutional problems, put the officer on notice about what conduct is not permissible, and it is the fair thing to do.

MS. MUSKETT. This would be a simple intent? Could you elaborate on that?

MS. DAVIS. Someone acting under color of law intentionally using excessive force.

MS. MUSKETT. And then lastly, and perhaps this is something that you're both in the planning stages on, in terms of this implementation of the right that is on the books now in terms of summary punishment, oftentimes it seems that it is the minority communities that allege that there is a pattern or practice of police misconduct, whether it's the Latino communities or the African American. Do you foresee your office playing a greater role in coordination with Miss Alfonso-Lasso's office in the future?

MS. DAVIS. Earlier I mentioned that we had provided probably the largest, certainly the largest, analysis or attempt to analyze the information that comes into the Criminal Section on a pattern or what might be called loosely a pattern or practice basis. That information was provided back in 1991. Again, I question the usefulness of having that information because it does not identify incidents motivated by race, religion, national origin, which is a critical issue for her enforcement efforts. We have not previously provided descriptions of the cases that we have brought to her office. For the same reason she explains, and we agree, that information would be helpful; we have done that, providing her a description of the cases that we have brought starting in the year 1989, and we'll certainly continue to do that.

MS. MUSKETT. I have no further questions, Mr. Chairman.

VICE CHAIRPERSON WANG. Thank you. The floor is open for questions. Commissioner Anderson.

COMMISSIONER ANDERSON. Ms. Davis, could you tell us when you joined the Civil Rights Division?

MS. DAVIS. Yes. I joined in 1976.

COMMISSIONER ANDERSON. I'd like to go back to your answer about specific intent, which you described as intentional intent and then you said you needed a specific intent to be able to enforce any of these actions. How would that differ from the standard now?

MS. DAVIS. I don't know that the standard would actually be all that different. I think it would get rid of some very confusing jury instructions that make it very difficult to explain to the jury. We contend and we argue in court now that it is the intentional use of excessive force that

violates the constitutional right. But certainly there have been many court decisions interpreting 242—*Cruz v. United States* being the main one—that has language that is very difficult to understand and yet finds its way into jury instructions. I think that a simplified statute, simplified instructions—that, in turn, I think would lead to greater clarity in jury verdicts.

COMMISSIONER ANDERSON. If I can just understand, it seems that the problem isn't so much a requirement of specific intent as it is the problem of the history of court decisions, jury instructions which make it difficult to now at this point in time convey to the jury.

MS. DAVIS. In part, it is that. It's also the shifting definition of what is a constitutional right, and that keeps changing. And we now have different constitutional rights depending on where an individual may be in the criminal justice system. As I indicated, if one is in the process of being arrested, the fourth amendment, a standard of reasonableness standard applies to the use of force that is being used by an individual law enforcement officer. If you move into the eighth amendment context, which is jails or prisons, now the use of force has to be evaluated against a cruel and unusual punishment standard. I question why there should be that difference, and I think that having a single statute that speaks to the issue of excessive use of force, regardless of where the individual may be in the criminal justice system, would be an improvement over the current 242, which does keep changing.

COMMISSIONER ANDERSON. Let me ask you, Is your position now with the Department of Justice a political position?

MS. DAVIS. No, it is not.

COMMISSIONER ANDERSON. Has it ever been?

MS. DAVIS. No.

COMMISSIONER ANDERSON. We've heard from earlier panelists this morning—I guess I would characterize them as "aspersions"—regarding the commitment of your division over the past 10 years in terms of civil rights enforcement. I don't want you to answer or feel that I'm questioning you personally in terms of your commitment there, but I would be very curious, I'd like to know, really, whether you have sensed, since becoming chief of that section in 1984, whether

you had policy directives or budgetary decisions which you felt or reasonably assumed, if I could put it that way, were motivated by policy decisions to downgrade the effectiveness or the activities of the Civil Rights Division in Justice?

MS. DAVIS. Certainly there were many policy changes during the last 10 years involving other sections of the Civil Rights Division which I am not able to speak to. But with respect to the enforcement of the criminal civil rights statutes, I cannot advise you that there were any pressures; there are always budgetary constraints. We always have to talk about budgetary constraints. But, during that time period, we saw a steady course of bringing police abuse cases, and we saw a phenomenal increase in the number of racial violence cases that were brought by my section, in the last 4 years in particular. The last 4 or 3 years, we brought as many racial violence cases in that time period as in the prior 12 years combined, and there has been tremendous encouragement and importance given towards the criminal civil rights enforcement program.

COMMISSIONER ANDERSON. You never had a feeling, for example, that we had to have cooperation of the local law enforcement and let up on civil rights enforcement or police brutality cases or excessive force cases because we needed greater cooperation of the police, that was the paramount issue?

MS. DAVIS. In terms of a policy directive from the Department itself, I did not feel that from within the Department. That is always a tension, however, when you are bringing a criminal case against a law enforcement agency. Whenever the lawyers in my section go out into the field, there is always the possibility that other individuals will feel that their efforts are counterproductive, and that is a reality that we have to deal with on a case-by-case basis.

COMMISSIONER ANDERSON. You were careful not to say "policy decision," but informally from superiors?

MS. DAVIS. No. No.

COMMISSIONER ANDERSON. Thank you.

COMMISSIONER GEORGE. The specific intent requirement effectively is a requirement that supplies the *mens rea* in this area?

MS. DAVIS. Currently. In section 242.

COMMISSIONER GEORGE. So, if it didn't have a specific intent requirement, you'd have a serious constitutional question about the enforceability of the law?

MS. DAVIS. That's exactly right. And that's what the Supreme Court held in *Spruce*.

COMMISSIONER GEORGE. That's my only clarification.

VICE CHAIRPERSON WANG. Thank you very, very much, the both of you, for being candid and patient with us.

Progress of Local Police Reforms—Los Angeles Police Department

MR. DOCTOR. In continuation of the subject of progress of local police reforms of the LA Police Department, we'd like to call a panel of community and expert witnesses in the person of John Mack, who is president of the LA Urban League, and Karol Heppe, who is executive director, Police Watch/Police Misconduct Lawyer Referral Service. I understand that Mr. Mack has a pending conflict and would like to go first.

VICE CHAIRPERSON WANG. Will you both raise your right hands?

[Whereupon, the two witnesses were sworn.]

VICE CHAIRPERSON WANG. Counsel, will you proceed.

Testimony of John W. Mack, President, Los Angeles Urban League

MR. MURILLO. Mr. Mack, as president of the Los Angeles Urban League, how would you describe the status of the implementation of the Christopher Commission recommendations within the LAPD?

MR. MACK. I believe that—first of all, thank you, Mr. Chairman and members of the Commission, for having me participate in this very important hearing. I believe that a beginning has been made as you've already heard from Chief Williams and Commission President Jesse Brewer. There have been several fairly significant steps taken in the right direction. The obvious and most significant step in the right direction was that we have a new police chief, for which there is great joy from the hearts of many people in this city. We think we have a police chief who is a sound administrator and who is

also more sensitive to the very diversified population that we have here in Los Angeles. Of course, related to Chief Williams' selection was one important recommendation of the Christopher Commission Report and the charter amendment, and that was the requirement of the two 5-year term limitation, which now means that we will no longer have a situation as we have in the past where at the local level we literally have a chief of police operating like J. Edgar Hoover did at the Federal level for some of the years. That's, of course, another source of satisfaction to many of us. I think beyond that, as has been indicated, the commission is now going to be able to exercise some sort of oversight to a greater degree by having some staff, as has been stated for the record.

That's the good news and I think the important thing is that you do not confuse progress along the way with a basic solution to the long-term problem, the continuing challenges that confront the Los Angeles Police Department and, indeed, the city along these lines. Again, as the chief alluded, I think that we still—the department still has a long way to go before the mindset, the "corporate culture," if you will, of the department has been changed to move from a "we" versus "they" kind of mindset, to get beyond the point where we still have too many officers who see a gang-banger behind every young African American male face, for example.

There are still too many who see South Central as a war zone. People who don't live there, who understandably have a tough job to do, but who frankly feel quite threatened for their lives. And somehow or another that means that we too often have a confrontational kind of relationship. It seems that this is where the community policing challenge is important and where it needs to be implemented very quickly if we're going to get past that. I think also we have a major challenge confronting our department insofar as the realization of a staffing pattern that's going to reflect the diversity of our city. You've already had data presented to you by the department which lays out the numbers and you know the reality is that we still have a police department that is basically white on the one hand and the population is quite different in terms of its makeup.

And we still unfortunately have a situation in which incidents occur. There have been two very painful and tragic incidents that occurred since the beating of Rodney King and since the rebellion of last year. John Daniels, an African American tow truck driver, was pursued by a police officer at Florence and Crenshaw and he was shot and killed. And the indication is that this was without justification. That kind of thing is still happening in the aftermath of all of these experiences. There's another case currently under investigation in Pasadena. Another resident was found hog-tied in a police vehicle. So that, I think, points out that, while we have made some progress, we still haven't gotten to where we need to get to.

MR. MURILLO. Could you describe the progress of community-based policing as well?

MR. MACK. Community-based policing really, with the exception of one small pilot experiment that is occurring in one part of the—well, actually, there are three pilot community-based policing experiments underway. But, basically, community-based policing has not gotten off the ground; and I think that's something that will be acknowledged and I think, in fact, was acknowledged by the chief. So that, I think, is one of the very, very important challenges that still faces the department. Because it seems to me that if it's going to be implemented as it's been designed or described conceptually by experts in law enforcement where you have a situation of police officers moving from a militaristic approach to a more community-related approach where you have increased encounters nonconfrontationally. But that hasn't happened yet. So that, I think, is one of the major, major unfinished items within the Christopher Commission recommendations.

MR. MURILLO. Thank you. Mr. Chairman, I have no further questions.

COMMISSIONER GEORGE. President Mack, I don't know if you were here during Mr. Martinez' testimony, but I think that I'm accurately quoting him in recalling his statement that in the recent mayoral election he detected hammering [phonetic] fear. And I believe he thought that that was true on the part of both the major candidates. He particularly singled out the pro-

posal, the campaign pledge, to increase the number of police by something like 3,000. And his objection to that was that it tended to perpetuate the "us" versus "them" mentality and the idea of fear. We've got to fear other people hurting us, and we have to be protected against other people. Do you share that view or do you support the idea of increasing the number of police? Do you think that that's important?

MR. MACK. Well, I share the view that there was that kind of tone. I think there was in the mayoral election campaign that kind of tone, which, in effect—I think in reality the candidates and one candidate, who was the successful one, in particular was playing very hard to please all his major constituency in the San Fernando Valley, where he was looking at a predominantly white voter base that is quite concerned about crime and violence.

COMMISSIONER GEORGE. Is that fear justified?

MR. MACK. Oh, crime and violence are real. But black people are concerned about crime and violence, too. Make no mistake about that. So are Latinos and so are Asians and everybody else I know.

COMMISSIONER GEORGE. It seems to me that you would have reason in some of these communities to be more concerned about it.

MR. MACK. Absolutely. I think that the problem and the point I was attempting to make is this: I personally believe that the Los Angeles Police Department needs more police officers, but the important thing is the tone, the purpose, and the use for which they are going to be added. If it's to perpetuate a continuing mindset of just putting more police officers on the street to get rid of all the bad people, i.e., which according to some is another code word for getting rid of those minority criminals, getting them off the streets, and carrying out an oppressive kind of role as opposed to adding police for the purpose of beginning to implement the community-policing concept and idea in the spirit of the Christopher Commission, that's a different kind of use. That's a use to which I subscribe. And I think that that may have been what was being referenced here.

I think in the campaign rhetoric, frankly, the candidates were focusing more on a tone that

they thought would be more palatable to one part of the population. And then, as we've already indicated, people are uptight about crime. But the real challenge that faces us is to make sure that the police do as Chief Williams has indicated in the past: become servants of all of the residents of the city without regard to race, ethnicity, or economic class.

COMMISSIONER GEORGE. We had brief colloquy earlier, and I think you heard this today, about this remarkable fact that the average commute for a police officer is 48 miles; and then we got into the question of whether that's such a good thing to have people who are obviously policing the community from outside the community. Would you lay stress on trying to recruit people from within the community to police the community, or would you think that the police share—I believe it was Mr. Violante's view that where you have people from within the community who are willing to police the community, you shouldn't move them out of their jurisdiction?

MR. MACK. I don't believe in "ghetto-izing" the deployment of police, and if we don't watch it, that could slip into—

COMMISSIONER GEORGE. Whites against whites; blacks against blacks?

MR. MACK. Yes. I would not buy into that philosophy, and I'm not suggesting that was Bill Violante's philosophy.

COMMISSIONER GEORGE. He was objecting to it.

MR. MACK. I guess my point is this: the reality is that in order to recruit a sufficient number of police officers, the department will probably have to recruit people from all over the place and would not be able to just strategically assign only African Americans to South Central or Latinos to South and East LA, etc. I'm not even sure that's desirable. Beyond that, I think the important point to be made, however, is that wherever the people are recruited from, number one, there needs to be greater care taken in the whole recruitment and selection process to make sure that improved methods of screening out potential police officers who may have deep-seated racial and ethnic biases or maybe have some tremendous psychological problems which would practicably

render them not the best candidates for the department.

Secondly, I think it's important that there be improvement in the training that takes place in the academy. One of the things that was pointed out in the Christopher Commission's Report was that LAPD in previous years only had 8 hours of training in human relations. This is absolutely unthinkable in a city as diversified as Los Angeles. I think it's important that the training—and I believe that the chief is beginning to address this—become much improved both in terms of not seeing the use of lethal weapons or excessive force as a first option, but see it as a last alternative, but beyond that, to make sure that there's a much broader and more comprehensive degree of human relations and cultural and racial ethnic kind of training so that people can become more acquainted with the rich diversity that we have and the uniqueness of the differences.

And, of course, the other employment aspect, I think, is implementation of the community policing concept so that you have a much greater increase in the frequency of nonhostile, nonconfrontational contact between police officers who may live in one part of the city, but who are assigned to serve the people in predominantly minority low-income communities.

COMMISSIONER GEORGE. I'd like to ask you a brief line of questions regarding the Federal Government. Some people have argued that the Federal Government has simply been not consistently aggressive in the police misconduct cases in Los Angeles. And an example of that is someone complained that the Federal Government is only willing to come in where you have the obvious cases where conviction is very light and stays out of the more questionable cases. Now, our representative from the Justice Department on the last panel pointed out that in the criminal area it's often very difficult to get a conviction, and so the Justice Department doesn't relish coming forward in those types of cases. And on occasion, when they have, they can't get the grand jury indictment and so forth. How do you come out on this issue? Would you like to see a more aggressive posture by the Justice Department? And if so, how do you deal with two problems. One, the

problem of the standard of proof and so forth and the difficulty of getting convictions, and, two, the problem referenced by Mr. Violante of diminishing police morale by bringing cases that are, in fact, questionable?

MR. MACK. I think, first of all, the Justice Department has been too timid in the past in investigating and entering into these cases. I think in part because, quite frankly, there's been a tone at the Federal level of not really pressing as diligently and as vigorously as Federal agencies ought to be pressing for the enforcement of civil rights. I'd say that's true across the board. In my opinion, I think that, yes, the Justice Department has been too timid. Number one, because this was not a high priority within the Justice Department. Secondly, it seems to me that there's a tendency on the part of the Justice Department and to some extent the same things that you said—well, to a great extent the same things you said about the district attorney's office. They tend to want to go with the sure thing, the safe bet. And it seems to me that if we're going to really get a handle on this problem of both brutality as well as racially motivated police brutality, it's important that the Justice Department not always decide only to go with cases that they are almost guaranteed a victory. Life is not that way. We have to be willing to take some chances and some risks. So, I say they ought to get up and get at it.

Now, in terms of earlier involvement, recalling the back and forth at one point there, I believe a look should be taken at earlier intervention by the Justice Department, particularly in cases such as a Rodney King-type case in which it has not only local but national implications. Because it seems to me that a message needs to be sent out to law enforcement that, yes, when you're right, we're going to defend you and protect you, but when you're wrong, you're going to be held accountable. I believe that kind of mindset should be present within the Justice Department as well as other parts of the government.

COMMISSIONER GEORGE. We're going to deal with two potential problems, and let me remind you of them.

MR. MACK. Morale?

COMMISSIONER GEORGE. One is morale and the other, I think, is equally important. In the ordinary criminal law enforcement district, we ordinarily believe that questionable cases ought not in general to be brought because of our concern with the rights of the accused. Now, should the police be held to a different standard there?

MR. MACK. No. No. Absolutely not. No, I do not believe that police should be—I don't believe that the rights of police officers should be abrogated in any way. I don't think that they should be abused in any way. But I don't think that police officers are above the law, and it seems to me that a part what we've had in the past has been a reluctance to even consider prosecuting a police officer because the person is operating under the color of a badge and authority.

COMMISSIONER GEORGE. Can you say that the canons of prosecutorial discretion ought to be the same?

MR. MACK. Ought to be the same. Ought to be the same. I'm not out to destroy morale of the Los Angeles Police Department or any other police agency. But they have to do the right thing. It seems to me that whenever there is a reasonable factual basis and there is reasonable evidence in a case of this nature, the Justice Department should proceed. If it's a close call, you know, if you're talking about 51-49 percent, well, then—if it's a tie, 50-50, well, maybe they should not take that call or that risk. But I would say that if there is reasonable evidence, I would err on the side of prosecuting.

COMMISSIONER GEORGE. Keeping in mind that the prosecution is going to be held to a standard beyond a reasonable doubt.

MR. MACK. I understand that. Obviously, I was involved in the Federal case, the civil rights case of the officers who beat Rodney King. It is a higher standard. It is more difficult. And that should not be ignored by any means. But it doesn't mean that you shrink from doing it. The morale problem is a risky thing. I know that's something that the chief has to wrestle with and others within the administration of the department. I think, though, that the morale will survive if they really do their jobs fairly and equally across the board without mistreating one segment of the population or another. And if they

are not—when you talk about holding up to standards, it seems to me that maybe the morale of the police department needs to be challenged and maybe needs to suffer. It's a runaway situation in which they're misusing certain segments of the population because of the color of their skin or their sex or where they live and that kind of thing. Then morale is less important than justice.

COMMISSIONER GEORGE. Thank you very much.

VICE CHAIRPERSON WANG. Mr. Anderson, do you have any questions?

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. Mr. Mack, I, as well as some other members of this Commission, have met with officials of the Criminal Section of the Civil Rights Division who urged prosecution of law enforcement officials where the decision was not to prosecute. I agree with you that we should not prosecute only in those safe cases where we're sure of a conviction. And I would go so far as to say that if a prosecutor tells you that he or she has a 95 percent or a 98 percent or a 90 percent conviction rate, he's really telling you that he or she is not taking on all the hard cases that they should be doing.

I want to put a question to you, and I don't want to in any way downplay what has been said this morning about the need for training, need for better standards, need for better procedures of law enforcement. I do want to get into an issue, though, and that's the issue of the demographics of the police force as compared with the demographics of the community and how that affects community relations. The question really is, Can this problem of tension in this community be solved short of the police force beginning in a significant way to mirror the ethnicity of this community?

And I want to give you an example now from Miss Davis' testimony that she gave to the Commission, but she didn't state. She used in her example two officers patrolling in their vehicle late at night. They come across an individual walking down the street. They stop. One of the officers gets out of the patrol car, approaches the individual, and tells him to stop. The individual turns around and says, "I've got something to

show you," reaches in his back pocket, grabs a black object and starts bringing it around. The police officer draws his revolver, shoots the victim. The other officer in the vehicle believes that her partner is being fired on. She jumps out of the vehicle. She shoots the victim. The first officer believes now that the victim somehow is returning his fire. So he continues to shoot the victim. The victim is dead. The object that the victim wanted to show the police officer was a Bible.

Now, in those circumstances, tell me, If the victim is black or a member of another minority community here in Los Angeles and the two police officers are white, is it possible in this environment to convince the community that racism or excessive force were not involved in that incident?

MR. MACK. Probably. I think that that would be a difficult task. I think, though, if I—I will answer your question this way. I think clearly and very fundamentally it's very important for the Los Angeles Police Department and other law enforcement agencies to just do a dramatically improved job in its hiring, on the one hand, of people who represent all of the various segments of this city because the police department is in charge and responsible for protecting African Americans, Latinos, Asians, etc. Clearly, that is one of the unfinished agenda items for LAPD in relation to the Christopher Commission Report.

Just to let you know, this department has been involved in litigation over the years. So, that's not a new kind of challenge. I would agree, too, that that must be done if we're going to bring about a situation with which we have improvement in relationships. Several things can happen. Hopefully, you'll have people who will be a little more sensitive, can relate a little bit more, and maybe, in an encounter such as the one you've just described, be less prone to pull out the gun and go for the jugular first. I think also, ideally, in the best of all worlds, if we could have integrated teams all over the place, I think that they could teach each other; and I think that there would be a built-in constraint and restraint imposed upon the behavior of officers along those lines. So long as—and this is an important hedge here—you still have to have some things happening at the recruitment level and

training level as well because this kind of siege mentality and the “we” versus “they” kind of mentality of the old LA meant that sometimes you had officers engaging in brutal acts, maybe officers of color engaging in brutal acts against officers [*sic*] of color.

That is another one of the painful realities. And I think that speaks more to the broader issue of the mindset, of the macho kind of attitude that, “It’s us against the world and these are the enemies and we’re going to go out and get them” kind of thing. So I think you have to have a combination of the two, hopefully, people who will be more representative of the entire city, but also will have an orientation of compassion and restraint, but also knowing that they have to take care of a difficult job in trying to protect all citizens.

COMMISSIONER ANDERSON. Let me ask you one more question. Hypothetically, if you were mayor and you had—

MR. MACK. I wouldn’t want to wish that on anybody. Okay.

COMMISSIONER ANDERSON. Just for 30 seconds—and you had to set the budget priorities for the city, where would you put police training on your list?

MR. MACK. Police training? I would put police training high on the list, but not as high as a couple other things. I think that you have to have strong leadership at the top and positive leadership, and we have that. Also, I think that going hand-in-hand with training is the need for not only a fair and open complaint process, but a disciplinary process, so that those officers who are guilty of abusing their badges and of brutalizing people know that they’re going to suffer the consequences. So, I think discipline is very important.

One of the other revelations that came out during the course of the Christopher Commission hearings, there was an indication of the distortion of LAPD’s priorities in terms of how they weighed the disciplinary action. There was an example, I recall, of one officer who was wearing a beeper, and they have a policy you don’t wear a beeper when you are in a social setting of some type. And this officer had stopped off, went into a convenience store someplace to pick up a

magazine or something, and somebody observed that and reported the officer. That person got a 30-day suspension. On the other hand, there was a history in which there had been other incidents where some other officers had, in fact, beat people or been found guilty of actual harassment and brutality receiving lesser sentences, lesser time, maybe a suspension of less than 15 days or some lesser period, which I think showed a real disregard. And that sent out a message to those officers who were inclined to engage in excessive use of force to know that they would get a slap on the hand.

My point is this: Training is high, but it cannot be any higher than the importance of leadership from the top and, secondly, a recognition that you will suffer the consequences if you get out of line.

VICE CHAIRPERSON WANG. Mr. Mack, are you happy to see the changes and are you happy with the review of the complaints process now?

MR. MACK. I think it’s a step in the right direction. Now, what has—and I think the chief has moved to bring it under the direct supervision of his office. As I understand it, the chief of staff now, for the chief, is in charge. Internal Affairs is conducting it. They’ve just beefed up the South Bureau, which is the area of the police of South Central. So I think that’s encouraging. What I’m not happy with, quite frankly, though, is the slow movement of adding civilians to the panel, review panel, that really has a responsibility for studying those complaints. That is a very important unfinished item within the Christopher Commission that we’re not happy about yet.

CHAIRPERSON FLETCHER. Fortright question and you can answer it in the same fashion. What’s right with Rebuild LA? What’s wrong with it? If they had to start over again, how should they do it and what would you recommend with reference to doing it again in other cities?

MR. MACK. I think Rebuild LA’s main potential—and I would emphasize “potential”—strength is that of engaging the private sector in really making major long-term commitment to the rebuilding process here in Los Angeles. You understand that, in the final analysis, as important as all we’re discussing now in the law en-

forcement arena, clearly the economic arena is absolutely vital. Jobs, ownership—particularly ownership by African Americans—I think one of the byproducts of the painful rebellion we went through last year was that a number of people were saying, “We’re sick and tired of somebody else always owning the businesses.” I mean, aside from the obvious anger and outrage over the beating of Rodney King and the other aspects, was people saying, “We need to have our share of the pot.”

I think Rebuild LA, to the extent that Rebuild LA can make a difference in convincing the business community of Los Angeles and beyond to really enter our community and not only make investments, but really return to the community—we’ve had some beginning examples that I think are in the right direction. For example, whereas before last year there was only one supermarket, Boyz Market that had remained in South Central Los Angeles when all of the other supermarkets had left the community, Rebuild LA leadership deserves credit for helping to persuade some others—Vons Market is now there. Lucky’s has come in. Actually, Rebuild LA didn’t bring Lucky’s in. But Vons has made a commitment to come in and Smart & Final and other supermarkets. That business is beginning to come in, and it’s making a difference by providing choices for people in terms of where they shop for food. It’s providing jobs and those kinds of things.

I think, on the negative side, Rebuild LA got off to a false start. It spent many, many months attempting to define its mission and attempting to become inclusive to make sure that all of the diversified elements and segments of this very diversified city were involved. And clearly, they were justifiably being pressured from many different directions. I think that that caused Rebuild LA a lot of lost initial momentum when there were a lot of people initially who were quite concerned in the aftermath of the unrest, and they wanted to come in, “What can I do?” kind of thing. And I think that there was some momentum lost there that can perhaps never be regained. I think also Rebuild LA has found itself facing a public relations problem, too. A lot of people expected Rebuild LA to be a panacea. There are a lot of

people angry at Rebuild LA because the businesses, the small businesses, the mom-and-pops that were burned out, have not been rebuilt.

I happen to believe that that was really the government’s responsibility. People ought to be angry at SBA [Small Business Administration], FEMA [Federal Emergency Management Administration], and various other agencies. I’m upset again at the Federal Government. The fact that the President and the Congress still haven’t passed to this day—former President Bush and now President Clinton—Congress has not gotten together an aid package, specifically job skills. We need jobs in the worst kind of way. In the short term, I think that that’s where that should be, as well as making sure that those small businesses were able to get loans without being put through all this kind of bureaucracy.

So part of that was an image problem for Rebuild LA, and probably the other thing is that Rebuild LA was searching for a definition of itself to find its mission. And hopefully, it’s finally gotten there, even though obviously they’ve suffered a recent unexpected loss in the minds of some when the founding chairman, Peter Ueberroth, decided to step down and still remains as a member of the board. I don’t know how much of an impact that’s going to have pro or con. But I think Rebuild LA, if it focuses on its defined priorities, then maybe it can make a difference. But the important thing is that the people of Los Angeles and the people of America don’t expect Rebuild LA to solve all of the problems that confront the city. But that’s going to have to—there’s got to be a government role at the local level as well as the Federal level. And then there has to be part of a special partnership along the way.

CHAIRPERSON FLETCHER. Thank you very much. Any further questions?

MR. MURILLO. I have a question of Karol Heppe.

MR. MACK. May I make one—Mr. Chairman, before you excuse me, I would like to, if I may, make a couple of recommendations—

CHAIRPERSON FLETCHER. Please do.

MR. MACK. Two or three that I would hope this Commission would consider. And it sort of ties in with one of the earlier questions that I

was put. I hope that the Civil Rights Commission would urge much more aggressive action on the part of the Justice Department and any other appropriate agency to make sure that investigations and prosecutions in brutality cases along the lines of what we experienced with Rodney King, that that be given a higher priority, number one, by the Justice Department. In other words, a much more vigorous kind of willingness to enter into these kinds of cases.

I think, secondly, there's a role to be played at the Federal level—perhaps this Commission as well as the Justice Department and others may play a role in providing technical assistance and other kinds of support at the local level to local law enforcement agencies such as LAPD and others in the whole area of training. We've talked about training quite a bit, but I think this may be a place where your Commission and the Federal Government might be able to assist.

Third, and quite frankly, there may be more informed and learned legal minds than mine, but I believe that either at the State level and/or the Federal level, consideration should be given to making it a criminal act, to mandate severe penalties for police officers, particularly senior officers, when they stand around and do nothing to intervene when they observe their fellow officers brutally and sadistically beating an individual, as was the case with Rodney King. The former district attorney took the position that there was no legal basis upon which his office could intervene. Quite frankly, we heard some other lawyers argue that if they had looked long enough and hard enough, they could have found a legal basis. But I think this is an area that needs to be very actively explored because it's something that is totally unconscionable that would be allowed.

And the final point, and this ties into some individuals who are in the audience here, the niece of the late Latasha Harlins—she's not been talked about yet. But here was a situation where a judicial act was taken that was totally unconscionable, in which this 15-year-old African American young woman was shot and killed—shot in the back and killed after having a struggle with Mrs. Du, a Korean American merchant. Mrs. Du had accused Latasha of stealing a bottle

of orange juice. Latasha had indicated she was not stealing it. Money was seen on the counter. There was a videocamera again that captured all of this. After the struggle, Latasha turned and walked away, and without getting beyond that with the details, the fact of the matter is that a jury found Mrs. Du guilty of second degree manslaughter and the probation department recommended a jail sentence. Judge Carlin decided upon probation and a \$500 penalty for that.

That is something that certainly inflamed the—along with the Rodney King incident—inflamed the passions. When we talk about racial tensions, that was just as strong in the manner which this community was inflamed. It seems to me that that kind of judicial decision needs to be subject to review. There was an attempt by the DA to have it reviewed at the State court level, and nothing happened. There was a lot of political back and forth. But it seems to me that this is an area where someone should examine whether or not there might be some basis upon which some kind of Federal judicial review could come into play in an incident of this type.

COMMISSIONER GEORGE. If I may just ask a couple of questions? One is that I see constitutional obstacles to a Federal review or judicial State review, for that matter. But apart from that, and I don't know anything about the judge involved in the case, is it your allegation that the judge was, in fact, racially motivated, that had the decedent not been an African American young woman, but say Korean, that there would have been a different outcome?

MR. MACK. There was a strong, strong feeling. My allegation is that this was another example where the life of a 15-year-old African American young woman was not valued in the same way that the life of a 15-year-old white teenager would have been valued or some other teenager would have been. So, yes, I would say insensitivity at best, racism at worst.

COMMISSIONER GEORGE. I want to raise a question that Mr. Redenbaugh raised to Mr. Kwoh, and I don't know if you were here for that. It has to do with the difficulty in the minority communities, especially African American communities, to begin business enterprises in LA. To what extent do you think the problem in

LA, and indeed California and the United States, has to do with overregulation, bureaucratization, heavy taxes, as much as 25 years ago, making it more difficult to open and sustain business enterprises? And if you think there's anything to that, if that's part of the problem, are you a supporter or an opponent of the idea of enterprise zones where there would be some relief from heavy regulations, taxation, and so forth in order to promote private initiative in these communities?

MR. MACK. I think clearly overregulation is a major problem—it's not the only one, I think, which related to African American business people. An even greater problem is the discrimination of redlining that occurs and in access to capital, to people who want to go into business from our community. And the other aspect of that is that the washout rate is very high for people who don't have the technical business acumen once they get their hands on it. So it's a pretty complicated thing. But certainly bureaucracy is one aspect of it.

Regarding the enterprise zones idea, I think the enterprise zone with some modifications offers a great deal of promise. The Urban League for years has supported the Jack Kemp enterprise zone concept. I would just add, though, that one important proviso—and certainly the idea of providing tax relief and incentives, etc., etc., for businesses that would want to start up in inner cities, urban areas such as South Central or East LA and what have you—that there should be a special incentive provided that would make it possible for the stabilization, on the one hand, of existing after the arriving visitors, but the creation of new community-owned, minority-owned businesses by encouraging joint venture relationships between large business and small business, partnerships of various types, as well as independent-type solo practitioners.

So, I believe that that's something that is desirable. And further, beyond that, I think that President Clinton's community development bank idea is another positive initiative in that direction, if you can ever get the legislation passed. Because I think that financing, capital is a critical issue, and one of the points on the fi-

nancing side, we need to move more from the debt capital side to the fiscal capital side. We need to incur, to create vehicles and mechanisms and instruments that will encourage potential investors to be willing to make funds available. And the other aspect—and I might get a quick little commercial in—dealing with the technical management side, the Los Angeles Urban League plans on July 20 to open a business development center in which we're going to provide some technical management assistance along these lines. This is made possible through a major grant from ARCO, so that hopefully we can begin to address that part of the issue.

COMMISSIONER GEORGE. Do you see any promise in the school choice voucher project that has been opened in some cities? Do those hold out any promise for minority communities?

MR. MACK. Not if they're private sector. You just happened to press upon a real hot topic in Los Angeles. I'm opposed. I'm opposed to vouchers. I'm opposed to any scheme under the guise of choice that is going to subsidize private schools utilizing your tax dollars and mine. It's all right if any one of us or any one of you want to send your children to private school, but not at my expense as a taxpayer. And I think, beyond that, I'm a firm supporter of public education, as many problems as it has. And when I leave here—and I better get out of here; I'm supposed to give a speech in a few minutes on this very subject—education reform is a major, major topic here in Los Angeles right now. Any plan or any proposal that's going to erode, further erode the effectiveness of public education, I have a problem with. I think that there are other ways to strengthen public education. Time will not permit me to get into it. You do not want to hear my dissertation on it. But suffice it to say, if you're talking about vouchers, I have a problem with it.

COMMISSIONER GEORGE. Thank you for your very impressive testimony.

MR. MACK. Thank you very much.

CHAIRPERSON FLETCHER. Thank you very much.

MR. MURILLO. I think Mr. Mack has a speaking engagement to attend to.

CHAIRPERSON FLETCHER. Shall I release him?

MR. MURILLO. It's up to you.
CHAIRPERSON FLETCHER. You're excused.
MR. MACK. Thank you, Mr. Chairman.

**Testimony of Karol Heppe, Executive Director,
Police Watch/Police Misconduct Lawyer
Referral Service**

MR. MURILLO. I'd like to ask some questions of Karol Heppe. Miss Heppe, can you state for the record your position and how long you've held that position.

MS. HEPPE. I'm the executive director of Police Watch/Police Misconduct Lawyer Referral Service, and I've been the director for approximately 4 years.

MR. MURILLO. Can you tell us about your organization's most recent statistics regarding police misconduct?

MS. HEPPE. Yes. One of the—

MR. MURILLO. Specifically, the complaints about police misconduct.

MS. HEPPE. The thing that we do at the office is victims of police misconduct—and we just call in from the office to make a complaint about the incident that they've been involved with. As a result of that, we are able to keep statistical data on the types of victims, the number of incidents, the police stations involved, the officers involved, the race, sex of the victim, and the area from which they come to get a bigger picture of the profile of victims of police brutality.

The number of complaints that we have received involving the Los Angeles Police Department has basically not diminished over the years. It has continued to escalate a percentage each year. Generally, we receive about 550 complaints a year against the Los Angeles Police Department. Last year, 1992, we received 575. And so far this year, in calculating the first several months of this year's statistics, complaints that have come into our office, it looks like we're going to be about the same number.

From the perspective of the complaints that we receive in our office, it looks like the problem of police misconduct and abuse in our community involving the Los Angeles Police Department in particular has pretty much stayed the same, and we do not see a decrease in the number of complaints that we receive in our office.

And, in fact, the total number of complaints continues to escalate as we receive complaints from all over the southern California area.

MR. MURILLO. Could you provide us that information for the record?

MS. HEPPE. I have put together a packet here that includes our statistics. I will leave this for the Commission.

MR. MURILLO. Thank you. I have no further questions.

COMMISSIONER GEORGE. Director Heppe, can you tell us a bit more about your organization, the Police Watch/Police Misconduct Lawyer Referral Service. Are you a nonprofit organization, public interest organization?

MS. HEPPE. Yes, we are a nonprofit public interest organization. We have a panel of approximately 100 attorneys who work with us, and what we do is we try to match up victims of police abuse with one or more of the attorneys on our panel to see if there is enough for an attorney to litigate a civil action against the police. One of the reasons that we even got involved in this back in 1981 was because of the escalating problem of police misconduct in the City and County of Los Angeles. Civil rights attorneys and public interest lawyers got together and said, "What can be done about this?" Basically, you have law enforcement departments that do not discipline their officers. You have prosecutors who do not prosecute police officers for crimes. Therefore, you have victims of police abuse without any remedy for what's happened to them. And it was felt that if you could get a panel of attorneys together, you could maybe start bringing actions against the entities that employ these police departments by bringing civil actions. And by costing taxpayers money to bring suits against the police, that the local agencies and the government would take a closer look at the problem of police abuse and maybe start becoming accountable for the problem.

However, as the representative for the Police Protective League indicated earlier, in showing you the escalation of civil judgments and settlements against local law enforcement, particularly the Los Angeles Police Department, you see that the amount has risen from—I think it was in 1979 the city paid out approximately \$11,000

in police misconduct settlements and judgments in that particular year. And last year, 1992, the city paid out almost over \$20 million. And it has been escalating since 1979 into the millions and millions of dollars paid out.

Yet, it took the Rodney King incident for local City of Los Angeles government to take a closer look at the problem of police misconduct. And the fear is, now that the attention around the Rodney King incident has died down, this Commission is one of the few things that have even come out in paying attention to the issue of police brutality and misconduct. Even in the past 12 months, there has been little attention on this issue. It's fading away as it was prior to the Rodney King incident. And less attention is being played on the issue and focus is going elsewhere. And then the problem still continues out there because the original problem has not changed. Despite the commissions, despite recommendations, you still have the police investigating themselves. You still have the local DA and the conflict of interest that he's involved with in trying to bring some of those charges. You still have the Federal Government not getting involved in prosecutions. And, therefore, victims are still left out there, and the city governments are paying millions of dollars, and the problem is continuing to escalate.

COMMISSIONER GEORGE. Do those attorneys to whom you refer those who come to your organization work on a *pro bono publico* basis or are they paid?

MS. HEPPE. Generally, they take cases on a contingency-fee basis because the profile of the victim of police abuse is someone who is very low income and generally a person of color. So they don't have the money to hire an attorney. The attorneys, although they lose at least three out of four cases even in the best scenarios, the best cases they take, they gamble with their own livelihood and their own office expenses. And these are generally small practitioners who take these cases. Your larger law firms do not get involved in these cases because they have conflict. They have contracts with local governments on things. So they can't take the cases.

COMMISSIONER GEORGE. Do they operate as ordinary plaintiff's attorneys?

MS. HEPPE. Yes. On a contingency-fee basis, yes.

COMMISSIONER GEORGE. What internal mechanisms do you have to ensure against unfair suits against police officers, fraud, suits, suits that will create nuisances and generate money settlements, and so forth? Do you have an internal mechanism to police yourself?

MS. HEPPE. Well, like I said, we're talking about very small practitioners that take these cases, usually maybe one or two or three attorneys in the office. They don't have humongous million dollar budgets that run their office. They can't afford to litigate a nuisance case. They can't hardly afford to litigate a case like Rodney King. I mean, it still costs them thousands of dollars to litigate these cases; it's their own money up front. They're not liable to do that on a nuisance case. They can't even win a malicious case, let alone a nuisance case. The jury's not going to buy that. They know that. They can't afford to do that.

COMMISSIONER GEORGE. Nuisance cases don't go to juries.

MS. HEPPE. I don't know what you mean then.

COMMISSIONER GEORGE. Nuisance cases generate settlement. That's the point of nuisance cases.

MS. HEPPE. Police misconduct cases do not settle. Very, very few settle.

COMMISSIONER GEORGE. Can you give us a rough statistic on those that go to trial? Is it 90 percent?

MS. HEPPE. Probably. Probably. I don't know. I don't have that statistical information.

COMMISSIONER GEORGE. In tort law you have bread and butter business plaintiff's attorneys.

MS. HEPPE. Right. They settle.

COMMISSIONER GEORGE. Close to 95 percent. Now, if this is a particular area of civil practice in which the opposite is the case, I think that is a very instructive statistic. I wonder if you could look for and possibly supply us with data on the settlement rate of suits brought by these attorneys to whom you referred clients.

MS. HEPPE. Yes. I'll see what I can do about that. Also, on one of the panels that you're having later this afternoon, Hugh Manes, who is one of the senior litigators in this area, can probably

give you a better picture, having done this for 35 years, the rate of litigation versus settlement in these cases.

COMMISSIONER GEORGE. Okay. My other line of questions has to do with the question of whether the problem is fundamentally a racially motivated problem or it has to do with what was referred to by a previous panelist about mindset, a macho mindset that strikes out at whoever the police are arresting or dealing with. Do you have any reflections on that? No one denies that there are racially motivated incidents, but do you think the fundamental problem is that the police are prepared—some police officers are prepared to beat up anybody they are arresting? It's not a matter of race. It could be a member of their own race. They're just mean.

MS. HEPPE. I think the most common denominator in police brutality cases is the economically disadvantaged status of the victim. Generally, approximately 80 percent of the victims of police abuse are very low-income, indigent people, regardless of their race or ethnicity.

COMMISSIONER GEORGE. How does that line up against the percentage of low-income people who are arrested by police? Because the statistic won't be meaningful if there is a variance between that statistic and the statistics about the number of low-income people who are arrested.

MS. HEPPE. You mean for alleged crimes?

COMMISSIONER GEORGE. For alleged crimes.

MS. HEPPE. I'm not really in the business to calculate crime rates and analyze crime rates and types of crimes and victims of crimes and things like that. So I couldn't represent.

COMMISSIONER GEORGE. Is it your belief that you're much more likely to be beaten up by the police if you're a low-income arrestee than if you're a high-income arrestee?

MS. HEPPE. Yes. Yes. And there are certain patterns and practices that have come up as this discussion around certain things that the Federal Government, the Justice Department could look into. And we see a lot of victims of police brutality in these so-called wars that our law enforcement agencies are out fighting in our communities—the war against gangs, the war against drugs, the whole negativity of “us” against “them” programs like that. I think that

we all have to rethink what war we're fighting, and is this really a war or is there a sickness in our community? I think that the law enforcement—and as the Federal Government plays a role in these wars, too—has to rethink that sort of mentality of wars within our own communities. I think they're sicknesses. I don't think they're wars.

So, you have basically a profile of people in certain communities that fits nearly everyone in that community, regardless if they're involved with drugs, regardless if they're involved with gangs. These profiles are very discriminatory. They have a very discriminatory impact on, particularly, our young African American community, who represent the greatest victims of police brutality, yet represent a very small percentage of our community. The disparity there has to be considered, because I don't think you can avoid there is racism in our community. There is racism within the police department. Therefore, the issue of tracking police officers who seem to have tendencies toward conduct that is a violation of people's civil rights based on their race has to be implemented.

This pattern or practice of stopping and detaining and searching and arresting and holding for 48 hours and then releasing without charge young men of African American descent and Latino descent is something that really is a pattern or practice of violations of civil rights and nobody is paying attention to it. There is not enough there for a single attorney to litigate a case because generally the police have technically a right to hold you for 48 hours without charge. They have a right to make arrests. And there's not enough money in it for an attorney to even think of litigating a false arrest for 2 days. The best we can do for these people is make a complaint against the department, which, of course, will not be sustained, and also to pursue an action in small claims court and try to collect \$5,000 for the emotional trauma and bodily bruises or cuts and scrapes, things that are always at the hands of the police just because they were profiled as a gang member or a drug dealer because of the way they look.

COMMISSIONER GEORGE. No one should be arrested because of the way they look.

MS. HEPPE. But this is a fierce fear of pattern and practice in our community against certain members of our community.

COMMISSIONER GEORGE. What is the relationship between that and the mentality that you find inclusive in the idea of the war on crimes, the war on drugs, or war on gangs, or whatever? Above all, we all have an interest in combating crime, the effects of combating crime. But I would think that the kind of support the company used [phonetic] would more likely be crime victims, at the greater intent to be an effective police force that does want to arrest criminals.

MS. HEPPE. Right. That's what they're doing. But if they're just stopping people's children and husbands based on the fact that they have certain colors on or they wear their hair a certain way or they're wearing certain shoes or a bandanna or whatever, which is very stylish, or baggy clothes, which is very stylish today in our community, there's serious civil rights violations that are being ignored. And these young men are being constantly—local television programs have done sting operations to show the discrepancies between the treatment of African Americans driving in a community and white Anglo-Saxon young men driving in a community. They've done interviews with both and just finding a pattern of constant harassment that young men of African American descent have to deal with on a daily basis.

COMMISSIONER GEORGE. I agree with your testimony on that point. What I'm interested in is the relationship between that and the point that you made earlier about your objection to the ongoing war on crime or war on drugs, the mentality that those ideas embody. It's easy enough to imagine, and I'm sure in some places among some police officers, we have the mentality that says, "Yes, we're going to have a war on drugs," but not engage in abusive behavior. What's the link? Do you see the link?

MS. HEPPE. I do. It creates the paramilitary type of operation of law enforcement, it's "us" against "them." And when the police go out there, they're not going out there to serve the community; they're going out there to get the enemy and whatever profile that enemy fits at the particular time. And I don't think that's a healthy way for our community to fight crime is to have an attitude of the police that is "us" against "them", that they're not working within

the community, but the community is somehow their enemy.

COMMISSIONER GEORGE. It's not "us" against the community. What is wrong with the police having the idea that "them" is the criminal element? Who is predatory, particularly on low income or and often minorities—

MS. HEPPE. But I'm saying that it's non-criminals who happen to fit the profile who often are swept up in the war against drugs, in the war against crime.

COMMISSIONER GEORGE. The point about particular abuses seems to be intended. You seem to be suggesting that there's a necessary link. That if somebody takes the attitude that "we're going to be tough on crime. We're going to try to rid this community the best we can of criminals," is necessarily a link to abusive and racist behavior. I don't see the link. I'm prepared to be persuaded, but you have to persuade me that there is a link between that mentality and abusive and racist mode of behavior. I don't see why—

MS. HEPPE. I guess this is a philosophical question whether when the police go out there to fight crime, whether they consider that they're going out to fight crime in a community or whether they're going into a war zone and everything that's implied in the going out into a war zone versus going out into a community to fight crime.

COMMISSIONER GEORGE. Community to fight crime. So they can fight crime? They can go out into the community to fight crime?

MS. HEPPE. I think we're getting caught up in semantics and philosophy, and I just happen to think that when you term something a "war," you create a warlike situation and the military and the "us" against "them" attitude that goes along with that program, and not be the cooperation and community between the community and those people fighting crime.

COMMISSIONER GEORGE. You would substitute a pathology model, a disease model, to fight a disease?

MS. HEPPE. I just don't think that—I think we're getting sidestepped here. I just don't think that the term "war" serves the best interest of our community.

COMMISSIONER GEORGE. I think mentality does matter. We've had a good deal of testimony that we have a real mentality problem. So, whether I agree with you or not, I'm very happy

to have your efforts to identify the sources of the difficult and problematic mentality. My final on the questions is back on the question essentially of race as the determining factor in many of these abuse cases. Are you familiar with the incidents that Mr. Hoffman testified about earlier, police brutality against abortion clinic rescue work protesters? Were those cases in which your organization was involved?

MS. HEPPE. If they would have called us. I don't recall that any of those victims called us.

COMMISSIONER GEORGE. Do you know the cases? Are they familiar to you?

MS. HEPPE. I'm vaguely familiar with the conduct of the police in those instances.

COMMISSIONER GEORGE. Do you recall what the outcome of the cases was? Were they settled? Were they litigated?

MS. HEPPE. I think the ACLU was more directly involved in these cases.

COMMISSIONER GEORGE. Thank you very much.

COMMISSIONER REYNOSO. You've heard the recommendations of the Christopher Commission before. What is your view about what's the diplomatic, what is not, how far along that process has come?

MS. HEPPE. Well—

COMMISSIONER REYNOSO. I'm asking because we had some previous witnesses to that, but you have a different perspective.

MS. HEPPE. Yes, I do. First of all, although we were happy, we were skeptical when the Christopher Commission was formed, due to the past commissions that have been formed in our city and resulted in no change. We were pleasantly pleased by some of the recommendations. However, even the members of the Christopher Commission said in order to resolve—to have come to a consensus, they had to water down many of their recommendations. Many of the recommendations that we would have endorsed and encouraged them to promote were things that they didn't.

It's our strong belief that, although you have a civilian who looks at police complaints, the civilian has at best an advisory role in reviewing police complaints. The ultimate decision is made by the department itself as far as recommendations for discipline or prosecution. We feel that as long as the department has the internal controls to discipline itself and as long as the district attor-

ney has the sole power to prosecute police officers, that we are going to see unequal application of justice and discipline between the police and between the community at large. We feel that there needs to be an external review of police misconduct complaints, and we don't feel that the internal affairs bureaus are sufficient to do this because they're temporary placements where officers sit for a term, and they're—

COMMISSIONER REYNOSO. Excuse me. When you say "external," do you mean external from the department itself?

MS. HEPPE. Right. Independent body that reviews the complaints that are alleged against an officer in the department, and that these complaints are investigated not by the police but from investigators that are independent from the police. And that should a recommendation be made for discipline, that they have the power to make that recommendation and enforce that recommendation, that it's not advisory, that the police department or chief himself or herself does not make the final determination.

COMMISSIONER REYNOSO. How would that recommendation be implemented? It's a recommendation, for example, that criminal charges be dropped? Would that still go to the district attorney or how does that—

MS. HEPPE. Well, as long as the district attorney has such a wedded relationship with law enforcement in the performance of his or her job, we feel that the conflict of interest is too great for the district attorney to prosecute. Therefore, any recommendations for prosecution would be to go to an independent prosecutor.

Now, this could be a role that the Federal Government could play in reviewing the recommendations for prosecution of police officers because they are independent from our local DA's office. And other speakers have spoken to the problem of local DAs prosecuting their own police force.

COMMISSIONER REYNOSO. In California, you know that the State attorney general sometimes gets involved when there's a conflict for the local DA. Do you think that would be an adequate approach in California, or is the attorney general in your view also too closely related to the police organizations or the DA association itself?

MS. HEPPE. I think it would be an improvement. However, the problem there is that I think there was legislation within the past 2 years pro-

moting such an idea, and there were many legislative bills—I think there were six or so legislative bills for police reform since the Rodney King incident that went to the legislature, and they were all defeated. You have a problem of a very, very strong police benevolent association who has incredible amount of money and power with the legislature to defeat any kind of police reform and, in fact, then go forward and bring forth bills that bring more protection to local police officers and their departments. And it's very difficult to compete with the police benevolent association. So, all these legislative reform bills that were brought before the legislature were defeated. So, in that sense, it has seemed that any kind of police reform legislation in the State of California is almost impossible to get through the legislature. So, if we're relying on the local State legislature to take these kinds of responsibilities and pass these bills, I think that we're going to run up against a brick wall, and I don't think we're going to be able to do that.

COMMISSIONER REYNOSO. Is there any particular problem with—the Christopher Commission Report indicated that in Los Angeles—and I note that I've heard of in other cities also—that there's sometimes a rather limited number involved in the department who are involved in a disproportionately large number of complaints and perhaps, if confirmed, malfeasance. What do you think the department ought to do about identifying those folks? What should it do about that set of officers? One, do you agree with that observation, and, two, since that seems to be of particular concern, how do you approach that?

MS. HEPPE. First of all, what the Christopher Commission found was that there was a significant number of officers repeatedly misusing force and persistently ignoring written policies and guidelines of the department regarding force. So, it wasn't a few; it was a significant number. One of the commissioners asked Mr. Mack earlier about morality, and I think this is where you run against—there's the code of silence within law enforcement that should an officer complain about the conduct of another officer, he will be or she will be ostracized and could find themselves in a particularly dangerous or deadly situation out on the street at a particular time because they would be considered to be a traitor to the department. So, you have a real problem of even a forthright officer who witnesses an act of brutality having

the ability to come forward. And that also helps to deflate the morality of the department on the other edge of the sword versus having independence in investigating police misconduct complaints and bringing discipline independent of the department.

I think that the interest of justice perceives that we are all equal and that none of us are above the law. And I think you have some very good police officers who I think probably leave the department because they cannot stomach the brutality which they have to witness on a routine basis or they take jobs that do not put them in—do not expose them to officers who do violate people's rights and use excessive force and then bring charges against victims for resisting arrest, assault on an officer, which is the other angle of police brutality that we haven't discussed, is the victim of police brutality is always generally found—is alleged by the officer to have resisted arrest, obstructed an officer, assaulted an officer. So, not only now are they victims of police brutality, they also have criminal charges against them for doing something to this officer, which, in fact, they may or may not have done; and yet they have to be able to beat these criminal charges. Often these criminal charges are dismissed, but many times they're not. So, this whole accountability problem is really the root of the problem of police abuse.

COMMISSIONER REYNOSO. You've been asked about the mental state, if you will. One would think that any police department in any city would want more than anything to have the confidence of the citizens of that city. And in light of that, I think you agree, do you think that there's the resistance of having this external review of complaints against the police?

MS. HEPPE. I think the police have been insulated for so long from responsibility and accountability for excessive use of force and violating peoples' civil rights, that should there be a body who is going to be forthright and come forward in bringing charges against these officers and recommending discipline against these officers, the departments tend to see this as a real grasp of their own power to monitor their own departments. However, I think that common sense tells you that you can't expect the police department to investigate complaints against their officers. First of all, police departments are trying to put forward a very positive view of

their agency. They want funding, State, local, Federal funding. If they were disciplining their officers right and left, it's going to make the department look bad. So, it's not in their best interest to discipline their own officers because it may have a negative impact on the relationship with local and State and Federal Government funding for programs that they implement.

So, you know, I think there's just a real serious accountability problem. And as long as it exists—and it exists with most law enforcement agencies in the country. Many law enforcement agencies have accepted a limited role of civilian review of law enforcement agencies. However, in most cases these are only advisory bodies. They do not have the authority to actually implement the discipline they're proposing. It goes back to the law enforcement chief or whomever to decide whether to accept their recommendation or not. Also, many countries in the world have adopted civilian review boards, some with more or less power. But as long as law enforcement agencies have the authority to investigate themselves, I think the problem of police misconduct and abuse is going to be ongoing, and I think it's going to be a problem that will continue to exist in our country and in other countries where there isn't seriously taken an attitude that police officers who violate the law must be prosecuted, must be disciplined, that officers terminated from a department should not be offered jobs in other departments. You have officers that are setting really bad examples for other officers and they're getting away with it, and this is a moral problem within the department.

I have an article here from the *LA Times* that, "Officer Marks Sobel for Death, The Jury Is Told." This is an officer who testified against another officer for committing a crime. And now this officer, by another officer, has indicated that there's a death warrant out for him because he is a traitor to the department. This is the kind of thing you see when an officer comes forward against another officer. So, I mean, how can you keep the power within a department to discipline and bring recommendations for prosecutions within that department when officers are in fear of not only their livelihood but possibly their life if they come forward against another police officer?

CHAIRPERSON FLETCHER. Thank you. Mr. Redenbaugh?

COMMISSIONER REDENBAUGH. No more questions.

CHAIRPERSON FLETCHER. Any more from the panel?

MR. MURILLO. No, Mr. Chairperson.

CHAIRPERSON FLETCHER. I want to thank you very much. You have been very helpful to us.

MS. HEPPE. Thank you very much. I'll just leave this packet here for the statistics.

CHAIRPERSON FLETCHER. All right. I think the next panelist is the Los Angeles County Sheriff's Department; is that right? Will the Los Angeles County Sheriff's Department please step forward.

Progress of Local Police Reforms—Los Angeles County Sheriff's Department

MS. GROW. Would Merrick Bobb please come forward, Hugh Manes, as well as Dr. Gloria Romero.

CHAIRPERSON FLETCHER. Would you stand for a moment while I mention the oath, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Mr. Bobb, you first.

MR. BOBB. Thank you very much.

Community and Expert Witnesses Testimony of Merrick Bobb, General Counsel, Kolts Investigation, and Special Counsel, Board of Supervisors of Los Angeles County

MS. GROW. Thank you, Mr. Chairman. The staff has questions, to begin with Mr. Merrick Bobb. Mr. Bobb, please state for the record your present position as well as your prior and current employment with respect to the Los Angeles County Sheriff's Department.

MR. BOBB. I have served for a year as general counsel to the investigation for the Los Angeles County Sheriff's Department headed by Judge James C. Kolts. Currently, my position is special counsel for the Board of Supervisors of Los Angeles County with respect to the implementation of the reforms that were suggested by the Kolts Commission and have been agreed to by the sheriff's department.

MS. GROW. In your opinion as your role as the special counsel for seeing the implementation of the Kolts Commission recommendations, would the proposed civilian ombudsman as well as the review panel, retired judges, be more effective in their roles of monitoring the progress as well as adequacy of the Sheriff's Department investigations of citizen complaints of police misconduct if

they had access to the data in the proposed OPES II early warning and tracking system?

MR. BOBB. I suppose that the data within the OPES II tracking system would be of use, but of particular use, I believe, to the department itself, in terms of discipline and in terms of an early warning system within the department of those officers who are presenting the kinds of characteristics that if not checked might lead to the use of excessive force at a later time. The OPES II tracking system is primarily an early warning system. It's primarily a system within the department itself so that the members of that department will have early warning of officers who are presenting problems. As Karol Heppel described with respect to the Los Angeles Police Department, the Christopher Commission found that there were a significant number of officers who were prone to use excessive force with respect [phonetic] if the department had not taken action. The sheriff's department, in contrast, is in the process of implementing an early warning system which will hopefully help the captains and others within that department identify potential excessive force users and deal with those problems in their early day.

I don't think that really has much to do, frankly, with the work of the ombudsman and the work of the panel of judges. The roles of the ombudsman and the panel of judges are slightly different. The ombudsman will be a facilitator and help communication between the citizen and the department with respect to the resolution of the civilian's complaint. And in certain instances, the ombudsman would be empowered to review those decisions. The panel of judges will be reviewing departmental decisions with respect to excessive force and making recommendations back to the department itself. The discipline that will be imposed will be imposed ultimately by the department. And to that extent, the prior history of a particular officer with respect to use of force will be relevant, I believe, to that disciplinary decision and will be used in connection with it.

MS. GROW. The Kolts Report on the Los Angeles County Sheriff's Department has concluded that the lack of civilian oversight over the sheriff's department makes it an anomaly among major police departments across the country and further recognized that the need for such oversight was important, since the sheriff's department had

been unable to oversee its own problems and adequately deal with problems of excessive force. So how would the proposed ombudsman and the review panel of retired judges, the main major proposed reforms, be able to deal with these serious problems that were documented in the report as well as ensure meaningful civilian participation?

MR. BOBB. I think that if you take a look at the agreement that was reached between Judge Kolts and the sheriff's department in January of this year, you will see an example of a very far-reaching agreement for the introduction of civilian input into the affairs of the Los Angeles County Sheriff's Department that has not existed here before. The Los Angeles County Sheriff's Department is—contrasted to a lot of big city police departments—it's not under the aegis of a police commission or under the aegis of the mayor of the city. The Los Angeles County Sheriff, as is the sheriff of each of the other counties in California, is a constitutional officer, is elected by the people, and is accountable ultimately to the people, and is not accountable in a technical legal sense to a police commission or otherwise.

So, therefore, the introduction of meaningful citizen input in this county is an extraordinary step forward. That sense of input will come in several different ways. First, is the station level. The sheriff has agreed to the introduction of civilian advisory groups and panels that will be formed at each station of individuals and the community activists who will meet with the chief of the station, the captain of the station, and other personnel and will help develop within that station a community-based policing program, setting priorities within that station for enforcement and working with that station and its personnel to get more citizen input into how the police functions within the particular community.

The ombudsman will bring civilian input into the resolution of citizens' complaints. There will be somebody there, a citizen, not an officer at the station, but a citizen who can interact with the department and interact with the complainant, can facilitate the process for the resolution of citizens' complaints, can in certain instances review those citizens' complaints and make recommendations with respect to them—a far-reaching step, I would submit, in terms of citizen input.

Then also there will be a panel of judges. Rather than a civilian review model, which has

been unsuccessful in a number of places, the Kolts Commission recommended and the sheriff has accepted the idea that a panel of judges broadly constituted and broadly representative of the community within the Los Angeles County will be empowered to review the most serious excessive force cases and make recommendations with respect to: one, the thoroughness and adequacy in the investigation by the department itself and, two, whether the suggested outcome is reasonable and flows from the facts and flows from the investigation. We believe that will be a very, very important step in terms of controlling abuse of force by the department.

In addition, I am hopeful that my role as special counsel of the board will give an additional layer of civilian input. I have been asked by the board of directors of Los Angeles County to come in on a 6-month basis for the next 3 years and report back to the board of supervisors with respect to the department's implementation of the Kolts' reforms. And I hope that will be a vehicle, also, by which there will be significant input and significant progress towards the implementation of the reforms that Judge Kolts and his group suggested.

MS. GROW. We have heard previous testimony discussing the inherent conflict of interest in the police policing themselves. In light of that, what impact can the review panel of retired judges truly have if they are limited to merely affirming or remanding a decision back to the sheriff's department that did the initial investigation and when they are unable to conduct independent investigations? What are their thoughts on that?

MR. BOBB. I think the premise of your question is one with which the Kolts' group disagreed at least in part. We very carefully examined the investigations by the department itself of excessive force cases. And as the Kolts Report notes, we found in many, many instances that these investigations were flawed. However, we found that the investigations that were conducted by the internal affairs bureau were, although flawed themselves in several respects, better. And that they could, if properly supported within the department itself, perform adequate independent fair investigations. So, the premise that the police cannot necessarily investigate themselves, I think, is fraud. Both the Christopher Commission and the Kolts' group found

that a well-supported, independent professional internal affairs bureau, internal affairs division can do it.

What we attempt to do is to introduce checks and balances into the system like they have in government, in general, in order to maximize the opportunities that those decisions will be fair so that we have now a panel of judges who are there as a stopgap. If the investigation by the internal affairs division is fraud, if they refuse to interview the proper witnesses, if they were biased in their reporting of that investigation, the judge will be there to be able to report that and to be able to persuade the department, hopefully, to expand the scope of that investigation. If the investigation was a thorough and fair investigation, if the judge so finds, but nonetheless finds the result was wrong, then the judge, again, can reverse that determination and send it back for predetermination in the department. So it's a check. It's a balance. It is having somebody outside the department being able to review those determinations and to be able to have an input with respect to those determinations.

It's our view that if you have a good, strong, well-supported, well-funded internal affairs department, if you have the kind of training that we recommended and advocated of officers in the use of nonlethal force, in terms of training for cultural sensitivities for eliminating any messages of discrimination based upon race, gender, culture, sexual orientation, and the like, then it is possible to have a department that can conduct its investigations itself but subject to outside civilian input from the ombudsman or the panel of judges.

MS. GROW. You have mentioned that you were appointed as special counsel to conduct periodic audits of the sheriff's department, but that appointment is due to expire in 3 years.

MR. BOBB. Correct.

MS. GROW. Would it be more beneficial to have a permanent monitoring system of the sheriff's department rather than this present temporary monitoring role? And what will happen at that time?

MR. BOBB. Well, it's hard to predict what will happen in 3 years. It is my hope that the reform system within the department will be so thoroughly institutionalized that the need for me to be there will have diminished. But I do agree with you that the board of supervisors of Los

Angeles County and the sheriff's department in tandem should give serious consideration to the establishment of some kind of permanent commission that will carry forward the kind of work that we have been trying to do. I think that's important. I think it's important that it rests on the consent both of the supervisors and the sheriff's department. And I would hope that would be a step that would do what we're trying to do overall, and that is to encourage and resurrect mutual trust between the department and the community it serves.

MS. GROW. You had mentioned that you hope in 3 years that all the reforms of the Kolts reform will be fully implemented. But what actions can you as special counsel take or, for that matter, the county board of supervisors take if the sheriff's department has not made adequate progress in implementing reforms at that time?

MR. BOBB. The board of supervisors certainly has some powers with respect to the budget. It has, quite frankly, a great deal of political power and political persuasion we can bring to bear against the department. I can highlight. I can bring to the attention of the public any deficiencies with respect to the implementation of the reform. And believe me, I shall if I see that those reforms are not being adequately implemented. But, more importantly, I do believe that there is the political will, both on the part of the board of supervisors of Los Angeles County and on the part of the department itself to undertake thorough reform and to implement these reforms. But the ultimate answer to your question is really a combination of politics and budget. Yes, the board of supervisors does have the power; yes, I believe the political will is there.

MS. GROW. So, is it correct to say that the agreement that was entered into on January 4, 1993, between Judge Kolts and the sheriff's department is not a legally binding agreement?

MR. BOBB. Oh, no. I do believe that it is a legally binding agreement. I believe it is an agreement. It is a contract.

MS. GROW. And who would be enforcing that, then, if either parties didn't live up to the agreement?

MR. BOBB. Ultimately, the board of supervisors, I believe, has the power of enforcement. The other thing that the board of supervisors has—and I would urge it to exercise, and that I would urge you to consider exercising on behalf

of the Federal Government—is the power to make these reforms come about by putting money behind them. As you know, from the testimony that you heard earlier, the City of Los Angeles is in dire financial straits. The County of Los Angeles similarly is in dire financial straits. If the sheriff's department is going to have the support that it desperately needs, in my view, to implement these reforms, to have the kind of training that we want—we want training so that the officers on the street and officers throughout the department are getting the kind of training in the use of nonlethal force that is absolutely critical, that they get the kind of cultural training and sensitivity training that is absolutely critical to performing the role that we envision them to perform under a community-based police and regime—that takes money.

If we're going to have the kind of internal affairs department within the sheriff's department that I believe is possible, if we're going to have officers capable of rolling out to incidents as they occur, if we're going to have reviews as we have recommended within hours of any incidents of excessive force or allegations of excessive force, that takes resources. That takes resources. And I would desperately plead both to the board of supervisors and with this Commission to use its persuasion and its power to find Federal monies. Find Federal monies to help supplement the training of police officers and the implementation of the kind of reforms recommended by the Christopher Commission and by the Kolts Commission.

MS. GROW. Thank you, MR. BOBB. Mr. Chairman, I have no further questions for Mr. Bobb at this time. But we would like to question the additional witnesses.

CHAIRPERSON FLETCHER. Would you please proceed, then. Please proceed with them now.

Testimony of Gloria Romero, Chairperson, Hispanic Advisory Council to the Los Angeles Police Commission, and Cofounder, Coalition for Sheriff's Accountability

MS. GROW. Okay. Certainly. Dr. Romero, please state for the record your position as well as your organizational affiliations and appointments.

DR. ROMERO. I am an associate professor of psychology at California State University, Los Angeles; and I am director of the Student Attitudes Towards Law Enforcement Research Project, which is based at the university. And I sup-

pose maybe that makes me an expert at the community level. I am the chairperson of the Hispanic Advisory Council for the Los Angeles Police Commission, and I was a cofounder of the Coalition for Sheriff's Accountability.

MS. GROW. Thank you. I understand that you recently completed a study regarding student attitudes towards police misconduct and law enforcement. And I was wondering, in view of time constraints, if you could submit that before this is over.

DR. ROMERO. I have submitted that. In fact, I believe I gave it to you prior to the start of this panel.

MS. GROW. Thank you. With respect to your work with the Coalition for Sheriff's Accountability, what reforms does the coalition propose to remedy problems that have been documented within the sheriff's department by the Kolts Report as well as the way of alleviating the communities' continuing concerns?

DR. ROMERO. Well, I think it's important to note that this is a panel that's looking at the progress of the reforms which have been implemented thus far. The Kolts Report was released 1 year ago. And prior to the release of that report, we have lobbied, we have organized, we have ticketed, provided summaries, analyses of proposals that we thought would be a step forward in the administration of justice for people, particularly people of color in Los Angeles County. And I do just want to note this, too, that justice has never progressed with all this time. And the fact that we're 2 hours behind schedule, I think, it's also somewhat symbolic of that slow progress.

What we would have liked to have seen is, first and foremost, given that there's been a great deal of attention and concern paid to the morale of law enforcement in an earlier session—but I think all of us are concerned about that. But I have not heard adequate discussion and concern raised about the morale of community, the morale of that partnership. We talked about law enforcement and community. And I have been here since 8:00 this morning because I have wanted to listen to everybody's testimony. And in these hours, that is really what I have noticed has been really seriously lacking.

When you read through the reports that I submitted to the Chairman, prepared under the student attitudes towards the law enforcement topic, I think you're going to find that that is a

serious issue and perhaps the foremost question that the Commission members need to ask in subsequent hearings.

Given that we are concerned with morale, given the findings from my own research, given my readings of other studies which have been conducted on the effectiveness of independent civilian oversight earlier which Director Heppe referred to, this is what we would have liked to have seen, to have found truly independent civilian oversight. We did not get that recommendation in the Kolts Report. We think that there was a serious oversight. I think the Kolts Report found elephant-size abuse, and they recommended mouse-size reform. I think they were hesitant to recommend civilian oversight. I think that's going to be important.

But just taking a look at what they gave us, which again, we take a look at the progress of the reforms, I think what we're starting with them, even looking at that progress, is already a watered-down version of what we would have wanted. But the coalition can live with some of these recommendations. However, I think it's important to know that, as I see it, as I understand it, none of the major recommendations which deal with community in particular have been implemented to date. And this has been almost a year after the release of the report.

For example, we have been offered the ombudsperson, which is far short in my opinion of the need for independent oversight. Although we met with one of the supervisors, in particular, months ago to argue that a national search be implemented immediately in order to search for this very important person, to date, to my understanding, the job description still has not been released. We don't have an ombudsperson.

The Kolts Report recommended a review panel of retired judges. We immediately took issue with this. Who are retired judges in America? I mean, looking at gender and racial inequities, what are we going to find? And then we look at the pattern of who files complaints, there's a real inequity. In that there was progress made in terms of trying to broaden who potentially might sit on that panel, and I do welcome that as a step forward, a very tiny step forward, but it is a step forward. However, I would reiterate, though, that we are still unhappy with the fact that the review panel of judges is still going to function more as a review panel, not an oversight panel. It's still going to

process the paperwork which the sheriff's department forwards. And I think that this is a major complaint that I'll return to in just a bit.

The citizen advisory councils, to date, none are in operation. The DA's office—I think this was that special highlight of the Kolts Report when they did go out, and far beyond the Christopher Commission Report, to take a look at that link, perhaps that perverse relationship between the DA's office and law enforcement agency's unwillingness to take up cases and vigorously prosecute.

To date, none of the officers involved in those four lethal shootings which brought down the Coalition for Sheriff's Accountability, which brought it down, I believe, along with tremendous community outrage, the Kolts Commission in general—none of those officers have been brought to trial. And I think it's important to note, also, that the family of one of the victims was outside of the U.S., the civil service in the U.S., the county civil service commission, today protesting a recommendation that one of the police officers be reinstated.

Now, the sheriff did recommend that this police officer be fired, and I commend the sheriff for that. I think that is a step forward. However, we go back and we take a look, though, how vigorous has that recommendation been made?

I think we can take a look that, on one hand, as Ms. Heppe has referred to, there are contradictions. On the one hand, county counsel is going to perhaps want to recommend the firing, maintain the firing of a sheriff's deputy. On the other hand, they will know that there is going to be a civil litigation against the LA county sheriff's department. So there's just a conflict of interest.

On the one hand, you want to give the facade that you want reform, but you know that that is going to come back and hit you in terms of dollars, millions of dollars, when we look at Los Angeles County.

But I think, most importantly, this is the area that most concerns me, is that while it is true the Kolts Reports did find progress in—or they did find in their terms, more so, that they were more pleased with the way in which the sheriff's department handled complaints which were brought forward, they did note that there was a breakdown in the ability to file the complaint. And that is the first step of administration of justice, as I see it.

Knowing that I was going to come here today and having a friend of mine who is an attorney, who is representing a young man in a case in which he is alleging excessive use of force, I accompanied the attorney and these two individuals to the Lynwood sheriff's station Saturday afternoon. We went in about 2:30. I sort of inconspicuously just sort of walked in and sat with the people in the lobby because I wanted to see for myself. Now, this is just a one-chance encounter what it was like to try and get a complaint form. The woman, a 20-year-old Latina, modern-abled [phonetic] Spanish speaker, went to the counter along with a 16-year-old Latino. All they were going to ask is, "We would like to have a form to file a complaint against a sheriff deputy." That's all they were going to ask. My feeling is that's all they needed to ask. To simply ask for a form.

Thirty minutes later, they walked out of the station, and this was only after the form had been thrown at them by the sheriff deputy there, 30 minutes, when it should have taken, what, 2 minutes, 5 minutes, 10 minutes at most to simply go to the counter and say, "I would like to have the form to file a complaint." The first barrier was, of course, language. But they did bring out—and this is a positive thing, but we need more widespread—they did bring out a Spanish interpreter. However, as a psychologist, I noticed the demeanor in the body posture, the language in that translation process. I feel that there should be an independence as well in the language and the posturing of translators in each and every station. And this is not the case Saturday afternoon at 2:30 in the Lynwood station.

MS. GROW. Dr. Romero, just to clarify the record, are you referring to this past Saturday, June 12?

DR. ROMERO. Yes. This past Saturday. A couple of days ago.

MS. GROW. Okay.

DR. ROMERO. She took the posture, basically, of the officer who was standing with her—and I could provide that name to you, although I don't have it here in my notes. But I could provide the name to you—basically, who stood judge and jury telling these two individuals, "We have investigated that," first of all; saying, "Well, wait a minute. Why did you wait so long to file this complaint? The alleged incident occurred in April."

I didn't know there was a statute of limitations which lasted, what, a month and a half?

He went on to them in a loud voice—no privacy; there are other people in the lobby—in a demeaning voice, I felt.

“Ask questions?”

“Well, isn’t this the case where blacks and Mexicans got into a big fight, and then you fell down and tried to blame it on the police? Isn’t that the case?”—as he surveyed the people in the lobby.

I tried to remain inconspicuous by the public telephone booth and I was listening to everything, as was their attorney.

And then he proceeded to say, “No. We have investigated this. And don’t you expect that there’s going to be some harm when blacks and Mexicans fight?”

I couldn’t believe what I was hearing, when these two people had simply gone into the station to ask for a form that should not have turned into judge, jury, and condemnation in that time period. They stayed there. They put up with it. They took it. They walked out of the department, the Lynwood office, having been told, “No. The case was closed. We investigated. We found nothing wrong.” They walked out.

Robin Toma was the ACLU attorney who went and myself followed them out inconspicuously. And outside I turned to the woman and I told her, “Go back in and once again simply go to the counter and ask for the form. That is your right.” This is almost a year after the release of the Kolts Report. We shouldn’t be dealing with this.

She said, “Well, they told us we couldn’t have it.” I said, “No. That was wrong. You have a right to get a form. You are asking to be involved in the process.”

She turned around. They went back in. They waited because the bell that signals for attention doesn’t work. And there’s also a sign that says, “Only in English.” So that again, too, she waited initially because there’s no message in Spanish. She waited patiently.

Finally, I encouraged her to go up to the counter and say, “Excuse me.” She went up to the counter. And it was at that point that the deputy came back out again a bit exasperated. And finally, 30 minutes later, he took a form out that was right there, apparently, took the form out and threw it across the counter at her. And that’s when she walked out along with the 16 year old.

And I thought, “You know, I know that this is a story. I know it is one of many stories.” But I believe what we are looking at is that almost a year later, that we are still finding barriers to the process of even having our story be heard.

I think that when we take a look at the integrity of the complaint process, which is that first very important step in trying to get something sustained or reviewed, that there is a discouragement and a morale suffered by the community, especially those of us who may be non-English-speaking Americans. So, when you read the results of the study that we have done, “Attitudes Towards Police and Law Enforcement in Los Angeles,” do not be surprised that there are very antagonistic and negative perceptions of policing. And do not be surprised when you read that the vast majority of young people—African American, Latino, Asian, and white—do not believe in the integrity of police reports. First of all, they find it difficult to even get one.

MS. GROW. Thank you, Dr. Romero. Just for the record, you happened to accompany that one person to the sheriff’s department to file a complaint. Has that ever happened to you before and how? If not, how often do you hear complaints from the community that they find this type of discouragement to this day in filing complaints?

DR. ROMERO. Well, Robin Toma also initiated the phone call on Monday. He called the Lynwood station to ask by phone, “How could we get information on filing the report?” He was disconnected. He did call back. But I think again, too, he had the persistence to call back. I teach at a university, and this is a working-class third world university, as I refer to it. Little by little, in my position of having perhaps being a little bit vocal in the community about the need for police reform, in doing some research, in teaching classes, I am beginning to get more and more students coming forward to say, “I would like to talk with you about an incident which had occurred to me.” “I would like to tell you about an incident myself or somebody like me.” The cafeteria worker, in fact, had told me incidents.

Right now it’s happening. But that’s why I will reiterate this, the call earlier, that there is a need for research. And as a researcher, I cannot emphasize that enough. And I think, perhaps most importantly, there’s not only a need for research within the organizational climate of law enforcement agency, but I believe, more so, there

is a need to institute some research which takes a look at the integrity of the process from beginning to end because otherwise we are going to have this, and the counties can only afford so many millions of dollars in order to have a Kolts Commission every once in a decade or two.

Testimony of Hugh Manes, Attorney

MS. GROW. Thank you, Dr. Romero. Mr. Manes, could you please state for the record the type of legal craft that you are engaged in and how long you have been in practice.

MR. MANES. Well, yes. I sue cops for a living, and I have been in that work for the better part of 30 years.

MS. GROW. During your more than 30 years of experience in police misconduct litigation, often involving, I'm assuming, Los Angeles County Sheriff's Department, could you please summarize for the Commission the current and continuing need for reform within the sheriff's department as well as the effectiveness of the proposed reforms to address this need.

MR. MANES. So many of the preceding speakers have done such a qualitative and such a fine job of presenting that issue, that I feel somewhat whatever I have to say may just be redundant. I think you have to begin with the understanding that after 30 years or more of police misconduct litigation practice, one becomes somewhat jaded at authority when it announces that it's going to reform itself. And I feel somewhat suspicious at what has been presented to the community in the form or guise of a reform of some kind. I really wish it the greatest success, but I have some real skepticism about it for a number of reasons. First of all, when you create an ombudsman who, in effect, is the reviewing authority or who indeed is a person who is going to receive some criticisms or complaints or what have you and is going to communicate with the powers that be, without any power to do anything about it, any meaningful power, then what you've set up and created is an illusion. And the people who are looking for reform have finally some step out of this morass, and, in fact, are going to be terribly disappointed. And you are going to find a more cynical community.

I think that the creation of a panel of judges, with all due respect to the esteemed Justice Reynoso, does, it seems to me, cause me some concern when you stop to consider that judges

come basically out of a middle-class, if not a wealthy affluent background and almost invariably have prosecutorial backgrounds and a long history of a close relationship with law enforcement that sort of jades their view about community victims of police abuse.

The fact of the matter is—and I want to make it very clear, I do not subscribe to the notion that police have no right to police themselves. Of course they do. And of course, it's absolutely essential that the police departments have the power and have the duty to investigate and discipline police officers in that department who have engaged in whatever form of misconduct there might be. I don't want to take that power and duty away from them, whatsoever. I think it's necessary to oversight that situation. But I don't think that the remedy is in police review boards that, in themselves, are not only going to be powerless but, as a matter of fact, are again going to create illusions so that the community is going to be disappointed.

We had examples throughout the country—Philadelphia, San Francisco, many other areas in the country—of police review boards being created by community efforts. That's really been taking an enormous amount of energy. They get these police review boards, but they don't work. Why don't they work? They don't work the way they're intended to work, because, in the first place, they don't elicit the cooperation of the department that's absolutely essential for effective production. And in the second place, they're regarded with great suspicion by the police officers. The object of reform, it seems to me, isn't to create the suspicion or to engender hostility with the reform impetus.

I want to perhaps focus on a different length. One of the things that I have been urging more recently—and incidentally, I used to be in that field of the police review boards way back in the 1960s. You will find the monograph in the library someplace where I advocated a police review board on the principle of providing an award of damages for victims by the police review board. In that sense, maybe you can accomplish something with the police review board. But the moment you are threatened with the responsibility of the discipline, forget it. It isn't going to work, and it shouldn't work. Because why? You want the police department to know whether it is performing effectively or not,

and the only way they can do that is by conducting an effective investigation process.

What I want to do, what I insist should be done, is to relieve the poor district attorney of the onerous responsibility of prosecuting police officers for crimes ranging from murder to brutality and cast that responsibility upon an independent prosecutor who will have the resources and the power and the authority to conduct a meaningful investigation of a crime and to prosecute it not on the basis of whether he's sure to get a conviction, but on the same basis, the same criteria, the same standards that are used by the DA to prosecute burglaries, robberies, murders, or whatever other offense may be abroad.

We have an interesting statute in California—I think it's code section 147—which provides that if an officer engages in an inhuman act upon a prisoner and he's convicted of that offense, the punishment is loss of office. That, to me, is one of the best statutes of police misconduct that I can think of. Why shouldn't an officer who has abused a human being unnecessarily, without reason, unreasonably, lose the power to do so? Yet, you will not find, so far as I could tell, a single case filed under that section. It's a misdemeanor. That means the city attorney's office could have been prosecuting it, and yet they haven't done that. And I give the fact that they haven't done that because in the City of Los Angeles, it is charged with the responsibility of defending police officers in civil litigation. How can they turn around and prosecute police officers in a criminal liability? So, we have these contradictions time and again.

I can relate at long length the inadequacies of the district attorney's office, the shameful neglect, the shameful lack of interest in prosecuting police officers for crimes ranging from murder involving the Grandpre [phonetic] case a number of years ago, which involved a shooting of a driver of an automobile which had two or three passengers in it, killing him from behind by a police officer going, in fact, just off duty and had some drinks and, as a matter, had some alcohol on his breath and decided to pass up the opportunity of surrendering his weapon until his alcohol content was reduced a little bit. That case finally got to a jury in a civil context, but that's not the important thing. The important thing was the district attorney in that case refused to prosecute because he felt that there was

too little possibility of success, since the individuals in the car were young Latinos and there were some cans of beer in the car suggesting that they may have been under the influence.

Well, there are a lot of stories that one can be told about how the district attorney's office has failed to prosecute a police officer. Two police officers of another community, not the city of Los Angeles, not the sheriff's department, but another community, [the district attorney] failed to prosecute a police officer that the videotape taken by a civilian showed had beaten a man who had already been passed out because he was being choked into unconsciousness by one of the officers as the other officer was beating him eight times on the back across the spine, an extremely sensitive area, as well as other parts of his body. The district attorney's office announced after 9 months of investigation, it wasn't going to prosecute that case because there was not sufficient evidence. Now, when you have that kind of an attitude on the part of a prosecutorial agency, you don't have to ask the question of whether they are an effective enforcement of law when it comes to police abuse. They aren't. And even more importantly, the perception in the community is that you don't trust the district attorney to prosecute a case.

So we need, in this State at least, and from what I read in the press and in the media and in the magazines and in books across the country, we need an independent investigator, an independent prosecutor, with the authority to make sure that the laws are respected not just by the community civilians but also by the law enforcement establishment.

MS. GROW. Mr. Manes, what impact, if any, do current California laws which prohibit the disclosure of records pertaining to citizen complaints, law officers' misconduct, as well as the discipline of those officers, have on the accountability of the sheriff's department to the public it serves as well as on public trust?

MR. MANES. Well, I don't think it's just to be limited to the sheriff's department. You have in the State of California statutes that are designed to conceal and suppress information about police officers' personnel records, including records which show that a police officer has had not one but several, multiple complaints of excessive force and may or may not have been found—some or all of which may not have been found to

be true or substantiated and which show that this officer is a dangerous menace and that he, as a police officer, he or she, is really causing a loss of morale in the department because the rest of the officers who are trying to do a good job are unable to do so because this is the standard which the department tolerates. I think that these statutes which keep this kind of information a secret not only indicate a sense of suspicion in the community toward law enforcement, generally, but it also prevents the exposure of these individuals and the running them out from their jobs or positions of power or at least of making it possible for the corrective action to be taken in a meaningful way. If you're going to allow the police departments to conceal and to hide these individuals from the community in the guise that privacy interests are involved, then I honestly feel that the privilege that has been enacted in a form of a statute is being used as a weapon against the people.

MS. GROW. Are there any other specific policy or legislative changes that you would recommend?

MR. MANES. Yes, there are.

MS. GROW. Could you briefly summarize to the Commissioners?

MR. MANES. Yes, ma'am. I will be glad to do that. I would like to focus on some areas where I think the Commission could be extremely helpful. You know, we have a situation now in the courts, in the courtroom. You know, we bring civil right lawsuits to vindicate the rights that have been abridged by law enforcement officers under color of law. And ordinarily up to a few years ago, you file an action for excessive—for violation of the 4th amendment or 14th amendment years ago. You file the action, and the test to determine whether or not there was a violation was whether the officer used reasonable force. He had a jury that would determine "yea" or "nay."

Today, that's no longer true. Today it isn't just a question of whether it's a fourth amendment violation. Today we have the concept, judicially created, of qualified immunity, which has been expanded to the point where even if the officer has violated the fourth amendment rights of an individual, even if his conduct has been excessive, if a jury believes, or more importantly, if a court believes, that he did so in good faith, that he did so in the belief that his actions were proper, that case goes out the window. That case is dismissed,

or the instructions given to the jury are such as to require an effective dismissal.

Now, the judges have arrogated to themselves the responsibility for determining initially whether qualified immunity should apply. What that means, in effect, is that the seventh amendment right to a jury is being abrogated by a judicial concept that has been promoted by the United States Supreme Court. You have to only read *Craig v. Anderson* and several of the other cases to see what I'm talking about. I think it's terribly important for this Commission to recommend that that concept of qualified immunity be either eliminated or at least as applied for excessive force cases or that it be so modified that it cannot supersede the right to a jury and it cannot supersede the right to recover damages if, in fact, there has been a fourth amendment violation. So, I think that's a very important area because I'm telling you, ladies and gentlemen of the jury—of the Commission, the fact of the matter is—it's 40 years of—

CHAIRPERSON FLETCHER. Keep going.

VICE CHAIRPERSON WANG. Would you like to have us consider this in private?

MR. MANES. I have to confess to you. I have a trial going on right now. So, I guess I got in a habit. But, anyway, I'm suggesting to you that this is perhaps one of the most complex and difficult of all the problems we have in the civil rights field today. And it's an urgent one. Just recently the Ninth Circuit handed down the decision in *Act Up Now!* It's a case involving this very issue that went up before the court on the motion for summary judgment. And the effect of it is: The courts should decide the issue of reasonableness. And I'm telling you that if we are to retain the strength and the objective of [section] 1983, it can only be done if we can get rid of qualified immunity or modify it in an appropriate way.

Another recommendation I would ask of the Commission has to do with the implementation of section 1367 of 28 U.S.C. About 2 years ago, the Congress in its wisdom and its very wealth—very rarely want to call Congress "wise." But in this case, they did act wisely by amending 1367 to require, they thought it was to require, that a case, a civil rights case, that was filed in Federal court could have appended to it the State-based causes of action. That is, theories based on State law could be attached to it and all tried within the same lawsuit. That makes sense. I mean, it

really, as a matter of fact, makes sense years ago when the United States Supreme Court announced that the appended jurisdiction claims were appropriate even in the civil rights case to preserve all of the rights of the individual. You find that if, in fact, because a claimant loses his civil rights claim, he may still have a valid cause of action on State grounds.

Let me give you an example. This may be a shooting case. It may be a very close question as to whether the shooting was intentional and, hence, damages are recoverable under the Civil Rights Act, or whether it was negligent and, thus, not recoverable under the Civil Rights Act, or at least potentially not so. Therefore, that individual should have the right to have the jury decide that there can be a recovery on a State theory.

Now, what's happened is that in this district, the judges have, notwithstanding this legislation which is designed to obviate having to go to State court, the judges in this central district have routinely continued to dismiss State-based claims on the grounds that it confuses the jury—indicating, of course, a misconception of the intelligence of a jury—but more importantly, to enforce plaintiffs to go from Federal court into State court as they must in order to protect all of their remnants. Or if they lose their civil rights case, after a dismissal they can't then jump over to State court and try the State claim. And that's based upon local doctrine.

So, I'm suggesting to this Commission that something should be said to Congress about the revamping of 1367 in such a way as to make it absolutely clear that we have a right to stay in Federal court with a State-based claim where we have a valid 1983 claim.

There is at least one other area that I would like to address, and I hope you will forgive me for recommending Federal legislation. But this is the first opportunity we've had to touch base with somebody in this area. But I would like to urge the Commission to consider the problem of what we call, *respondeat superior*. Briefly, the Federal rule is now, under *Monroe v. Tate*, a public entity that employs an officer who has committed a wrong civil rights violation is not liable for damages based upon that wrong unless there is a policy or practice, and that the policy or practice is responsible for the wrong. So, as a result, even though in California, public entities

are by law—have given up their right not to be sued and are therefore subject to suit, even so, under United States Supreme Court doctrine, the public entity is not liable under *respondeat superior* theory.

It doesn't make sense. Why is it that they shouldn't be liable under a *respondeat superior* theory? We think that Congress should amend the law so as to make the entity responsible for the actions of its officers as well as other employees who commit wrongs that violate civil rights. And we think that it can be done at least by allowing those entities to be sued who have given up the right—in other words, who have consented to such suit, as in California.

As a part of that, I would like to urge the Commission to consider another facet of it. In the case of *Heller v. the City of Los Angeles*, the United States Supreme Court took a case without argument and without adequate briefing and reversed the results below, the effect of which was this: The lower court had permitted the plaintiff to proceed against a public entity, the City of Los Angeles in this particular case, even though the officer was found not liable for the injury. The officer's testimony was that this was what he was trained to do, and therefore, he was only doing what he was trained to do. But what he was trained to do caused a civil rights violation and an injury.

The Supreme Court's decision, reversing the right to go after the city despite the result against the officer, meant that you had to prove the officer liable even though his defense was, "I was trained to do it this way." Well, you can see the escape hatch that results from that kind of a theory. So the result is that *Heller* is an anomaly. And we ask the Commission to look into this somewhat more and to please ask Congress to reverse the *Heller* decision, so that the civil rights legislation and the civil rights cases can make more sense to us lawyers and judges.

MS. GROW. Thank you, MR. MANES. Mr. Chairman, I have no further questions at this time.

CHAIRPERSON FLETCHER. I have one that I want to ask the members of the panel. You talked to me a little bit about the intent test as it relates to excessive use of force.

MR. MANES. Only in the criminal field is specific intent required to be proved, as we noted in the King case. Specific intent is not required,

unfortunately, in the civil context. Now, do you want me to address the criminal context?

CHAIRPERSON FLETCHER. Yes. The criminal context.

MR. MANES. Okay. I must confess to you that even though in this *Spruce* case which was decided, what, about six—it was even almost before my time. The United States Supreme Court held that in order for the 1983, or—excuse me—the civil rights statutes as applied criminally to be constitutional, that they have to read into it a concept of specific intent.

CHAIRPERSON FLETCHER. Yes.

MR. MANES. I never understood that. I still don't understand it to this day. I'm sure there are constitutional scholars that could educate perhaps me as to why that makes sense.

CHAIRPERSON FLETCHER. Both of us.

MR. MANES. But I don't understand why it is that if I use excessive force upon this particular individual here, a general intent statute is sufficient. But if I wear a badge of authority confirmed upon and the color of authority confirmed by the State, that it now has to be proved that I was intending to violate that individual's civil rights before I can be convicted of the civil rights statute. I don't see the constitutional conflict in that situation. So, to answer your question, the only thing I can tell you is I think that it's long overdue that the statute be reformed so as to abolish the specific intent. That's my view.

CHAIRPERSON FLETCHER. So you're suggesting that we talk to the Congress about that, too?

MR. MANES. Yes. You might do that. I have that down on my list. But I thought if I just mention three, that I was getting away with murder there.

CHAIRPERSON FLETCHER. Go ahead, Commissioner Reynoso.

COMMISSIONER REYNOSO. Thank you. I would like to maybe have each of you comment on the following: It seems to me that we have heard the claims from certainly minority communities and the poor about police malpractice for many years, certainly since I was a youngster. And perhaps because my name is known to some members of the community, the greatest number of calls that I get of community concerns seem to do with the police. And it seems to me that somehow there has to be created a culture within the police departments that goes beyond whether there's civilian oversight. We've had

civilian oversight over the LAPD for years and years, and that hasn't helped in terms of changing the culture within the police department, that one of service to everybody.

One of the problems we see that the public perceives is that very often a majority of the people in a certain area, city, or county do feel served by the police. But a large portion of the community does not. But because the majority feel served, the sheriff is getting reelected, etc., etc. It seems to have no mechanism for making sure that that minority, at least that minority political power, is served. And it seems to me that external forces won't do it, that somehow the police themselves need to come up with another culture that says, "This is not the way we do business."

In Rodney King, frankly, I wasn't surprised by the beating. I think only those who hadn't heard all the reports that I had were surprised by it. But what bothers me most was police officers and practically every other police jurisdiction standing around and doing nothing about it. And that is because it seems to me there is a culture that doesn't do anything about it. I think that what we need to do is create a culture within the department that says, "Our service to the community, the entire community, means that we maintain these high standards"—certainly not the standards of beating people and breaking that fourth amendment right. That becomes the culture within the police department. I know it's a tough question. But I just wonder if you might take a minute or two shot at it.

MR. MANES. Establishing pride, cultivating pride in an officer who has been able to accomplish a difficult arrest with minimum force, praising that at roll call, demonstrating how effective that arrest was and how much money it saved the community, and showing others that this is the kind of law enforcement that this department wants to see more of. That's what makes it. I would argue that the Los Angeles Police Department has not had civilian oversight with teeth. I just wanted to add that in.

COMMISSIONER REYNOSO. Of course. But what I think is important, though, is that we're in a panel of administration of justice. And it's a slice of life, just as that videotape is of Rodney King being beaten, with a tiny slice of a larger reality that you have heard, that I have heard, that we have probably seen. I know I have. To me—and

this panel is not going to settle it. We can come up with recommendations. We're going to write a report. I'm going to read the report. I'm going to use the report in class. The problem is not going to end there.

I think what we look at fundamentally is that policing and the quality of policing and the dignity and the respect that is quoted in the community in which an officer goes, regarding the color of the uniform that a person wears, is only going to be as civil as is the civil nature of the community, but to be the economic and social indicators of a community. We are not going to see an organizational climate in any law enforcement agency, I believe, until we see an elimination of racism and sexism, homophobia, and affirmative moves towards education and jobs in the community overall. Policing, if you look at it, the police's role basically is there to maintain the order. If there is an unjust order and if young people and people perceive and react to that unjust order, then I believe we are going to continue to see the Rodney King beating whether there's videotapes or orally told to us. So, to me, I think this is an important panel, but it is a tiny part of a bigger process that we've got to move on at all levels.

MR. BOBB. I'd first start with encouraging diversity within the recruitment of sheriff deputies. I think it is very important that there be African Americans, that there be Latinos, that there be women, that there be gays and lesbians actively recruited to the force so they can bring their perspective in. Then I would encourage training, and training that is keyed to community-based policing notions, keyed to, "Who are you serving?" how best to serve them, "What is your role and function?" and from day one, that these officers be encouraged to do that. Then I would do what Mr. Manes suggested: have rewards, have carrots, have good things happen to those officers who perform in a proper way. But I would also have sticks. And those sticks would be a well-constituted internal affairs department; discipline meted out fairly but firmly against officers who cross the line; civil service commissions that are brave enough to back up the department when the department wants to get rid of its bad apples, and lets them do it and encourages them to do it; and a department, itself, that from the very top down, communicates

day in and day out that the mission of the department is to protect and to serve.

COMMISSIONER REYNOSO. Thank you.

CHAIRPERSON FLETCHER. Mr. Anderson?

COMMISSIONER ANDERSON. Well, thank you, Mr. Chairman. I have a question, Mr. Manes. Maybe one or two. I thought your testimony was very useful in a number of ways although I must say that I was a bit surprised regarding your discussion of specific intent in the *Spruce* case which, if I recall, that the Court's opinion in that case was written by William O. Douglas, not exactly known as an author of the kind of conduct that *Spruce* seems to attempt to hinder. He was, after all, known as a great civil libertarian. I'm surprised that you don't understand his reasoning there, that there was something wrong with it, or it was irrational. I can see you disagreeing with it. But I guess my response is I'm curious why you find his defense of that Federal statute against the minority on the court which thought it was pure and simple double jeopardy and should be as constituted without specific intent to declare unconstitutional. It seemed to me that the specific intent, Douglas' own argument in defense of it, was to save that statute and carve out a Federal role in these kinds of cases which in Douglas' mind, at least, would not have been there or was not defensible without specific intent.

MR. MANES. Well, I guess maybe I should say that I just respectfully disagree with Justice Douglas, probably one of those rare moments of history when I would disagree with Stevens and Scalia, let alone a Justice—but the fact of the matter is that he wrote it at a different time of history. And he wrote it with the firm conviction that given the complexion of the Court at that time and the mood of the country and the like, he probably genuinely felt that that was a ruling that was necessary to preserve section 42. But I feel that today we don't need that because we have the concept of duality of sovereignties. I don't think double jeopardy today means the same thing that it did then. I think that a Federal statute that's aimed at protecting civil rights can be prosecuted independently of a State statute without fear of jeopardy.

Now, maybe the Court will take the different position in the future. I don't feel, however, that I can abide along with the specific intent statute that has resulted in so few prosecutions and,

even more importantly, has resulted in so few successful prosecutions. It's just an extremely difficult kind of a prosecution to convince a jury that a violation of a police abuse that has violated a fourth amendment right was done for the purpose, for that purpose. And I don't see the reason why that should be the motive or that should be the basis for the prosecution. So maybe it's a philosophical difference, and maybe it's just my stupidity. I don't know. But that's the way I feel with the statute.

COMMISSIONER ANDERSON. What do you say to the proposition that we ought not bring these cases at all under color of civil rights, but simply have a Federal statute which makes excessive force by a local law enforcement a Federal crime, and that the Federal prosecutor prosecute it, since there it seems to be a widespread feeling that the local prosecutorial agency can't be trusted to do it or local juries can't be trusted, and just make this out and out a Federal crime for local law enforcement officials to use excessive force or directed force?

MR. MANES. I don't have any particular quarrel with that idea. All I'm interested in, really, is that there be a mechanism, a Federal mechanism, that gives the Federal Government the power to prosecute at least when local agencies refuse to do so or when they are so probably incompetent that they do so in a bumbling manner which results in an acquittal, as was the case in the King case. So, if you want to do it that way, that's fine. I have no problem with that at all.

COMMISSIONER ANDERSON. Nothing further.

CHAIRPERSON FLETCHER. Anyone else?

MS. GROW. No, Mr. Chairman.

CHAIRPERSON FLETCHER. You have been very helpful.

DR. ROMERO. Thank you.

MR. BOBB. Thank you.

MR. MANES. Thank you.

CHAIRPERSON FLETCHER. If you have anything you would like to add for the record, please remember that it's open for 30 days. And if there's any additional information you would like to share with the Commission, please go right ahead and do so.

MR. MANES. Thank you for the opportunity. Can I just say one thing more?

CHAIRPERSON FLETCHER. Yes. Please do.

MR. MANES. When I introduced myself, I said that I sue cops for a living. I always tell police

officers when I speak for them that, "I want to suggest some ways in which you can put me out of business." And that's what I hope that I have accomplished here today. Thank you.

CHAIRPERSON FLETCHER. Next panel.

MR. DOCTOR. Mr. Chairman, at this particular time, we would like to hear from Sheriff Sherman Block and, of course, Mr. Shaun Mathers.

Los Angeles Sheriff's Department Officials and Deputies Association

CHAIRPERSON FLETCHER. Will you stand and raise your right hand, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. We're running behind. But I am sure you understand. Thank you so much. And Counsel, would you please proceed.

Testimony of Sherman Block, Sheriff, Los Angeles County

MS. GROW. Yes. Thank you. Sheriff Block, beginning with you, would you please state for the record your position and how long you've held this position.

SHERIFF BLOCK. I'm the elected Sheriff of Los Angeles County, and I have been in that office for 11½ years. I have been a member of the department for 37 years.

MS. GROW. Thank you. As you have had an opportunity to listen to some of the testimony of Commission has received today, you're aware that the Commission is focusing on the implementation of reform within the sheriff's department. More specifically, has the sheriff's department hired an external civilian ombudsman yet and created a written job description for that position? And what do you envision the ombudsman's specific scope of responsibilities and powers will be?

SHERIFF BLOCK. Okay. The selection or hiring of the ombudsman is not a sheriff's department function. That individual will not be hired by the sheriff's department. He will be hired by the board of supervisors, or she will be hired by the board of supervisors. That person will be an employee of the County of Los Angeles, not of the sheriff's department. The function of that individual will be to serve as a conduit between those citizens who have filed a complaint, want to seek information relative to the status of their complaint, or perhaps upon the conclusion of an in-

investigation are displeased with the finding that was made by the department. The ombudsman will then have the ability and the opportunity, if it's an informational request, a progress request, to ascertain the status of a particular complaint investigation within the department or, upon the conclusion, to review it if there's a complaint alleging something other than a use of significant force. If it is a use of significant force, that will be referred to a member of the panel of judges who likewise are being selected by and hired by the board of supervisors and will be on retainer of some sort to the County of Los Angeles and not to the sheriff's department.

MS. GROW. So have, in any way, you participated in the writing of a job description for that position or in the hiring process? And if so, do you know the status of that position?

SHERIFF BLOCK. We have participated in the development of a job description with the county counsel of the board of supervisors, as to what the relationship will be or what the access opportunities will be to the departmental information. That job description has been completed. It's my understanding and it is the intent of the board of supervisors during the upcoming budget process to establish those curtailments and whatever new positions that are going to be created in the county will be done at that time. And that should be sometime in early August, the ombudsman and the panel of judges.

MS. GROW. In the previous panel of witnesses, we heard compelling testimony that citizens, in terms of filing complaints of police misconduct, still encounter hostility and resistance and discouragement. Will the proposed ombudsman address these types of problems? And in the meantime, who will address this problem?

SHERIFF BLOCK. Well, I heard a single statement about an incident of an attempt to file a complaint. Let me tell you how the process works. I established back in early 1991 that any person who decides to make a complaint, either in person or by telephone to one of our units, will be immediately referred to a watch commander, who will have the responsibility for either providing a complaint form or taking the information over the telephone. In each of our stations there are posted signs, both in English and in any other language that is prevalent in that community—Spanish, in Lynwood, where the incident was referred to, there was a sign; in Carson, there is one in Sa-

moan because that is a prominent language in the community—with the 1-800 toll-free number that they can call 24 hours a day to register a complaint and which we followed up by mailing a form for them. Every one of our vehicles has the 1-800 number prominently displayed for people who want to call either to commend or to complain about a member of the department. Complaints and request for complaint forms and the information about how to file a complaint form are available in a whole variety of county facilities, board of supervisors' offices, welfare offices, probation offices. They're distributed throughout the county. So, there is a wide variety of accessibility for individuals who wish to file a complaint against the sheriff's department.

MS. GROW. You described access to filing a complaint in the incident that we heard this sworn testimony that discussed that. Those people were aware of how to file a complaint, and when they tried to do so, encountered some resistance. It is correct that it was a specific incident that was referred to, not necessarily a pattern. But what would be done with respect to that incident?

SHERIFF BLOCK. Well, if somebody will—she said it was this past Saturday afternoon? We will check on that. But I can tell you that we utilize civilian volunteers to conduct integrity checks throughout the department, where we will send people in to test the system in just that way. And if they meet resistance or are not dealt with properly, then we deal with the individual or individuals who are not complying with the department policy. That policy is well established, specifically articulated. And I think that every member of the department is well aware of that policy.

MS. GROW. With respect to another reform, has the department yet implemented the OPES II early warning tracking system?

SHERIFF BLOCK. The early warning system predated the creation of the Kolts' group to study the department. Its final version will be completed sometime in late October or November of this year. An intermediate system is in place where we are able to secure the information but where a captain, for example, cannot go to his computer and get these printouts routinely as to units or individuals or so forth. But the information is in there. And this information

includes complaints, includes litigation, includes use of force.

We require all uses of force to be reported. It's not the responsibility of individuals at the scene to pass judgment as to whether the force was appropriate or not. All uses of force must be reported. And the nature of force must be reported.

For your information, in our department we have a definition of force. Force is anything beyond a firm grip or anytime an individual complains of pain. That requires a use-of-force report. Those are recorded in the OPES system.

MS. GROW. As the OPES system will draw upon a variety of data to discuss everything from the use-of-force reports to citizen complaints and misconduct as well as civil litigation and past disciplinary—

SHERIFF BLOCK. Traffic accidents, a whole range of different things.

MS. GROW. What specific intervention will be taken on the part of the sheriff's department with respect to those individuals who repeatedly identify in that system?

SHERIFF BLOCK. It depends on what the information indicates. It may be a need for training; it may be a need for counseling; it may be a need for reassignment—whatever the indications are. That was indicated by Merrick Bobb. This is an early warning system. It will provide the capability. In fact, I believe it is going to be a model for the nation so much so that we have retained rights if this system is replicated throughout the United States because we believe it's going to be that effective in allowing law enforcement administrators to get an early look at possible problems with individuals within their organization before it results in some serious situation that will call for litigation or prosecution or serious discipline.

MS. GROW. Will the ombudsman have access to the disciplinary history of officers and other data in this OPES II early warning system?

SHERIFF BLOCK. The ombudsman will not have access to that information. The ombudsman's role will be to ascertain the status of the complaint or, once an investigation is completed, to look at the investigation to see whether or not the investigation was adequate, whether appropriate witnesses were contacted, whether the discipline or a finding of no discipline is relevant to the information that was developed in the complaint. This per-

son's role will be to analyze individual instances and not historical information.

MS. GROW. And you don't think any of this information, such as the number of complaints the officer may have received in the past, similar instances of police misconduct, you don't think the lack of access to that information hampers that person's ability to monitor a citizen complaint?

SHERIFF BLOCK. Absolutely not. Just as a prior criminal history is not relevant to a specific criminal charge. It may be a factor in the element of sentencing. And certainly, if we impose discipline on people, we look at their prior history to see whether or not they are showing a pattern of misconduct in dealing with that. But you do not look at past conduct in dealing with an individual incident. That would be inappropriate.

MS. GROW. And similarly, will the panel of retired judges have access to this type of information?

SHERIFF BLOCK. Their role is the same. The only difference is that in those allegations of excessive force, which our investigations that are usually far more extensive and certainly far more impactful in their outcome, they will have the ability to review that case, to ascertain if the investigation was a thorough one; whether all of the evidence that could have been obtained was, in fact, obtained and evaluated; and the final analysis, whether or not the findings were relevant to the information developed in the investigation. They will then refer those—if they feel there wasn't adequate investigation or an inappropriate resolution to the investigation, those cases will be referred directly to me for my review and evaluation. They will not be reviewed at a lower level and department. But I will review those cases personally.

MS. GROW. Since the panel of judges cannot conduct an independent examination and their role is to judge the adequacy of your investigations, would not having access to information regarding past citizens' complaints, particularly if there is a pattern among a particular officer, be relevant and help assist them in reaching these conclusions at least in terms of determining the credibility of both the victim as well as the responding officer?

SHERIFF BLOCK. Well, you know, they will have the full complaint as made by the citizen or someone on behalf of the complainant as a starting point and then make the determination as to

whether or not the investigation, first of all, was relevant to the complaint, whether it was thorough, whether it was objective, and whether the ultimate conclusion was appropriate.

But, again, I don't think, just as in a criminal matter, that an individual case should be colored or influenced by past complaints because, to be very realistic in this thing, we have officers who may be in a situation where there are complaints, prior complaints, which are unsubstantiated or unfounded. And all of these things are taken into consideration.

MS. GROW. But, in terms of having a complete record for that judge, would it again perhaps be relevant information and that judge could assign its own weight to that evidence?

SHERIFF BLOCK. Well, the judge is going to have everything that he needs to fulfill his function and responsibility.

MS. GROW. But not including past citizen complaints against the officer?

SHERIFF BLOCK. Not including past citizen complaints against the officer.

MS. GROW. Or past discipline that the officer received?

SHERIFF BLOCK. Or past discipline. Discipline is the responsibility of the agency. And that is my responsibility to impose discipline. And as long as I have the responsibility for managing the department—and I am the one who will be held accountable, not the judge—then I need the authority to do my job.

MS. GROW. Sheriff Block, will the ombudsman be allowed to inform citizens about the results of the investigation of their complaint, including what specific discipline, if any, that officer will receive?

SHERIFF BLOCK. They will be able to advise the complainant as to whether or not—if the complaint was founded, they will only be able to tell them that appropriate administrative action was taken. Under the current provisions, Peace Officer's Bill of Rights, confidentiality of records, the only time that a specific disciplinary action is made public is if the involved officer appeals that discipline to the civil service commission. It then becomes a public hearing in a matter of public record. Up until that point, these are confidential records. And if the judges review those records or any records, it would have to be an attorney-client type of basis. And they would not

be able to release that information to a complainant or any other third party.

MS. GROW. Do citizens have any other means of finding out if in terms of when their complaint is sustained, what specific discipline may have been meted out by the sheriff's department?

SHERIFF BLOCK. The specific discipline only if—as I indicated, if the discipline is appealed and it becomes a matter of public record, up until that point, it is a confidential personnel record.

MS. GROW. Mr. Chairman, in lieu of time constraints, I have no further questions for Sheriff Block.

VICE CHAIRPERSON WANG. So the floor is open for questioning. Commissioner Reynoso?

COMMISSIONER REYNOSO. Thank you. You mentioned that you heard testimony of the previous panel. What was your reaction to the observation by one of the panelists that there will always be a conflict between the district attorney's office's responsibility of prosecuting an errant officer or deputy sheriff and the competent duty of that attorney's office to work closely with those officers investigating crimes and prosecuting crimes? And there's somewhat of an errant of conflict of interest in calling upon that district attorney to bring prosecution to the cases where the errancy appears to be criminal.

SHERIFF BLOCK. If I were the district attorney, I would be very much offended by that attack on the integrity of the individual in the office. You know, I really have difficulty when I see attorneys investigated by attorneys, doctors investigated by doctors, legislators investigated by legislators. But somehow people in law enforcement seem to lack the integrity to do that job. And I resent that. And if I were the district attorney, I would resent and impugn that.

And, Mr. Reynoso, I would also like to make one other statement. You made a statement about the sheriff being elected. And as long as there is a majority, I would ask that—I have now been elected three times—I would ask that you review the voting history and see what kind of vote I received in the Hispanic community and the black community and among the other minority voters in this community. And I think that would relieve your concerns about how the sheriff is elected in this community.

COMMISSIONER REYNOSO. My understanding is that you've done very well in those communities. As you know, to my prior question, there's

been a move to the State of California to bring in nonlawyers for lawyer disciplinary procedures and nondentists for dental disciplinary procedures. I wanted your reaction to that. The second question I have for you is the same question that I posed to the previous panel because it clearly does seem to me that external forces may help or not help, but that ultimately what's going to make the difference is a sense within each police department as to what's right or what's wrong and an atmosphere created where an officer who does the wrong things is viewed by other officers as doing that which is not acceptable, an officer who does the right thing is viewed with admiration, and so on. And I just wonder if you would share with us in terms of how best you have been trying to create that and in that sort of ambiance within the department.

SHERIFF BLOCK. First of all, I agree totally with your statement, that culture in any organization is critical to the element of performance of the members of that group. In recognition of that and furtherance of that, a number of years ago, we embarked on a program called career integrity workshops, where groups of officers from within the department sat with their peers and with a facilitator and with people, not for attribution, no supervisors present or anything else, where individuals were able to talk about what they saw happening that they thought was good, what they saw happening that they thought was bad. And that was an effort in that direction. We prepared a mission statement. We have a core values statement. These are things that we will leave with you. I have delivered to each member of the department a personal statement on non-discrimination both within the organization and outside of the organization and what my expectations are. And my statement is so blunt as to say, both on videotape and in the letter, that any member of the department who feels that they cannot perform within the guidelines that I have established ought to be looking for another job or occupation because they are not going to fit into our organization. I believe that culture is absolutely essential. Every expert tells us that if you are attempting to modify or impact a traditional culture, that you're probably going to face at least 5 years.

What I have told our people—and there are some concerns about people in law enforcement because the reality is that law enforcement today

is being called upon to function in many areas that we were never organizationally designed to do. We are dealing—we have mental health teams out there dealing with the mentally ill. We have people working in over 400 schools. We have built and staffed four youth activity centers where we engage in mentoring and parenting and English as a second language. And all of these areas we are involved in because we see these are not being done in the community.

So, I am being asked sometimes, "You know, are we becoming social workers, or are we law enforcement officers?" And what I tell our people is that 37 years ago when I attended the Sheriff's Academy, I was told that our three primary functions are protection of life and property, apprehension of criminals, and prevention of crime. Those three basic responsibilities have not changed. What has changed is the environment which we must work because of demographic changes and a whole range of other changes in the community. We have to do our job in a whole different fashion so that we continue to fulfill our three basic requirements as effectively as possible.

One thing we have learned is that we can't do it unless we have the support and involvement of the community. We operate out of 22 stations in Los Angeles County. We recognize we cannot have a one-size-fits-all approach to law enforcement because each of those communities is different and requires a different approach. But all are intended to accomplish those three primary tasks because, more than anything else, people want to feel secure in their communities and in their homes.

VICE CHAIRPERSON WANG. Any more questions?

COMMISSIONER REYNOSO. No. Thank you.

COMMISSIONER ANDERSON. Well, I was going to ask you about police culture. That certainly occurred on several occasions, but I think you discussed that quite adequately. We're often told that unfounded complaints against the law enforcement officer is part of the territory, that an officer should expect to get a certain number of complaints that are groundless. In your experience, is that really true?

SHERIFF BLOCK. I don't know that that is necessarily true. But I believe that in those areas where we have the highest level of criminal activity where officers are involved in more en-

forcement efforts than perhaps in certain other assignments within the department, that they may, in fact, be subjected to an increased number of complaints depending on your assignment, depending on where you're working and what the nature of your work is. For example, you know, if you are an investigator, you are probably going to have fewer complaints than if you are a patrol officer out there dealing with higher potential conflict situations.

COMMISSIONER ANDERSON. Well, the point I'm trying to get at is, we're looking at the patrol officer—

SHERIFF BLOCK. Okay.

COMMISSIONER ANDERSON. —the person who really is, I think, more our focus here. Is that individual going to get, in your experience, a number of groundless complaints? Is that a justification for confidentiality of complaints?

SHERIFF BLOCK. It varies, really. There are, you know—and this would probably be disputed by some persons. But there are individuals—if we look at people who are arrested, for example, we will find that individuals who are represented by a specific attorney in some communities, that virtually every one of that person's clients end up making a complaint against the officer who effected the arrest. So, there are many variables that enter into it. Unfounded complaints are those complaints that have been proven to be without merit. There are some complaints that are unsubstantiated or unproved that are not necessarily unfounded, but we have not been able to establish—perhaps there are no independent witnesses or independent evidence. You have one word against the other. Now, if we have a pattern of unsubstantiated complaints showing a particular level of conduct, these get our attention because where we are unable to prove them without merit is a lot different than, you know, unfounded.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. Sheriff Block, if you can help just to elaborate a little bit. Early on, you talked about the civilian complaint review board. You felt that the police officer should also be able to be part of that. What is the ideal composition as you see it?

SHERIFF BLOCK. Of what?

VICE CHAIRPERSON WANG. Of the civilian review board.

SHERIFF BLOCK. Well, you know, I don't believe in civilian review boards per se. I think the ultimate responsibility is mine to deal with those individuals within the organization who engage in misconduct. I've never heard of a civilian review board who was held accountable for the manner in which they dealt with cases that came before them. But the agency had and is the one who is going to have to accept the ultimate responsibility. And since I have that ultimate responsibility, then I believe that I need to look at it.

Let me tell you a little more about our investigative process. We have an office of professional and ethical standards which was created several years ago. Included in that office are internal affairs investigators, internal affairs bureau. There is also a separate unit that's our internal criminal investigations bureau who initiate investigations where the allegations of misconduct is one that might amount to a criminal act. So the administrative investigation is put on hold, and a criminal investigation is conducted. This unit also includes an internal inspectional unit who has the responsibility for auditing the operational procedures in the department, conducting the kind of integrity checks that I talked about to go in and test how complaints are being handled. This unit has the responsibility of—we have a random drug testing policy within the department.

And not only that, but unlike many other agencies, our people respond in the field to all shooting incidents. Aside from the traditional shooting team, we have a second team that responds to evaluate the incident from the perspective of policy, procedure, tactics, and training. They respond to all incidents of injury, of use of force that requires hospitalization of any person. So we have a very intensive, investigative review process for actions of our personnel.

VICE CHAIRPERSON WANG. So on that note, I would suggest you would not also be in favor of the so-called ex-judges panel?

SHERIFF BLOCK. No. I do favor the ex-judges panel. Yes. In fact, during the appearance before the board of supervisors where Judge Kolts and I appeared jointly—the ombudsman, the judges' panel, the community advisory counsels, all of those things. And, contrary to what was said earlier, some of those community advisory counsels are in place. And those community advisory counsels have a very formal structure, including

some 28 hours of training and information that they are receiving as to the law, as to our investigative process, as to everything they need to know if they're going to be of service to both their community and to the department.

VICE CHAIRPERSON WANG. Thank you, counsel.

**Testimony of Shaun Mathers, President,
Association for Los Angeles Deputy Sheriffs**

MS. GROW. Thank you, Sheriff Block. Mr. Mathers, would you please state for the record your present position and how long you have held that position.

MR. MATHERS. I am the president of the Association for the Los Angeles Deputy Sheriffs. I've held that position 2 years. For the record, I would like to introduce the gentleman seated next to me: Mr. Richard Shinee, my legal counsel, and counsel for the Association for the Los Angeles Deputy Sheriffs.

MS. GROW. Are you anticipating that counsel will testify on your behalf?

MR. MATHERS. He may. He's also a source for me, as he also represents an awful lot of our deputies.

MS. GROW. In that case, I think counsel should be sworn in if he's going to testify on your behalf.

VICE CHAIRPERSON WANG. Would you stand, then.

[Whereupon, the witness was sworn.]

VICE CHAIRPERSON WANG. Thank you.

MS. GROW. Thank you. Mr. Mathers, what has been the position of the association with respect to recommendations set forth by the Kolts Report as well as those recommendations that were subsequently agreed to by Judge Kolts and the sheriff?

MR. MATHERS. I think that the scope of that question is awfully broad. There are some recommendations that we will look at and agree with. There are some that we would strongly oppose. There are some that I would consider ridiculous. I think one of the main issues that evolved from it that Mr. Bobb touched on is it's probably the three more important issues faced here today. As you look at all of this in the context, it's money, money, and more money. It's a question of how many dollars and what sorts of resources you wish to put forth to solve this problem.

We're out here trying to make a community safe, trying to keep people in that quality of life

that we enjoy. I don't know if that's the case right now. We're a department—and I don't believe the sheriff's department understands this—but a department in which we're facing cuts of somewhere between 16 and 32 percent. That's 1,000 less deputy sheriffs or 2,000 less deputy sheriffs in this next year. And while we're doing that, we're looking at some very, very expensive recommendations. I think I have put it before: We have some champagne and caviar recommendations, but they are only giving us a beer and peanuts budget.

MS. GROW. With respect to the recommendations that were agreed to in January by Judge Kolts this year, in particular they focused, the agreement focused, on the hiring of civilian ombudsman, the implementation of a review panel of judges, establishing community advisory committees, implementing an early warning system and training. Does the association strongly oppose any of those recommendations?

MR. MATHERS. On their face and in the broad questions, I guess the answer would be, "No." We're currently negotiating the actual implementation of most of those issues as we speak.

MS. GROW. So what has the association strongly opposed, specifically?

MR. MATHERS. Well, obviously one of the issues that's been before you today is the confidentiality and the whole issue related to that. I think the other one that we have some strong concerns with is in regards to the tracking. While it's fine to track and while it's fine to keep records, one of the things that seems to be happening is that the allegation becomes a fact, it becomes that the misconduct has occurred. We become predisposed to believe that because someone has received one, two, three, or five allegations, they must have committed them. Unfortunately, in an awful lot of these cases, the facts just don't bear that out.

We're here talking about unfounded complaints, and there's a lot of things that could be an unfounded complaint, I tell you. One is that people just don't see it the same way. That doesn't mean that it occurred. They viewed it. Two people have viewed it in a different fashion, but the alleged misconduct did not occur. Oftentimes when we see the problem in these issues, it's not as much as the misconduct has or has not occurred, but the people are just plain unhappy with the decision. They don't want to face the

reality of "That's not what happened," that 100 witnesses have seen it different than you as an individual. And that presents us with a problem.

I'll give you an example of that. Back in 1991, we had a series of shootings, about four in 1 month. It became quite controversial and quite heated in LA County. Many of the department critics, some of the folks that were here today testifying before the Commission, demanded that in these shootings that they didn't have justice and they wanted the grand jury to take a look at these shootings. The board of supervisors heard that. The board of supervisors requested the grand jury review the shootings. The district attorney took it before the grand jury. They went through several months of looking at it, studying all the evidence. And they came back and said, "We, as the citizens, we as the members of the grand jury, don't believe anything wrong occurred, and we're not going to recommend any filing in this case. We're not going to take any sort of action."

Well, the critics were unhappy with that. They were unhappy simply because the decision didn't meet what their predisposed notion of it should have been. And I don't know how we come to terms with that. That doesn't mean that the deputies were wrong. That doesn't mean misconduct occurred. That just means people were unhappy with what the result was.

MS. GROW. As you are in the process of negotiating with the department the implementation of some of these reforms, is there a timetable for completing these negotiations since we are focusing on the progress of implementation of reforms?

MR. MATHERS. Well, we have a timetable set for the meetings. Each department has a timetable when they would like to implement the items. Obviously, we have to go through and take a close look. These are issues that will affect not only the individual deputy sheriffs that are out there trying to do their job. It's going to affect the community as a whole. As we heard, Sherman Block believes that it is going to be something that may catch on nationwide. So, actually, we may well be negotiating a model that the nation takes forth. And if that's the case, I think we have to spend the time and look at it to the end and study all the issues carefully. We don't want to be hasty in this.

MS. GROW. Is it anticipated that it may take a few more months for negotiations, or could it take a few more years?

MR. MATHERS. On the specific items you mentioned earlier, I might imagine that the negotiations on it would be concluded in a few months.

MS. GROW. Mr. Chairman, I have no further questions for Mr. Mathers at this time.

VICE CHAIRPERSON WANG. Yes. Any more questions?

COMMISSIONER REYNOSO. I'm just going to ask the same question that I asked Sheriff Block. From your perspective—I know that it's your responsibility to protect members of your association, but what do you see happening or focus or would hope would happen to have there be an ambiance among the deputies of never tolerating something that happens that is wrong? We've heard testimony about what's called the "conspiracy of silence." That's, certainly reluctant to speak against one's fellow officer. What could be done to emphasize the strength the department has in terms of its dealing with personnel?

The work that the sheriff's department does or the police department does in terms of the local government is so important for all of the citizens. And somebody said earlier—and I agree with it that it perhaps is the single most important role in the local government. And I've persevered with this, and I think as with some other witnesses, the matter of the ambiance of the culture of the police department.

MR. MATHERS. Respectfully, I'm not sure that the code of silence and all that exists. Quite honestly, I mean, part of that, as I spoke, and said they're unhappy with the outcome. An easy explanation for that is the quote, "conspiracy theory." The people that knew didn't come forward. They didn't investigate. They didn't take a look at all the issues, and we don't have the right information. I don't believe that is the case. We actually have incidents where deputies are sued for misconduct by other deputies. That obviously isn't a code of silence, and that's not pointed here to say it doesn't—it's not there; it doesn't exist. Some of the things you talked about are occurring. The sheriff is out there. He is making it well known what his position is, what his beliefs are.

I believe you suggested or one of the panel suggested that may be discussed in briefing. That occurs. That's happening now. But I guess I

would differ with some of the folks in their identification of what that problem is.

COMMISSIONER REYNOSO. I guess a couple of things continue to bother me. One is that we all agree that the relationship and mutual respect of the community and the police department is so important. Yet, we didn't get the specific figures today. I did read in the *LA Times* a summary of the report that was issued recently about the high degree of young people who seem not to respect the police. And I don't recall that it was divided between the city police and the sheriff. That sort of survey bothers me a great deal in terms of the mutual respect that needs to exist. The second thing is a little bit more personal. I mentioned to one of the witnesses that I get calls from people who believe they have been wronged by the government or other persons. And of all the complaints, probably the majority are citizens complaining about some reaction by a police officer to them. And again, I'm not saying it's the sheriff's department. But I'm concerned about the general relationship of the community to the police. And the surveys indicate that we aren't where we ought to be. Maybe I should ask you, What do you think should be done about that, if you agree with that?

MR. MATHERS. Well, I think—let me take your second question first, if you don't mind. And oftentimes the issue is not the—it concerns me. And I will start by prefacing all my statements. Those sorts of relationships concern me because law enforcement is the community. But in the second issue, oftentimes it's not a matter of what the officer has done in terms of misconduct. It's the fact that a deputy sheriff or peace officer has taken an action that the citizen just didn't like.

And one that's a tremendous example of that, from my point of view, is there is a deputy sheriff by the name of Doug Schoenborn who works for the Santa Clarita station in the suburbs to the northern end of Los Angeles County. He pulled someone over, went to tow their vehicle. It ended up a traffic violation of which the vehicle needed to be impounded to resolve it, and this citizen came back and made a complaint against Deputy Schoenborn, that Deputy Schoenborn had solicited sexual acts on him in exchange for not giving him a traffic ticket and taking the car. Well, the investigation began. They were about to relieve Deputy Schoenborn of duty, send him home. This is the type of of-

fense that very well he could have been terminated for.

The only thing that saved him was that he had a tape recorder in his pocket running throughout the incident. It never occurred. He never stated anything like that. It was just the opposite. His performance was of the utmost perfection of the community. So, I see an awful lot of those sorts of cases, and I don't know how we resolve that because he is still going to say that this deputy alleged that. We can show that it didn't, in fact, occur. But how do you solve that?

Another issue on the community surveys, one of the things that I need which has been missed is the essential problem. We studied it here in Los Angeles for the last couple of years. Your Commission, I guess, has studied it for probably some 35 or 40 years since your existence. But one of the things we fail to look at is an awful lot of positive things that are already going on. Our association, for one, has a program called "Pre-Hab." It's a program in which it's run through the LA conservation corps, and deputy sheriff mentors work with individual youths in the community. These are kids that are at risk. They aren't necessarily the hard-core gang members, but they're heading in that direction. Intervention by deputy sheriffs in a mentorship program has helped them. And the purpose of it is to assist them in getting a job and straightening their life around.

In fact, it is kind of ironic that you picked this facility to have it in because as you stay here for the next couple days, we have been a partner with this hotel. The Sheraton Grande has been a beneficiary of that relationship because they have taken upon themselves to hire some of these kids that are graduates of our program, and give them jobs and give them hope. And they have been very happy with them. So when you're in the restaurant, you may very well be served by some of the folks that were members of our program or the people that were provided in the service. I mean, that is a very positive statement but often overlooked.

COMMISSIONER REYNOSO. Thank you.

COMMISSIONER REDENBAUGH. I'm not quite sure how to phrase the question, but it seems to me that, in part, what we are discussing with these questions of civilian review or not review or how complaints about officer conduct are handled has to do with the question of stan-

dards. And I get the impression, from things that you have said indirectly and things that other panels have said, that there's a different standard that law enforcement officers suggest or prefer or hold to than the standard which civilian review boards might hold to, and that, in part, some of the difficulty here is not having a clear consensus or a clear agreement about standards of conduct or about what constitutes unreasonable force. Could you comment on that.

MR. MATHERS. Sure. I don't know that I would disagree and say that a civilian review board has a higher standard. In some aspects, I think that that standard may be a little looser, you know, in regards to a lot of these issues. We do have civilian review in Los Angeles County. We have a civil service commission. They are civilians that are appointed by the board of supervisors. We have the board of supervisors. The setup for the sheriff's department is such that under contract, we patrol some 40 incorporated cities within Los Angeles County, each of which has an elected city council that dictates how their service is provided.

One of the things that—rather than standards, I think what I'm suggesting is that oftentimes the facts are not there to support the allegation. And due process—our whole system of law, our system of government—is based upon the facts. It's not based upon innuendoes. It's not based upon allegation. It's based upon what is presented and what is before that trier of fact, whether that be the sheriff, whether that be a hearing of an officer or of a judge. That's what we need to look at. That's what we need to concentrate on. When we meet that standard, fine. That deputy deserves to be, if they were accused of misconduct and we have the facts for it, they deserve to be disciplined. They deserve to be subjected to whatever the laws of our land provide. But if we don't meet that standard, we shouldn't have a lynch mob mentality until they have been accused of it. Let's not punish them for allegations. And I think that's what we're saying.

COMMISSIONER REDENBAUGH. Thank you.

COMMISSIONER ANDERSON. Do you think racism is a problem in Los Angeles law enforcement?

MR. MATHERS. I think it's a problem in society. I don't think it's any greater or lesser degree within law enforcement. When you take a look at Los Angeles County, we are a city, a county

that's torn. There are some very strong feelings that run on all sides. Again, if anything, I think that peace officers have been victimized by that rather than actually furthering the racism. I would suggest that, no, it's not a serious problem. On the contrary, peace officers have the opportunity to interact with communities far more than an awful lot of citizens do, the regular citizens that are maybe out in the suburbs and have no exposure and don't get to benefit from that interaction that a peace officer would.

COMMISSIONER ANDERSON. How about the use of excessive force? Do you think that's a serious problem?

MR. MATHERS. I guess, obviously, someone using excessive force is a serious problem. If the question is, Is excessive force often used and is that the problem? No. I don't believe so. I believe that's a minimal here. You know, one of the things is that we are a very professional department. There are some very, very high standards. We are under some tremendous scrutiny. And if that was the case, you know, I believe that we would all know that.

COMMISSIONER ANDERSON. We heard testimony this morning from witnesses who thought there was such a significant problem, based on their experience, that there seemed to be some doubt that we got from later panels, that at least an earlier panel indicated that they thought there was a significant problem so that there ought to be new Federal legislation to empower the Justice Department to bring actions against law enforcement personnel for a pattern or practice of abusive power, and that Los Angeles, as I understood their testimony, would be a key area based on its history for that kind of suit. But you're saying, "No. It's not a problem."

MR. MATHERS. Well, I think, one, the first point would be that the Federal Government already is there. They have been there. They have done that. They have come in. They have filed charges against a deputy sheriff. They have taken it to trial, and the jury found the deputy sheriffs innocent of any wrongdoing. With that being the case, did they need special legislation? No. They went in there. They thought they had a case. They found that the facts didn't bear out what they were alleging. So, you know, I don't know how to respond to that. I guess we can suggest that maybe it would be a need to file a suit against the departments. I would disagree

with that. You know, there's going to be people that say, "Any force is a problem." And if we want to eliminate force, you know, there's a couple ways to do that. One, is if deputies do nothing, they do nothing wrong; if they do nothing but sit at a donut shop, you know, you're not going to have excessive force. We don't want that. We're going to go out and ask them to take action, positive police action. That being the case, we're going to have force used at times. Then you have to look at that on a case-by-case basis to determine, "Was the force appropriate in that situation?" And I think that's happening right now.

COMMISSIONER ANDERSON. We have had a lot of reference to police culture. Do you see a significant difference in the code of police culture of both between the sheriff's department and the police department in Los Angeles?

MR. MATHERS. Oh, I think so. I think the sheriff's department has been more meaningful to change, to positive change, has embraced what I would call "community policing," in contrast, for an awful long time, has been active partners and participants with the community, and from my impression, yes, we have worked for someone that's more flexible in those situations.

COMMISSIONER ANDERSON. Could you or your colleague perhaps discuss the question of specific intent in terms of use of excessive force cases? We have had a lot of number of witnesses indicate they think that should be repeated as a part of an element of the offense. Perhaps they should have an opportunity to respond since you have defended this law of civil service.

MR. SHINEE. Along the arena that I represent the officer's specific intent or the officer's agent, line of conduct, it's always an issue with regard to the Federal civil rights team, I would not be the one who would vote for a change. I think the tradeoff there is William Douglas who wrote his opinion was double jeopardy concept, that you had to specifically prove that this officer intended the conduct that he engaged in, as opposed to a negligent, as opposed to the heat of the moment. And that was a tradeoff in double jeopardy, and that's what we are talking about. No, I would not be in favor of changing that.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. Commissioner George?

COMMISSIONER GEORGE. Police brutality is a reality. Do you agree?

MR. MATHERS. Are there cases? Yes. And there have been since, I guess, the dawn of law enforcement.

COMMISSIONER GEORGE. Right. And there would be no way of using means that we use that would need to be considered legitimate to completely wipe out the possibility of use of police brutality. People are going to steal from the bank; is that right?

MR. MATHERS. Exactly. And I think one of the things that, you know, we focus on in a awful lot of these reports is process to stop that. The process isn't going to do that. The only thing that, you know, we could really rely on is effective supervision from our management. And that's always going to be the case because we can have all the tools in the world and we can have all the regulations and all the rules we like, if they aren't effectively utilized, if they aren't effectively used, it really doesn't matter.

COMMISSIONER GEORGE. Is racism among law enforcement officers a reality?

MR. MATHERS. Yes, I would agree, just as it is in a society.

COMMISSIONER GEORGE. How significant is it? What is the scope of racism and tendency to use excessive force among your officers? Are we talking about 20 percent? Are we talking about 2 percent?

MR. MATHERS. I guess when I say that it exists, I don't necessarily link that to use of force because I don't know that there is a correlation between the two. And we're taking a leap when we say that because if someone may harbor some racism, some feelings towards other groups, that now they're predisposed to take an action dealing with force. And I don't know that there's a correlation there. I would say if we were to go to percentages in the actual impact and effect, that it's less than 1 percent. Far less. I would definitely believe the exception of the rule.

COMMISSIONER GEORGE. I recently had occasion to talk with a black conservative, someone who doesn't fit the usual mold. But he told me that, based on his own experiences with police, that he just can hold very little respect for law enforcement officers because he has regularly, as a black man, been subjected to humiliating and unfair procedures by police officers. He reports to me that his experience is parallel to the expe-

riences of a great many other blacks of all different political persuasions when it comes to police behavior. And you know, again, this is not coming from someone with a political ax to grind about police. This is coming from a black American. And I take that very, very seriously and an indictment of law enforcement at all levels. Do you have anything to say about that?

MR. MATHERS. I guess oftentimes I felt the grunt of that same feeling. And you know, there was one point where in my career that I worked a predominately African American community. I would say that the community was 99, 95 percent black. And you know, I would fine someone for a traffic violation, driving down the street speeding, and I would pull him over. And the accusation that would come from their lips before I could talk to them at all is, "The reason you're stopping me is because I'm black." Well, that wasn't true. It was not something that number one, at that point in time, there probably wasn't anyone of any other color in that neighborhood. It was a predominately black neighborhood. They were speeding. There was no link between the two. Now, I don't know the individual you're speaking of. I don't know their department. I don't know the city. I will tell you, though, that that accusation is a real easy one to throw around, you know. And suddenly I'm the victim of that.

COMMISSIONER GEORGE. But if this is the experience of a great many, particularly, I take it, from my friend, a black man, American man, it looks to me like either we've got a massive misunderstanding, or we have a serious problem with a form of racism that we have to do something about in law enforcement. Certainly, there are false cases. No doubt. I'm sure my friend would not deny there are false cases. But if there are true cases and if there is a large number of true cases, we're going to have to do something about that.

Now, I realize that you're questioning the possibility—and I'm giving you a witness that you can't cross-examine. But you're questioning the possibility of whether this fellow is right or not about this or whether his experience is an isolated experience or not, common experience, and so forth. But just assume for the moment that he's right that a lot of black men are subjected to unfair and humiliating experiences by a lot of police in LA and across the country. If

that's right, what is your suggestion about how we handle that problem? Do you have anything in mind? What can we do to prevent black men from being stopped and questioned simply because they happen to be black men?

MR. MATHERS. Well, I guess I would have to say I don't know that that occurs because what we're pulling out of that formula is, you know, were they speeding? Did they run a stop sign? Was there a vehicle code violation?

COMMISSIONER GEORGE. Let's assume it's occurring. How do we handle that problem?

MR. MATHERS. If it's a problem and it is being reported, I think that becomes very clear because if a deputy comes up and says, "Boy, your taillight was out." And that person says, "But it's not." And they drive to the station, and they lodge that complaint, and the watch commander walks up and says, "Sure enough. It's not out." And that happens several times. It's quite clear we have a problem there. And that person is going to be disciplined. They are going to be terminated. They are going to be dealt with. But I'm not sure that that is, in fact, occurring.

COMMISSIONER GEORGE. So you would take it as an indicative, signifying thing? They used to say if, in fact, a particular officer was repeatedly the subject of complaints, that you would begin to look into the situation if the officer repeatedly was the subject of the person who complained.

MR. MATHERS. I think—we will look into every single complaint. And I'm not disagreeing with that. When a citizen comes and files a complaint against a peace officer, I wholeheartedly believe it should be investigated. In fact, that is the law in this State that it will be investigated. The one thing I would ask for is that we have equity in that system, that it not be considered that just because the complaint is filed, the officer is wrong because there are people out there that are falsely filing the complaints that also need to be dealt with, and they're not dealt with now, Mr. Commissioner. It has not happened, and that is a real problem for our people.

COMMISSIONER GEORGE. What is the solution to that?

MR. MATHERS. That it be dealt with in the false complaints. We have tried to pass legislation in Sacramento in dealing with it. We have tried to pass legislation on a local level. We have asked that they sign the complaints under penalty of perjury, very high standards. You know, we're not

looking just because a person misperceives a situation, that they be punished. We're looking for those that are absolutely false and malicious. And we don't have them here. No one wants to hear that. No one wants to deal with that.

COMMISSIONER GEORGE. I appreciate that point. Now, to what extent could the problem be combated in an effective way by having mixed patrols, having black and white patrolmen together, officers together—

MR. MATHERS. I will tell you, from my experience—

COMMISSIONER GEORGE.—to decrease false complaints and to protect potential victims of police misbehavior?

MR. MATHERS. I'm not suggesting that false complaints are filed on the basis of race. And when you say, "mixed patrols"—

COMMISSIONER GEORGE. So that in a mixed patrol situation, there would be a witness of a racist threat in a situation where there might be a false accusation, "that you picked on me because I'm black. You singled me out because I'm black."

MR. MATHERS. I guess there are a couple issues there. And one goes back once again to money. We don't have very many two-officer cars.

COMMISSIONER GEORGE. If you did?

MR. MATHERS. If we did, number one, I don't know that that would be—that that would stop anything because, quite honestly, I don't believe that the citizens complain against the deputies merely as a result of race. An awful lot of the complaints and some of the most heated are against deputies of the same race as the complainant. And still the allegation of racism comes in. And I don't know how—

COMMISSIONER GEORGE. You're telling me you have situations where an African American officer is being complained about by an African American complainant. And in the complaint is, "He singled me out because I'm an African American man."

MR. MATHERS. Yes. "He is Afro American," is the quote from the citizen. And I will give you one in which it was a shooting, that it was racism because a young man who was Hispanic was shot and killed. And the shooting and the death of anybody else is a tragedy. But the deputy who shot him was Hispanic. Now, I can't see that. I don't know how that allegation fits in there. And maybe I'm wrong. Maybe you can explain that to me, but that doesn't make a lot of sense. But it

still is part of that allegation. It still is part of the perception. And I don't know that—when someone puts on a uniform, that they, the citizens, view them as a member of the community, as someone that is their neighbor. They view them as authority. And I think that in an awful lot of areas, there is a general disdain for authority, and I think that's the real problem.

COMMISSIONER GEORGE. Thank you.

VICE CHAIRPERSON WANG. Counsel, any further questions for the counsel?

COMMISSIONER GEORGE. No.

VICE CHAIRPERSON WANG. Okay.

COMMISSIONER REYNOSO. I wonder if I could ask just one question. I don't know whether we're dealing with misperceptions or misreports, but do you recall a year or two ago there was a report that the LAPD, not the sheriff's office, stopped a prominent former Lakers basketball player, black man, who is now a businessman in West LA, and that he was stopped? So the report was, my recollection is, that the LAPD admitted that they had a profile that they saw a black man driving a particularly expensive car in West LA. They were checking him out, and they stopped him on the allegation of a malfunctioning back light. And the officer, interviewed by the *LA Times*, had said, "Yes. That's one of the things we do. Sometimes we stop them even though we know there's not a bad back light because we need a reason to stop a suspicious car."

As I remember from the *LA Times* report, that was all sort of like discussed by this spokesperson for the *LA Times* like, "Yes. That's the way we do things." And I never saw anything thereafter about any discipline against the officer involved because if the spokesperson is to be believed, then that was one of the ways in which the investigation took place. Was that just an exception, or is that an incorrect recording? What was your reaction? Did you read that story? What was your reaction to it?

MR. MATHERS. I don't recall that story, but your description of it is absolutely shocking to me because if that is, in fact, the representation they made, I could tell you that the sheriff's department would not participate in that activity. That it surely is not condoned, and that it will not be tolerated. But what you have is someone that is basically, I guess, illegally detaining an individual because they have not committed a crime, and

there is no suspicion of a crime that they have. And I don't know how you answer that.

COMMISSIONER REYNOSO. I guess I was asking you about the LAPD story because I think the citizens sometimes just think that in terms of law enforcement officers in the community. And probably at a certain point, we need to differentiate between whether it's the sheriff's department or the LAPD, and I'm sure the sheriff's department gets brushed, if you will, by that. By saying "brushed" by a report like that, it's recorded publicly. I was like you. I was a little taken aback by the openness, if you will, of the spokesperson saying, "Yes. That's the way we do business." Thank you.

MR. MATHERS. Thank you.

VICE CHAIRPERSON WANG. Thank you. Next panel?

Economic Development

CHAIRPERSON FLETCHER. Yes, indeed. We're now moving to the local community leadership, for the record. Angela Oh, please come forward, Rev. Cecil L. Murray, Leon Watkins, and Rev. Fr. Juan Santillan.

Local Community Leadership

VICE CHAIRPERSON WANG. Is Reverend Murray here? Can I ask you to stand up and raise your right hand.

[Whereupon, the witnesses were sworn.]

REV. SANTILLAN. So help us, God.

VICE CHAIRPERSON WANG. Thank you.

Testimony of Angela Oh, Attorney and President, Korean American Association

MR. GLICK. Vice Chair Wang, it doesn't appear that Reverend Murray is here. There may be a mix-up. I mean, we have contacted him, and he was quite happy to come. But he may have been confused or may have had some confusion as to the time of his appearance. We'll try to contact him and see if he won't be available for us tomorrow. But I know we expected him, and he expected to be here because we spoke to him late last week. So we'll have to check into what happened with Reverend Murray. I don't believe that he deliberately failed to appear. We'll check into that. If I could, Vice Chair, I would like to start with Ms. Oh.

Ms. Oh, you're an attorney here in town, and with a private law firm. You also have been ac-

tive with the Korean Bar Association of Southern California. In fact, as we understand it, you're currently president of the association?

MS. OH. That's correct.

MR. GLICK. But in addition to your legal work, you've been active in the community relations kinds of things, intergroup gap bridging kinds of organizations and activities. Could you describe some of your activities in that respect and what you see currently as the intergroup, interracial, interethnic relationship within the City and County of Los Angeles from your vantage point?

MS. OH. Certainly. I know that we're not here to discuss the April 1992 crisis here in Los Angeles, but I would like to use that as a point of departure because I think it was a watershed event for this community, if not the nation, and I would even suggest to the Commission, the world. There was no mistake or coincidence about the fact that out of more than 200 trespasses taken out of the Federal courthouse while the police beating case of Mr. King was pending, more than 15 nations were represented here in Los Angeles.

I would have to say, in all honesty, that the state of intergroup relations, as it's been described in my letter from my Commission, is worse today than it was a year ago. And I say that with some disappointment because, aside from myself, I know many, many, many other individuals in this community that have been working very hard in the area that people refer to generically as human and community relations. But the issues that we're really working on center around economic relationships, I believe.

I had the honor of serving the State Speaker, Mr. Willie Brown, and Assemblyman Curtis Tucker last year following the Los Angeles crisis, and we held a number of public hearings ourselves in this community. Our mission was to find out what happened, why it happened, and was there anything that could be done to prevent a city like Los Angeles, as diverse as it is, from literally blowing up again. And I was sad to find in the research that we did in preparation for the hearings, that when I picked up reports that were almost three decades old—I'm referring specifically to the report prepared by the Kerner Commission as well as the reports prepared by the McCone Commission following Watts here in the Los Angeles area—that you

could literally change the references from Negroes to people of color; and you could change the year from the 1960s to 1992, 1990, 1991, and the conditions that were identified and the factors that were identified that contributed to what we saw here were almost identical. It was frightening. It was really frightening. The only difference had been that Los Angeles was no longer biracial equation.

Now, we're talking about new immigrant communities. And indeed, that's what we saw happen in April of 1992, when the people who paid the price were poor people, politically disenfranchised people, and for the most part new immigrants. So, when we started to hold our public hearings and made inquiries of the public as to what their perspective was, we heard over and over again, "This is what you get when a community does not have a sense of having a stake in your neighborhood."

Now, to me as a Korean American, as an ethnic Korean, I had to look at very specifically that stated, that suggested, that ethnic Koreans were indeed targeted. I mean, \$400 million worth of the damages out of an estimated \$750 million was sustained by ethnic Korean small business owners in Los Angeles. Now, other statistics tell us that 40 to 60 percent of the numbers of businesses destroyed were Latino owned. That may be true.

Then we look at the revitalization efforts that come along, and everybody is so grateful. And remember, when we talk about immigrant community, they think, "Oh, the government is stepping in. They're going to take care of it." They saw what happened. They saw that we were not neglecting the situation. We were not the ones that were reckless. We were not the ones that were destroying our own stores. They witnessed it on television.

The media certainly had a role in shaping what the public thought it saw, didn't it? And the media initially tells us, "Oh, the LA riots happened because blacks and Koreans can't get along." Well, that's convenient, very convenient packaging for simple-minded public consumption, but it's certainly false as far as I was concerned. And as far as we ultimately determined, I think, in talking to the people of Los Angeles, it was not simply a result of black-Korean tension. Certainly those tensions exist, and there are very specific reasons why. Because in these poor

communities which are predominantly represented in the public eye in consciousness by African Americans, though in reality we are talking about communities that are 48 percent Latino, that area that's called, that nebulous area that's called, South Central Los Angeles, whose borders are constantly changing depending upon what political entity needs to be defined, you know, the area in need or neglected area—

REV. SANTILLAN. Thank you.

MS. OH. —that South Central is 48 percent Latino, we find out. Of course, their voice was invisible. We pretty much know why; it's no secret that many of these are new immigrants or not English-speaking people. This is a generation that has not yet come into its own. But it certainly is moving in that direction in terms of political presence. And it's not unlike immigrant communities.

What does that mean? It means that for African Americans who have struggled for generations to have a voice in this racist system—and I'm going to be very clear with you that the problems that we are dealing with right now in terms of civil rights have to do with the inability to deal with racism and poverty in this country through all of its institutions.

It's unfortunately feeding on the communities, feeding literally. It's taking the lives of our children in many different ways. It's taking the lives of immigrants who really don't understand how the system is, but they think they have made a commitment because they come here based upon the representation that this country puts out all over the world that this is the land of opportunity. The American dream can be realized here. That's false. That's false. The American nightmare has been realized here by many people in Los Angeles, unfortunately.

Does that mean it's hopeless? No, it does not. And I am very clear about that. I would not be a part of the system if I did not believe that the system was capable of changing when people like myself—who I might point out, did not exist in this system until only a few years ago. I often tell the story about it. I picked up the county bar roster from 1968, I think it was, pictorial form, black and white photographs with the LA county bar. I can count on one hand the number of faces that I saw that represented people of color. I think I saw the Kwan brother who had been practicing in this town for 40 years. Maybe the

two brothers. That's it. I saw maybe three women in that roster that was about an inch thick of black and white photographs. It was all white males.

Now, let me stop right there. We have a lot of white males on the Commission. This is not to say all white males are evil, bad people. I'm just telling you that what has happened, I think, in terms of what the roster considered to be proper in the way of theories, in the way of defenses, in the way of ways to handle people that come into the system that I work in, for instance, which is the criminal justice system, because it has been pretty much controlled by white males.

You know, the options are pretty limited when you're an immigrant. And I will explain to you very specifically what I mean in a few moments. But let me get back to my concerns about race relations in this town because since the riot—and I call it a riot—and I ask only that people respect my choice of that word as I respect other words that have been used to describe what happened in Los Angeles last spring.

Since then, there have been lots of people coming forward with promises of money from the private sector, the government. The Federal Government has promised that there would be a stimulus package delivered. There hasn't been one yet. We have government agencies that had monies that were set aside that were accelerated in terms of their disbursement into Los Angeles, not that there was any new money made available. At first, they made it sound like there was all this new money that was going to come to Los Angeles. But then a few of us sat down and really looked at the numbers and where these were coming from and whether or not the promises and the representations that were being made publicly in the newspapers were really true, and we found out, no, this isn't new money. This is money that has been already allocated to Los Angeles. They're just getting it here quicker.

Okay. So here we have the money and the attention, and we have this window of opportunity. What happens? Immediately, ethnic conflicts. Where? African Americans are viewed as the ones that swooped in and grabbed the majority of resources. Okay? Latinos are out there crying about the fact that if you look at the arrests that were made here, it was their people that were swept up in those arrests. And it's true. They were. And then they were unconstitutionally, I would main-

tain, processed while being held in the men's central jail. They actually had immigration judges sent down there while these people were being held beyond the 48 hours that the law permits because Governor Wilson declares a state of emergency, and they get processed for deportation. These are people, many of whom, you know,—and I've seen the testimony from them—who did not have any criminal record before. And because they were so fearful of what they were caught up in, they just pled out. "Yes. I've committed this crime. I'll pay the fine. I'll be on probation. You have a leash on me for the next 24 months." These are people that did not break the law. But they were brown skinned; they have Latino surnames. The cops came in the city, and they picked them all up. There were sweeps done in this town.

Then when we look at what happens with the Asian community, remember Koreans in particular, we're less than 1 percent of the population of this city. We're less than 1 percent of the population of this State. All of a sudden, this little ethnic community that is growing—and I have to say that we've experienced 125 percent increase between 1970 and 1991 here in Los Angeles—we get thrust into a position where all of a sudden, we've got to answer for all the racial conflict in this town and in this country. "What's wrong with these Koreans?" "What's wrong with blacks and Koreans, in particular?" We've got to answer for, "How come you can't effectively assert yourself in the proper political arena?" We've got to answer for, "How come the economy is so messed up and you're taking what few assets there are?" We've got to answer for the fact that the insurance companies that come in here and do business in California and issue policies taking people's good money are, in fact, bogus companies.

This is something we discovered last year. The few businesses that were able to get insurance coverage in areas that are redlined regularly by the insurance industry found a significant percentage of them, found that these companies were bogus companies. They were undercapitalized, and they were, in fact, shell corporations that were never going to be able to pay on the claims. So, when the claims got submitted, the companies disappeared. There's now a lawsuit pending on behalf of 125 plaintiffs against insurance carriers, brokers, and agents. You

know, we hoped to get some relief, some relief, for those 125 plaintiffs.

Then, with regard to the Federal Government—let me make a comment about the Federal Government. FEMA comes in here, SBA comes in here making all kinds of promises to people last year before the election that they were going to provide relief. Yet, we ran into situations over and over again where, first of all, the agencies themselves were inaccessible to non- or limited-English speakers, many of whom were victims here in Los Angeles. What happened? Community groups had to immediately—I was having the SBA fax me, you know, advance press statements and copies of their application so that we could internally find people in churches and community groups, youth organizations, community advocacy groups, that would take the time to volunteer and translate all of those applications, which that got done. The same thing with FEMA. It got done. And then we go through the process, and the staff is not accessible. You can't communicate with these people that are interviewing you for the relief that the government is supposedly going to provide. Then you get the people to be able to communicate in their right language, and we run into procedural barriers where, you know, you don't fall into a certain category. There's no way for you to explain.

For instance, this is an example that I use frequently with regard to FEMA. They offer mortgage and rental assistance, grants. These are not loans. But if you have insurance, you automatically go into the "no relief" pile. Well, wait a second. "But my insurance carrier is a nonadmitted carrier. They're a bogus company. I'm not getting anywhere. I need the relief. My note is still going to be due next month."

"Too bad."

There's no one to talk to. "We don't have any procedure for that."

So we had to resort to, you know, the people's court, which was the media. At that point, the media was more receptive to us community people. Why? Because we called it as we saw it in terms of their contribution to what happened in Los Angeles in 1992. They, whether it's something they're willing to accept consciously or not, have a tremendous role in shaping the consciousness of the public, and they could play a tremendous role in helping us get to a solution, I

believe. Their problem was—and I submit that the media in Los Angeles found itself in their own little crisis—they could not get to the people and the stories and the events that they needed to get to last spring. Why? Because they didn't have anybody on staff that knew the community. That's why. So they're sending out, you know, anybody that looked the right color because, of course, at that point that's what it had broken down to into these communities. Then they asked you after the fact, "Well, what could we do? Where could we go? What happened?" And we gave them feedback. The community folks who don't have any more time than these media executives took time, and they met for hours with media people.

We said, "Look, you really want to represent news as it's really happening in this community in Los Angeles? It's time for you to cultivate those resources. You need to spend money on cultivating relationships with those communities that you know are growing and are here and are significant. And you need to be reporting out here in Los Angeles. And we would like to see in your management some people of color because we don't see that; news directors and chief editors and so on, except for the ethnic persons who were very good about sharing their resources and stories with the mainstream press." They were very good about that. And we learned about that in our own State here.

Where else do I see some tensions? I want to speak briefly to black community tension because everybody that speaks on race relation issues, especially around the black-Korean relations, for a while was saying that everything is getting better; everything is getting better. That's a big lie. Everything is not getting better. Everything is still very hot. It's my belief that things could get hotter as the summer progresses. Let me give you some specific examples. Out of more than 2,000 businesses that have been destroyed, approximately 200 Korean-owned businesses have been rebuilt. There's something called a liquor store ordinance, here in Los Angeles, which I believe is the manifestation of the kind of conflict that we're talking about in terms of economic and racial conflict in Los Angeles. I'm not an advocate of seeing more liquor stores in South Central Los Angeles. Believe me; believe me. But there were 2,000 families destroyed in April of 1992, and only 200 have been able to rebuild. And we have an ordi-

nance here that supposedly was intended to streamline the rebuilding of businesses that were destroyed in 1992, except that the ordinance excludes five types of businesses: pawnshops, gunshops, automotive stores, swap meets, and stores that sell alcoholic beverages for offsite consumption, i.e., liquor stores or convenience stores that hold type 21 or 20 licenses which allow beer and wine or distilled alcohol to be sold for offsite consumption. It just happens those five businesses are owned predominantly by ethnic Koreans. It just happens.

Then there's something else that we have to deal with, which is the fact that people do have a moral sense in the Korean community. And there are those that will give up the selling of alcohol in their stores. But they want a viable alternative. Right now, we're working in the community with a coalition that's trying to deal with the substance abuse problem, and we're trying to promote the idea of converting some of the these businesses into something other than liquor stores. It's going to work but with only a handful, obviously, which means that the tensions are not going to go away with regards to the more than 1,000 businesses that might seek to be reestablished here in this city.

Then let's look at the criminal justice system and how that's helped or hurt. The Soon Ja Du case was damning. It was really damning. The killing of Latasha Harlins, 15-year-old African American girl that was shot in the back of the head by an ethnic Korean grocer named Soon Ja Du, the jury found her guilty of voluntarily manslaughter. This State allows a judge to place somebody found guilty of such an offense on probation. It allows it. And the judge that happened to hear the case and make the sentencing decision, I understand, took great, great extraordinary steps to sort of look at the facts, the defendant, the system. And she decided to put Du on probation and did not require any period of incarceration.

Well, all hell broke loose as a result of that, specifically towards Korean Americans. All of a sudden, because of this one woman's act, the entire Korean community is to be held responsible. Pretty soon, I'm getting reports—I'm a criminal defense lawyer—I get calls from people that are getting cited, misdemeanor violations, but they need representation. They've never been in trouble before. Why? Because they got into it with

somebody, battery case, assault case. Why? Because somebody—and I was getting these calls very regularly until recently. Somebody would come into the store, usually an African American youth and pick up a six-pack soda or something like that, and walk out without paying. So the merchant would say, "Wait. Where are you going? You haven't paid for that yet." And the person would turn around and say, "So shoot me," and keep walking. So some merchants got pretty upset, and they would end up, you know, grabbing the person and pulling him back. And it's not quite petty theft yet, because it's not out of the door. So to get the merchandise back, the person that was going to walk out—and I had three of these in a very short period of time. The person walks out, calls the police and says, "That's the person who assaulted me." And this person gets cited. The merchant gets cited.

MR. GLICK. Ms. Oh, this is really very fascinating, and I'm not being facetious. But in the interest of time, because we are running disastrously late, could I ask you to please come to a closure?

MS. OH. Sure. Let me tell you where I think the solutions are. And I mean, I could go on and on, and I apologize. I think that these ideas have to be considered: There must be public education and an effort given within the institution of our public educational system to begin educating our youth about who these people that don't look like me, smell like me, talk like me, you know, maybe even think like me, who are these people, on a human level because after all, people living in this town are all looking for one thing: They're looking for dignity; they're looking for a chance to make it for themselves and their family. They're looking for an opportunity. That's it. They're not seeking—nobody in this town, as far as I can gather, is seeking to have something just given to them. People are willing to work. They need to have the opportunity.

I also think that there needs to be something equivalent to an affirmative economic action steps taken with regard to financial institutions who make the decisions about who gets access to credit and cash. If there's a problem with redlining, as I know that there is in Los Angeles, in the poor sections of Los Angeles, we need to deal with that. And we need to deal with that in terms of legislative actions, as well as perhaps litigation, if that's what it's going to take.

Where possible, I think that multiethnic coalitions are absolutely where the answer is because it's the only opportunity that people living in communities have in terms of a chance to see and work with other people. And they get to see if, when I turn my back, am I going to have support there, or am I going to get hit over the head? That's how people begin to develop trust.

There is something called, good faith, which I don't see enough of on every level, whether it be in the legal institution that I work in, community work that I do sometimes. I'm surprised that the lack of good faith exists. There needs to be reasonability. We need to extend to each other the opportunity to have a chance when we blow it. Sometimes we're going to blow it because we don't know any better. And we hope that people will not shut down. There needs to be an understanding that respect is going to be there no matter what.

Testimony of Juan Santillan, Pastor, St. Lucy's Roman Catholic Church

MR. GLICK. Thank you, Ms. Oh. I want to turn now to Fr. Santillan. Just briefly, I would like to say that Reverend Murray's subpoena had the wrong date on it. He will be with us tomorrow morning. Fr. Santillan, I think in the interest of time, I would only ask you, myself, to give us the character of your parish and your community. I know it's in East LA, but I would like you to describe the ethnicity of the population of the area. And I'm particularly interested in whether there's a large limited-English-proficient immigrant population in your congregation and the community, Fr. Santillan.

REV. SANTILLAN. Thank you. I just want to thank her for saying all that she did. Now I don't have to say it because it's true. Precisely on that particular point, I come and not on a black-and-white issue or on regarding prejudice, discrimination, and justice. But I do turn to you, the Commission, because mine is not a contrast of color or ethnicity but philosophy, ideology, educational systems, city planning, redistricting of political moving powers, health care as an institution which does present itself in the city of Los Angeles and its county as institutional prejudice.

You ask me the components of my parish. Yes, we are 95 percent Spanish speaking, and that's one quote that I would like to clarify. I keep on hearing Hispanic; I keep on hearing La-

tino. And my issue is not a Hispanic issue, and it's not a Latino issue, but a Mexican issue, a Chicano issue because not all of us are immigrants. Some of us were born here. Yet, we're categorized as the same—not that we're offended by our brothers and sisters that come from the South, but many of us who have been born here which when we say "Latino," what are we saying? Hispanic? And not looking at the Mexican American issue as a Chicano issue puts us in a process of discrimination not only on the professional levels or educational systems or political empowering or even in law enforcement, but even in the distribution of whatever is to be brought into the city of Los Angeles.

When I say that my parish has a component of 95 percent, I have to say "Latino." I have to say "Hispanic." But out of that 95 percent, 90 is Chicano, 90 is Mexican American. So when I have to say, "the parish"—and Mexican American people speak English and speak Spanish. But if I'm viewed only as Latino, then I become one of those persons that I'm good enough to take care of babies; I'm good enough to clean houses; I'm good enough to clean hotels; I'm good enough to clean rest rooms; I'm good enough to take care of little dogs; but please, don't let me entrust you when it comes to certain depths of responsibilities that have to be taken on a professional level, on an educational system, and on the political empowering of some of our people.

Now, when that discrimination comes in within our own area and when we say Los Angeles, this is my invitation to you as a Commission—and hopefully, you will return back within a year and a half. Don't leave us alone. Come back and see everything that you found, if it was really important because when one begins to see that I have also a component of Asians, not including Filipinos which I also have within the parish. I also have a part that is Afro American and also the components of a white community. And within the total components, we have to make adaptabilities of getting to know one another because we share the same belief, the same faith, and the same moral principles.

Now, when it comes to making differences, and we're talking about tensions in Los Angeles, the tension is tremendous. I agree with Ms. Oh about what might take place this summer. We're not joking because within our community, like I said, I'm over in East Los Angeles, I'm hearing a

lot from our young people; "What do we have to do? Do we have to burn to get attention? Do I have to burn in order to have an equitable distribution of monies? Do I have to burn to get equitable distribution of redevelopment programs? Do I have to burn in order to get equitable distribution of professional positions?"

Yet, being that we're saying the 42 percent, and yet, when we see that 42 percent, and the discriminations that are being made within the universities—and I could tell you on one incident at UC-Irvine. A young girl was raped and beaten. And in her back they marked, "Go back, wetback." And then they carved it with a knife. Was anything done? No. Why did the young people over at UCLA, why did they have to go into a fasting in a mourning of Caesar Chavez? You know, it just happened that he was dying. But what if he hadn't died? What would have happened? Why would they have to go into a definite fasting when they were told, "Oh, yes. You're growing. You're becoming. You're there. You're important. But let me get the INS behind you."

And I'll tell you of an incident that happened to one of our little kids. They went with a family to Tijuana, and they wanted to cross back over to the United States. They couldn't bring the little girl. Why? Because some programs, quote, unquote, that are called bilingual programs, never taught her English. And in not doing so, the little 9-year-old girl, they said, "Well, how do I know you were born in the United States?"

And so I want to present this, yes, something that comes from my particular parish. But I'm not just involved in my parish. I'm involved with all the issues that have to do with Chicano issues, with Mexican American issues. And as Mexican Americans, you look into any professional field whether it be CALTRANS, whether it been MTA, whether it be on the judicial system, whether you see it in the educational system, you're going to find out that Mexican Americans, for the fact that being Mexican Americans and being put into a Latino category, Hispanic category, we're being discriminated. And that is a definite because Mexican Americans didn't come on any boat; Mexican Americans didn't cross. Mexican Americans were born here. And when you have a diversity of ethnicity coming in, coming in, coming in, I'm losing mine. And in the process of losing mine, then somewhere along the line, I'm being discriminated for

having been born here. And so I want to reiterate that because it's very easy—

COMMISSIONER GEORGE. Fr. Santillan, I want to interrupt you.

REV. SANTILLAN. I'm going to end.

COMMISSIONER GEORGE. You're losing your what?

REV. SANTILLAN. Not only our own identity because we're being categorized. If I were to categorize, if I were to tell you, "Bonjour," you'd know I was speaking French. If I were to tell you, "Buona sera," you'd know I was talking Italian. If I were to tell you, "Guten tag," you'd know I was talking German.

COMMISSIONER GEORGE. No. I don't know about the last one—

REV. SANTILLAN. But if I were to tell you "O hayo gozaimasu"—

COMMISSIONER GEORGE. Then I'd be dead.

REV. SANTILLAN. Okay. Then you'd know I was talking Japanese. But if I tell you, "Buenas tardes," what is it? Guatemalan, Salvadoran, Nicaraguan, Bolivian, Cuban, Puerto Rican, or Mexican? And that's what's happening to us. And we're being discriminated definitely on all levels because of that. And as Chicanos and as Mexican Americans, we would invite you to understand that the effects, the causes of whatever happened in South Central. Those are effects. But the causes are the same. And they're not just in South Central. They're in Pacoima; they're in Boyle Heights; they're in Lincoln Heights; they're in El Sereno; they're in the Valley, San Fernando. And so when monies are coming into Los Angeles, when rebuilding and development comes into Los Angeles, I would wish that they would get it straight and get it right. Los Angeles is big and not just one part of Los Angeles. And what we ask is equitable distribution or whatever it takes to rebuild Los Angeles.

Testimony of Leon Watkins, Family Help Line

MR. GLICK. Thank you, Rev. Santillan. If I could turn to Mr. Watkins. We understand that you are currently involved with a group called the Family Help Line. Can you tell us about that organization and what its activities are.

MR. WATKINS. Yes. First of all, I would like to just thank this most distinguished group for having me here. I'm representing our people that

never is ever heard from. And for me to be here, you will hear from us. And I thank you again.

The Family Help Line is a telephone counseling service that deals with the issues of families in the South Central areas. What we take are calls from all over the county and all over the United States, basically. And what we primarily do is help them when they have crises in the family, cut through a lot of red tape. Some have a tape on, and when they make a call, they get that funny music on, and they don't come back. Well, we just cut that and get you community members to help themselves, to help other community members.

It's really simple. We feel as though as if we don't begin to help ourselves, nobody will. So we use our counseling service to get people who have similar problems to come in and help the next person, basically. And we have been doing this for 7 years, and we're pretty effective with it. Now, my dissertation, which I don't think I have, I just want you to hear a few minutes of my time—of your time. I would have to say this: I have been here for a while, and I was very patient. But I wonder how are you feeling listening to a lot of these things. And somewhere, the Commission is going to have to put some kind of time limits on all this talk here because everybody is not going to be like me. Now, I'm going to get to the point.

MR. GLICK. Thank you.

MR. WATKINS. You see, one of the main problems that I see is when we have calls come in and we get a lot of complaints about a lot of different things. And, you know, I even use the word riot, also, Angela. I think we need to call it like it is because it was a riot. But the people rioting, what I found out, is that people that normally have nothing to do with the community come in and want to lead and take charge. Now, it escapes me that nobody could see the problems in Los Angeles as much as all these problems, that somebody would have a riot and burn something. Now, I don't believe this. We've got too many intelligent people here. There's too many people making a lot of money in this city not to see that there's a problem here in the inner cities and, you know, all over. Why is it that all of a sudden people are coming in to get basic monies and keep it for themselves? We have a problem with distributing of money and power in this city. They have not and will not allow the people

who need the money to do it, to get it. It's just that simple. You know, they hoard the money for themselves, and I say "they."

Let's look at it from the political point of view. We've got all 15, 16 city councilmen, for instance. Now, to me, if we have economic problems, which we have, why is it that the political power won't get together and deal with it? I think the Federal Government has to begin to look beyond doing business as usual with the people in this city.

Some of the people that you're going to bring to testify before you were part of this problem. We have allowed ourselves to ignore such a large population of our community representing young men and women who, you know—I had listened to the police department, how they arrested them; how they took this mandate out and arrested everybody. Okay. They don't stay in jail. When they come out, how do they get a piece of the action here? How do they get their lives back in order? You know, you've got to deal with all the ethnic problems because everybody is thrown against one another. Who is manipulating the thing here? Who is calling the shots? Because we seem to fight each other all the time.

When I hear that this State is steadily moving up while we are going down, you don't have to—nobody is going to have to tell you that something is going to happen to this city if you don't do something about it. After a whole year now, you're going to sit and tell me that nothing has changed as far as economic development in LA. I mean absolutely nothing. A few people got a few things. Why is it that the government or whoever makes the decisions give most of the money to the people who are higher, visibly profiled in the media, as if they are going to distribute the money equally? It seems that there's this one group that has the money, and they're supposed to deal with this. That never happens.

Just so happens I was here today. The media was here when Willie Williams was here. And when he left, all the media left. That's what happens in the inner city. Something goes down, you know, something bad goes down, all the media comes down. And they come down, and they're saying, "We're really going to get something accomplished." Then everybody leaves. They don't come down and say "Okay." Now you came down here, like you're here now. You came down to the community; you had made money on

us, a whole lot of folks making money on us. It's sad. A whole lot of people making money on our kids going back and forth to jail. They make a lot of money on that. Movies are being made about the situation about folks, making money, money, money.

But why don't we share the money? Why don't we share this money that the government is giving out so readily? If I looked at the statistics of this committee, you're telling me that millions of dollars were spent on this social problem, and nothing happens. So give it to us, and we'll take care of it for the insincere blacks where we need a black social organization, because people won't take care of their children, in essence. And I'm saying, "Isn't that something," to listen to what? The police have to take care of our families for us, and the State would not allow an unwed mother to have a husband in the house or a man in the house. There's something wrong here, really wrong. And it does not take all this committee and all this talk to see what we got to do. We're heading for disaster. I'm going to tell you plain. We're heading for an explosion that you never seen before. What happened last year is nothing compared to what's going to happen because people are very quiet. There is a simmering going on now, like you're making a soup. It's just simmering.

People will not go to the police department because they know they're not going to be filing a complaint. Don't be silly. File a complaint? They know ain't nobody going to do nothing. You know, when you say these things, you know, "Come to the police department," that's dead. As for going—you have all these loans and SBA that says, "Come for the loan. We're going to give you money for all this." Folks won't even go because they know they're going to go through a lot of red tape. They don't even respond to that kind of nonsense. So, people, we look at you. And we've got to do our own thing. This is why the drug culture is so heavy. They depend on the drug dealers than they do on the people that are supposed to help, you know.

We continually ask ourselves what can we do to bring this thing together, all the ethnic groups together? What can we do? To do what? All this is going to keep happening until we come together and say, "Enough is enough," about the pain and the despair that we allowed our people to get into, and begin to look and say, "Well, I

want some real solutions here." We have been giving resources to one group of people—I sat through the political arena from the beginning of time—and look at our cities. Look at the cities. How come we don't have a report card on some of these politicians that don't do nothing? That you could get rid of. Are you under any legislation laws? Forget about the people. It's been millions of dollars of paying for this city over the past year, and I can't name one city councilman that put economic development practice in the frame that can—of a mass of people. I'm not talking about giving it to one person over here or one group, you know. They say we gave it to one group of people. How can you—when are we going to say, you know, "Look, we've got to affect all the people. We've got to come up with a program to affect—at least get people an opportunity to become part of the system." We have systematically taken people out of the system, put them on the side, and decided to make a lot of the money with them.

We've got too many kids now. When I first came here, 25 years ago, I didn't hardly see any gangs or Crips. By the end of this year, by the end of this decade, we're going to have 250,000 gang members running around, doing what? Because they feel like there's no peace here for us. Look at my father. Look at my mother. I have to do wrong for you to notice me. That's what the people are saying, the kids are saying. You know, people talking become hard core gang members. I hope that we are hard core in here. It's time for you to get hard core. There is no justice here for us and no respect. You expect us to come and do all these things and keep the country going, be law-abiding citizens and pay taxes. But when it comes down to helping us, I'm not asking nobody to give me nothing. You don't even have to open up the door. But why do you change the rules on me when we try to get into the play? How are you going to play basketball with baseball rules? And that's what happens. As soon as you hear from us, well, something changes. Another regulation comes down and says, "This ain't it." You tell us to go out and get a business. Well, a business doing what? With all these regulations, all these struggles, all this money coming up missing?

Like the education. They needed \$65 million. "We're going to strike." All of a sudden, a big check appears. "Here's \$65 million." It goes on

and on like that. And people are tired of it. We're just tired. We're just tired of seeing people who can't change and help change this country and this city by doing what's right. Why are we fighting so hard to do wrong?

We've got political people who will fight to the death not to do what they're supposed to do. We have a district. In my district is 60,000 people. If one can win an election with 76 votes when 9,000 people vote, what are we saying here? And then when the people get elected, you think that they're dead. You don't see or hear from them until the next election. I thought the person had died because they're not around. You can't get anything. There's nothing going on. But yet, and still they say they're going to sweep it out of here. Stuff like this.

Do you know what I'm saying? When are we going to stop looking for other people? You know, I listened to the radio today, and I feel like this: We are all living on this planet, and if we all don't have air, we all going to die if we can't get any clean air. It ain't going to be who's staying and who's going to stay alive. We all need to breathe. If the air goes, we are all going to die. That's how I feel about my race. We have got to come together, period. You see, I believe this: That as people that is in power, they don't want us to come together. I think there is something in it for people at each other's throat. As long as we're at each other throat, you don't have to see what is going on over here. It's "trickenometry," as I call it. They're tricking us, throwing up this old thing over here so we can look at that and go for these crumbs and kill each other while they're partying back, having a good time.

You see, what we look at all the time is when we come to these committees and with all these things, civil rights, well, then my civil rights have been violated when I can't or my son can't go outside of the house without getting shot at because he's in the wrong side of town. What about his civil rights? And you know what? I feel like, to me, if we could go to the moon and look at us dying down here from the moon, and we can't help this community? Who are you kidding? The police promise us, and then what do they do? And they're very good at what they do.

I mean, basically, you see the average community. We can't do that. We can't get out on the street and tell the folks, the police, "Now, wait a minute. You ain't wrong." We know what's going

on. I know what's going to happen. I'm going to tell you because I know everybody, every African American man here, when you ride down the street, you know where the police cars are. You know exactly where they are, or you better know. See, so that's obvious. We don't have time for that.

What I'm trying to do, what I'm trying to say is this committee, it's going to take a lot of guts from the committee to read through what's going on here. I've heard a lot of stuff up here. A lot of people want to say a lot of things. We're dying on the vine. And we are either going to put water on it and bring food up out of it, or quit playing. Quit playing. You know, you all talk about bring up the issues, bring up things, or trying to get both to kill each other or kill our children because we need a little help and we can't get it. And you want to kill the kids? Because that's the bottom line, isn't it? If you're talking about gang members, basically, that's from our elementary school. So let's kill them all. You see what I'm saying? All I'm saying is: At this point in the riot zone, all these things are very well taken. But we've got to begin to look at the fact of who our enemy really is and what the problem is in the city. It's not each other. It's not us.

You know, we got people who sit up in high places. The Bible tells me that principality is in higher places with the spirit and all kinds of things going on behind closed doors. When they come out and show themselves, they come out as an angel of life. And you're a fool to believe in it. We got to fall behind all of this nonsense and foolishness and watch the city explode. And then jack man comes in and says, "I'm going to lead you out of this." But see, I can't understand jack man. Before you were in it, where were you at? You were in your mansion. You don't even live in this community. You aren't able to do, but you are able to influence people and give them money. See, we influence, the people give money because of their political power and promises. It's just too much degradation. See, you just can't bring a politician and then rake him over the coals because they're just going to tell you, "I'm elected."

But I'm telling you, the people are sick and tired of it. We're tired of it. And I'm going to give you a message, the idea to say to the Civil Rights Commission, I'm saying, again, you're going to need a lot of guts to sit through the problems.

And when people are lying to come up and tell things to this Commission, you should be able to call them and put somebody in jail if they're going to be lying up here. But you can't do it. You have to stop looking for solutions from somewhere else because they ain't coming here. All they going to give you is a cloud of dust and a "Hi Ho Silver." That's about it. That's all they're going to give you, you know. It's going to have to come to the point to be able to deal with these problems in and of yourselves.

We know what's right and wrong. We know what to do. But see, let's don't throw our kids anymore. I'm looking at who the children are. I'm looking at the rioters and everything. I'm looking at all that. My heart broke when I saw that kind of thing because the people are saying, "We don't have any other recourse now. The system is not helping us." The people sit back with their rides and everybody with their mansions, just kind of hand out money. And they come out in a chauffeured limousine—I'm not joking. People knows what I'm talking about—and got all the money, get on TV and say, "I'm helping the black folks. I'm helping this. We're going to start rebuilding. We're going to do this." And then when the money ain't coming in, they're going to tell you, "Well, we got to go pitch this." And all I'm saying is that there's been a rouge put over us, put over the rains. And I'm saying to everybody that's listening: Wake up, everybody. No more sleeping today.

Thank you very much.

CHAIRPERSON FLETCHER. We would like to have your observations before you go. I appreciate your staying, all of you. In fact, we're behind, but we appreciate your staying. Please make your call.

VICE CHAIRPERSON WANG. Just in case there's any questions for Ms. Oh because she has to leave. So are there any questions?

CHAIRPERSON FLETCHER. Are there any questions for the rest of the panel?

COMMISSIONER REYNOSO. I'd like to ask: All of the three witnesses have emphasized on the matter of equitable distribution of power and resources. I just wonder if either of the two remaining witnesses can provide us perhaps with one example of where the Commission needs to look at the issue of distribution, particularly of resources.

REV. SANTILLAN. Are you sure just one?

COMMISSIONER REYNOSO. In light of the time, yes.

REV. SANTILLAN. One perfect example is Union de Latino Comerciantes, which forms 150 to 200 Latino, small businesses around the South Central area who, as Ms. Oh was mentioning, with FEMA and Rebuild LA and, as he was saying, promises of money, promises of rebuilding and "You're going to get this, and you're going to get that," and up to now after a whole year and a half, we're still waiting. They're still starving, and they still haven't been able to build their businesses.

COMMISSIONER REYNOSO. Thank you.

MR. WATKINS. Obviously, there's one. I know the Governor came and gave one organization millions of dollars. What they've done is created another democracy because these people seem to give money to who they want to give it to. You see, it's not like it's equitable. It's not like if you're really going looking for something innovative to use as a vision to go out and try to help the people because we got a population out there that nobody will touch. This is what we are all about. We try to touch people who nobody wants to deal with and get them into the process of trying to start their own empire. But it's very difficult for us to go to these people and get money because of all of the red tape. Just like the government, you know. If you just work for the government, you know, because we don't get an opportunity because it's all in one section. If you would look to see who got money, because you could find out more than I could, you'll see where the money is, to one side, one group of people. And then we all got to go to them. And then everybody else says, "See, we gave them money. Leave us alone. We gave them money to this community and that's it."

REV. SANTILLAN. And I would like to reiterate that inasmuch as that is creating one hell of a tension between the black community and the Latino community and, if Los Angeles is ready to explode, it's only because of that inequitable distribution that was given to Los Angeles. And, as was mentioned, the money came in, but where did it go? The money was brought in, but where did it stay? And so on that, today is the 15th of June. The 18th, all public schools end their year. We're going to have a hell of a lot of young people out in the streets. Please do something. And like I said before, please come back a year and a half from now to see if anything of the things you found are not still the same because it happened in Watts in

1960. And what happened? Still the same. It happened again now in South Central. And what's going to happen? Still the same.

And this is the way they continue to put us in conflict with each other. We have never been in conflict, between the blacks and the Chicano community. We have never, never been in so much conflict as these last 3 years. We have always in so many things joined forces. But, as was mentioned, someone, whoever that someone is, whoever is manipulating, is creating the tension between us. It was reflected in our high schools, it was reflected in the prisons, and it will be reflected this summer.

COMMISSIONER GEORGE. Fr. Santillan and Mr. Watkins, sometime ago when I used to be a liberal, I held a belief about economic resources and jobs. And that belief was that jobs and economic resources were pretty much fixed assets, so that the basic question of political economies is a question of distribution, a fair distribution of those resources or assets. Now, I hope that I was right to abandon that view because if I'm wrong, and that view stands as correct, then I think that ultimately there is no solution for the problems with ethnic tension to the extent that those problems are warranted and economically caused because you're always going to have fighting over the pie.

What I now believe to be true, and I hope in any event is true, and I hope in any event is that our resources are not fixed, that economic growth and expansion can constantly take place. There will be recessions and setbacks in nature of things, but the pie can expand. Now, my concern is that to the extent that we look to government to provide these resources, we are looking for an institution that has never been good at generating wealth for any community. I wonder, in fact, if government isn't the main problem with economic development distributed equally, particularly in poor communities.

When my grandparents came to this country—one, an immigrant from Italy and the other, an immigrant from Syria—both settling in West Virginia where they experienced discrimination based on their—it was very much an old established white-like culture, and especially Syria. At least in that case, though, the local people could know something about me because they could read about Syrians in the Bible, all the bad guys in the Bible, which made the people worse. But

they did have the opportunity. I'm sorry Ms. Oh is not here. They really did have the opportunity to realize the American dream. And they certainly did, if not in their own generation, then the successor generation. And I have to wonder whether this was, in fact, if it is more difficult today for immigrant communities and poor communities to realize the American dream. And I wonder if it's not because—precisely because of excessive government regulation, high taxation, which spawns governmental dependency.

I think that a fundamental part of the solution—I agree with that great Catholic commentator and apologist G.K. Chesterton. Chesterton said that the key to dignity is ownership and to own their homes. And you have to be able to have a stake at something that they own. It's there's. In fact, while we're touching on this democracy, you can't share unless you own. He was very critical of capitalism, and he was also a great critic of socialism. Capitalism concentrated the wealth of the hands of the very few. The socialists did the same thing, just a different view. The politicians' capitalism weakened Chesterton's solution called "distributism," the widespread distribution of property and ownership.

And that's why I wonder if part of the solution isn't the selling of government assets, things like in public housing. Why can't government sell public housing to people so that they own their own house? My understanding is that the rioting was—in situations where people were homeowners, they were protecting their homes; they weren't rioting. Why can't they give people a stake by trying to pursue policies that really will expand the power to put ownership into people's hands and so forth, and not—I notice that the government is in that. I'm not denying that the government is not in that. But that role is not for redistribution, and it's not a fundamental sense, nor is it a provision, a proven provision, which leads to a firm dependency on government.

REV. SANTILLAN. Perhaps what we're trying to say, Mr. George, is we don't want a piece of the pie. We want the knife to cut it with.

MR. WATKINS. I was part of the public housing. And I have been working with Bob Woodson on the ownership of public housing. And the problem is when sometimes you change administration, and you can't get it down to local governments. Of course, you want to do that. But, see, we got to change the minds of the people up

there in Washington and Congress also, as well as our politicians. People got to have vision. We have to change everything, not just change the rioters. Everybody has to change. You know, we've got to change our concept in the way we look at everything. We've got to quit looking at business as usual. We've tried to get business as usual back in LA—there's no more business as usual. I don't want to ever go back to business as usual. But when you say these things, it's a hard fight. People want to hold on to these old things that don't work, you know, just hold on and keep it. And it doesn't work. When somebody comes along and they say something different, they've got to fight. And what you're saying is true. We need to get ownership. You've got to come to this point. You've got to add something else. There's a lot of greed, extreme amount of greed that prevails. People that have an excess will not give a little bit of themselves or anything else.

COMMISSIONER GEORGE. That's been highlighted here. That's not a fundamental question to go into this because of the red line.

MR. WATKINS. Sure.

COMMISSIONER GEORGE. Where are the other obstacles?

MR. WATKINS. As far as the business portion?

COMMISSIONER GEORGE. Yes.

MR. WATKINS. I think the regulations is very detrimental to any of these things. There's so much red tape. There's so much stuff you've got to go through to get a business that a person who's got excellent hands and can build or whatever, they can't even get into a business to build because of obstacles. I think that the government of the people should look for people who could do things. They should seek them out. They shouldn't have to go beg and try to get somebody to do something. The people, if they're reasonable, will go find someone to do these things and then help them help somebody else.

You know, I don't expect you to do what I do, but I expect you to support me. I could go do it. I could go work in the community. You don't have to do that. But you should support. But we have people who will not bend when it comes to that. They will not change the regulations. If somebody wants to build a table, let them build it. Help them. Help them build it. They might not even go to high school. They might not have finished, but they could build. We need to get those people into the mix. Black workers who were in

the farms, they couldn't read or write, but they were the backbone of this nation. You know, that's what we got away from.

We got too sophisticated. We got too, "You've got to have this," and "We've got to have that," and put all these regulations in it. And you know and I know with regulations that thick, it's ridiculous. To get \$10,000? And you've got to sign your life, your soul to the company's store just for 10 grand? It's just ridiculous when you want to do something with your life. And it goes back to those things you said. I listened to you back there. You were talking about regulation. Yes, it's true. Why don't you change the regulations, change the rules? Let people get into the system so we can do what we have to do. Thank you very much.

Perspective on Economic Development

CHAIRPERSON FLETCHER. Thank you. Our last scheduled witness is Dr. Arthur Laffer. Dr. Laffer, would you stand for just a minute and let me ask you to be sworn in.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you so much. Please proceed, counsel.

MR. GLICK. Chairman, Dr. Zalokar will lead all the questioning of Dr. Laffer.

Testimony of Arthur Laffer, A.B. Laffer, V.A. Canto & Associates

DR. ZALOKAR. Dr. Laffer, can you give the Commission your views on how Federal and State economic policies can foster economic development in inner-city neighborhoods and generally promote economic opportunities for minorities in Los Angeles?

DR. LAFFER. Yes, I can. Thank you. Let me just start, if I can, that from my perspective, the most immoral acts a society can ever perpetrate on its citizenry is to perpetrate policies that have the effect of driving away the production base from which everything ultimately flows. When you look at civil rights in the inner cities, I don't understand the concept of civil rights in a soup kitchen. I don't understand the concept of equal rights in an unemployment line. You have to, literally, put first things first, and if I can go along with Mr. George over here, I mean, the opportunity to grow—people don't work to pay taxes. People work to get what they can after taxes. That's very purposeful and very positive in the sense that it

motivates people to work. It's the after-tax return on savings that is the key to people's savings.

Now, when you look at the society and what's been going on, you can see the deterioration in California recently. I mean, since 1990. In June of 1990 we passed proposition 111, which was a 9-cent per gallon gas tax. It was followed by tax increases in 1991. You go back to 1990, George Bush raised taxes along with Congress. You can see that the prosperity was stopped dead in its tracks, and now they're proposing even more tax increases. I mean, I have yet to see a society that has ever taxed itself into prosperity. It just doesn't happen. If the tax works, and they pay people not to work and not to produce, don't be shocked if you're going to get less workers and less producers.

You have got to provide a system of incentives here in this country, and when I did my work on the inner cities many years ago, I wrote the first draft of something called enterprise zones many, many years ago, in the late 1960s. You know, you have got to provide a system whereby people can lift themselves, where they can raise themselves.

I have listened to Mr. Watkins, and I was terribly impressed. It's a chance to join the system. Well, let it be a chance to join the system.

If you take a family of four today in Los Angeles, if that family of four goes from zero earnings to \$1,300 a month—now, no unemployment benefits whatsoever—if they go from zero to \$1,300 a month, because of the payroll taxes and because of the income taxes, that family loses so much of their social welfare benefits and have so much taken away from taxes that they're literally worse off earning \$1300 a month than they are earning nothing. I mean, how much would you work for nothing, if everytime you went to the office instead of getting a check you got a bill? You wouldn't work either. It's an incredible disincentive.

What I would like to start with, first and foremost, is some sort of rationalization of the overall economic and tax system. I mean, my view is we tax prosperity, we tax success. Normally, we have an 11 percent highest marginal taxpayer income. We have a 9.4 percent highest marginal tax on business income, unless you're a financial firm, and then it's 11.2 percent. I can go on and on on the sales tax, the gas taxes, all of these.

You know, what I would do, first and foremost, to start off to try to reform the entire tax system is by putting two flat-rate taxes, getting rid of all these discriminatory taxes and having instead two flat-rate taxes, one of business value and one personal unadjusted gross income. Number two, I would do enterprise zones, those areas in the inner city that are so devastated by economic hardships through no fault of their own. What you do is make the tax rates in those areas less than they are in the rest to bring the jobs, businesses, and employment into those areas. The first draft that I wrote about this was in 1968 or 1969. I had four parts. I had no payroll tax, either employer or employee, in the enterprise zones. Any business located in the enterprise zones, that business has a lower profits tax in the enterprise zone.

You know, you can get rid [of] the teenage minimum wage for sure in the enterprise zones. These kids don't go on to get their BAs and their MBAs at USC. The way they learn their skills is by on-the-job training. With that minimum wage in place, they never can be successful, because they are starting off with that minimum wage from the beginning. In any business located in the enterprise zone, anytime they try to do a regulation or restriction, you have to make sure that they are qualified by economic growth, that it wouldn't have the effect of just stopping growth; but I would make sure that enterprise zones have a flat tax.

And then the last one, which I think is equally important today, is any person who is getting a job who is on welfare, don't take away that person's welfare the moment they get the job. That's an enormous disincentive for that person. When you're sure the guy's got the job, reduce the welfare by 20 percent, second year reduce them by 40 percent, third year by 60 percent, fourth year by 80 percent, and the fifth year you take the guy off welfare; but you don't make it so there's no incentive for this person to get the job.

You have got to reintroduce growth back into the system, because, you know, these people know that minorities are hired last and fired first; and if you're ever going to get rid of these disparities and these differences, you have got to get that economic growth. You have got to put first things first. I mean, you have an employer standing there with one job opening and 15 applicants. I

can guarantee you that that employer is going to discriminate. But if you have an employer with 15 job openings and one applicant to hire, you hire the guy as fast as you can.

There is nothing like economic growth to reduce discrimination, and I beg you, look at the post-proposition 13, late 1970s and early 1980s, here in California. Look at it objectively. Look at what happened when prop. 13 passed, and all the others, at our unemployment rate. We went from an unemployment rate 1.5 percent above the rest to the nation to an unemployment rate below the rest of the nation. Look at what happened with Pete Wilson's huge tax increase and the gas tax. You can see our unemployment rate skyrocketing, and now we're about the highest—or very close to the highest—on the unemployment rate in the State and in the nation. Look at what happened during the 1980s at black employment, black wages, teenage unemployment, black, white. Take a look at those numbers, and look at them objectively, and tell me you can come up with any conclusion on this. There is no substitute for economic growth. You have got to sit down and just do it correctly the first time; otherwise, you are just going to be destroying a veritable natural resource.

You can't bring back youth to a person who has been unemployed for 10 years. After being unemployed for a number of years, they become unemployable. They never get the skills, and so I say we have got to start now.

DR. ZALOKAR. Mr. Chairman, I have no further questions at this time.

CHAIRPERSON FLETCHER. Dr. Laffer, can you tell me where there is an enterprise zone working anywhere?

DR. LAFFER. I can tell you many enterprise zones that have worked historically as free-trade zones, is what they were and that's where we developed them from. It is we had free-trade zones where you got trade products that were low in taxes, and those areas prospered enormously. A free-trade zone now works very well. You have some of the trade zones along the Mexican-U.S. border with low taxes, and that works very well in bringing jobs and businesses. And, by the way, just take a look at Nevada today versus California, and you can see what a low-tax State will do relative to a high-tax State. They are moving very quickly.

CHAIRPERSON FLETCHER. What is the problem of getting them off and running, then?

DR. LAFFER. Well, we have various problems. As you know, I worked with the President, Ronald Reagan, and we proposed enterprise zones, and we had very big problems with the House Ways and Means Committee. It's just very difficult to get them through Congress. We just couldn't get them through the Ways and Means Committee.

CHAIRPERSON FLETCHER. If my memory serves me correctly, States went about establishing enterprise zones, in Kentucky and a number of other States, but you are saying the absence of the Federal legislation means that even though the States created enterprise zones, until the appropriate legislation comes along, nothing happens?

DR. LAFFER. No, not nothing, but it has a much smaller effect. The big effect on these areas, of course, in these areas is the Federal economy. The Federal Government, the payroll taxes regulations, the minimum wage. The Federal Government is really powerful in this instance, although the State is not small, either. I don't mean to put it that way, but you can see the State effects by just looking at tax rates by different States and which States are growing and which States are shrinking, which States' unemployment rates are rising, which ones' are falling. I mean, you can just plot things like—it's like putting a glove on a hand. Watch what happens in State economics and what they do with their State policies. You just see businesses moving right across the borders.

CHAIRPERSON FLETCHER. Can you tell us about economic development banks?

DR. LAFFER. I don't know specifically about economic development banks, how they work or not. I mean, what—to me, from a macro top-down approach, the real key to economic growth in an area is to remove the disincentives from progress. Economic development banks may well help. It's just not my area of expertise.

CHAIRPERSON FLETCHER. Let's talk about capital formation for a moment in the what I call third world neighborhoods. Do you have any ideas and thoughts there? My problem with enterprise zones is I have a sneaking suspicion that until some seed money comes out of the depressed neighborhoods as an incentive to bring external money in, then what we are talking about is a pipedream with respect to putting the

enterprise zones in what I call third world neighborhoods. Now, there is some capital there. You can form some capital there. I find it rather difficult to get people to talk about capital formation in depressed neighborhoods.

Now, let me give you a quick example. You said you were impressed by what the previous minister had to say. There's very firm, reliable data now—and I will take one church congregation. It's called the National Baptist Congress. They say they have somewhere between 7,000,000 and 9,000,000 members. They further say that on any given Sunday, 52 Sundays of the year, they easily take up \$12,000—I mean \$12,600,000, 52 Sundays of the year. Let me say that again. \$12,600,000, 52 Sundays of the year. That money lies around in checking accounts and maybe CDs, but with no direction whatsoever. And I just talked about one denomination. There's an estimated 18,000,000 black Americans—and I want to talk about black Americans for the moment—who go to church regularly throughout the year, 52 Sundays of the year. We just talked about the Baptists, and not the Methodists and Church of Latter Day Saints and others. We're talking about a whole lot of money.

Yet, the banking community, the investment community, and others have yet to say to that amount of capital, "Here's how you form capital formation. You know, you put your money together, and, if necessary, here is how you go to the Congress, to the legislatures of the several States, and get a special kind of dispensation to put a protective hold on that money so you can go ahead and invest it." So talk to me about that.

DR. LAFFER. Sure. I would love talking about this. This is just a perfect example of what I am talking about. As you know, churches are tax exempt.

CHAIRPERSON FLETCHER. Right.

DR. LAFFER. So, therefore, needless to say, they are able to attract capital like mad. Of course, the moment the churches try to put it into private profit enterprise, they immediately lose their tax-exempt status. Look at Bob Schuller. He had all these problems. So, therefore, you've got this little enclave of an enterprise zone called the church. All I want to do is make the church the entire enterprise zone, not just the church, so please—you know, you have made my point exactly. What I beg you do to is make the tax status of the entire inner city the

enterprise zone, the same as the tax status of those churches. Let everyone calculate, bring up the capital.

Let me give you an example. You have two companies, *A* and *B*. Now, let me use California as the example. These two companies produce, roughly speaking, the same products. Now, because they produce, roughly speaking, the same products, they have to sell those products at approximately the same price. They have to pay the same costs to produce them. They have to pay the same raw materials and supply costs. They even have to pay the same after-tax wages to their employees. Now, let's imagine *A* is in California and *B* is 42 miles away located in Arizona, and they're separated by a very skinny State line. Now, let's imagine Pete Wilson does what he did. We have the largest single State tax increase of any State ever in the history of the United States of America; and Governor Simon, the Governor of Arizona, cuts taxes in Arizona. The question I ask you is, What would you do if you were business *A*? You would move to Arizona. You can't pass those taxes forward as higher prices. You can't pass them backwards with lower wages. You have got to swallow that tax. Now, is it any wonder we have lost 860,000 jobs in the last 3 years and Arizona is growing? And Nevada is growing.

CHAIRPERSON FLETCHER. And Colorado.

DR. LAFFER. And Colorado. Everyone is growing next to California, because we are like a huge solar system just throwing off planets to everyone else. I mean, we are so huge relative to everyone else, we are making their day easy. Now, if you want stock in one of those two companies, which one would you prefer to own? Obviously, the Arizona company. You know, there's no factor more fixed than plants and equipment and houses.

Have you seen what has happened to California real estate values? Have you watched? Would you want to start a construction company in this State when we have lost 860,000 jobs and property values have plummeted? Of course not. You know, what we have done is we have proven we can ghettoize the entire State of California. You know, I am from Cleveland, Ohio, originally. I don't usually admit that, but a lot of you are not from California. But anyway, we used to call it "the West Virginization of the place." But you know what I mean. It's a top-down approach. I

don't care how smart you are and how much you care. You are not going to be able to rectify all of the injustices of this planet. All you can do is create an environment that gives people a chance, like Mr. Watkins says, to "join the system." We have been way too long in waiting for this one.

COMMISSIONER REDENBAUGH. Dr. Laffer, excuse me.

DR. LAFFER. Sure.

COMMISSIONER REDENBAUGH. Could we talk a little more, in the direction you're going, a little more about people? Because I wanted to say, like Commissioner George, I too had a political conversion, but I gave up being a conservative, didn't become a liberal, but not because the principles were wrong, but because there was really no one willing to bring them to application.

And I came to the conclusion 2 years ago, when I was part of a program called the Program for Prosperity and got nowhere with it, that no one in this country really cares about bringing prosperity to the inner cities, not that they don't know how to do it, but they don't care about it and don't care about the people who live in the cities. Would you talk a little bit more about the people and the consequences of the people in LA facing the highest commercial tax rate in the country?

DR. LAFFER. Now, if you obey the laws as I described to you—

COMMISSIONER REDENBAUGH. And the morality of putting people in jail for trying to make a living?

DR. LAFFER. You're hitting all my buttons, Commissioner, so—

COMMISSIONER REDENBAUGH. I agree with you about the two stocks in LA, California and Arizona, but if you can talk to us about in human dimensions.

DR. LAFFER. Yes. In my piece on proposition 13 back in 1977, the second most immobile—inner-city dwellers, other than young people, can work in Chicago, they can work in Los Angeles, they can work in New York. People in the inner cities, the poor and disenfranchised, they can't move. If jobs don't come here, they don't work. And the tragedy here, Commissioner, is that if they don't get a job for a while, they have families, they have children, they care about those kids as much as I do. I have six children and two grandchildren. And, you know, they care as

much as anyone. I will dispute with you, if I may, the disregard that the public policy officials have for the inner cities. They don't have a disregard for the inner cities. They really don't. They just don't have any incentive to do the job properly, and that's the problem. The problem is not that they're uncaring, callous, horrible people. The best people in the world with bad incentives can look horrible. The worst people in the world with good incentives can do a great job.

It's the incentive structure that really provides us with the opportunities, Commissioner, to become good or bad in the overall system. I mean, you know, obviously, as an academic, I think that teachers who don't teach well should not be paid well and that teachers who teach well should be paid well. I would much rather my children be in a large class with a good teacher than in a small class with a rotten teacher. The key here is excellence and being rewarded for it. What we hear so much about in politics is, "I've got a solution to that." And that is I think you should cut congressional legislative pay to zero, and I think you should put them all on commission. I mean, just imagine if you paid people and told them, "You get double your salary if you do a great job. You get no salary if the unemployment rate rises." I tell you, they would behave very, very differently. I mean, you know, this is the key as to how to provide an incentive structure, Commissioner, that really allows people to excel in this environment.

And that's why I wanted enterprise zones. I want places where people don't get persecuted for doing well; they don't get paid less for doing a good job and working; they don't have their kids ruined. They're just like you and me. They are exactly the same, and they need a chance to be able to succeed and be able to keep part of it, too. And that's why all of my life, I have fought high taxes. As you know, my work with the—if you don't mind my calling him a "real" president—my work with Reagan is that there were two areas where we had enormously high discriminatory tax rates. One was on personal income tax rates; and so, therefore, we went to the 1012 bill. The other was the inner cities. We tried to have enterprise zones. We got the one, but we never got the high tax rates in the inner cities. The enterprise zone legislation, we could never get it, we could never achieve it.

That's where I think we're just tragically hurting the most vulnerable in our society, and it is a very human issue. Economics is not just numbers, and if anyone here thinks unemployment is just a number on a sheet, it's not. You lose your self pride. You lose your dignity. Your family, how do you come home to your kids and say, "Kids, I am unemployed"? I mean, it's tough. It's much more than just a—

VOICE: Self esteem. I would expound on that, if I may.

CHAIRPERSON FLETCHER. You might get a chance to, but be quiet right now, would you please? Go ahead, Russ.

COMMISSIONER REDENBAUGH. Yes. Dr. Laffer, monetary policy.

DR. LAFFER. Yes. Monetary policy, also.

COMMISSIONER REDENBAUGH. And trade policy.

DR. LAFFER. Yes. Monetary policy is—again, what you want to do is be able to trust the guys in the U.S. Government. You want to know what the value of the dollar is going to be worth 5 years from now, 10 years from now. Let me just answer the question this way: If you all knew with total certainty that a dollar bill 30 years from now would be worth exactly what it is today, if there would be no inflation guaranteed for the next 30 years, what do you think long-term interest rates would look like? Two percent, 1 percent? What do you think would happen to the economy? Also, unemployment and asset values in this country? Jobs, poverty? That would be an enormous corrective measure. That's why I think that it's key that we maintain the value of the dollar as our monetary policy, period.

On trade policy, I just can't understand Washington. I never have. I mean—and they're all that way. To me, when I find a store that sells me high quality products at low cost, my first thought is not, "How can I boycott that store?" I mean, I almost get the sense that if Japan agreed to give away all of their cars free of charge, they say, "We love America so much that we're going to give away all our cars free of charge because you're such a nice nation," my Congress would want to nuke them for doing that. To be a friend of America in this day and age, you got to sell to us at retail or higher, and, you know, that's called antidumping legislation. If they give Americans a bargain, it's against the law. Can you imagine having it illegal to sell

something at a low cost? And then we use the argument, Commissioners, that somehow the Japanese are protectionists and, therefore, we have to match them. Come on. It makes no sense to me. I mean, let me give you an example.

Let us imagine that the U.S. developed a cure for heart-attacks, and Japan is developing a cure for cancer. And let's imagine Japan, true to form, prohibits us from marketing our cure for heart attacks in Japan. Should we get even and not allow them to market their cure for cancer in the United States? Absolutely not. Free trade is the only answer, no matter what foreigners do. I hope that they go free trade, too. That's better for everybody.

But you never make us better off by matching foreign mistakes. I think if we had a stable monetary policy, free trade, and low flat-rate tax, and get rid of all of these nonsense taxes and put in the enterprise zones, you would find that you would have an era of unprecedented absorption of the disadvantaged in this society. And, you know, all these other issues—and I do agree with them; I mean, the development banks may well be a good idea and they may be well be run correctly, and I don't have any truck with what you said at all, but the key to this plan is to set the environment that allows an economic program to occur that does not discriminate against success, that allows someone to earn something. Who benefits from the complex tax codes in this country? It's not some guy with an 8th grade education in the south side of Chicago. It's a lawyer who is able to manipulate the codes to make money, not by producing a product but by finding a tax shelter. And that's not the way we want it in America.

You know who has benefited the most by not allowing the poor to become rich? It's the rich who are already rich who have all their tax shelters and who have their country clubs filled. They don't want any riffraff coming into them, and they have tax shelters to guarantee that nobody will ever become rich to challenge their position. That's why we, in our turn in Washington, we cut marginal tax rates to allow the poor to become rich. You know, the one thing that has always amazed me is these politicians everywhere who profess to love the poor. They profess to love the poor so much that they would enact policies that will make all of us poor.

The dream in America today is not to make the rich poor. The dream in America is to make

the poor rich. We should never be antirich. We should be antipoverty. We should hate poverty so much that we want to make all the poor people in the country rich. The issue is not that the rich are the problem. The problem is poverty, and let's make the poor rich. Don't make Beverly Hills look like Watts. Make Watts look like Beverly Hills. Raise the bottom, don't lower the top. That's the answer, and that's where I think you're doing such a good job here in this Commission, frankly, is you're bringing these issues to the fore.

COMMISSIONER REDENBAUGH. No further questions for me. Some of my colleagues?

CHAIRPERSON FLETCHER. Any other members of the panel?

COMMISSIONER REYNOSO. I would just like to hear your observations as to why, in your view, it's been so difficult in these several decades I know that many of us have been involved in the issue of having a welfare system that does have incentives for folk to work; and I note that Legal Services Programs 25 years ago when I was involved with them filed lawsuits that showed that there was a disincentive to work for those who were on welfare. Here we are, 25 years later, with very much the same problems, and I just wonder what your observations are on that.

DR. LAFFER. You know, it's amazing to me after all these years how it continues to persist. I mean, you know, we have all known that. Every academic study that I have ever seen shows that the one thing the minimum wage does is it's a teenage black unemployment act. Everyone knows that's what it is. And that's the group that it hits the most, and that's that group that is the most vulnerable. We all know that, and yet we still hear everyone in Washington say, "We've got to raise the minimum wage." I mean, you hear all the things on welfare, and then this just destroys the whole system by making the disincentive effects even greater.

The only candidate in this last election who had anything reasonable to say about these issues was the former Governor of the State of California, which was Jerry Brown. And Jerry Brown's proposals were, I thought, just dead on the mark. Just economics now; I want you all to understand that. But Jerry Brown had a proposal that would have done wonders for the U.S. economy and for the poverty and despair.

COMMISSIONER REDENBAUGH. Since—if I may?

COMMISSIONER REYNOSO. Sure, go ahead.

COMMISSIONER REDENBAUGH. Since 1935, to save money, to save your way out of poverty, if you're on public assistance, why, if the politicians are people of such good will, why can we not change that law?

DR. LAFFER. You know, I am not going to impugn their motives to get even. I prefer to think of it as ignorance rather than malfeasance, and it's clear that these policies have been perverse all the way along and that a person should be able to save his or her way out of poverty without discrimination as I described. You should remove welfare over a long period of time to minimize the disincentive. Whenever you give money to people based upon their lack of income or their lack of wealth, you create a disincentive. But a moral society is willing to tolerate that disincentive to help the downtrodden, but what you have got to do is to make sure that you provide the least disincentives for the decent acts; and that's where we've been so remiss, Commissioner, in this country.

We have not tried to reduce those disincentives. I have seen no discussion on a serious level in Washington, ever. I mean, here we have in this State—can you imagine what we have done to the people of California in the last 3 years? I know most of you are not Californians. It's tragic. I mean, we have raised the highest marginal tax rate of personal income to 11 percent, the highest anywhere in the nation. If you're a corporation, a financial corporation, 11.2 percent. Do you know what our sales tax is here in Los Angeles? Eight and a quarter. Do you know what our gas tax is? It's 18 cents next January 1. I can go on and on and on. And, somehow, our legislature voted it in and our Governor signed it. And, yet, they never looked at history or any other State. And you know what's happened to their salaries over the last 3 years? It's gone up 42 percent.

CHAIRPERSON FLETCHER. No, they went down.

DR. LAFFER. No, they went up. Theirs went up. Everyone else's went down. They set up a commission to determine what their salaries should be, so that way they didn't get their own hands dirty. And then they get to the point, the commissioners, when they decide that they

should be paid a lot more. Isn't it wonderful in America? Different commission, I am sure.

CHAIRPERSON FLETCHER. Anyone else?

COMMISSIONER GEORGE. Yes. First of all, I want to take the opportunity to correct the record with respect to your impression of the Chair's views on development banks. You said that you have no problem with what he said? Is that what you meant by the word "truck"?

DR. LAFFER. That is what "truck" means.

COMMISSIONER GEORGE. Three brief questions.

DR. LAFFER. By the way, I am not condoning it, either. Let me just say I don't really know that subject.

COMMISSIONER GEORGE. But you don't object to—

DR. LAFFER. Right, right.

COMMISSIONER GEORGE. One thing that seems undeniable is that there are in this country some people who are very, very rich and a lot of people in this country who are very, very poor. Now, in light of that huge disparity of wealth, what do you have to say to those who say, "Look, this is terrible. This is just a terribly wrong situation"? What do you make of that as an argument for redistribution?

DR. LAFFER. I beg you not to envy Donald Trump. I beg you not to envy Ross Perot. I beg you not to envy people who have billions of dollars and try to make them poor. I beg you to put your heart all the way out for those people who are poor, and what we want to do is make those people who are poor prosperous and affluent.

COMMISSIONER GEORGE. Why not?

DR. LAFFER. Because if you have no Donalds, then you have everyone worth zero income. That is the problem. The problem is not that the rich are too rich. The problem is that the poor are too poor. And, you know, I think you had before you a Mr. Lindsey of the Federal Reserve Board. And if you look at his numbers, I think he is exactly right in his numbers. The key era of prosperity coming to the poor and the minorities and the disenfranchised was the era of the 1980s. During that period, the bottom and top rose substantially in income, in real terms.

COMMISSIONER GEORGE. Did wealth disparities grow?

DR. LAFFER. Oh, no, the wealth disparities did not grow. I mean, if you talk about the difference, yes. Yes, the rich got richer. That's very

true. But the poor also got richer, and the rich got a lot richer and the poor got a little richer. But the poor are the poor are the poor. The poor of 1980, when we start with those data, are not the same people as the poor of 1990. In fact, many of the poor, if you read any of the studies, many of the poor of the 1980 census were actually in the top quintile by 1990. You know, these are young people coming out. There are age changes, and all those other things happened. There isn't a stationary group of poor who are always in the bottom quintile. The poor move to the higher quintile, new people come into the low quintile, and that's how it happens; but the lowest quintile increased its real income substantially during the 1980s, and especially here in California, as you know.

Now, the question is, Is the nation a lot richer since George Bush raised taxes in 1990? Do you think we have made a real stride? Have any of you seen what has happened to the State of California's revenues? 1989 revenues in the State of California were \$1 billion less than they are projected to be next year, and we have raised taxes by huge amounts. The thing is that we have shrunk the base so much that we're not even collecting any more revenue, and we have lost 860,000 jobs.

COMMISSIONER GEORGE. The Chair raised a question about the problem of capital formation, getting things off the ground with the enterprise zones concept. Why is that an argument for cutting capital gains?

DR. LAFFER. Well, it isn't. I mean, I agree with that totally that we should cut, but there is no argument at all for taxing capital gains, at all. See, think about capital gains for a second. Capital gains is, literally, appreciation in the value of existing assets, and the value of an asset is the discounted present value of an asset's after-tax cash flow. So, whenever the value of an asset appreciates, that is the increase in the after-tax cash flow discounted to the asset. An additional tax on capital gains is double taxation, period.

COMMISSIONER GEORGE. Mr. Watkins was talking to the Commission about what is likely to happen in this city in the all-too-near future. He certainly created a frightening picture. I wonder what your opinion is—if you have formed an opinion—about what the likely effect of new Federal energy and other taxes will be on people in Los Angeles.

DR. LAFFER. We had a good bout with gas taxes in this State, as you may know. In 1990 we passed prop. 111, which was a 9-cent per gallon gas tax. That started our demise, and I don't think it's luck that Bill Clinton is proposing his tax as being a gas tax, as well, and but somehow it's going to work, help America for the President, whereas it killed California. You know, it's the wrong thing to do, and it will not make people better off to tax their gas use more. The real issue here is to cut taxes and to provide people with more opportunity to provide for themselves and to flatten taxes and to lower them. And I wish I could tell you that is so, but it's not. It's the right answer.

COMMISSIONER GEORGE. Thank you.

COMMISSIONER ANDERSON. A short question or two. I was struck to hear you talk about the effects of taxation during the last 3 years on economics; and in the last panel, one of the panelists indicated that racial tensions in Los Angeles had never been more intense than it has been in the last 3 years. Do you see a correlation in that, or do you think that is simply coincidence, or is it that the two are not related?

DR. LAFFER. I see a very strong correlation. I mean, when people lose all hope—and, you know, I think the reason we have not had any major riots or civil disobedience during the 1980s was not because of some hard police state, but because people all of a sudden had their incomes rising. And imagine you had a job and you were providing well for your family, and all of a sudden one day that job is gone and there is no likelihood of you getting a job. Tell me how you feel. I mean, I am a father with my kids. I can't stand the thought of coming home and not being able to provide for them. It's a killer. Needless to say, you get bitter. You get disenfranchised from the system. You blame everyone. I hear everyone in this society being blamed. No one does it maliciously or deliberately, but we should know from science how to create prosperity through incentives. These are very serious things, and they are causing very, very bad economic conditions.

VOICE. Here, here.

CHAIRPERSON FLETCHER. I have one final question. Obviously, as knowledgeable as you are about taxes, money, and those sort of things, some of the more substantial corporate leaders in the country obviously call upon you to pick your brain for your services or whatever. The

point is, you have access to them, and they listen to you. And from what I have heard, you seem to have a working understanding of the problem, so I have to ask you this. We who don't get above the glass ceiling and into those beautifully polished corporate boardrooms to tell the sure-enough truth have the perception that they just don't get it when we start talking about developing our third world neighborhoods. What is the problem? Are we not using the right vocabulary? Don't we have the right charts? We don't fall in the right dog and pony show?

The perception here is that the Corporate 500 here—I will just use them—talking to them about economic development in the nation's third world neighborhoods is like talking about developing the moon. They don't quite seem to understand or are willing to embrace the idea that the same thing they do to develop a bare lot with nothing on it, they can have a vision to turn that bare lot into a tremendous asset, but when they look into a third world neighborhood, it's that "we can develop that neighborhood, but we've got to get them out." What is going on there that we can't make them understand that's not the way to do it?

DR. LAFFER. See, I don't think it's their problem.

CHAIRPERSON FLETCHER. Tell me about that.

DR. LAFFER. I think it's your perception of the problem that is wrong. See, these people have one issue which they do with their corporate capital. It's their job to make an after-tax rate of return on their investors' money. That is their job, and if they can make more money in X than they can in Y, they move it to X. See, the thing is, How can we make it profitable for them to move those jobs, those developments to the inner cities when they are so desperately needed? And that's why long ago I wrote that paper calling for enterprise zones to provide these 500 people that you say with the incentives to develop those areas like they developed all those other areas. The dream is that they will see the inner cities as profitable, but right today they aren't profitable. Right today, you have the huge disincentives of our welfare system, our tax system that make it virtually inconceivable to bring jobs, businesses, and growth there. See, the dream is if you make that area a lower tax zone, if you get rid of all these disincentives, you will find all 500 fighting to the tooth, red of claw and red of nail,

to get jobs in those enterprise areas. And that's what we have to do.

See, where I would put your perspective, sir, if I may, is to say, "What can we do to make it profitable for those 500 companies to move their facilities to the enterprise zone, to the inner city?" That we can do in a snap, if you'll only go along with all that I said. They will move from building up Palos Verdes and go to facilities in Watts. In fact, if you have a 15-year tax holiday for moving businesses to Watts and for employing Watts residents, you will have a 100 percent employment.

CHAIRPERSON FLETCHER. Excuse me, please. I am going to give you a concrete example. I don't know how many churches there are in Los Angeles, but there must be, at least in the black community, a 200 or 300. Okay? Those treasurers of those churches go to the bank every Monday or Tuesday and put hundreds of thousands of dollars in the bank right here. Why would the bank not tell them, "This is how to reinvest all of those millions that you put in here. This is how to reinvest it in your own neighborhood as opposed to packaging it up and turning it over to the foreign countries like Russia"?

DR. LAFFER. I don't know about the loan to Russia.

CHAIRPERSON FLETCHER. But you get my point. The point is that the black community is not broke. It's not broke, and the financial community in this country won't show them how to use their own resources to develop their neighborhoods.

DR. LAFFER. I hope that you're wrong on that.

CHAIRPERSON FLETCHER. I'm not so far, because they won't show me.

DR. LAFFER. I hope you're wrong that there's some disregard for the black community. I think what you are seeing happening is that the inner cities today are among the highest taxed neighborhoods in the country. And what I am trying to say is if you want a return on your money, investing in the inner cities is probably not one of the smartest things to do today because of the huge tax structure on the inner cities, and you missed the point.

CHAIRPERSON FLETCHER. I haven't missed a point.

DR. LAFFER. No, but I am speaking of the wealth. It's not the money that contributes. When you look at the wealth of the inner cities, it's the people. They're phenomenal. They have

the potential to be great and be rich, if only they're unleashed and given the opportunity. That's where the keys are today.

CHAIRPERSON FLETCHER. We're talking about the same thing.

DR. LAFFER. I know, but what we have got is a Federal policy and State policy that put an anvil to the backs of these neighborhoods.

MR. DOCTOR. I can't resist, given all you said up until to this point, and I would like to get back to some of what Russ put on the table, the human factor. What sort of responsibility does corporate America have to human beings? What sort of responsibility does the U.S. Government, State governments, county governments, city governments have towards human beings?

DR. LAFFER. I hope it's total. I mean, the whole purpose here of business is not to serve business. The whole purpose of business as we constructed it in this country is that businesses are here to serve the consumers, and they're here to serve people.

VOICE. What about shareholders?

DR. LAFFER. Shareholders are part of the process. They're people, too. But what you have is county governments are elected, city officials are elected, State governments are elected, and the Federal Government is elected to do, quote, "The best they can to make sure the people are able to prosper the best they can."

MR. DOCTOR. Well, we're coming apart at the seams. If we're coming apart at the seams—along racial lines, along ethnic lines—clearly, the ability to make profit is going to be adversely impacted by our coming apart at the seams. Does corporate America recognize that?

DR. LAFFER. I think so, yes. And I think the people do. I mean, I think that's well, well understood today, that things are not going well. They're not going well ethnically. They're not going well in any way, shape, or form. I don't think there is anyone who really feels great about today's economy, about today's horrendous living. I think everyone would realize the problem.

The question is, if you don't define the problem correctly, you will never get the correct solution. And the problem is you have got barriers to everyone to prosper, and I don't think it's through any malicious attempt on the part of people to do wrong deliberately. I think it's really a part of ignorance that they have done things which just have caused the economy to

get much worse without understanding what is happening. What I am trying to say here is my perception as an academic and as an economist as to what the real problems are and how to bring those problems to a successful conclusion and make the economy really move again. I mean, it's not partisan. Jack Kennedy did it in the 1960s. He got the highest tax rate of 91 percent to 70 percent. He got the lowest rate from 20 percent to 14 percent. This isn't Republican. It's not Democrat. It's not liberal or conservative. It's common sense. People respond to incentives; and if you change the incentive, they will change their behavior.

COMMISSIONER REDENBAUGH. I have one question.

CHAIRPERSON FLETCHER. One question.

COMMISSIONER REDENBAUGH. What is it, according to you, that we can do to get the political process to change the incentives to get these high taxes, high regulations, and high barriers off the backs of poor people? Because we have been unsuccessful in changing those incentives.

DR. LAFFER. Commissioner, if I can say, while we have not have been nearly as successful as we would have liked to have been, we have not been totally unsuccessful throughout the years. We really haven't. We are in a very bad state today relative to our historical successes, but, you know, we're struggling—

COMMISSIONER REDENBAUGH. I will give you that one. So what do we do from here?

DR. LAFFER. I think what we do from here is do exactly what you are doing here. You have Commission hearings. You try to influence the politicians. When I talk to business groups, I tell the people that they deserve the governments that they get. If you're going to elect these people who do these silly policies, you deserve what they give you. And you know, I can't think of anything more important to a person's prosperity than this country's governmental system. There is no difference ethnically between Ethiopians and Americans, and yet Ethiopians are much poorer than Americans because their government does not provide them an environment to prosper in, as we do.

And we should give back to our government in the form of political activism. We should give back to our government the type of thing that it creates for us. I mean, if you think of how much of your income is created by the government and

how much you give of your income to politicians, the people you believe in—how many of you work for them? You've really got to focus on politics and redo the job correctly, and I think that's the responsibility of every American citizen, totally and completely. And, see, there's nothing wrong with being wrong, but there is something wrong with not being active politically.

CHAIRPERSON FLETCHER. Commissioner Anderson?

COMMISSIONER ANDERSON. I just have question and one point of clarification. Again with the high taxes, high regulation, high barriers, is it your contention that the inner cities have become simply—particularly, Los Angeles—have become simply nonviable economically as the situation is now and so it doesn't matter what the motivation is of big business or small business? The situation as it stands now is that it won't work and that things have to be radically changed in order for economic viability to return to this community? Is that really what we are saying here?

DR. LAFFER. Yes, that is what I am saying. I don't believe it can be done by talking to another CEO of a top 500 company. I don't believe it can be done by a parade of signs and all that other stuff. If you really want to bring jobs, you got to say, "Work here," and you got to make it worthwhile to invest your capital here. And, you know, places go down to their natural level of barriers; and what has happened to Los Angeles and California is we retrenched back to where we have a level that is corresponding to our degree of burdens against productivity, and unless you change those, I really don't know how you're going to bring that prosperity in the aggregate back again. I just don't know how.

I mean, you talk about the churches, which is so perfect an example. Churches are a tax-exempt activity, and they flourish during these periods. Other activities that flourish during high-tax activities—and you know what they are. I mean, illegal activities are tax exempt. They flourish during high-tax environments. So, therefore, you find pimps and pushers and all of these people doing very well when you raise taxes and destroy the underlying economy. Believe me, they do. And, you know, you may think it's not that big of a deal, but it is a huge deal.

How does a kid today in the inner city ever get the money to become really prosperous? And

there are not many avenues open. I mean, I have lived for a lot of my life in the south side of Chicago, and you can watch it operate. You can see people going to where the money is. They want that prosperity. They want the nice life. And when you don't have any legitimate activity that's allowed, they go to illegitimate activities. And, you know, it's tax exempt when they do, and I don't mean to put everything in terms of taxes, but a lot of this world is. It really does respond to this stuff, and it's not cops on the beat.

As you know, since 1975, what have we done? We've increased the number of prisoners in the this country per capita by fourfold. Have you noticed the world getting a lot better? I mean, you know, you're throwing people—I don't know what it was; CNN had this thing, and I don't remember exactly, but something like 92.3 percent of all 25-year-old black males have experienced jail or prison. Do you think that's really helping that community? I don't think so. I think it's just doing all the perverse things you possibly can in this system. What you got to do is build from the bottom up, not hold the top down.

COMMISSIONER GEORGE. I hate to bring this up, but I don't see any alternative to it. Recently, the poor and minority communities sent Congress people who are opposed to what you say are common sense solutions to the underlying problems. Well, if that's true, it seems that part of the problem as far as politics is concerned is—sorry to use the old-fashioned term—but a massive false consciousness on the part of the people who think their interests are being served by policies which you say are causing the underlying problem. So, it looks like both a political transformation has to take place, at least in part in the politics of these very communities, a rebellion against the old way of looking at things.

DR. LAFFER. I mean, I don't disagree with you. I think you have seen some of that rebellion coming in this country. I think some of the things that have really happened that are good are some of the openness of the society to change views. I don't mean to point to here in LA, but there is a big change in LA politically. In the last week—and I don't know whether it's for the better or for the worse, but it's a big change—you have a conservative Republican mayor of this city, which is really unexpected. I mean, you see lots of changes occurring, and I think anytime a community becomes captive of one group, they

become powerless instantaneously. If all blacks vote Democratic, Democrats will never care about the blacks ever; but once you become the marginal guy—"Hey, if you don't do what we want, we'll vote Republican and we'll vote for Perot"—then you get competition for the black vote, and then you will find progress coming very quickly. Once you make yourself immobile, you become powerless.

CHAIRPERSON FLETCHER. If there are no further questions, I want to thank you for sharing your views with us, and I want to put you on notice that I would like to talk to you again. Thank you very much.

DR. LAFFER. Thank you.

Unscheduled Witnesses

CHAIRPERSON FLETCHER. Now we are going to have our unscheduled witnesses to testify. We are going to bring you up in groups of four. We will ask you to stand, and I will swear you in, and you will each get 5 minutes to express your points of view. I want to urge you to make sure you speak to a civil rights issue so that we are what we call legally sufficient. I will begin with Charles B. Johnson, Alex Cota, Robert Holt, and Patricia Elmore. Please come forward. Will you please stand?

[Whereupon, the witnesses were sworn.]

Testimony of Charles B. Johnson

CHAIRPERSON FLETCHER. Charles B. Johnson, would you please go first.

MR. JOHNSON. Yes. I have prepared a written statement for the consideration of the Commission.

CHAIRPERSON FLETCHER. Thank you.

MR. JOHNSON. Thank you. My concern and it relates to civil rights as the improper definition of what happened in Los Angeles on April the 29th. I was there, and I was in the midst of it, and I saw the product of it. I saw a paramilitary group of persons who came into this community whose only objective initially was the destruction of black businesses and minority businesses in minority areas. This group of persons, whoever they were, were well prepared, well financed, and they had the ability to destroy property en masse. These people were sent here into this community by somebody. The community now is struggling with the concept as to who do you blame for what happened on April the 29th,

and everybody is pointing at everybody else, and the real culprits have slipped through our hands.

That's why in my statement I am requesting of this Commission that they request a Federal grand jury investigation of what happened on April the 29th so the fault can be levied on the real culprits who came into the black community and the minority community business areas. All you have to do is look at the statistics, and the statistics tell you what the objectives were. You can't talk about rehabilitating a community on any basis where in one night you destroyed 43,000 jobs, and that is a statistic which is agreed on by everyone who had anything to do with that riot. When you talk about rehabilitating a community, you cannot rehabilitate a community where the small businessmen are wiped out in one night, and so what you have to do is to properly assess who was at fault, why they were here, and where they are now; and until that is done, then what we are talking about here is so much smoke which really is going to accomplish nothing.

And I have submitted a written statement, the basis of my conclusions here, and I filed a copy of it with the Commission. I am asking this Commission to recommend that there be a Federal grand jury investigation of what happened in Los Angeles on April the 29th, 1992. And I thank you.

CHAIRPERSON FLETCHER. Thank you very much. Mr. Cota, you are next please.

Testimony of Alex Cota

MR. COTA. My name is Alex Cota. I am a native of Los Angeles. Obviously, I have a white face, but one of the reasons I am here is a fellow human being with a black face, a 16-year-old youngster who was in the custody of the Los Angeles County Probation department, was killed last December, and the Los Angeles County Coroner's Office found it was a homicide after a struggle with staff members. Now, I have for many long years been very, very concerned about the condition of the handling of youngsters in our county juvenile halls, so his color made no difference to me. He could have been black, blue, purple. I don't care what his color is.

We have to do a better job with our young people. I had to sit here and listen to the earlier rhetoric being espoused by people talking about we need more police. We have 100,000 gang

members in our streets. We are going to add 3,000 to the 7,650 police officers. Obviously, it's 10 to 1 against police officers. Something is wrong if we're asking for an increase of one army, the police army, while the other army is increasing at an even more rapid rate. You heard Mr. Leon Watkins say he would be surprised if there weren't 150,000 gang members on the street, so I am concerned not only with the homicide of a 16 year old, but, What are we going to do with the young kids that the police pick up? I do not want a police state. I don't want to have to rely on police. I grew up in a tough neighborhood in East LA. Thank God, I got my love for people, because I grew up in a mixed neighborhood. We could go overboard on policing. Now, we have 800 police in our schools. Do we have more safety in our schools? No, because we're breaking down the concept that we citizens act for our own safety in addition to having police.

I am not knocking the police. We do need them, but we cannot have a free and democratic society if we constantly need more and more police, we need more and more metal detectors, we need 800 armed cops on the school campuses. In my day, we didn't have one police officer in any of our schools, so it ought to be a clue to you that the answer is not in getting more and more police.

Now, I distributed something that I was preparing up to 2:00 a.m. this morning. I put it at the end, but I would urge the Commission to look at number 12, exhibit 12, at the very end of the set of articles I have given you. That says, "It Took a Cyclist to Catch a Thief." Again, I bring this up because I had to listen to the rhetoric of the police. If I come here sounding like a bleeding heart for some kids locked up in juvenile hall, number 12, the item I presented to you, ought to give you a clue that I am for safety in our streets. Two young hoodlums on Westwood Boulevard, one of them had a gun stuck in the head of a woman, and the other, his accomplice, grabbed the purse and ran up an alley heading north towards Ohio Street, which is just west of Westwood Boulevard. I was proceeding down the alley by myself. The only three human beings in that alley were the gunman, his accomplice, and I was going down on my bicycle. Having worked with delinquent youngsters, I could spot immediately something was wrong, and then I saw a

big black purse in the gunman's hands. I thought, "Oh, oh, we got a purse snatching," so I, to make a long story short, I got involved, I rammed him with my bicycle, and I knocked him down on his posterior, and the police had a chance to catch the kid.

My point being is I am for safety in our streets. I don't want punks and hoodlums and gunmen to take over our streets. I learned how to take care of myself in East LA, and our concept must not be lost in this zeal to get more and more police, more and more metal detectors. Those are artificial means of controlling our own behavior.

Now, what happens when a police officer picks up the two hoodlums that put the gun to the lady's head on Westwood Boulevard? They take them to juvenile hall. Lo and behold, even though I had to do my duty to catch that gunman—I wanted that gun off the streets—I had to say, "Look, you know, all the years—this is really ironic—all the years that I have been fighting to improve conditions in juvenile hall, and I got to watch these two punks be taken to the very place that I have to do battle against."

CHAIRPERSON FLETCHER. Mr. Cota—

MR. COTA. Yes, sir?

CHAIRPERSON FLETCHER.—Your time is up.

MR. COTA. Well, the point is lost, then, because this Commission should investigate the homicide of the kid. I have waited since 8:00 this morning to speak. This Commission should investigate the conditions under which we have three juvenile halls that are wasting \$72 million of tax money which would be better spent in the camps that are scrounging for money right now. Keep the camps open. Camps put kids to work constructively. The warehouses of our children, the juvenile halls, are doing us a disservice.

And, sir, I waited this long because this message is more important. We have got to have an investigation of the wrongful death of that 16-year-old boy but, much broader than that, we have to investigate all conditions in our juvenile halls. One of the things that I distributed to you is that I have excerpts of the plans from Sylmar Juvenile Hall. It shows some of the stupidity. I encourage the committee to look at 7—I think it's 7, 8, and 9 of the plans of Sylmar Juvenile Hall. Children are locked in their rooms at night. The better behaved children are put in the rooms at night and locked in there with no plumbing.

These are the better behaved children. They have community bathrooms. You will notice in one of the diagrams—in one of the diagrams, you will see a large bathroom that has the commodes. Now, the worst behaved kids, in solitary confinement, have their own individual plumbing.

Common sense would tell you that something is wrong. If a kid wants to go the rest room at night, he's in trouble. They have to kick and pound on the door to get the guard's attention, and if he's off doing something else and he doesn't come, nature takes its course and they go on the floor. This is stupid, and action has to be taken to look into our juvenile halls.

VICE CHAIRPERSON WANG. Mr. Cota, you made your point.

MR. COTA. I beg to differ.

CHAIRPERSON FLETCHER. We will take action on your request. You made your request, sir. Mr. Holt?

MR. HOLT. Yes, sir.

CHAIRPERSON FLETCHER. Good evening.

Testimony of Robert Holt

MR. HOLT. First of all, I would like to say it's a great opportunity to testify before this Commission, and it is with exhilarating gratitude that I come this evening to discuss the issue of disparate impact in education, specifically educational policy. The purpose of this testimony tonight is to present facts from which future legislation may be developed to protect the 14th amendment rights of qualified underrepresented ethnic minorities, minority males, females, and students over 40 years of age. The first—by way of direct introduction, I would like to introduce myself. First of all, I am a resident of the Pasadena, California, area. I am enrolled in a master's degree program at a local State school of education of which I chose not to mention because there are some stipulations to not naming people. My overall grade point is 3.7. I have developed and fieldtested a teaching method whereby the math skills of at-risk inner-city male children were advanced five school grades within one school year. I have been accepted at the Harvard Graduate School of Education for the 1993–94 school year, and I am currently being asked by school officials in London, England, about my application to the African university for the 1994–95 school year. Furthermore, since 1990 I received a prestigious fellowship issued

by the Department of Education, the Patricia Roberts Chair Fellowship, at a certain California school.

Yet, I regret to inform this body that I am at risk of not graduating from the college at which I am enrolled. First, my 1993 graduation date was canceled for no valid or legal reason. The reason given for that cancellation was so trivial that the facts—that the real reason for the cancellation was prompted by my participation in a press conference. That press conference protested the savage beating of Rodney King and was conducted a few days following that sad and disgraceful event. Currently, I am at risk of having my chances for a timely 1993 graduation canceled, likewise for reasons which are not legal or valid. I come this evening to discuss—

CHAIRPERSON FLETCHER. Are you alleging that this—

MR. HOLT. This is disparate impact, and it is based on the conduct of school administrators who surreptitiously undermine the intent of the legislation that produces these fellowships and the grant programs. I am citing my particular case as a case study such that I have seen—I am getting off my notes now—and I have seen where 80 percent of African Americans attend white schools and 20 percent attend traditional African American schools. Yet, the white schools only produce 20 percent of the graduates of African American descent. I say that this is a serious problem. It's a problem to the extent that if we saw a situation where doctors only cured 20 percent of their patients, we would have a loud outcry for sweeping reforms in the whole field. I have come to testify tonight that we, as African Americans, are at risk in these universities, and that the problem is such that it amounts to fraud such that these institutions take the money in the front door and they send people out the back door with no degrees, and it is a serious problem.

In my case, it represents about \$72,000. Multiply that times others. \$20,000 here, \$30,000 there, \$40,000 there, and no one is receiving a degree. After a while, I can't remember—I think it was Dirksen said that a million dollars here and a million dollars there and pretty soon you got a little money, and this is the problem that we are faced with. Right now, I think it's academia's version of industry's \$800-toilet-seat fraud, and I say that the message that I would like for you to take back to the President of the United

States is that this is a serious problem and that this problem needs investigation and that legislation needs to be developed such that administrators will be held accountable for this disparate impact.

Education is the only field where incompetence seems to be an acceptable defense. It's the only field where we produce failure 25 years in succession and there is no accountability. We feel that we will solve this problem by pumping in more money. I simply say if we want to balance the budget that we would move towards bringing accountability to some of these figures. Thank you.

CHAIRPERSON FLETCHER. One more point I want to ask.

MR. HOLT. Yes, sir?

CHAIRPERSON FLETCHER. Have you notified the Office of Civil Rights or the Department of Education about your case?

MR. HOLT. I have, and I am also in Federal court. I have received a court recommendation to this particular school saying that they are to work towards releasing my fellowship funds and to do all that they can to accommodate me in my education so that I can get the master's before September so I can go to Harvard.

CHAIRPERSON FLETCHER. Did you leave a written statement for us?

MR. HOLT. I have a copy of the complaint. I will give you a copy of the complaint.

CHAIRPERSON FLETCHER. Thank you very much. Patricia Elmore.

Testimony of Patricia Elmore

MS. ELMORE. Thank you. I speak as a member of the National Association for Advancement of Colored People. I am a national convention delegate, and I am a member of the National Council of Negro Women, Mother Rog, and the LA 4-Plus Committee. I have one question and one statement, and I will get it in within the 30 days required.

My question is, One, what happened to 5,000 people who were reported part of the 15,000 that were picked up by the Los Angeles police? What happened to them? My statement is that this city has begun as part of the United States interior preparation to take over our—get rid of our constitutional rights; and first they are going to do it with—they have been doing it with the African Americans, and they are always picking up

a few other ethnics so that they can prove that it is not totally a problem like it was in Germany with the Jews.

I am convinced that the 29th of April civil disorder was carried out with the help of the secret paramilitary force that the LAPD used which was prepared—the police were prepared for a couple of summers ago at Venice Beach when around 3:00 In the afternoon when the beach was crowded and was warm, and the police came out and in less than 15 minutes they cleared everybody off the beach and the boardwalk, and no reason was ever given for that activity. This was acted out, again, in the LA 29th of April civil disorder where the police had this military force behaving as a disruptive and—like a Nazi group, as far as I was concerned. This was acted out for the whole world to watch as they had it on television December 14 when the police broke up a peaceful demonstration of the Los Angeles 4-Plus Committee that were protesting to lower the bail of the LA 4-Plus defendants. Fifty-five people were arrested that particular day at Normandie and Florence Avenue. We all watched it on television. They wanted the bail lowered.

The other very important thing that has happened that I wanted to be in my statement is the implication of the CIA activities around the hearings of this civil disorder which we saw in the LA 4-Plus and all over the city, the Mother Rog and others, with the Damian Williams hearing when the district attorney confiscated the tape that was brought in by the wife of George Celani, who was known to the Los Angeles newspaper as “Sebastian.”

The story there is that in the court, reported the *Los Angeles Times*, November 20, 1992, Attorney Dennis Palmieri testified at the hearing of Mr. Williams—this is Damian, one of the 4-Plus—testified at the hearing of Mr. Williams, whose attorney, Ed Mulhall of the defense, heard the tape that the judge heard in the case. This tape, and we heard part of the tape, the audience in this hearing last year, implicated the CIA through Frederick George Celani, C-e-l-a-n-i, known as Frederick Sebastian. It was Celani's or Sebastian's wife who brought the tape from Arkansas. She said she had just visited her husband in prison there where Celani was being incarcerated for fraud charges in Arkansas. The tape was admitted to the district

attorney, and it stated that Celani had been an employee of the CIA. This was, quote, in the *Los Angeles Times* several times.

Damian Williams, Antoine Eugene Miller, Keith Watson, and Gary Williams were charged with attempted murder, aggravated mayhem, torture, and robbery. What I am saying is the LA 4-Plus men, young men, black young men, were accused of starting a civil disorder disturbance. The story of Sebastian, then, was quoted in the *Times*. Celani said to Palmieri—he ordered him to offer free legal services upon incentive from constitutional law and justice, who was hired by Damian Williams and his parents. They volunteered—this organization volunteered themselves to pro bono take care of Williams' case, but they also decided to sabotage the Damian case when Palmieri said to Celani, known as Sebastian—

CHAIRPERSON FLETCHER. You will have to wrap it up, please.

MS. ELMORE. He said Williams is an “animal.” “Damian was black. What does it matter?”, which Palmieri said in court when he said he wanted to defend Damian.

CHAIRPERSON FLETCHER. Do you have a statement you are going to leave for us?

MS. ELMORE. Yes, sir. This is the statement.

CHAIRPERSON FLETCHER. That is the statement?

MS. ELMORE. It concludes that the 400 businesses were burned down, destroyed; and when you see the two banks that were destroyed—you ought to make that trip this week to see at Western and Adams. It looks like war-torn Yugoslavia. Broadway Savings and Loan—

CHAIRPERSON FLETCHER. You should know that the Commission was out here while the trial was going on. I have gone over in the area, and some of my colleagues were here when the riots were going on.

MS. ELMORE. Okay.

CHAIRPERSON FLETCHER. All right.

MS. ELMORE. I am glad you did. And the Mother Rog is still taking care of young black men who are thrown in prison, as Mr. Cota said, killed for different reasons and incarcerated for different reasons, and I say it was a deliberate plan to get rid of blacks without concentration camps, and that's what worries me.

CHAIRPERSON FLETCHER. All right. Any questions?

MR. COTA. May I make one final statement?

CHAIRPERSON FLETCHER. Go ahead.

MR. COTA. Thank you. I appreciate it. I want to stress investigating all three juvenile halls. You will find in that information that I gave you that the training and educational requirements are miserable, and the children we have in these juvenile halls from 10 to 17 are in the hands of untrained, uneducated personnel, and this is one of the reasons that led to the death of David.

If time would permit, I would explain further, but I urge you to please consider my request. The length of stay in juvenile hall is much too long. It's supposed to be temporary detention. It stretches on for months, and I would urge you to call attorney at law John Caldwell. When I talked to him—he is representing the homicide—he said that he has three other cases of abuse in our juvenile halls. I would urge you to contact him and bring him. Talk to him, if you would. This is a matter of utmost seriousness. We should have a Children's Commission on Civil Rights, because it's worse here in LA than in other States in our country. It's extremely important. That's why I got a little uptight. Thank you very much.

CHAIRPERSON FLETCHER. Any questions?

MR. JOHNSON. I would like to make this statement. I represent myself. I am not here representing any organization.

CHAIRPERSON FLETCHER. Thank you so much.

MR. HOLT. One comment. I passed out some copies of my statement. Only one copy was signed. If anybody wants me to sign theirs, I will be glad to do so.

CHAIRPERSON FLETCHER. All right. Thank you. And we will proceed. Romie Lilly?

MR. LILLY. Here.

CHAIRPERSON FLETCHER. Colleen Grandperson? Eugene Boggs? Mary Ann Greene? Please come forward, and I will swear you in, and we will proceed. Ms. Grandperson? Probably left. All right. Eugene Boggs? B-o-g-g-s? Mary Ann Greene?

MS. GREENE. Here.

CHAIRPERSON FLETCHER. All right. Let me call a couple more, then. Andrew Fleming? Is Andrew Fleming here? Peter Clayton McCoy?

MR. MCCOY. Yes.

CHAIRPERSON FLETCHER. Come up, please. Gina Rae? Gina Rae, please. Will you all raise your right hand, please. Do you swear or affirm

that you will truthfully testify to the best of your abilities?

[Whereupon, the witnesses were sworn.]

Please sit down. Now, as you can see, the panel has been here since 8:00 this morning, also, so we realize that any system you put together is not necessarily perfect. There are people that were interviewed and subpoenaed and brought in, and there were others that would like to have testified. There were others who would like to have had something to say. However, there are certain congressional restraints, and you need to know that. We made a contract, so to speak, with the Congress. It was to come out here and investigate certain things. Congress holds us accountable for coming out here. When we issue our report, the report must be what we call legally sufficient. Now, it used to be that there was no organized opposition to our, quote, "hearings." There was no, so to speak, right-wing elements watching every paragraph, every sentence, every phrase that we write. Today, there is, and some of those organizations would like nothing better than for us to come out here and hold a hearing and then come back with a report that isn't consistent with what we're supposed to do. Now, I am saying that, because we have folks in here who have an attitude about—and I understand that attitude—waiting here, but we have to meet standards, and that's what we're doing. So that's it.

I am going to ask the first person to testify, and understand now that I don't want to go to sleep here. We're all getting tired. We want to hear what you have to say, so say it succinctly and put your request up front. Tell us this is what you would like to do and this is why. Let me start out with you, Mr. Lilly. Make your request and then tell us why, would you please?

Testimony of Romie Lilly

REV. LILLY. Okay. My name is Reverend Lilly.

CHAIRPERSON FLETCHER. All right.

REV. LILLY. I represent the council of clergymen in the Compton/Watts/Willowbrook area. I would like to speak to two issues in terms of news media coverage and economic development.

CHAIRPERSON FLETCHER. All right.

REV. LILLY. And my request, Mr. Chairman, is that you stay in Los Angeles long enough to

attend an economic revival we're going to be conducting this Saturday in relationship to economic empowerment of the community in the Watts/Willowbrook area. That is my primary request.

I would like to share, though, a couple of things with this Commission, and I thank you for the opportunity, and maybe you can help me with a mathematical problem I am having to deal with. I can't understand in terms of the news media how 63 percent of the crimes committed in the inner city are committed by whites, 83 percent in the suburbs, and 88 percent in rural America by whites, yet 50 percent of the prison population is African American males, which only results in 5.6 of the population. There should be a way to talk to the news media and find out how this mathematical line of probably runs so that this group of people who commit 74 percent of the crimes and 50 percent of the population of another group of small minorities are convicted. Either we have selected prosecution or selected prosecution or selected prosecution, in that people who in society—based on the dollars and cents and the time it takes to commit a young African American male or Latino male is easier, is cheaper—they have less protection in terms of ability to defend themselves, but the news media doesn't talk about that.

Secondly—I have to move on to the most important point—is economic development, in that I would like to see some teeth into enforcing the Community Reinvestment Act. We have all this stuff on paper, about how lending institutions are supposed to lend a certain percent of the money they take in to the community they're doing business in, and every report that comes out shows very clearly that they're not investing in the community, they're not reinvesting. As a matter of fact, more and more they're divesting. And, as a matter of fact, the two mayoral candidates here in Los Angeles showed that to both of them banking had no relationship to minority loans, so that, therefore, nobody is enforcing this law.

One of things that I would like to see by the Chairperson is that, perhaps, is that we can deal with some activism and some advocacy in relationship to the African American church. You talk very clearly about the amount of cash money that passes through those churches every

Sunday. Perhaps those dollars could be withheld from certain banking institutions to leverage their ability to loan to certain communities. That is to say, if we would target a particular bank or banks who do not loan money to the community which they received as cash money, then, perhaps, they shouldn't receive these cash dollars which is the mother's milk of commerce, so that perhaps there need to be some strategies that need to be developed so that those funds have an impact on the banking institutions so they know they need to make loans for what they received their food from.

And, lastly, again, I want to invite the entire Commission to come out to Watts/Willowbrook to be a part of what we are going to be doing on the 19th of June, which is a day of liberation as it relates to African Americans in that this was a date that the slaves were told that they were free in Texas after the crops had been harvested, which is another economic intervenor, so that we are establishing economic empowerment in our own community. I don't know necessarily that this Commission, the Congress, or the President, or whoever are going to provide for economic empowerment for our community, but I know we got to do it, the concept we call "making it good in the 'hood." That's what it's going to be about on this particular morning from 9:00 to 12:00 in Compton, so I invite you, Mr. Doctor, the entire Commission, and your staff if you're available to hang out in Compton and work with us to make it good in the hood.

CHAIRPERSON FLETCHER. This is going to be on the 19th?

REV. LILLY. 19th of June.

CHAIRPERSON FLETCHER. And there's going to be some barbecue?

REV. LILLY. Barbecue and soda water and melon.

CHAIRPERSON FLETCHER. All right. I will look forward to seeing you. Next, please.

Testimony of Clayton McCoy

MR. MCCOY. Mr. Chairman, my name is Clayton McCoy. I am the president of a group called Youth Motivation Crusade. We have been operating in California since 1973, and what we are trying to do is keep young people off drugs, out of jail, and in school. I know this sounds like a big order, but we have had some success in the last few years; and I have in my hand here two

things, Mr. Chairperson—I want to talk about law enforcement and economics—I have here in my hand a report from your Commission. Of course, Mr. Arthur Flemming was Chair a few years ago. This report is dated October, 1981 and is regarding the guardians and is a report on police practices. And I have found in America that we are good at committees and commissions and reports. You know, we get a committee to do a committee to do a committee to get a report on a report on a report; but, there are things in here which are duplicates of what I have heard today and going back to the other commission, the other commission, and the other commission as far back as you want to go, so something has got to be done.

Now, the current law enforcement officer sat here and told us that he can't turn over to the judges nor any other committee what officers had done. I consider that an insult. You know, he should at least turn it over to the judges or those who are trying to find out what is going on and are these officers guilty, but so much for that, because there's an election coming up and so maybe we in LA will take care of that. We'll take care of that.

Now, I am concerned about the young people who are incarcerated for drug-related offenses, and as you know, I think about 55 percent of black people in jail now are in there for drug-related offenses. And I want you to take back this message to Miss Janet Reno, the Attorney General of this country, to start looking into some rehabilitative programs and not punishment for these young people.

I was down in Tucson, Arizona, a couple of weeks ago. I go to many of the jails, and I found a young man there about 26 years old. He was saying that 23 hours a day they are in lockup, not allowed to go out even to play ball, just locked up. I said, "What the hell has happened? Are you going to school? Are you learning anything?" He said, "No."

So, get Mrs. Reno from her perspective as Attorney General to do something about these young men, and not so much punishment but to rehabilitate them. They're in there—a lot of them are school dropouts, so I think that their time there can be utilized in some type of an education program, especially a GED, because, as you know, a high school diploma is the least they need now for any kind of a job.

Also, this, and then that will be all I have to say on law enforcement: Take back the new battle cry. Now, I am out there listening to young people, talking to them. I know what they are saying and what they are doing, and the new battle cry in America—and I don't mean just in LA—is, "No justice, no peace." You take this back to them in Washington and get them to understand these young people mean it.

CHAIRPERSON FLETCHER. All right.

MR. MCCOY. And they are ready to die. They don't have nothing to live for. "I am ready to die." Not me. I am 70 years old and ready to give. They are saying it. I'm 70 years old. I am ready to give. What I am telling you is you take this battle cry back to Washington, D.C.

CHAIRPERSON FLETCHER. All right.

MR. MCCOY. To the President, to the Congress, and the Supreme Court and everyone else back there, that the young folks in America, black and white, not just black, this is their new battle cry: "No justice, no peace." There will be no peace in America until justice rolls down, as Martin Luther King says, "Like a mighty rain." It must come. I am about through.

Mr. Chairperson, I want you to take to the President and the Congress and the Senate and you tell them that they must now be concerned about the problem in the cities of America, that our money must stop going to Egypt, to Israel, and all these foreign countries who don't give a damn about these United States. I know what I am talking about. I am preaching now. And Yugoslavia—come on—and the Soviet federation, they can give billions of dollars to help all these people. Spend some in the inner city. Put these young folk to work. Fooling around, let that \$16 billion job bill that the president was trying his best, and then the Republicans killed it. I know who did it. The Republicans killed it. You got young folk who are going to raise hell this summer because they don't have no jobs. All is going to hell, and somebody better start listening.

CHAIRPERSON FLETCHER. All right.

MR. MCCOY. Ain't nobody listening. We been saying this for 40 years. I get excited. Don't mind me. Take this message back. I thank you for the opportunity. I've been talking to young people for 40 years, and I know what their needs are. And they killed that program. The Republicans killed that program. These young people need

something to teach them confidence and self-respect, and they killed that program. Thank you, Mr. Chairman. I am not through, but I quit.

CHAIRPERSON FLETCHER. You made your point. Next, please.

Testimony of Gina Rae

MS. RAE. Good evening. My name is Gina Rae, but I am Queen Malca, an African queen from the Nile. We have been so hurt and distraught in the case of Latasha Harlins, the killing of an innocent child, shot in the back of the head, and the murderer walks free. Now we have to contend with her trying to leave and flee the country. That's my anger, that people came here 90 days prior to today to see what the racial and ethnic tensions was all about. It begins and ends with Latasha Harlins, and to reiterate this gentleman saying, "No justice, no peace."

The inner city was simmering November the 15th, 1992—1991—when Judge Carlin saw fit to set her killer absolutely scot-free, an insult to the black community, and I am saying to you today, we have to change the word up there on that sign from "civil" to "human" rights. The bias and prejudice that was in the court is a result of them not thinking of us as humans. If it was save the whales or the ducks on the Venice Canal, it would have been a lot of attention to this matter, even down to a dog. The sentencing that set Soon Ja Du free was that Friday, and the following Monday a judge gave a man 6 months in jail for kicking his dog. We cannot continue to devalue the life of a black human being and especially our children.

I have a request for you to take back to Miss Janet Reno, the new Attorney General. The outdated, outmoded laws of 30 years ago from the 1960's have left us waiting for 27 months since this child's death for civil rights violations to be filed against one Mrs. Soon Ja Du in the killing of Latasha Harlins. I am saying to Janet Reno: How long does it take to find out the facts? They told us in November—the FBI reported to us that they had completed their investigation into this case. Now they run a terrible hoax on the family of Latasha Harlins, the victim's family who I am taking about today, humans.

This past Thursday, the department of probation called the Harlins family and informed them that Mrs. Du had filed a petition to leave the

country and go back to Korea because the civil rights investigation had been closed, which is fraud, it was a lie; and I spoke to with Miss Linda Davis here today and tried to get her to take up this issue, and she said that it was true, that that was an untruth. The department of probation had no right to allow her to go in court and file and ask to leave the country again, because they still have a civil rights investigation pending. But this family has been traumatized this past weekend by thinking that this killer can now leave the country and go back to Korea where she says that she can be forgiven and go back to her God and the people who love her. We say she must stay and do the penitence of 5 years' probation for the death of an innocent child.

The next thing I am asking—not asking, but I want to say to you and to tell them in Washington, D.C., what a handful of concerned citizens along with Latasha's aunt, Denise Harlins, have done for the past 27 months. We have put our efforts where Mr. Peter Ueberroth and RLA have put their mouths. We have got out there on the pavement, walked, and talked.

We have been part of the racial harmony task force, and what we have accomplished is the Korean bank that owns the establishment at the corner where Latasha was assassinated has agreed with us, with no money, only our word, that we have set up a foundation in honor and memory of Latasha Harlins, and we want the building to take something from the ashes and build and rise again. This center or community center in Latasha Harlin's name would stand as a beacon of light where we are. Our first agenda on our articles of incorporation is that we want to create a racial diversity and cultural center where the different people in our community can come together and iron out our resolutions and disputes amongst ourselves. So all this time in Los Angeles for over a year, April the 29th, are talking about what we going to do. We have a 90-day extension to acquire that building, to get funds from corporate America, and praises to Mr. John Mack at the Urban League. He is working with us to be introduced to those corporate owners as soon as we acquire our 501.

I think that there is collusion and corruption at the top. Judge Joyce Carlin was 14 years a U.S. attorney working for the Department of Justice when she was appointed as a judge here. I think that has something to do with it, that we

haven't heard anything else about the civil rights violations in this case; and I think it's time for us to look into—I don't know if you have anything to do with this here, but the Los Angeles Probation Department needs to have an investigation into the fact that three people can tell us, "Oops, we made a mistake."

This is a serious matter that we're dealing with here, and we want to go forward with a memorial scholarship for Latasha Harlins and a job training and, hopefully, profit arm of the organization that we can have something where we can ask Vons Market to come in and teach the people and our community how to run a grocery store. I think as much money as we have spent in them buying as consumers, I think it's time now that we become entrepreneurs and own a grocery store and ask corporate America, "Don't give us checks to erase the guilt in our community. Come back to our community." There is a lot of vacant lots that we can reestablish and start producing and manufacturing something in our community. And, gentlemen, I thank you.

CHAIRPERSON FLETCHER. Let me reiterate something so I am sure I understand your request. Your concern is about the possibility of a young lady leaving the country; is that right?

MS. RAE. We're definitely concerned. They just withdrew the petition after we investigated over the weekend and found out that no such order had been issued by the Department of Justice. One moment, briefly, to take you back. Last November the 24th, 1 year from her original probation—she had been on probation 1 year—she filed in the court to go back to Korea, that it would serve no purpose for her to stay here and finish her probation. The Department of Justice sent a letter to Judge Ito requesting that he not allow her to leave the country because of a pending investigation at the Department of Justice, and now she's trying this now.

CHAIRPERSON FLETCHER. Thank you.

MS. RAE. Now she's tried it again in 6 months, and the family can't take this.

CHAIRPERSON FLETCHER. Are you a member of the family?

MS. RAE. No, sir. Latasha's aunt, Denise Harlins, is here, but I am a spokesperson and I have been working for the family for 27 months.

CHAIRPERSON FLETCHER. Thank you very much. Next, please.

Testimony of Mary Ann Greene

MS. GREENE. My name is Mary Ann Greene. To the Chairperson, Dr. Fletcher, and members of the Commission, I would like to thank you for this opportunity to speak before the Commission. I am a member of the Black Manatuse Coalition, and I am here to make a specific request. This particular coalition has filed a lawsuit against the Los Angeles County Probation Department. We happen to be the managers who represent and are in the probation department. We have filed this suit with the NAACP Legal Defense Fund. Our work over the past—the suit was filed—I am sorry—1992. It has been filed with them and is still in process. Our work over the year and a half preceding that indicated to us that there was a prima facie case of discrimination which we believe resulted in pervasive systemic patterns of employment discrimination to which African American employees have been historically subject in violation of Federal and State civil rights laws.

While this investigation focused on discriminatory employment practices, we have found that not only have the practices of employment been discriminatory, specifically against African Americans, but also the distribution of resources and programs designed to assist probation in the probation department have been disparate in their treatment and results. In addition to that, the managerial responsibilities between African American and white managers, specifically, have been very disparate, with black managers having far greater responsibilities working and very harsher working conditions and yet having little input to the important decisionmaking policy processes that must occur.

The distribution of resources and programs designed to assist people who are on probation have been disproportionately given to suburban areas and areas of lower risk. It is our belief, and it has been our work over the past couple of years, that we have tried to get the department to take a different look at the distribution of resources and to place resources in the higher risk communities; and it so happens, of course, that these are the communities that are largely African American and Latino and largely service-disadvantaged neighborhoods.

The result of all these actions, we believe, has been that the department has been servicing

largely minority clientele, and the power for decisionmaking has remained in the hands of white administrators who have little understanding of and interest in providing constructive and substantial services to this clientele. The programs that have been designed for minority persons on probation, such as they are, have been designed largely with using jail and prison as an overriding program device. That does not exist in the suburban areas to the same extent. We know that budget curtailments have been very severe and will be even worse probably in the immediate months to come. Nevertheless, black administrators had offered creative solutions and devices and strategies to the department to reduce the disparity despite budget curtailments; but, to date, this information has essentially fallen on deaf ears.

CHAIRPERSON FLETCHER. Let me ask you a question. Are Federal funds involved, to your knowledge? Are Federal dollars passed down?

MS. GREENE. Well, yes. I was thinking about that as the panel this morning talked about that. We do have federally funded programs. There are specific kinds of programs for that kind of certain Federal funds. Whether or not those—how those programs are distributing their resources is something that we would have to get information about.

CHAIRPERSON FLETCHER. Could you provide that between now and the next 30 days?

MS. GREENE. Yes, we will.

CHAIRPERSON FLETCHER. Thank you; proceed.

MS. GREENE. My request is that the Civil Rights Commission expand its investigation of police practices to include other areas of criminal justice. While the actions and strategies of the local police departments require continued monitoring and investigation, the role of the police is just a piece of what happens to, specifically, African Americans in the criminal justice system, so I do not believe that we can continue to ignore the role that the rest of criminal justice players have in this whole scenario. Now, I think police practices should be looked at, how police arrests are processed, how they are handled through the court system, and, ultimately, the way that the criminal justice system helps handle the probation department, prisons, and parole departments must be a part of this overriding and overall investigation. The police role is very important to the community. Other parts of the

criminal justice system may be a little distanced in terms of their relationship with the representatives of the community, but their impact is just as important and justice as severe, so I urge the Commission to do that.

The other piece of what I wanted to speak about was the pervasive and negative impact that the press has in keeping the fear of African American communities alive in this community. We are ethnically isolated enclaves, practically, in Los Angeles, and the press has continued to exacerbate this problem by actually in some cases—and I have some statistics—refusing to publicize positive and constructive programs that are handled and that are existing in the community, particularly the South Central community, and that is where I worked for years, but every time there is a shooting, every time there is a killing, the press is there.

Two years ago, we were part of an organization in South Central that featured rewards for children who had done well, particularly African American and Latino children, and we asked the press to cover that. It was a big thing, a big thing for the parents and the children. They said it was not “newsworthy.” However, in the same week, they wanted to do documentaries in the schools on gangs, and we told them no, they could not come. So, I think that we cannot excuse the press, despite whatever it says, in its efforts to continue to manage and manipulate the image of African Americans as portrayed across this country. Thank you for your time.

CHAIRPERSON FLETCHER. You’re more than welcome. The press will be here Thursday to tell us how they define news and how they go about getting it.

REV. LILLY. Mr. Chairperson, I wanted to broaden out my invitation not only to you but also to the rest of the Commission, if they are available; and a full invitation will be faxed to you tomorrow that has directions and all the things that are necessary in terms of that invitation. I would like to mention Ms. Barbara Brooks for her assistance in our involvement in this process. She came down here from Washington, D.C. She is assisting us, so I wanted to share that with the Commission.

CHAIRPERSON FLETCHER. Thank you very much. Any questions? Thank you so very much. Andrew Cummings? Andrew Cummings? Eugene Hernandez? Dallas Williamson? Dallas

Williamson? Alice Labrie? Gary L. Moody? Mr. Ali? Ali? And Hayes. Tut Hayes? Please come up. Raise your right hands, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Alice Labrie. Please proceed.

Testimony of Alice Labrie

MS. LABRIE. I would like the Commission to tell the Secretary of Education to teach the acceptance of personal responsibility and good citizenship as a means of coping with racism, and I would like the Commission to tell the Secretary of Health to devise more effective ways to teach family planning beginning in grade school as a means of coping with racism. And if I may be allowed to elaborate?

CHAIRPERSON FLETCHER. Please.

MS. LABRIE. I come before you as someone who served in the U.S. Department of State. I was posted in Turkey, Oman, and Sweden, and, therefore, have a great appreciation of my citizenship in the United States of America. I come before you as a mother and as a taxpaying citizen concerned about the deterioration of Los Angeles' tax base due to flight of business and taxpaying citizens. Where is it written that every child born is guaranteed a job, a job which would provide income toward dignity? The reality is there is a power structure which has a culture, and that power is not easily shared. If one wants to be a part of this power structure, one must find a way in addition to governmental help, and it involves education. As mothers, we are the first teachers, and as mothers, we are charged with turning out responsible members of society. The buck stops here in our bellies.

How can we do this if we are teenage, unmarried mothers? How can we do this if we are already living in poverty or already on welfare, yet conceive and bear a child that we expect overburdened taxpayers to support? So, a personal aside that I am asking every female in this room to take personal responsibility to practice responsible birthing, and I am asking the men in this room to do the same. I am asking the government, which is supported by my hard-earned tax dollars, to help protect my tax dollars by re-vamping the education process, as I have just said. Thank you very much.

CHAIRPERSON FLETCHER. You're welcome. Next, please. State your name, please.

Testimony of Gary I. Moody

MR. MOODY. My name is Gary I. Moody, M-o-o-d-y. I am representing the friends of Michael Brian, and I am from the city of Pasadena. I would like to bring recognition in regards to the use of the instruments that were very instrumental in Mr. Brian's death, which was brought to your attention when you visited Pasadena by our Councilman Isaac Richardson, also the fact that this situation has been investigated and is being investigated by your Commission as well as the FBI and other organizations.

I would like to bring to your attention, basically, those instruments that were used and hope that you would be able to take that to Janet Reno in regards to the outlawing of these instruments. One instrument is the taser. The taser is an instrument, basically, that has been used predominantly on minorities and specifically in the plight of the African American male, which I consider an endangered species. We have also asked that you outlaw the P-28, which has been basically used as an excessive-force instrument in the beating of various African American males and minority males across the country.

Also, I would like for you to look and investigate in the use of excess of force by not only the Los Angeles Police Department but other suburban police departments, as well, in particular the San Marino Police Department and the Pasadena Police Department, whom I hope when they come and speak with you Thursday will be delivering some accurate, but I am quite sure not, information.

We are being basically held back in regards to the investigation from a community standpoint in Pasadena in regards to this issue concerning Michael Brian. One of the things we find outrageous is when you have a person that is being investigated or a person that is basically from an African American male perspective, this person is usually from a criminal background. Michael Brian was not. His was a businessman from Pasadena. We also hope that this investigation does not stop with Michael Brian. We loved him, and we would go as far as the national situation, national drive, national perspective on the use of excessive force on the African American male.

I think at this point, right now, we are basically involved in a struggle that is of international status here in America because of the fact that the

African American male is an international being. I think that at this point, right now, we should also look into the struggle not only the citizens in Pasadena, the African American citizens of Pasadena, but the citizens across the United States of America. I know it's late, and I know that you're struggling to basically pay attention here at this time, so I want to say that my bottom line is this, that we would like to have those instruments basically, in your investigation, outlawed.

Number two, we would like to have those officers that were involved, which is approximately 40 officers, brought to the attention of the community as well as those officers involved in the beating and subsequent death of Michael Brian. We would like the names of those officers, and we would like the names of those officers made public so that their prosecution can go forward. At this point, our community is on hold because of the fact that we can't receive this information and that the Pasadena Police Department, San Marino Police Department, and the Los Angeles Police Department will not divulge who was involved with this situation. So, we are hoping that you would take this information to Janet Reno and to the President of the United States, not only for the friends of Michael Brian and his family but for the whole of America in which I believe the African American male is on the bottom rung of the whole situation. Thank you.

CHAIRPERSON FLETCHER. Thank you. Next, please.

Testimony of Denise Harlins

MS. HARLINS. Thank you. My name is Denise Harlins, and I am the aunt of Latasha Harlins, and I have some things written down. There is no case in the annals of American history that better shows the status of racial and ethnic tension than the Latasha Harlins-Soon Ja Du case. It was involved on April 29, where Koreans were specifically and singly targeted as victims with burning and total destruction of their stores because of the death of Latasha. We're disappointed that the Commission would not come to LA—I mean would come to LA—and ignore the Latasha Harlins Justice Committee, which has been in existence for 27 months. We understand that quite properly that the Korean community is in denial about Latasha. For that reason, I would suggest that the April 29th event was simply what they would call a crash with the

situation prompted by the four LA police officers and the Rodney King case in the black community. And for that reason, they find themselves then victimized by that outside element. But Latasha brings clear focus back to black people and a great deal of animosity and disdain for the unfair double standard that the judicial system have provided in behalf of Soon Ja Du and Latasha, a 15-year-old black girl whose life was devalued because of the wealth and social respect that Korean merchants had far exceeded that of sentiment so that the criminal justice system was slowed for Latasha.

They have been requested on numerous occasions to respond to civil rights charges in which we—the response is always that they have been investigating that case for the last past year and a half. We have been hearing all day that we are short of time when it came to Latasha, and we are asking why we were excluded that type of opportunity for history to be properly recorded. I did a lot of scribbling here, so—

There is a motion picture called *Menace to Society* that it comes out and completely takes the Korean-black situation and reverses it, alters the events and racial victims, where two young black men kill a Korean grocer over the fact that a Korean grocer killed a young black girl, when the two young black men take the videotape and they take it back home and play it over and over again.

The fact is the world—the black world, the white world, the Korean world—saw the tape being played over and over again of Soon Ja Du committing the murder of Latasha Harlins. Soon Ja Du has yet to pay an adequate price for that. We want the Justice Department to enact a civil rights complaint against Soon Ja Du, even though they feel that maybe it's somewhat unlikely to sustain a guilty verdict. What we're asking is not a cinch deal. For the Justice Department to make it work, to have a victory, what we want is to see to—see the full effect of the law to be brought into play against Soon Ja Du so that it could be an element of an attempt to pursue justice on behalf of Latasha Harlins.

I am not going to read any more of this. The bottom line is there is an innocent child that lies dead who was accused of stealing a bottle of orange juice. She did not steal a bottle of orange juice. It was a falsehood and mistreated and attacked by Soon Ja Du. The whole Korean community supported a legal defense fund for Du

and left this child and my family, who also represent black folk, struggling to fight for the rights of a child, and I feel that we have been ignored. I feel that my niece has paid a price.

We are recalling Judge Joyce Carlin for the heinous decision that she made, all for the name of judicial independence, which is why the Supreme Court, the State courts, and all stood by Judge Joyce Carlin, who was also a Federal attorney for 14 years. Now, how can we continue to fight up against a system that is already set up not to do anything for us? We are demanding that we get justice in this case and many other cases that are on file and many of the situations here in Los Angeles. We will be pursuing this issue. We will not stop. And, like the Reverend said, until there is justice, there is no peace; and our young children out there are going to sustain that fact as they did, which was an outburst of anger at the injustices of what plagues society today. Thanks.

CHAIRPERSON FLETCHER. You are welcome. Next, please.

Testimony of Tut Hayes

MR. HAYES. My name is Tut Hayes. The movie she spoke of, you have got to see that film. It's called *Menace to Society*. It takes off where *Boyz in the Hood* ended. *Menace to Society* is that the entire world is menaced by these black monsters. Everyone in the film is a monster. There is no humanity there at all. Even little children 4 or 5 years old are actually inhuman. They are monsters. See the film. It is one that reverses the Korean situation.

I will provide to you a test for Janet Reno. She will rise and fall on the issues I will put to you. 20,000 people are denied the right to vote. Now, Sheriff Block will not allow prisoners to vote. He's an elected official. That seems rather reasonable, doesn't it? I was in jail. I was there because I read a riddle. They took me to jail and said that I was disruptive. When I was in jail, they told me they were going to keep me for 6 months rather than to give me the one-third like all other criminals get. In jail, I was not allowed to vote; and when I asked for a registration, they told me, "Get out of here." As a consequence, I was not allowed to vote, but there are 22,000 people in jail and they have a right to vote, and the sheriff is denying that right. Now, allegedly, the FBI is investigating, and also the CIA is hot on this particular case. I also at-

tempted to run for public office, and when I made—

Let me tell you about this. There was another black woman who was attempting to run for the office, and they would not allow her to run, and she had to go to Federal court before a Federal judge to be placed on the ballot. She eventually won by 79 votes. They told me they would not even allow me even to fill out declaration papers. Now, they can't do that, but they did. They would not allow me to declare for the office. They said that I could declare for one office, but they said, "You can't vote for this office." Clear violation of State law.

So, essentially, what I am telling you is that there was a campaign to see to it that criminals, indeed, vote. That's very important in 1993. You have black candidates for office that won't be allowed to fill out the paperwork. 22,000 people—and, let me assure you, the majority are black and Latino who are denied the opportunity to fill out a piece of paper and mail it in order to exercise their rights to suffrage. I would hope that your Commission would be energetic enough to question me further on this and get more detailed information.

I had planned to give more information about Judge Carlin, but I'll probably do that another day. Yes, I plan to be here 2 more days for you, because I got some other matters I want to bring up.

But, sirs, I want to point out that it was an outrage for you to come to this city and not invite the Latasha Harlins Justice Committee. It was an outrage not to invite Michael Zinzun. Show me some hands who have heard of Michael Zinzun out there. And they would be willing to have Sheriff Block here but not Michael Zinzun or the police malpractice complaint center. You're missing the mark. You're setting up. It's a done deal for you, but you got to be noble enough to recognize that we understand the system. Now, no justice—

CHAIRPERSON FLETCHER. Let me interrupt you and let you know that we had Michael Zinzun with us several times. Please don't make assumptions that you don't know.

MR. HAYES. I know Michael Zinzun is not here. Am I correct on that?

CHAIRPERSON FLETCHER. Michael Zinzun helped us select the people here with us today.

MR. HAYES. Is he here today?

CHAIRPERSON FLETCHER. Carry on.

MR. HAYES. Thank you, sir. So that's about all that I wanted to say, except that we had hoped he would be here to confront Chief Willie Williams or perhaps Sheriff Sherman Block. We felt that this is the arena that Michael functions in best. Thank you.

CHAIRPERSON FLETCHER. You're welcome. Next panel, please.

MR. MOODY. One moment, please. Just one moment. I just want a postscript.

CHAIRPERSON FLETCHER. Go ahead.

MR. MOODY. Thank you. Basically, I just wanted to say that I hope that when you take it back—I don't know what your percentage is on winning and losing, but I hope that your percentage is more on winning than losing, because I am telling you right now Los Angeles and southern California needs help. If you can do anything that you can and put the pressure on those offices in government, I sure hope that you do so, because I am telling you, Mr. Santillan and Mr. Watkins is right. This city is hot.

CHAIRPERSON FLETCHER. Hear, hear. I have no questions.

COMMISSIONER GEORGE. I do have a question of Mr. Moody. You did not mention, for example, an instrument known as the nunchakus. Is that an instrument you're familiar with? Has that been used?

MR. MOODY. Yes, it has. I have been in martial arts for 9 years, and I know that the nunchakus was one of the instruments that the police department were considering, but they went with the P-28 because that was a lot easier to use and a lot easier to swing, because when officers were training with the nunchakuses they were basically hurting themselves.

COMMISSIONER GEORGE. Is there a legitimate use for the nunchakus?

MR. MOODY. Basically, at this point, the nunchakus is a legal weapon. Anytime you use a legal weapon, whether or not you're a police officer, peace officer, or citizen, you are liable to kill someone or yourself, so if you would outlaw guns in the hands of citizens, I think at this point you should make it a very, very responsible person that you would put any of those instruments in their hand. I think that the taser is an instrument, basically, that's of no use other than the fact it's to subdue people. You don't use a taser to go hunting with, and you don't use a P-28 to

go hunting with. The only thing they use it on is people.

COMMISSIONER GEORGE. Thank you.

MR. MOODY. You're welcome.

CHAIRPERSON FLETCHER. Let's proceed. Walter Small? Dale Person? Mr. Wright? John Wright? Mr. Warren Williams? Mr. Warren Williams? Will you please stand and be sworn in?

[Whereupon, the witnesses were sworn.]

Please be seated. Will you proceed, please.

MR. SMALL. Mr. Chairperson—

CHAIRPERSON FLETCHER. State your name, please.

Testimony of Walter Small

MR. SMALL. I am Walter Small. I am a retired Air Force major; and as a retired Air Force major, I am well aware of your interest in discrimination in the military. I simply would like for you to take a look at a case which I have on file with the Air Force for correction of military records. That case, I think, is of great importance in understanding what many Americans, particularly black Americans, have faced in terms of discriminatory practices in promotion. I am not going to elaborate too greatly on this. I am going to hit the high points on this issue to show you how this may, in fact, relate to civil rights.

CHAIRPERSON FLETCHER. Before you proceed, can I ask you a question. Are you familiar with the efforts to create the civil rights commission for the military counsel by Congressman Bellman?

MR. SMALL. I am intimately familiar with that, sir.

CHAIRPERSON FLETCHER. Do they have your case?

MR. SMALL. No sir, they do not.

CHAIRPERSON FLETCHER. Let me suggest to you that they are gathering cases just about situations like this, and I have in my trip to Germany—when I came back, I had a duffel bag full of cases. And when I went to Japan, I came back with the same thing. That particular kind of case, in particular on the issue of promotions, is on the front burner right now; so before you go any further, let me suggest to you that you get your case to Congressman Bellman right away, because he uses cases like yours.

MR. SMALL. I would greatly appreciate it if I might be assisted in getting that case to him, if at all possible.

CHAIRPERSON FLETCHER. I will talk with you afterwards. Proceed.

MR. SMALL. The high points of the issues that I am bringing before the Commission are the following. First, that sometime ago, in 1987, I wrote a letter to my Congressman telling my Congressman that I had discovered a set of rules that applied to my base and its promotion practices, or its endorsed practices, and that these rules appeared to be against Federal statutes. In fact, there is a provision in the personnel system which outlaws any rules or regulations that are created or processes created below Air Force level. What this means is that the dog wags the tail or that centralized control is exercised in the military, not decentralized control. But decentralized execution is the mode for the military, and the personnel system in particular. In a Freedom of Information Act release, I found that this set of instructions or policies and procedures was not processed through the top levels of the Air Force. What it meant was that local bases were using them—in this particular case, my case—was using a procedure wherein it relied on information that the officer knew nothing about. The information in my particular case accentuated the fact that the information was erroneous, and I brought all of these issues to my commander's attention.

I am going to summarize by stating that the subsequent inquiries that I received were error-ridden. I had concerns about the level of staff work or the excellence or lack of excellence of staff work, the level of expertise or lack of same by folks who reviewed the information that I provided. I think that when we look at the statistical data showing that black officers were promoted at a statistically significant level below that of their white counterparts, one can't assume that they received fair treatment.

There are some issues that I am sure that the Justice Department might want to take a look at; and in this case, I was, in fact, kept from being promoted to lieutenant colonel. I did retire as a major, but I was being promoted by a system that was not sanctioned by the military and in part was aided by an inquiry process that was error-ridden. I am sure that many of my colleagues experienced the same thing, as my investigation of these issues, documented in the Air Force case 91-01818, will show.

CHAIRPERSON FLETCHER. May I also add that there is a Hispanic gentleman in the State of California. His name is Gonzales. I think he's leading the organization of retired and former minority officers. Are you familiar with the organization?

MR. SMALL. I am familiar with Mr. Gonzales by name.

CHAIRPERSON FLETCHER. All right.

MR. SMALL. It appeared in an issue of the *Air Force Times*.

CHAIRPERSON FLETCHER. All right.

MR. SMALL. And I did contact a Congressman concerning those issues and how they related to what I discovered.

CHAIRPERSON FLETCHER. They're picking up momentum with respect to your problem and with other problems in dealing with promotions.

MR. SMALL. Yes.

CHAIRPERSON FLETCHER. So I would urge you again to make sure that you stay with it because it's about to get some action now.

MR. SMALL. Thank you. And the last request I would have is for your committee or someone to take a look at the length of time it takes for a person who files to get relief. I filed my case in 1990. I have yet to get an answer. I have been referred back and forth, handled by several people, and it's a runaround. I have a very credible case, and I think that I am not the only one that has this problem, so my interest is one of an example of discrimination, but it tells of a bigger problem.

CHAIRPERSON FLETCHER. I should forewarn you that we have no jurisdiction over that kind of thing.

MR. SMALL. I understand.

CHAIRPERSON FLETCHER. When I went to Germany, I went at the request of a group of people who paid my fare over, and I wasn't there as an official of the Commission. But when I was in Germany, Hispanic groups, women's groups, and black groups brought me their cases, and I carried it back. And the same is true when I went to Japan. My fare to Japan was paid for by the private sector, and I did not go as an official representative of the Civil Rights Commission, but the impact was the same. That's my point.

MR. SMALL. I have followed your trip very closely. I have been closely attuned to issues relating to this area. I believe that it is very important for the Air Force or government agencies to

follow their own rules. I only ask that they follow their own rules.

CHAIRPERSON FLETCHER. All right. I just want to make sure the record shows that that was the conditions under which I went, and I would urge you to try to contact that civil rights commission for the military. Next, please.

Testimony of Dale Lya Person

MS. PERSON. Commissioner, thank you very much. My name is Dale Lya Person, and I am chairperson of the Build Crenshaw Arts Committee of the Rebuild Crenshaw Committee. I am here today, however, as a fourth-generation Angelino that cares very deeply about this city and very deeply about all the residents in the city. My testimony, however, will pertain specifically to the condition, the plight, of Africans in Los Angeles and basically in America.

I would like to—and it won't be long the way I present it—but I need to sort of start from a basis to sort of let you know what an average African American citizen that feels like I do for the city feels in response to these things that are taking place now. I come from a very long line of people that have fought for America to fulfill itself. My great grandfather, Dr. John M. Robinson from Little Rock, Arkansas, has been documented as being responsible for the African American vote in Little Rock, Arkansas, from the Negro Democratic Association when everybody was supposed to be Republican.

My great-grandmother, Beulah Person, very fair skinned, blue eyes, sandy hair, was very active in church here in Los Angeles, the Catholic Church; went to the opening kickoff of the county general hospital where the doctors told her that, "This is the section for our colored people." She raised literal hell. It hit all the newspapers, and our county general hospital opened up as a totally integrated hospital.

My grandfather, Dr. John M. Robinson, was the first resident intern at County General. My grandmother, Faye Jackson, has fought a long, hard battle against stereotypic images of black people in the entertainment industry. She fought very hard against the stereotypical images Hollywood was promoting during the 1930s which we all suffer from, those images of the chicken-eating, bone-throwing slapstick people.

My mother was one of the very early LAPD police officers' African American women in the

1950s. Under Chief Parker, she quit that police force in 1956 because Chief Parker decided that the department auxiliary police, which is like the boy scouts of the police department, was unnecessary. It was a program which required only one male and one female police officer per police station to concern themselves with the teenagers in the area; and I can tell you that Sen. Diane Watson [phonetic] came out of that group, and so did many other people that are our leaders today.

That's when the department had people with sociology degrees, which I think should be required for police officers starting right now. One of the major recommendations that I have is that our police department require BA degrees as a bottom line, and that could help very much with the revamping of the police department, and that those that are now police officers without BAs be trained in culture and especially American history, which is really the history of African Americans trying to help this country fulfill its own contract.

And that is why someone like myself from the city of Los Angeles can understand young people frustrated with the system when there is no documentation, there is no monument, there is no art, there is no culture, there is no history in our institutions that reflect the struggle of African Americans in this country which allow the new immigrants to benefit. One of the major problems with the city of Los Angeles is that it is a multicultural, diverse metropolis that does not exist anywhere else, except maybe Paris and New York. That's it. The problem is that African Americans are being totally pushed aside in every single institutional structure within this city. You can look at it in your school system for the struggle for bilingual education. Bilingual education does not necessarily benefit those children that have to learn to speak English and get a job, and it definitely does not benefit African American children who have a second language called the black English language that have to sit in the classroom and allow translation of Spanish or Korean or whatever. I think this we have to look at, this as one aspect.

Another thing regarding the education system that I discovered is that the LA Unified School District requires a child to move from grade 1 to grade 2 depending upon age, and so what we have here is a system that will take a child from the 5th grade to the 12th grade and

not educate him because they will move him according to age; and if he did not acquire and learn anything in grade 6, he is moved to grade 7 because of his age without the knowledge, and he progressively gets worse, ends up graduating without reading and writing, and therefore can't do a job and therefore is prey to police.

The other thing as far as LAPD is concerned is we're looking at a collaboration—I wouldn't say a collaboration, you know, maybe it just could be so; I think so—but there is a connection between what we are fed on the television and in the movie houses on violence, guns, and retaliation. In fact, we have used that word in bombing Somalia. It was in "retaliation." How can we end gangs if we don't end the word "retaliation"?

Anyway, one of the major problems is we have a culture of violence in this country which allows us to be cowboys and bomb the Middle East and Somalia and allows us to bring in heavy weaponry by the police department in riot gear. Police in riot gear go all over LA trying to stop gang-bangers from using the same culture that they see on the television. It is an impossibility, and it fits in with the police report requiring more funding for more weapons and more jail. I see this as a very horrible role, especially when we put that together with new immigrants that don't have enough information about African Americans. It gets multiplied, and the pressure on the African American population in the city of Los Angeles is such that I do expect some more upheaval, and that could be curved [phonetic] because it's time now to change to a new approach if we're going to have a revolution in our country. We also need to have a revolution in the police department. We need to deal with retaining those officers there and starting with new rules.

CHAIRPERSON FLETCHER. Thank you. Next, sir.

Testimony of John Wright

MR. WRIGHT. My name is John Wright from Altadena, California, and I come here this evening to state this: I, John Wright, come before you with these allegations, because I feel strongly about discrimination in the workplace in our daily life. A person's capacity to enjoy his level of happiness should not be determined by his or her race, creed, color, or national origin.

I feel that 5 years of my life in the Armed Services of this country exempted me from hav-

ing to endure racial discrimination, especially at aerospace companies. I was denied an opportunity to extend to the limits of my expertise for no other reason but my color by those whose job it was to run the company with the least expenditure. That's impossible if you don't use your available resources, the people, to maximize their potential. This was not done in the case of the aircraft that we build to replace the C-141. There was a great deal of cronyism and nepotism among the Caucasians that had the gift of gab and was willing to kowtow to an inept boss who could go far in a very short time. Ability was not a factor in their promotions. The quality of your work was not a factor, especially if you were a nonwhite, specifically if you were an African American. If you were an African American and had to speak up or speak out, that would really incur their wrath to the point that they would trump up charges against you to justify their firing you.

I experienced this type of bias up to October 6, 1992. There was a great effort to get rid of me because of management spreading falsehoods against me, totally unfounded ones at that. Again, I feel they made a decision in administration to harass me in company fashion. I was written up by my supervisor because I was following his orders and his boss told him to write me up.

I was accused of breaking company rules by conspirators who I never came in contact with and written up by a supervisor that was not at the scene of this alleged infraction and then was presented with the letter by another supervisor 2 weeks after the alleged infraction took place. And I was denied, you know, schooling because of my race. When I applied for unemployment, after they terminated me on October 6, 1992, I was denied because they said that I was fired from this company for misconduct.

When I appealed that charge, I was given a hearing. The company didn't even send a representative to state their case before a judge. I believe that this was a tactic to cause me economic harm. When I was reinstated, they did not and have not given me my backpay. I again consider this a ploy to cause me great economic harm. Again, I believe that my race was an overriding factor in these actions. I also assert that my union local is inconsistent with the company.

CHAIRPERSON FLETCHER. Did you put that in writing for the record?

MR. WRIGHT. I did give her three copies of that. And something else I would like to state on that, and it's not part of my record, is that in the workplace you have a microcosm of America. The racism that permeates our society is present in the work force, and we are due for an explosion there. The thing that people in corporate America should understand is this: that when you take jobs away from American workers and ship them out to foreign countries, when America becomes technologically poor, those foreign governments are going to nationalize those companies, and the United States won't be able to take their jobs back or their industry or their expertise.

CHAIRPERSON FLETCHER. Thank you. Next, sir. Would you please state your name for the record.

MR. WILLIAMS. Warren Williams.

CHAIRPERSON FLETCHER. Proceed, Mr. Williams.

Testimony of Warren Williams

MR. WILLIAMS. I would like to begin by stating that all that I can do today in these few moments that I have to speak is simply to leave my footprint in the sands of the civil rights movement. I am not honored to be here tonight, and I do not believe that any of us should be honored to be here. In fact, I believe that if it were possible that the likes of Robert Kennedy or Martin Luther King, Jr., could be here in this room right now, that they would want to know what happened to the Civil Rights Commission of the 1960s and how have we progressed with that, that they would be asking the same question of the panel acting now.

I do not speak for myself alone, although I represent myself, but I am actively involved in doing my utmost to help to build a new South Central and am aware of the same cons that persist all over the country without verbal protest where congregations of young men and old men and women speak on the home front against the neglect of our parental society. I speak in hopes for nonviolent alternatives, and I do so thinking about John Brown, worried with AIDS but more worried by the fact of rhetoric that was doing no good and the debates of his staff.

I come to the U.S. Commission on Civil Rights with four requests, the first one being on citizens' equality. The second one is on judicial and citizenry safety and fairness. The third is the priori-

tized allocations of funds. And fourth is multicultural education and media equality. On the first, citizens' fairness, all citizens must be educated on their rights at an early age. These human rights exist regardless of their race and economic status. Two, all citizens are to be called Americans, and if our status is to be hyphenated, then all Americans should also be hyphenated. Third, human standards of living must be superior to that of near survival and should be established and maintained to sustain a healthy quality of life. Fourth, if we share a new American dream, American dream of quality living for all, it will be not to pursue but to inherit quality medical care, quality education, recreation, and respect.

Of the second issue, judicial and citizens' safety, I believe that there are two processes of law and citizens' safety. One favors those of higher economic status, and it often favors those of the lighter shades. The second phase is an inferior process for those in poverty and usually darker pigmentation. The influence of the judicial system through the activities of public safety and in the court trials sets the mood in our cities. The wrong attitude aggregates and escalates problems. For some, most frequently those of the lower economic status and darker shades, a simple arrest like a parking ticket can force them to become criminals and be sought down by the law with warrants because they couldn't afford to pay. Laws, procedures, and policies are needed to prevent incriminating innocent citizens and wrongly sentencing of victims of an unsuccessful system.

The third item is prioritized allocation of funds. African Americans have long complained that we are overdue backpay. Today, we're not demanding for 40 acres and a mule. We're not begging for county checks. We are requesting assistance to finally be free of slavery and its effects. We're requesting goals and jobs, social services with goals to improve the quality of living of all and the conditions of our communities. The goals must be to restore our families, reducing single-parent programs and increasing support to family units. Funds should first be allocated to communities of greatest need to demonstrate proof of Federal support and willingness to raise the hope to others who will be categorized in second and third place.

The fourth item is the multicultural education, quality recreation, and media equality. If

we do not uproot the causes of the problems, we will always have the problems. The negative stigma which is depicted by the media influences the lives of our children. We are not all comedians, drug abusers, or violent animals. The closeup shots of the *Daily News* fail to teach our races of the value of each ethnic group throughout our lifetimes and create separatism and escalating racism. Procedures, policies, and laws must be established not to offer the unequal education of the past, but quality education to develop careers and lives and help build a whole and united society. Thank you.

CHAIRPERSON FLETCHER. You are more than welcome. Any questions? Freddy Cortes? Robin Cannon? I think that's it. Let's proceed. Please stand and raise your right hands, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please be seated. Freddy Cortes.

MR. CORTES. Good evening.

CHAIRPERSON FLETCHER. Please go forward. State your case, make your request, and then make your point.

Testimony of Freddy Cortes

MR. CORTES. Good evening. I thank you for staying this late and giving us the opportunity to state our comments as citizens. I would like to begin my remarks tonight by indicating that this year we remembered that 50 years ago we in East Los Angeles had a so-called riot where the Latinos were abused physically by the armed forces. When I preface that, that's not my main concern, even though there is still a practice by the police—

CHAIRPERSON FLETCHER. Are you talking about the zoot suit incident?

MR. CORTES. I am.

CHAIRPERSON FLETCHER. Please proceed.

MR. CORTES. Also, the media participation in that is highly deplorable, which I only learned through my reading of American history, and my students and I are looking at that with some sense of shame. My concern tonight is about my community in Compton, California, which, as you know, is south of Watts in the area so-called South Central. We are experiencing, as we speak, racial tensions due in large part to the inability of the public agencies to deliver services to the students in the local schools. I have come here tonight for the record so that the Congress and our

President can take action. I am pretty sure that what I am providing is in the public domain. It's mostly articles from the news media.

We are concerned that not only are public funds being wasted by the administration of the public schools and also the local college, Compton College, but we're here to offer solutions. I would like to indicate that there is the jurisdiction or jurisdictional issue. The Federal Government should play a major role because we see that as the law of the land. Also, the Federal Government should take affirmative steps not to interfere, but to see that an affirmative action is adhered to by their public agencies that have been subsidized by public monies.

There is also, as I mentioned earlier that we all know about, the U.S. Government plays a major role, if not the only role, and that's immigration. I would like to indicate to you that we are recommending that the Federal Government now intervene promptly, because the State is now doing it due to the mismanagement, and we even call it racism in this area. For the first time in the history of the State of California, the State will send people to intervene in the affairs of the Compton Unified School District. The County of Los Angeles has documented very serious mismanagement practices, especially when there is a serious question about \$800,000, and I will read for the record some of them. Some of them have to do with the personnel hiring, nepotism and cronyism. One of the local newspapers, the *Press Telegram*, has called in a "tragedy," because not only is money being wasted but also the local agencies for 3 years looked the other way did not intervene.

I mention LA County in this case. It had to be the legislature that mandated the local County offices of education to look at the affairs of this district, and that was what prompted people to ask, "Why isn't the local school district paying the county? What happened here? Where is \$800,000?" But no one has an answer. We would like to know. That's why we're here today. You would think that with all the might that the government has, especially the U.S. Government, someone should be brought forward to say, "What happened to the money?" We know that, I am sorry to say, in this State our State Superintendent had to leave office because of some allegations that were found to be true. This Superintendent has never been brought to jus-

tice. Nobody has said, "What happened to the money?" It was waste and mismanagement. One of the superintendents was saying, "Everything is okay." To quote, he said, "We are not in the red. We're in the black. We're okay." When the order came, then he was fired. Now he has an attorney, and he is suing the local school district; and we are now watching to see whether he would be paid \$200,000 from public funds in a school district that is going bankrupt.

Also, we would like to see the Federal Government look at the superintendents of education. We had a situation where one of the superintendents left office from Compton to move to Chicago, also to be a superintendent, where he made more than the Governor of the State of California in terms of the salary.

We are talking about serious times financially in this country. We should get someone to look at this situation. The Federal Government has to come in and look at all the facilities. Come and see the schools. Come and see the kids. The children have been scoring the lowest in the State in terms of the testing. Something has to be done. It's not only this district. We realize American education is suffering. We join with parents, and we're talking with parents. I welcome some questions. I know it's late. I have more items that I can comment on, but we welcome your office to intervene, not only in passing the information down to other levels so they can work with us locally but also Congress. We know that we have representatives. Our representative was a mayor in Compton. Sometimes, we do not have the communication that is needed, because politics gets in the way and the kids suffer.

CHAIRPERSON FLETCHER. If you will submit whatever else you have to submit, will you submit that within 30 days?

MR. CORTES. I have something that has already been published in the local newspapers. Now we are glad that there is investigative reporting.

CHAIRPERSON FLETCHER. All right.

MR. CORTES. What we have been saying all along, what I have been saying since 1977, finally has been made public record.

CHAIRPERSON FLETCHER. Next, please.

Testimony of Robin Cannon

MS. CANNON. My name is Robin Cannon, and I am a community member of South Central Los

Angeles. And I came here today to talk about an issue that I have seen a lot of in my lifetime growing up in LA for the last 40 years. In the neighborhood where I come from, I remember it once as being a very nice community. I remember when industry was in my community and my father worked in the industry that was there, the rubber industry. I remember when the banks were in my community. I remember when my community was serviced by the City of Los Angeles and well-kept and well-cleaned. And then I remember that beginning to change, and I recall as a young person hearing people talk about them cutting down trees in our community because they no longer wanted to service our community, that they wanted to service suburbia as suburbia was beginning to grow. I saw industry move out of my community and move to suburbia. I saw the industrial institutions leave my community and move to suburbia. So, when you talk about the creation of ghettos, I have seen the ghetto which is my neighborhood created by the unequal distribution of monies.

And while I am on that subject, I will just talk about what has happened to my community, because I feel that my community has subsidized the suburban communities around LA City. And when I say that, I will say that in 1981, when a friend of mine, Charlotte Bullock, and I went down to the City of Los Angeles to find out why we didn't have access to a specific loan in our community for housing, a 3 percent loan with 3 percent interest on a loan to revitalize housing in our neighborhood.

What we found was after attending a community development meeting that there was an unequal distribution of money, and what we saw clearly was that in our communities there were different programs that operated in the affluent communities. They have some programs called, "Home and More." One is more multiunit housing, the other for single-family housing. In our communities, they have something called "Neighborhood Housing Service," which the City of LA doesn't adequately give them enough money to administer. We saw that the State gives large amounts of money to parks in the suburban community versus the parks in our community. What it would translate to is they give four times as much money to the affluent neighborhoods for services. So, we can see why clearly our community has gone neglected.

In terms of some of the things that has gone on with financial institutions in my community, a group that I am involved with did a study in February prior to the rebellion. We only have 12 financial institutions left in this geographical area we studied, and it's a very huge run. It was from La Brea to Alameda, the Santa Monica Freeway to El Segundo. We only had 19 financial institutions in it, 12 of which were banks, and hundreds of check-cashing institutions. In those 12 banks that we had, of the \$636 million of the deposit dollars from the poor people of the neighborhood, we could only find one-third of 1 percent reinvested in our community in home-improvement loans, loan investments, or small business loans; and our money goes over to build up Westwood and the Bel Airs and the affluent communities throughout this city.

So when you talk about what is happening to this city, we can clearly see it. And then I heard the guy who was testifying earlier speak to the issue of enterprise zones in our community. I think if we can use them, we should utilize them, but I don't think enterprise zones have done the things that they need to do for our community. They have done very well for industry and business, which they subsidize by taking them off the taxes; but at the same time, this money is not going into a general fund that can service our communities, so we're talking about still taking money away from the poor to subsidize business and other capital enterprises.

And when I talk about this, one of the requests I heard earlier—and it's the same request that I would like to see—is that when we think about what is going on in this city, we need to really be talking about the communities of greatest need and begin to think about really redistributing the resources that are here in all communities throughout the city, but especially seeing that we in our community get our dollars back.

I came here today to talk about transportation issues, and I will get to that, because the guy earlier, too, spoke to something else when you were asking him a question about the churches in the African American community. The churches in our community average about \$9 million a week, \$9 million a week in these financial institutions, which is about \$500 million of those same dollars I was talking about. In those same institutions, the churches are being redlined by our banks. You know, a couple of

years ago we worked on community plan revision, and what we found was that in the community where I live at, the 9th district, we had 634 churches; and if those churches were not in our community, some of the services that we do get like senior services, youth services, housing, food services, and other ones, we would not be getting, because the State, Federal, and local governments are not servicing our community.

In every one of those churches I talk about—we have 634 churches, I should say—and some of those churches that exist in our neighborhood are African American on Sunday and on Saturday they're Latino. So you can see how the way we have been taking care of our own communities and at the same time subsidizing other communities. And when I talk about the churches, I really have a strong feeling about the churches, because when they go to the bank—and they say that historically we have been taking in our collection box and bringing you hundreds of thousands of dollars a year—we need to borrow some money from our institution to build a housing development, a child care center, or whatever. Then the banks say, "Oh, no, you can't, because we can't count that as earnings." We need some kind of way that the money churches take in can be leveraged against so that they can build what we need in our communities. If the government is not going to do it and if the government can take care of suburbia, then they can well take care of our community.

When I talk about what is going on in the city of Los Angeles, you know, there is a real barrier because of the media and the folks of the media, and when you see welfare presented on television, you see eight or nine African Americans when the reality is that the largest population on welfare is the white community. And then when you talk to these same people about people in my community wanting jobs, they say, "Oh, no, your community wants handouts." Jobs are not handouts. People are going to put their sweat equity into them, and, hell, we're not asking for a handout. We're asking you to do the fair thing with even our resources. And that's just a few of the things I would just like to mention.

CHAIRPERSON FLETCHER. You're doing some pretty good mentioning. You got your gun loaded total tonight.

MS. CANNON. Now I would like to do justice to the thing I came here to talk about.

CHAIRPERSON FLETCHER. Go ahead and talk about what you came to talk about.

MS. CANNON. Right now, I have a job that I go to, and sometimes I have to get there on the bus. The buses where I live at are overcrowded. You know, we have an inadequate level of service. A lot of times, they are not kept that clean. We don't have the buses that are the most fuel efficient, since we live in the most polluted portions of the communities. And so, you know, I was very upset late last year when I found that a new agency that just merged in LA County. The Los Angeles County Transportation Commission and RTD merged together to begin the Metro Transit Authority, and the Metro Transit Authority was saying that we need to increase the fare to the bus ridership and decrease the service, the inadequate service that we were obtaining. And one of the reasons was because they had to give priority to the rail, and so when we talk about 90-plus percent of the bus ridership in LA County being of low-income minority ridership, you talk about subsidizing the suburban rail. When you talk about the rail, you talk about the rail taking people to centers of work, but yet I live 20 minutes away from my job and I have to catch two buses and it may take me an hour to get there. So I was very concerned about these issues and the unequal levels of subsidization. And when I talk about that, we'll talk about the subsidies that passengers on the bus get. A passenger on the bus is subsidized by 60 cents. When we talk about the rail lines that we have existing in the City of Los Angeles, the suburban ridership is subsidized \$16-plus each way to the tune of \$33 a day. This is enough money to finance a Mercedes-Benz at the end of the year, so he doesn't have to ride the rail or the bus at my expense.

CHAIRPERSON FLETCHER. May I interrupt you. What do you do?

MS. CANNON. I work for the City of LA as a senior data processor technician, which is in no relation to the—

CHAIRPERSON FLETCHER. Keep on going.

MS. CANNON. So when I talk about the inadequate levels of service, we also talk about a thing like security. And when I talk about security in my neighborhood, in the buses I talk about, you know, just sometimes having that bus bench. We don't have a lot of those. Having the bus stops in

a lighted area, and a lot of times they are not. We talk about just the appearance of the bus looking cleaner. We talk about buses coming more frequently. But when I talk about what they spend on security on the buses in my community, it is 3 cents per passenger, compared to on the rail of \$1.27 per person.

So you can see why I am a little upset about the priority in LA to rail, a rail which after 30 years only will account for 1 percent of the LA County's ridership. There's been decisions about cleaner buses, and yet when we ask to have buses, the cleaner buses, put in our community, our neighborhood wasn't chosen, but yet some of the reasons for having cleaner buses were the communities were polluted and they had large ridership. We fit both those criteria.

When you talk about polluted communities, you talk about living right next door to industries. The street, Central Avenue, where he wanted an electric trolley bus, it's only 4 blocks from our industrial corner on Alameda. And when you talk about having other sources of polluting industry in our community, one that has not been very well planned is to get plating companies, cement plants, and the like next to houses in our community. You can talk about heavily polluted communities. So, we see a lot of inequity that exists, and these are some of the things that I hope that you will be willing to address. -

And then I would like to add one last thing, because I believe government can do a lot. And then I will say it again that communities of the greatest need really need some problem solving. It's our community, and I hear a lot of discussion about job development; and, in fact, I was at a conference this weekend in San Jose where people were conversing on a new economy, and a lot of talk was around workers and unions, and not enough attention was being paid to communities.

Of course, there is a real concern, as we see, that a lot of people from other than people of colored communities will be losing jobs in aerospace and other industries and what can they convert to. Some of the things they talk about converting to was cleaning up environmentally damaged communities, which are most likely our communities, and no discussion of people who were not currently working, what are they converting to.

I think those are some of the things that need to be discussed. And when we talk about jobs, there are jobs that exist now, and those jobs are

jobs of things in our infrastructure in our own community, and we can do that. There's jobs of cleaning and paving our streets, and we can do that. There is jobs of trimming our trees in our community, and we can do that, and we can get our youth to work doing that. And when we talk about jails and prison and police, in every environmental impact report that I have read about any one of those, they say those are not the solutions to crime, that the only real solutions to crime are decent education, adequate housing, and jobs, jobs, jobs. And this government has not been in the business of doing any of that. They have been in the business of creating the environment of crime and also in creating the environment of racism that's growing throughout this country and this world.

I just want to mention Germany, and they had the same concerns about the economic pressures in their country where they were having bank failures, plant closures, and immigrant labor working for less than the regular workers; and what it does is create these divisive conditions and pitting people against each other for the few resources that exist. We can't keep doing that. We need to put the whole pie out there and share that pie equally. Thank you.

CHAIRPERSON FLETCHER. And thank you. Good night.

[At 10:24 p.m., the proceedings were recessed until the following morning.]

PROCEEDINGS

June 16, 1993

CHAIRPERSON FLETCHER. Calling this hearing into order, since we got off to a good start yesterday by opening the meeting with a prayer, I think we will do the same today. However, I am going to call a good friend of mine, who is also going to be one of our panelists, to open this meeting, if you will, Reverend Hill, with a prayer, please.

MR. HILL. Our Father, we thank thee for life. We thank thee for this day. We thank thee for the opportunity to work and to serve for the betterment of all mankind. I pray as a minister of the gospel thy blessings upon this meeting in Christ's name. Amen.

Economic Development Overview

MR. DOCTOR. Mr. Chairman, we would like to ask Professor Larry Bobo, Reverend Joseph Ahn, Jack Kyser, and Reverend Edward V. Hill to come to the witness table, please.

CHAIRPERSON FLETCHER. Will you remain standing for a moment while I swear you in, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you so much. Now, for the sake of the members of the panel, we will try our level best, counsel, to stay on schedule. But I am going to tell you that is going to be impossible before we do, but we will try.

MR. GLICK. We will give it our best shot.

CHAIRPERSON FLETCHER. We will give it our best. All right. Thank you. Counsel.

Testimony of Larry Bobo, Director, Survey Research Program, Institute for Social Science Research, University of California, Los Angeles

MR. GLICK. Yes. Thank you, Chairman. I would like to start with Professor Bobo. Professor Bobo, in your position at UCLA as director of the Survey Research Center, we understand that you have recently—that is, within the last year or so or 18 months—done some surveys on intergroup relations in the city of Los Angeles. And I would like to have you describe for us briefly

your methodology and the subject matters that you inquired into in your surveys.

DR. BOBO. Certainly, I would be happy to do so. I have been involved with two sets of projects in my capacities at UCLA that may be of some relevance to the proceedings here. I direct UCLA's annual survey, known as the Los Angeles County Social Survey. It is a representative sample of adults living in households here in Los Angeles County. In 1992 we had an unusually large sample interviewing nearly 2,000 respondents, actually 1,896 people, in a 30-minute telephone interview that broadly dealt with the subject, ethnic antagonism in Los Angeles.

This project was unusual in another way in that our field period, what survey researchers call our period of activity out asking these questions, was almost exactly bisected by the Simi Valley verdict on April 29, 1992, and the subsequent uprisings here in LA, meaning that we conducted 963 interviews prior to the rendering of a verdict and the tumultuous events that followed, and 906 interviews subsequent to it, giving us a rare and natural experiment or opportunity to examine how such dramatic and polarizing events might have shaped intergroup attitudes, beliefs, and perceptions. And I will talk a bit about some of the results of that study. We also just completed our 1993 LA County Annual Survey. And we attempted to follow up on some of the issues, problems, and concerns obviously that grew out of events of last year.

Along with two of my other colleagues at UCLA, Prof. James Johnson and Prof. Melvin Oliver, I am directing what will be known as the Los Angeles Survey of Urban Inequality. This will be a massive 4,000 person face-to-face interview that will take place among residents in LA County beginning in late July. We will interview 1,000 black households, 1,000 white households, 1,000 Latino households, and 1,000 Asian households in a roughly 70-minute questionnaire, dealing with subjects of people's labor market experiences, outcomes, job searching behaviors, economic circumstances, experiences with discrimination in the labor market, and the like, wrestling with people's neighborhood conditions, living con-

ditions, housing search behaviors, experiences with Realtors, banks, lenders, and the like in terms of purchasing housing, and, then, of course, dealing in depth with people's basic intergroup attitudes, beliefs, and feelings.

That project is not yet in the field, but a significant phase of developmental work has been completed. That is, we conducted 10 of what are known as focus group discussions as part of our effort to develop a more sensitive, accurate, and useful questionnaire. These focus group discussions were conducted with four different groups of Latinos, two of which were conducted in Spanish; two groups of blacks; two groups of whites; two groups of Koreans, both of those groups took place in Korean; two groups of Chinese, both of which took place in Mandarin Chinese.

The subject of these discussions corresponds uniquely to those subjects ultimately to be taken up in the questionnaire—what is happening in the labor market to people, what is happening in the housing market, why is there so much residential segregation, and how and why we as members of different racial and ethnic groups relate to one another in different ways.

So that is the set of research projects I have been working on that I think have some bearing on the activities and interests of this group.

MR. GLICK. Professor, that is a massive undertaking that you have got going. Do you have any idea of when you might have some results ready for publication from that survey?

DR. BOBO. We already have a general preliminary report written on the 1992 survey, which can be made available. A report on the recent 1993 annual survey will be done within a week to 2 weeks' time. Of course, this much larger project will be conducted over the next several months, and there we may be looking at at least 6 and more likely 8 months before there is substantial material to report on the set of survey results themselves from that project, the LA Survey of Urban Inequality project.

MR. GLICK. How would you anticipate publishing the larger study?

DR. BOBO. It is going to come out in several different ways. We will, of course, pursue the normal academic journals. There will be a major book to come out of this project and other undertakings that it is associated with. There will also be a press conference held at the appropriate time, involving as many community leaders,

policymakers, and others in the nonacademic world who will have some interest in the substance of those results as we can bring together.

MR. GLICK. Thank you. Mr. Chairman, I would like to turn it over to the Commission now.

CHAIRPERSON FLETCHER. All right. Any members of the Commission may ask questions of Dr. Bobo. Russ?

COMMISSIONER REDENBAUGH. Yes, thank you. Dr. Bobo, this is a rather substantial survey. How is it funded?

DR. BOBO. The annual project receives its base core funding from UCLA. It does not normally have additional outside funds. The 1992 survey, however, did. The Mellon Foundation contributed a fair amount of money to expand the sample. That is how we got up to nearly 2,000 respondents. And a Ford Foundation grant contributed as well. The Los Angeles Survey of Urban Inequality project, which is a multimillion dollar undertaking, is supported by the Ford Foundation and the Russell Sage Foundation.

COMMISSIONER REDENBAUGH. In connection with that, then, the publication of the studies when completed will be also done through these foundations?

DR. BOBO. Yes. At least the major book publication will be given rights of first refusal to the Russell Sage Foundation.

COMMISSIONER REDENBAUGH. And do you anticipate followup studies in future years?

DR. BOBO. Yes. We do indeed hope to be able to follow up. I should add that this study has several other components that are not directly under the control of the researchers at UCLA but that we are involved with. For example, there will be a survey of employers in the Los Angeles area conducted in conjunction with this project to find out what sorts of characteristics they are seeking in employees, especially for new or starting positions that might involve relatively lower skilled work, where they are looking, where they might be avoiding, who or what they are after.

In addition to that sort of representative sample which will be conducted over the telephone and last about 30 minutes in length, there will be a series of more strategically selected in-depth interviews conducted with 50 to 75 employers who are chosen under various criteria, such as, for example, having remained in the South Central area for a great many years,

having recently moved from South Central to a suburban location, having newly opened and chosen an inner-city or suburban location. And we will be wrestling with such questions as to how those decisions were made, how highly linked they were to assumptions about the potential labor pool for the employer, and so on. So there are already other, I guess one could say, add-ons intended for this project.

COMMISSIONER REDENBAUGH. Do you know of any other undertakings of this type and magnitude in other areas?

DR. BOBO. Yes. This project is part of what is known as the Multi-City Survey of Urban Inequality. It is a large undertaking. It now involves research teams in three other cities—in Boston, in Atlanta, and in Detroit. And there are different investigators heading up the research teams in each of those areas.

COMMISSIONER REDENBAUGH. And are they on approximately the same timetable?

DR. BOBO. Unfortunately, no. Detroit is done. Los Angeles is a complicated place, as it turns out. Detroit, for instance, is still largely a black-white city, and the questionnaire doesn't have to be translated and so on. Here in Los Angeles we will be fielding the questionnaire in at least five languages—English, Spanish, Mandarin Chinese, Cantonese, Korean, and possibly others. They don't have to wrestle with that in Detroit. The Boston surveys and the Atlanta surveys have just now entered the field, and we are now 2 months behind them.

COMMISSIONER REDENBAUGH. And the estimated publication dates for Boston and Atlanta? The reason I am asking is because this could be very much of interest to us in our investigation of other communities across the country.

DR. BOBO. Yes. That is hard to say. I expect the field period for the surveys themselves will last 3 months. They have been in the field about 2 weeks each. And after that time, there will be a certain preparation period before even any preliminary reports are done. But some available early data might be out as early as January from the other sites.

COMMISSIONER REDENBAUGH. Good. Thank you very much. I have no questions further.

CHAIRPERSON FLETCHER. Commissioner Wang?

VICE CHAIRPERSON WANG. Mr. Bobo, can you share with us your assessment as you have

somewhat completed or somewhat not completed your survey in terms of the regional tensions and intergroup relations?

DR. BOBO. Certainly. I would be very happy to do so. I am separating my remarks into two domains. One, I think, is the one that is at the forefront of considerations here today, and that is the issue of economic tensions and competition between members of different racial and ethnic groups. I think there are five points I would like to try to make about that on the basis of the two annual surveys we have conducted at UCLA.

First, I think our data reveals moderately high levels of feelings of zero-sum economic competition between groups. Somewhere between one in five and in some instances as many as one in two of Los Angeles County residents perceive their own ethnic group as being in competition over scarce economic resources. And the level of this tension depends on the exact comparison of which we have asked people to respond to it and think about it. I will discuss in greater detail some of those in a moment. On the other hand, it is somewhat reassuring that these tensions are not even higher, I think, in our data, given, I think, much of the impression one might draw from the media, especially the national media, maybe not so much the local media, of the acute and highly polarized nature of group relations in LA.

Secondly, the most intense case of such perceptions of group economic competition obviously is that involving black-Asian relationships. And you will excuse me, as an inveterate survey researcher, for using these large social categories of "black," "Asian," and the like. They obviously involve a great deal of heterogeneity in terms of backgrounds, thoughts, beliefs, and feelings, and there is always considerable variation within these categories. What I am trying to do is contrast the average patterns and group differences. But that is not to mean all members of any group are identified with one position or another.

But in this instance, for example, some 54 percent of blacks in our 1992 LA County survey agreed or strongly agreed with the statement that if more good jobs were going to Asians, that would mean fewer good jobs for members of other groups. Only 28 percent of Asians felt that there was economic competition of that zero-sum nature when asked in reference to blacks. Blacks were also the group most likely to feel that continued

high rates of immigration would undermine their own economic opportunities. For example, 47 percent of black respondents in LA County felt that continued immigration at current rates would result in less or a lot less economic opportunity for themselves than they have now. In comparison, 41 percent of whites responded in this way, only 34 percent of Hispanics, and just 29 percent of our Asian respondents.

Let me move on to a third conclusion here. There is also, however, substantial evidence in our surveys of potential for Latino-Asian tensions that is very nearly as strong as that found in the instance of black-Asian tensions. For example, 50 percent of our Hispanic respondents agreed or strongly agreed with the statement that many Asians have been trying to get ahead economically at the expense of members of other groups. Similarly, 48 percent of our Latino respondents agreed or strongly agreed that if more good jobs were taken by Asians, fewer of them would go to members of other groups.

I think there is a broader point here we could make on the basis of some of our focus group discussions, which were a surprise to us as we conducted and observed these. The focus group discussions normally involve 10 to 12 individuals who do not know one another prior to being brought together for discussion. They are selected in a way so that hopefully they bring us as good a cross section of the community as one can accomplish when you are only dealing with 12 people. But it is just 12 people, and, therefore, it is purely suggestive, not to be regarded as genuinely representative or as the basis for strong generalization.

But when we brought these groups together, roughly equally composed of men and women with people of modest, not extremely high nor extremely low, incomes, one of the things that stood out to us was the level of tension revealed in our Latino groups in their interactions with various members of the Korean community. These tensions emerged in the same area that is typically recognized as being the most acute point in black-Korean relations, that is, patron-client relations in various businesses, but also tapped on other domains, such as employer-employee relations, coworker relations, coresidents of the same neighborhoods, and general problems of cultural misunderstanding and general difficulty in kind of engaging one another.

VICE CHAIRPERSON WANG. What about the African American-Latino relationship?

DR. BOBO. There were problems there as well. And I think the feeling of greatest competition there dealt with access to or control of certain public service positions where it was felt—it was expressed fairly strongly in a couple of the Latino groups that the level of black presence in certain public positions, and not high office but more staff—say, something like the Department of Motor Vehicles—seemed way out of proportion to representation in the population, and that was the source of some anxiety and tension.

VICE CHAIRPERSON WANG. So, Mr. Bobo, in the interest of time, can you elaborate further from your study, your understanding, any recommendation of actions that should be taken to alleviate some of this tension?

DR. BOBO. It is hard to draw specific recommendations from these sorts of data because they are driven mainly by an interest in capturing the broad set of feelings that are out there. The one thing that has occurred to me and I think would be of value is to say that it would be of some true benefit to have local governments—that is, both the city and county level at least—invest far more heavily in the activities of their human relations commission groups, which at this moment really are sorely underfunded, at least in the LA City and LA County instances. That may not be true in other communities.

I say that because I think more systematic consideration of the impact of decisionmaking, priority setting within government ought to be driven by the effects decisions and particular allocation decisions will have on relations among groups, not merely on air quality, not merely on traffic flow, not merely on business and enterprise, but what it may do to break down barriers between communities or to increase them, what it may do to bring about greater harmonious contact between members of different groups, to bridge economic barriers, to bridge cultural barriers. That requires deliberate attention. It requires focused attention. It requires, in fact, a mandate to take that set of considerations into account explicitly and formally when making judgments about what government ought to do.

I will add lastly on that note that in our most recent survey we asked a question expressly on that point, whether people in LA County thought that the city and county government should be

spending a good deal more on those human relation type efforts or spending less. And solid majorities of all groups—roughly 60 percent of whites, Hispanics, and Asians, and over 70 percent of blacks—felt more money ought to now be spent on such activities.

VICE CHAIRPERSON WANG. Thank you, Professor Bobo.

CHAIRPERSON FLETCHER. Commissioner Reynoso?

COMMISSIONER REYNOSO. No questions.

CHAIRPERSON FLETCHER. Commissioner George?

COMMISSIONER GEORGE. No. Thank you, Mr. Chairman.

CHAIRPERSON FLETCHER. Commissioner Anderson?

COMMISSIONER ANDERSON. I will reserve my time.

CHAIRPERSON FLETCHER. You will reserve your time. All right. Let me ask you this one question. I notice all of these are in urban areas, significantly large urban areas.

DR. BOBO. Yes.

CHAIRPERSON FLETCHER. Is there anything going on—I am talking about the national picture now that you know of—that applies to moderate-sized and rural areas of the South and the Midwest, for example, cities like Omaha; Des Moines, Iowa; and others? We are finding, as you well know, as much racial tensions in some of those communities as there are in the larger cities currently.

DR. BOBO. I do not know of any major new research project that is tackling the dynamics to operate in moderate-sized or small-sized cities or in rural communities. There have been a couple of conferences targeted precisely at that sort of question. And one place one might turn is a conference now—it is 2, maybe 3 years in the past—sponsored by the Institute for Research on Poverty at the University of Wisconsin at Madison, which really did tackle exactly that question of inequality and interethnic relations in moderate-sized cities. The essential conclusion—it is hard to boil down a 3-day conference—but the essential conclusion is very much in line with the remark you just made, Mr. Chairman, which was that the dynamics really seem to be the same in many ways. The size or scale of the community did not in any sense fundamentally alter the sets of processes at work, say, in terms of the magnitude of

economic inequality between blacks, whites, and other people of color. The magnitude of residential separation in the communities did not seem to vary that much by the size of the community involved. But at this time, as I said at the outset, I don't know of any major new research initiatives tackling that set of questions.

CHAIRPERSON FLETCHER. Let's take one more that is kind of speculative, provided it can be validated. There is evidence that there is a trickle of outmigration from urban areas back to the rural South, back to the rural South and smaller communities on the part of the black community. At the same time, there is also some outmigration—I live in Colorado right now, and some of the smaller cities in Colorado are beginning to experience an increase in Asian population, an increase in black population, an increase in Hispanic population.

There is a suggestion that as these elements move in, the old residents there are quite upset. And at the same time, there is some friction going on again between the different minority groups that are coming in, and they are picking and choosing as to who gets the jobs and these sorts of things. What do you see there, if anything, if you want to make an observation on that? My point is, we are supposed to hold a hearing. We have held hearings in large communities, and our mandate is to hold a hearing in a small or a rural area. And I would just like to have you speculate for a minute on that with reference to what you are finding in large cities.

DR. BOBO. Yes. That is a very interesting case, and it would be fascinating to have an opportunity to study a community that was just afresh undergoing such change and new movement and to really monitor the sets of processes at work. It strikes me that unless it is carefully managed, one is likely to see those situations take on many of the characteristics we know that operate in larger urban areas that are already substantially heterogeneous places. One reason for that, of course, is that the newly entering minority groups are likely to begin to establish their own communities as sources of social support, and gaining a foothold and getting established, and that they become identifiable rather than just fully blending into the community. To the extent they bring any differences in culture, taste, language, and so on, the distinction will be that much clearer, and the potential

for misunderstanding and conflict will flow from that as well. So one has to, I think, be mindful at the outset of managing those situations in ways that direct them toward effective, harmonious integration into the economic, social, and political life of a community.

CHAIRPERSON FLETCHER. Thank you very much. I just might add. A few people that I have talked with, families that I have talked with, are leaving major urban areas for smaller and/or rural communities. Believe it or not, they are looking for an opportunity for their kids to have a better education. You ask them right off the top, "What brought you out here?" "Well, we can live on a depressed income, but the opportunity for the kids to get a better education seems to exist out here in the smaller communities." Of course, what the kids out here are running into is, "You are not welcome. We really don't want you here." So, it looks like a dream that is kind of going up in smoke. Thank you so much.

DR. BOBO. Thank you.

CHAIRPERSON FLETCHER. Counsel?

Testimony of Jack Kyser, Chief Economist and Director of Program Research and Development, Economic Development Corporation

MR. GLICK. Thank you, Mr. Chairman. I would like now to turn to Mr. Jack Kyser. Mr. Kyser, you are an economist with the Economic Development Corporation, and you make annual surveys of the Los Angeles economic picture. Could you give us your brief overview of your current thoughts about the recent economic trends in Los Angeles and what you see in, let's say, the near term of the next 12 months, and a brief view of what you would see as the long term in, let's say, the next 5 years in economic trends in Los Angeles County and the city?

MR. KYSER. What you are dealing with in Los Angeles is not just a recession. It is a major structural change in your economy. We literally reached the peak of our economic growth back in about the middle of 1990, and we are still in decline as measured by unemployment. You have seen a very significant employment loss on the order of around 300,000 nonfarm jobs. These losses are coming in industries that are very critical to the ethnic community. It is coming in manufacturing, especially durable goods manufacturing, in construction, and in retailing.

You have the situation now where the national economy is growing, by the revised data. That is a little bit more rapid growth than people had expected. But what you are seeing is that this year, probably, in Los Angeles County we will lose on the order of around 60,000 to 70,000 nonfarm jobs. The idea is, hopefully, you are going to reach a bottom by the end of 1993, maybe early 1994, and then probably you will just move sideways because the reality is you are still going to be losing jobs in your aerospace defense industry. These jobs are high-powered jobs.

If you do some examination, there was another survey that came out of UCLA where they were following what happened to the displaced aerospace workers. They found a significant ethnic community exposure in aerospace. And then for all these displaced workers, there was a significant problem in getting reemployed at a decent wage level.

What we are also starting to see are more job losses in the government sector because of the ongoing budget problems at State and local governments. And so this trend is going to continue in 1994. The question is, How soon do you start to come out of this thing? We have done some forecasting, and probably you will start to see some type of moderate growth in 1995. But the reality is it could be 1997 or 1998 before Los Angeles County gets back to the peak employment level that it had in 1990.

MR. GLICK. Do you see any kind of industrial regrowth that could replace some of the employment in the defense and aircraft industry?

MR. KYSER. Yes. There is a significant potential for exploring new opportunities based on aerospace defense. Tomorrow morning there will be a press conference announcing the start of a defense conversion program in Los Angeles where there will actually be the awarding of the first three what we call seed loans to small aerospace firms. There is also an effort to establish a transportation research center here in the Los Angeles area that would serve the whole State of California. The problem that you have got here is that you have a gap between the implementation of such a program and the time to where you get any significant payoff in terms of new jobs that are created. And the idea is that if you have a displaced worker that is older—say, any worker over the age of 50—these people are at significant risk as to what happens to them.

And I think the other idea that is coming out of this is that aerospace defense is not just the defense industry itself. Los Angeles has a significant exposure to the commercial airline industry, and that has gotten to be a very competitive activity. The competition is not just from Boeing. It's the internationally known airbus industry and what have you. So these are very high-powered types of jobs.

There was a study that was done that indicated that for every direct aerospace job lost there were two other jobs lost in the community. When that report came out, that was criticized. What we are finding is that this multiplier is even higher. For every direct job lost, there are 2.5 additional jobs lost.

The other problem we are facing is that in this aerospace defense conversion effort, there is a lot of competition to get the money that is going to be coming from the Federal Government for various programs, and you are seeing a lot of duplication. The idea is that this process of conversion can be effective. But what I am very afraid of is that there is going to be competition, the funds will be split off, and you won't get as much of an impact as you probably could have if you had a very focused, well-coordinated effort.

MR. GLICK. Well, there will be, as you expressed, some replacement of the aerospace as we have known it in southern California during the 1980s in a couple of years which has pretty well gone downhill. But the statistics that I have seen suggest that a large part of that work force that was displaced was minority group members, particularly black and Latino. Do you think that the industry, if not fully replaced, will at least contribute to some job restoration? Will those industries be hiring the same skill level of workers that the lost industries had so that there will, in fact, be jobs for these minority skilled, semiskilled, and technical workers?

MR. KYSER. That is a very good question because survey work has been done indicating that in this conversion effort from aerospace defense to commercial markets, the best opportunities are going to be found in your small suppliers. The prime contractors will do a little bit, and, of course, they have been very aggressive in hiring ethnic minorities because of the DOA requirements. Subcontractors are going to do a little bit of this conversion, but the biggest effort is going to be found in your smaller companies. The idea

is, Who is going to be the owners of these companies, and are they going to run up against any government and special agency requirements? You just cannot say at this time. I think what we have got to do is we have got to make a conscientious effort to reach out and communicate to the various ethnic groups that these programs are available.

One thing that we have found in our work is that there are a lot of programs to help entrepreneurs, to help the business community no matter where they are located. But there is a communication gap, a definite communication breakdown. So I think this is something that any program that is coming out of a government agency has to understand. There has to be a very definite communication element reaching out to the communities that they want to impact. And right now there is no thought into that, so I cannot really give you any good answer. I hope that they are included, but we just don't know right now. We are on the cutting edge. There is no cookbook for this type of activity.

MR. GLICK. Thank you, Mr. Kyser. Mr. Chairman, I have no questions at this point.

CHAIRPERSON FLETCHER. Members of the panel? Russ?

COMMISSIONER REDENBAUGH. I think Mr. Wang has a question.

VICE CHAIRPERSON WANG. You gave the sad impression that LA is not at this very moment the most healthy climate to do business. Can you elaborate a little bit on that?

MR. KYSER. Yes. Right now you have the perception that there is an unfavorable business environment in Los Angeles County, in the City of Los Angeles, and in the State of California. What you find is that there is a variety of rules and regulations, a variety of programs that create an unfavorable environment for any type of business regardless of who the owner is. Most people are focusing on the issue of workers' compensation insurance abuse and fraud. There is some effort in the State government right now to try to do some reform on that. We have our fingers crossed that that is going to happen. But what you run into are all types of other regulations coming from the Federal Government, coming from the State government, coming from special districts.

The most visible example is your air quality management district. A lot of times what you get

is a gridlock caused by trying to meet all of these regulatory requirements. And your permitting process gets to be very expensive and very, very time consuming. This has an impact on your small entrepreneurial-type of activities in your ethnic communities. It makes it very difficult for them to try to meet these requirements, to try to find out what they have to do. You have a situation of where, if you get a permit from one entity of government, another entity may not give you the permit that you need. There is conflict. And the idea is you have to sort of streamline this regulatory environment. There is another effort that is under way in the State of California to try to do a little bit of this.

But, basically, what you have to say is, if you are trying to go into business, there is a lot of support activity out there. But how do you find out about it, how do you access it? But then, also, once you decide you want to start a business, how quickly is it going to be before you can get these permits? And, unfortunately, if you are dealing, say, specifically with the City of Los Angeles right now, it can be a very time-consuming, frustrating process.

VICE CHAIRPERSON WANG. The other side of the coin is how aggressively the LA government together with your organization would really work towards keeping the business here from fleeing LA.

MR. KYSER. When you are dealing with government in LA, you have the county government, you have 88 separate incorporated cities, which range from the City of Los Angeles down to a city called Vernon with 90 people in it. What you run into is that the other 87 cities in the county do not especially like the City of Los Angeles, so they are not exactly anxious to work with them. You have the State government involved in this situation of business attraction, so it is very difficult to build up some type of a consistent, coherent program, when you have a lot of competition from various entities that have been set up to do economic development. And the reality is that you are doing this in literally recession or depressed times. And this is an expensive and time-consuming effort.

So there are efforts out there, but what we would like to see is more leadership from the government side and then the idea that the business community has to come forward with some funds. And it is tough for them to explain

this type of activity to their shareholders. When times are tough, profits are under real pressure.

VICE CHAIRPERSON WANG. Do you attribute to the very unfavorable outcome so far—in South Central, in particular—in restoring the business, we were told only one-quarter of the businesses out of the 2,000 or so destroyed have actually opened up, so the rest are not in business. That means that that many people still are out of jobs. In just hearing what you are saying, is this kind of bureaucratic obstacle one major factor preventing the businesses from reopening?

MR. KYSER. If you are trying to do business in the depressed areas of the community—be they South Central or actually in Hollywood where there were some disturbances or else in the San Fernando Valley in the Pacoima area—it is very tough. And the idea is, Do your customers want to come into these areas? You have fear, literally, on the part of customers from elsewhere in the United States about coming into Los Angeles as a whole, let alone going into distressed areas.

Then the other reality is that you have business recruiters from other States that are very active in the Los Angeles area trying to lure business out, and the recent disturbances are sort of a subtle selling tool. And these people are offering very, very attractive incentives. For example, there is a suburb of Albuquerque called Rio Ranchos, and they just recently were able to attract a firm that had two facilities—one in South Central, one in Pacoima—and they took it to Rio Ranchos. And they were offering 30-year tax abatements in an industrial development area with low interest rates.

So, basically, what you have got is what we call an in-war between the States—over the economic base—and Los Angeles because the perception of Los Angeles is that it is a happy hunting ground for these people. And it makes it very tough when we are losing good firms that are already in South Central to surrounding counties and to other States. These are literally your economic anchors, and it is difficult to try to hold onto these, let alone attract any new large firms into this area.

VICE CHAIRPERSON WANG. One other question. Are you involved with Rebuild LA, or your firm?

MR. KYSER. Yes, we are. We are involved with Rebuild LA. I think one of our major missions is to sort of reach out and try to get involved and form coalitions. We are involved with Rebuild

LA. I am involved with the local issues supporting the economic development activity. And we are going to hear testimony from Dr. Denise Fairchild later on the Valley Economic Development Center. I think one thing that we have to do—personally, I feel I have to do—is try to reach out and educate people and form coalitions and reach out.

VICE CHAIRPERSON WANG. I am concerned at least that allegedly not much has been done so far. Can you help to demystify that in some way?

MR. KYSER. Well, I think if you look at RLA, in some cases, it has been successful. But the idea is that RLA has not been in business that long. And you have to get out and educate people as to why they have to do things, why they have to get involved. I think there were expectations raised that RLA was going to have immediate impact. And now it is over a year, and it is starting to have some very good programs coming out of it. I think people did not give Rebuild LA enough time. They expected instantaneous results. The problems in South Central have been building for decades, and you cannot turn that around in 1 year. I think the media had this perception that 6 months after the riots there were going to be miraculous recovery efforts seen. And that is not the reality. I think the media has sort of continued to create this unfavorable image of Los Angeles. Basically Los Angeles has declined by what you see in South Central Los Angeles, and that is not the case. And that hurts our efforts in trying to retain business, attract business.

VICE CHAIRPERSON WANG. Thank you.

CHAIRPERSON FLETCHER. Mr. Redenbaugh?

COMMISSIONER REDENBAUGH. Thank you. I just would like to make a comment, and then, Dr. Kyser, if you would comment on my comment. Certainly the contraction of the aerospace industry exacerbates the problems of Los Angeles County, and certainly the disturbances of a year ago have accelerated the willingness of businesses to move to other areas. But it is my impression that excessively focusing on those two problems may blind us to what I see across the whole State, which is that the business climate up and down the State of California is such that businesses in all regions of the State are closing and moving to neighboring States, and that the problem is a problem that is much

larger than Los Angeles County and affects the State uniformly. Would you comment on that?

MR. KYSER. Yes. I think the business climate issue is—you run into a lot of criticism. People say that there is no problem with the business environment in California. But if you really get out and talk to the business community, no matter where it is located, no matter who owns it, yes, the business environment is a very definite impediment.

You have the defense aerospace downsizing, the business environment issue, and the restructuring that has gone on in the service side of the economy in the State of California. Combine that with the recent riots, and basically what you have is a convergence of four very significant powerful forces that individually would have been difficult to deal with. But when you have all four together, it becomes a significant problem.

COMMISSIONER REDENBAUGH. And if this is a statewide problem, it is unlikely that we could get help from other places in the State for this County?

MR. KYSER. Basically, what you find is you go to Sacramento, and there is a latent hostility to Los Angeles. They do not especially like Los Angeles in Sacramento. So the legislators go there in what is a completely different environment, and they completely forget the problems that we face down here in Los Angeles. It is difficult to communicate with the people in Sacramento.

CHAIRPERSON FLETCHER. That sounds like Washington, D.C.

COMMISSIONER REDENBAUGH. I notice the debate over the potential partitioning of the State revolves around who is going to have to take LA.

MR. KYSER. If you look at the State's economy, what you find is if you take the five-county area—Los Angeles, Orange, Riverside, San Bernardino, and Ventura County—depending on what measure you are using, that is 50 to 60 percent of the State's economy.

COMMISSIONER REDENBAUGH. Just in those five counties?

MR. KYSER. Just in those five counties. And the idea is that the State is not going to turn around until those five counties turn around. If you look at the job loss regardless of where it is, in aerospace or just business as a whole, it has been concentrated in the five-county area. If you add in San Diego County to the south, the critical mass

gets larger. Basically, what you find is if you split the State up—if you had northern California, depending on how you defined it, northern counties have traditionally been very weak economies based on marginal agriculture, marginal timber—you could probably create a new West Virginia if you just sliced off the northern half of the State.

CHAIRPERSON FLETCHER. Just a couple of questions. When California was at its peak economically in terms of dollars, what was its economy in terms of business dollars?

MR. KYSER. If you do the standard ranking, how it would rank among the nations of the world, it would have been about the eighth largest economy in the world back in about 1989. That was the peak year. The reality is even though things were good then in 1989, the cracks were already showing up in the economic base.

CHAIRPERSON FLETCHER. Can you attach a dollar number to that?

MR. KYSER. I think you are looking at roughly about a \$750 billion economy.

CHAIRPERSON FLETCHER. And the size of the work force?

MR. KYSER. The size of the work force was 12 million people employed. In Los Angeles County at the peak you were looking at about 4.3 million people employed. Now we are down to 3.9 million.

CHAIRPERSON FLETCHER. Can you further segmentize it to the degree of ethnic groups? What would you say the Chicano or Latino economy is in the State?

MR. KYSER. There is no good way to measure that. The way the government statistics are collected, there is no good way that we can get an idea of what is the contribution, what is the size.

CHAIRPERSON FLETCHER. Or what is the pain.

MR. KYSER. Or what is the pain. Basically, what you have to say is of our investigations in aerospace, the pain in the various ethnic communities is quite intense, especially the African American, especially the Hispanic community. Because if you look at lists of the defense contractors—if you wanted to find a good roster of minority-owned businesses, you could go to the defense contractors because of the DOA purchasing requirements. And what you find is a lot of these small support industries in machine shops, metal bending, what have you—they have suffered an extreme amount.

CHAIRPERSON FLETCHER. One further question. Based on everything that you have said and

your studies, and then we look at the legislation—that is where I am coming from now—the legislation that the Congress has put on the books to produce some kind of equity for minorities and women who have been left out for most of this country's existence and just got legislated in—let's say, starting with the 1960s, the 1964 Civil Rights Act and the so-called equitable legislation that is now on the books—what does this mean? This changing, wrenching restructuring that we are going through, what does this mean with reference to trying to enforce that legislation?

MR. KYSER. It is going to make it very, very difficult. Because if you go back and look just specifically at South Central, at one time South Central Los Angeles had a very good economic base. You had automobile manufacturing facilities there, tire plants, a whole array of industrial firms that were there. But because of the changes that have gone on in the nation's economy and indeed the world economy, that economic base has literally disappeared. To say how can you best help South Central, you definitely want to encourage entrepreneurs and help these people start up businesses. But I think what we really need are a couple of more significant economic anchors in the community, some type of a large employer, and then this gives something for these smaller businesses to build upon. And I think that is our major problem. We need some more economic anchors. And how we are going to get these economic anchors, given the current world environment, given the current national environment when the major corporations are downsizing, is a very significant challenge.

CHAIRPERSON FLETCHER. One final question. When California does come back, the chances of it having a work force and an economy structured around what your reports refer to as quality jobs, what is going to be the nature of those jobs? Aerospace isn't coming back tomorrow. Can you really convert all of that skill, that talent, and those wages and salaries into the transportation industry, for example?

MR. KYSER. It is going to be difficult because how do you work on transportation? I think you have a lot of sort of what we say misconceptions. You are going to manufacture transportation equipment, and people have the idea that we are going to have a large plant employing a lot of people turning out transportation equipment. If you look at the history of transportation equip-

ment, it doesn't work that way. And people are talking about the electric car industry and if we can supply the components. But then you look at the way the automobile industry works. It works on the idea of just in time and having its suppliers in close proximity to the manufacturing plants. It is going to be a stretch to try to create quality jobs. And I think this is the thing that we have to work at.

There are some interesting things happening, for example, in apparel manufacturing. We are starting to see technology applied to apparel manufacturing. Is it going to create jobs, or is it going to kill jobs? And then what you also run into is just sort of what you would call some sort of a bias against certain industries, bias against the apparel manufacturing industry, because those are all low-wage jobs, bias against tourism, because those are all low-wage jobs. And you have some significant hurdles in the community to get over. It is going to be tough.

CHAIRPERSON FLETCHER. So when we retrofit, if you will, the nation's production capacity and its work force—let's assume that it would happen around the year 2000—and this is right across the country now, not just LA—the chances of those higher paying jobs that we are so accustomed to being a part en masse—there will be some around, but en masse is not likely to be the reality of the immediate future?

MR. KYSER. Not really. You are looking at some very significant worldwide changes in the way that people work, the way corporations work. And you are right. It is not unique to Los Angeles. There is very interesting labor negotiation going on right now that has implications for sort of the future of the work force. And I think our big challenge in Los Angeles is to maintain a whole range of jobs. What we are seeing happening with the downsizing in manufacturing is that we are literally losing sort of the middle of that job range, just chopping out stairs on the stepladder to economic improvement. And that is going to be a significant challenge for us, to try to maintain a good range of jobs.

CHAIRPERSON FLETCHER. Is this why we are saying our kids won't be able to experience the dreams that we have dreamed?

MR. KYSER. It is very potentially possible, because the younger generation is going to have a much different career path. You look at what is going on right now. People coming out of colleges

with masters' degrees and Ph.D.s unable to find meaningful work. And it is a shock. It is a shock.

CHAIRPERSON FLETCHER. Thank you. Mr. George?

COMMISSIONER GEORGE. I think, Mr. Chairman, it is consistent with our policy—I don't know about a question—but I do have a request. And that is, Mr. Kyser, do you have any specific or, for that matter, even general recommendations or proposals for reform in the area of permitting and regulatory policy in order to streamline these processes to stimulate new enterprises and strengthen old enterprises, particularly in minority communities? I would appreciate it if you would submit those to the Commission.

MR. KYSER. I would be very happy to.

CHAIRPERSON FLETCHER. The same holds true with reference to carrying out the intent of the civil rights legislation in this environment that you are talking about. If you have any ideas about how to get on with it in the new environment, we would like to hear about it.

MR. KYSER. Okay. I will be happy to do that.

MR. GLICK. Thank you, Mr. Kyser. I am going to reserve the right to come back to you for one more question if time permits, but I would like to turn now to Reverend Ahn.

MR. DOCTOR. Excuse me, Mr. General Counsel. I understand that the Reverend Cecil I. Murray is in the audience, and we would like to invite him to come up and join the panelists.

CHAIRPERSON FLETCHER. Reverend Murray, if you will stand for just a moment, please.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you. All right. Counsel.

Testimony of Joseph Ahn, Pastor, Oriental Mission Church

MR. GLICK. Thank you, Chairman. Reverend Ahn, your church, the Oriental Mission Church, is one of the largest of the Korean ethnic group churches in Los Angeles. From your observations of your congregation and the society around you, do you see any social behavioral patterns between different groups that you would think might contribute to interracial, intergroup tension in Los Angeles?

CHAIRPERSON FLETCHER. Take your time.

MR. AHN. Not especially.

MR. GLICK. So that you don't feel that there are different cultural patterns between African

Americans and Koreans or Latinos and Koreans that create just in their social behavior—I am not thinking now in terms of economic struggles, but just in terms of social interaction—do those behavior patterns, cultural patterns lead to tension between groups?

MR. AHN. Yes. First of all, Korean people usually honor the adult people. In the American society, they usually act like equals, and the youngsters does not honor the adult people. But the Korean custom and culture usually obey the older people and honor the older people. That kind of culture and the custom will help to create a more adequate attitude toward other people.

MR. GLICK. Thank you. Chair, I have no further questions for Reverend Ahn.

VICE CHAIRPERSON WANG. Maybe I can help. Reverend, do we need an interpreter? Do you feel comfortable if we have an interpreter here?

MR. AHN. Yes. If you have it, that's much better. But, yes, I will try.

MR. DOCTOR. Ki-Taek, Ki-Taek Chun.

MR. GLICK. Chair, could you please swear Mr. Chun in to carry out his duties as a translator?

CHAIRPERSON FLETCHER. Sure. Could you raise your right hand.

[Whereupon, the translator was sworn.]

CHAIRPERSON FLETCHER. Thank you, Mr. Chun.

VICE CHAIRPERSON WANG. Ki-Taek Chun is Deputy Regional Director of our Eastern Region. Thank you for volunteering to help us.

DR. CHUN. My pleasure, sir.

VICE CHAIRPERSON WANG. My question is, Reverend Ahn, has your church engaged in any activity that in a sense helps to work with other ethnic groups within the area?

MR. AHN. After the riot especially, we tried to have an exchange in service with an Afro-American church. There was a joint service with three different Baptist churches, with a Dr. Dumas A. Harshaw, Jr., who was the senior pastor there in South Central Los Angeles. And, secondly, we picked up one Afro-American seminary student to give a full scholarship. It is worth around \$12,000 a year to help him to understand the Korean community more. And we want to help him to start a church in the South Central area to represent the Korean community to understand more fully the Korean culture and the Korean people.

VICE CHAIRPERSON WANG. Are you aware there is such a program in Chicago recently started by the United Way of Chicago, that actually provided funds for the Korean community to employ a liaison, public community relationship-type of person working in the black community, and this person happens to be a black person representing the Korean community to serve as a mediator and to help to bridge the communication gap between the black and the Korean community? Are you aware of this particular development in Chicago?

MR. AHN. No. We did not know that. I did not hear that.

VICE CHAIRPERSON WANG. You did not know that?

MR. AHN. No. And annually we present a scholarship to 5 or 10 people—lasted 5 years. We give them the scholarship—to the Afro-American students. But after the Los Angeles riot, we realized that that is not a good idea. So we picked up one person, and we fully give him the scholarship and make him understand the Korean culture and represent the Korean community. We tried to realize. And we annually add one more person each year. So this year will be two persons and next year three persons going on.

VICE CHAIRPERSON WANG. That is a very admirable effort. Since now you know there is such a program in Chicago for the Korean community to hire an Afro-American person and this person happens to be a female—she has been on the job there for 18 months and has done a tremendous effort—would you be interested to explore such kind of a model to implement here in LA?

MR. AHN. Yes.

VICE CHAIRPERSON WANG. I am glad to hear it. From the beginning point, she had an awful hard time earning the trust from both sides, but at least she is doing this kind of job in Chicago. One other point I want to ask, Has the church started any economic development program to help the community, be it Koreans or Afro-Americans or any other group?

MR. AHN. No.

VICE CHAIRPERSON WANG. And are you aware of the continuous kind of anger within the black community towards this Latasha Harlins case?

MR. AHN. Yes, I realize that. But the problem is much on the media attitude.

CHAIRPERSON FLETCHER. Take your time.

MR. AHN. [Through interpreter] Since the 1992 riots, the mainstream media has framed the whole tragedy as if it were primarily an exclusive problem between black Americans and Korean Americans. And the case of Du Soon Ja was illustrative and the typical cause, illustration of—was cited as a primary incident, an example of those factors that contributed to tensions and resulting tragedy. In my opinion, that is a very unfortunate and misleading representation of reality. Reality in my view is simply that it was an explosion of the cumulative festering tension that had existed between the black American—the African American community and the mainstream society. And yet it was phrased and presented to the American public as if the tensions—alleged tensions between the Korean Americans and the black Americans was the cause of it.

I can think of two reasons to refuse the alleged allegation or interpretation. The first reason I will cite is that the tragedy was triggered as a reaction to the verdict rendered in the Rodney King case. And the second reason—I remind you of the 1965 Watts tragedy. That tragedy took place even in the absence of a Korean American in the area. The unfortunate case of Latasha Harlins is indeed an unfortunate case and a tragedy. There is no question about that. But, nevertheless, the mainstream media has neglected willfully or inadvertently the simple fact that there are more Korean Americans who have been victimized than our African American brothers and sisters who have been victimized by Korean Americans. This inequity or disparity has been ignored.

VICE CHAIRPERSON WANG. Reverend Ahn, I think in the interests of time, I would just have to kind of help you to answer these two short questions. We have heard from many, many testifying yesterday. The fact of the matter is that Latasha Harlins was killed. Is the church or the Korean community at this very moment doing anything to help to ease the pain of those family members and those associated with Latasha Harlins? Are we doing anything to kind of in a sense make this whole incident—sort of lessen the anger and the tension in the community?

MR. AHN. [Through interpreter] From the standpoint of my church, it is true that we have not done any specific services or activities that you described. Perhaps we should have. How-

ever, I should like to remind you or ask you even, as I pointed out earlier, there are many more victims, Korean American victims. Why is it, I would like to ask, and I ask myself, why is it that we do not pose that same question as to what has been done to alleviate, to reduce the pain and anger suffered in fact by Korean American victims?

VICE CHAIRPERSON WANG. I think that is a very important question. That is why we are also asking the other side of the coin to help to really respond. But I think here we are not focusing on the Korean community. We are really asking you, Reverend Ahn. There is a proposal in the black community to build a memorial for Latasha Harlins. Would you as a church member or your church care to participate in that effort?

MR. AHN. [Through interpreter] Yes. We have not yet participated in that worthwhile activity. And, speaking personally, I think when this opportunity arises, I think I would be inclined to favorably participate and encourage my fellow worshippers.

VICE CHAIRPERSON WANG. Thank you very much. I just want to reassure you that although I am asking you this particular question to have it on the record with your response, I think it would help to ease some of the misconceptions as presented from last night, all the testimony that we hear. But that doesn't really negate your concern which is the victims, the 2,000 shopkeepers who have lost their businesses, that have not in a sense been able to regain and reopen their shops. We have been asking that question all along throughout this hearing. That is a major reason why we are here, too. So we are talking about it. On the other hand, I hope that you will understand the reason that I am asking you this particular line of questioning.

MR. AHN. [Through interpreter] I appreciate your explanation. That helps me to understand the context in which you were asking the questions. Nevertheless, if I may, I would like to make a comment as to that. In my position at the church, we have been very consciously trying and making a double effort to educate the members of the church, the congregation, so that they can have a better understanding of the multicultural, the nature of the society, the complex intertwined and evolving nature of racial relations of this society, so that they can be better more contributing members of this society. For in-

stance, we have a book entitled, *Who are Blacks in America?* We distribute that freely, and we try to promote mutual understanding. And our concern is simply that of members of the congregation to become better informed so that they can be better informed, contributing members of the society. And I would like you to know that we will continue to do whatever we can to reduce alleged interracial, interethnic tensions and also help our members of the congregation become better adjusted in society.

VICE CHAIRPERSON WANG. Thank you very, very much. Thank you, Dr. Ki-Taek Chun.

DR. CHUN. My pleasure, sir.

CHAIRPERSON FLETCHER. Counsel?

MR. GLICK. Thank you, Chair. I would like to go now to Reverend Hill.

CHAIRPERSON FLETCHER. If that is where you are going, there is one more observation I would like to make. In reference to improved relations, understanding, etc., I hear about differences involving blacks and Koreans, but if I am reading the statistics in the data properly, there is also significant misunderstanding between Chicanos/Mexican Americans and Koreans. So I think it is important to also design strategies to reach out to them. Does that need any interpretation?

MR. AHN. I understand your question. We will try. And one professor trying to write about the Hispanic right now. And that will help our congregation and the Korean peoples to understand more about the Hispanics, too.

CHAIRPERSON FLETCHER. All right. One other point. The Koreans are not the only ones that have a negative perception of black America. There is a group called the Japanese who also have some very negative perceptions of the whole of black America. Now I will personalize this. I went to Japan a couple of months ago, and I went out of the way to talk to the trade ministry of Japan. And I had a good session with them and put them on notice that the perception that they have of all of black America is flawed to no end. And I suggested to them that they should know the rest of the story. And in telling them the rest of the story, I talked about the growth and progress in black America since the passage of the bill that created this agency. And I pointed out for an example that when this agency became an agency we had less than 3,000 black doctors all over the United States. Today that number is close to 16,000. And I asked them to

please tell the rest of Japan of that growth. I talked about the growth of black accountants, black doctors, black dentists—you name it. And I tried to get them to understand that we don't just play basketball, football, dance, and sing rap tunes; that besides doing all of that, that there has been tremendous progress made. What has happened, I have noticed, is that certain Japanese companies now are going out of their way to publicize their relationships with the black community. If you will look in *JET* magazine now, you will see the extent to which the Japanese are going an extra mile to talk about the scholarships and number of other things that they have done, are doing, and intend to do to bridge this gap of misunderstanding.

I would recommend and I would be happy, and I am sure other members of this Commission would be happy, to share with you the approach to finding the rest of the story as it relates to black America and the rest of the story as it relates to Hispanic America. Besides being poor and violent and a number of other things, you would be surprised at that other part of the equation which is going very well and making significant contributions to this society. I think it would help to bridge the gap and start the process of healing under way.

MR. AHN. [Through interpreter] Mr. Chairman, I certainly appreciate the wisdom contained in your comment. At the same time, I would be less than candid if I did not say that I was somewhat surprised by your characterizations that Korean society or Koreans or Korean Americans seem to have negative thoughts—impression or a negative view of African American brothers and sisters. I thought the prevailing view of Koreans and Korean Americans, by extension, of black Americans is that we have a common denominator in terms of suffering and pain. We have suffered, and you have suffered. Therefore, I have always felt that we have a lot in common, and there is a basic resonant, almost a visceral understanding, a compatriot feeling between the two races and people. So, in that sense, I was somewhat surprised.

CHAIRPERSON FLETCHER. I am sorry that you are surprised, but I am putting the facts on the table. And what I am really trying to say is—I don't want to whip that negative dog to death—I am looking for a way for the negative perception not to become the reality. I would like for an ex-

ample for black Americans to know the rest of the story about Korean Americans so that this misunderstanding that seems to be driving the racist relationship can be diminished and the future relationship is built on positives as opposed to defenses and negatives. That is basically what I am trying to say.

MR. AHN. [Through interpreter] Now I think we see eye to eye. That is, Mr. Chairman, it is true that there is a lot that combines—binds—Koreans and Korean Americans and black Americans. Yet, this alleged exacerbating tension between Korean Americans, on the one hand, and black Americans, on the other, I don't know what it is due to, but it is there. I agree with you. And we have to double up efforts to reduce and improve the relationship. But I do not think it is based on insurmountable problems as such. I tend to suspect that perhaps we have been victimized by misbetrayal and misleading characterizations perhaps by the media. I don't know exactly what the causes are, but this is something we have to look into so that we can get to the bottom of it and then work toward improving the situation. I agree with you.

CHAIRPERSON FLETCHER. My final comment is this. I can't speak for the whole Commission, but I will speak for myself. I have said that the professional organizations—Korean lawyers, Korean doctors, Korean engineers, Korean accountants—need to sit down with—I am thinking in terms of organizational structure—I know there is a black lawyers' association, a black doctors' association, etc.—I am inclined to believe the same holds true for the Hispanic community. So I want to put the burden on the professional leadership in this community to sit down as a coalition, and we will talk about it—the professionals, the lawyers, the doctors, and others can see the need to finding the common ground. If you want somebody to convene that for you, if I can't get the whole Commission to go along with me to convene such a meeting, then I will come back and serve as the conveyer to put them together to start talking about what we have in common and designing a program so we can get on with it.

MR. AHN. [Through interpreter] In response to that constructive and forward-looking suggestion and comment, I would like to remind you of two things. One, we have been engaged in joint services with black American brothers and sis-

ters. And on each occasion our experiences have been very positive. So we will continue to do that, and that is at least one avenue of our commitment to improving the relationship that we just have to improve somehow. With regard to this, perhaps it should also take the form of professionals, professionals in a special place working together and forming a coalition and alliance. I certainly agree with that. The small part I can do along that line is when I go to my congregation, my church being one of the largest—we have a large number of professionals—I can certainly remind them and encourage them to pursue that path. And when I do that, I will certainly remember your volunteering your service. I don't know what will happen from that avenue, but I will certainly remember that. Thank you.

CHAIRPERSON FLETCHER. We can make it happen if we want to. Thank you. Counsel?

Testimony of Edward V. Hill, Pastor, Mount Zion Missionary Baptist Church

MR. GLICK. I would like to ask Reverend Hill now, from your vantage point as pastor in a very important church in South Central Los Angeles, how would you assess the current status of intergroup relationships in your community and in the broader community of Los Angeles as a whole, Reverend Hill?

MR. HILL. The current relationship of race, ethnic groups?

MR. GLICK. Yes, sir.

MR. HILL. Very tense. Very tense. The expectations of—can I just make a statement, and then the other will flow?

MR. GLICK. Yes, please proceed.

MR. HILL. You recall Barbara Jordan, Congressman Jordan, when she addressed the Democratic convention some 16 years ago? Her speech was that, "If management is to take care of management and labor is to take care of labor, who is going to take care of America? If whites are to take care of whites and blacks are to take care of blacks, who is going to take care of America?" And she went down a whole litany. And I think what has happened is that we have polarized ourselves almost into concrete, into various ethnic groups. Now when a steak is thrown into the pen among ethnic groups, it is just like throwing a steak into a pen of pitbulls who haven't eaten in 10 days. And nobody is concerned about whether every-

body gets a share. Everybody is concerned about getting the steak. So the atmosphere is tense. The atmosphere is growing more tense every day, if that is the general atmosphere. There isn't this caring and sharing and concern about people across the board as we had envisioned in our struggle for not only civil rights but in our struggle for integration.

MR. GLICK. Thank you, Reverend. I would like to just ask you briefly for your view on whether you have seen any Federal Government efforts to improve the economic situation for minorities, particularly Afro-Americans in your community, let's say, in the last year or two.

MR. HILL. Well, I have seen it only because I understand the government procedure. I have not seen it in terms of something you could take pictures of. I understand what the vast amount of my community does not understand. When the President of the United States comes out on May 7 and says, "I have \$13 million that I am releasing," I understand that this must go to Congress, and Congress must deal with it, and then somebody, and then finally way down the road there is some money released. But the community doesn't understand that.

So, efforts in terms of whether or not we have actually seen structures, whether or not we have actually seen enough money through Fremont, or whether or not we have actually seen enough money for young people in employment, no, there is nothing to take a picture of. There is nothing. For instance, Ted Koppel came back after 5 months and was disgusted that he didn't see buildings that had been replaced by those that had burned down. So, I have seen it in terms of promise and process, but nothing has materialized in a large manner in South Central that you could take a picture of. And only when we get to the point of being able to take pictures of things will the community kind of quiet down.

MR. GLICK. Thank you, Reverend Hill. Chair, I have no further questions.

CHAIRPERSON FLETCHER. Members of the panel?

VICE CHAIRPERSON WANG. One question from me. Then I will defer to Commissioner George. On the case of Latasha, do you have any suggestion that you think would in a sense help to take away some of the anger from the Korean community standpoint?

MR. HILL. Well, of course, Latasha and several others were simply unfortunate incidents that broke the camel's back that had been building up over a period of 8, 9, 10 years. For instance, the 1965 riot was basically a riot dealing with white and black America over things that had been building up over 10 years. Ten to 12, 15 years ago, the Korean community, the general oriental community, began to move into our community. And we immediately began to have problems, problems of building a business right in the heart of our community—99 percent Afro-Americans way back then; it is not that now because of the Hispanics—and employing 100 percent Koreans. These are the kinds of things that built up tension.

For instance, I will give you an example. Just go right up the street to the Hilton Hotel. At the Hilton Hotel we used to possibly furnish 80 percent of the employment. We used to be nearly all of the maids and behind the counter and busboys and everything else. It was bought out by the Japanese. We have three people left employed at that hotel. And one of the traditions, it appears, and I am not—I don't know if I am necessarily criticizing that—I just see it as a trend in this country. One of the things is whatever ethnic group buys a hotel or a business or what have you, generally, Afro-Americans are replaced immediately by that other ethnic group. Well, that does not create for peace. Now I can understand. The Japanese buy a business. They hire Japanese. I don't know if that is going to work in America.

VICE CHAIRPERSON WANG. Thank you. Commissioner George?

COMMISSIONER GEORGE. Thank you very much. The Commissioners have agreed to try to discipline and restrain themselves in the interests of time and efficiency. I was actually not entitled to question Reverend Hill, who I very much want to talk with, so I am grateful to Charles Wang for ceding some of his time to me. Reverend Hill, yesterday we heard incisive testimony from the economist Arthur Laffer about ways that governmental policies or some ways the government in getting out of the way can rejuvenate and reinvigorate the economies of our inner cities, in our poorer and in many cases minority areas by reducing regulation, by reducing bureaucracy, by reducing taxation in a way that will really make it rational for business enter-

prises to go into those communities, to use the resources and talent and the opportunities that are there in those communities.

Yet, as Laffer pointed out in response to a question, regularly the politics of the situation are such that those who are returned from the congressional districts where those communities are precisely the people who are most opposed to those policies, who fight hardest against things like, just to cite one example that Laffer cited, reducing the minimum wage or eliminating the minimum wage, which he characterized as the "black teenage unemployment act," or reducing capital gains or eliminating capital gains in a way that will stimulate capital formation seed money for business enterprises in these communities. Could you comment on that? Do you agree? Do you disagree?

MR. HILL. Well, I certainly am not necessarily a fan of those who represent our districts in Congress, nor often in the city council. And one of the reasons is that often people who are elected in our areas get their election money from other areas. And, thus, they must vote according to the desires of those who funded them. The funds to become a Congressman for my area would exceed a quarter of a million dollars, I am sure, to run the race. I am also sure that less than \$20,000 came from my district. And you have a conflict of who pays the piper and, thus, who calls the tune.

The programs that you have mentioned are programs that should be, including the enterprise zone and other places, should be in our area. But may I just make a blanket statement? It has been my experience—and I have served as chairman of four commissions in this town since I have been here, and I have worked with the government; as a matter of fact, as you well know, I was offered chairmanship of this Commission under President Reagan and turned it down because I was afraid of it—it is too big, in my judgment—there is no commitment on the part of the government, on the part of Congressmen and what have you, to cure the problems of South Central. There is no commitment.

There are two ways of doing things in government, the regular way that never gets done and the emergency way. South Central is put over to the regular way of doing things. The Soviet Union is the emergency way of doing things. We have learned to help the Soviet Union. We

are going to put them on their feet like we did Germany, like we did Japan. And we are going to let South Central go the regular way, and it is not going to be done. And thus we are going to have one eruption after another.

COMMISSIONER GEORGE. If it were possible to muster the political will to do something to make this an emergency situation or to act the way government acts when it does have an emergency situation, do you think that it would be valuable and do you have any proposals to get property into the hands of unpropertied people? Isn't part of the solution to the problem of poverty and helplessness and dependency in our inner cities in many of our poor and minority communities a lack of property ownership and the hope and the dignity that comes with ownership, particularly home ownership?

MR. HILL. There is no question about it, not only home ownership but owning the heart of whatever the business is. Whatever business plans to be rebuilt in South Central must be joint ownership. If we don't own a part of it, it is going to be profitless. So we need to own a part of it. And one of the things that we had hoped and we still hope that will come out of the Ueberroth committee is the joint ventures. If we are going to put up 100 units, that cannot be put up—unless somebody from Australia—with none of us as owners of that property. It has to be joint ventures.

But, also, if you are going to be very serious, I doubt whether or not the appropriations that are going to other countries have applications this thick. Two and 3 inches of applications were handed out to people by SBA in an emergency situation. They were three inches thick to the point that we had to have people to come in and help train the trainers who would pass them out to businesses in our community. Now, I cannot attest to this personally. I can bring people in to attest to this, that in other areas of the community applications were a half-inch thick. And I think that's something that this Commission ought to look into, if that actually happened. I can furnish names of people who said that happened, that on one side of town you get a half-inch thick, and on my side of town, you get a 3-inch thick.

Where there has been deprivation, there must be compensation. And a people who have been deprived, and a people who have just

started beginning to come into developing businesses have to be handled more remedially than that. And we have done this. All across this world we have taken people by the hand. Many are the roads and bridges that we have funded in Africa with our signature. They haven't been built yet. South Central—whenever we decide—whenever the government decides that we are not going to have any more South Centrals, we won't have them anymore. But the South Centrals have been placed into the regular procedure down through the Senators, down through the Congressmen, down through the councilmen, down through the mayors, and it disappears. When it decides that it is in our own best interests—and I suggest it is—but when you, right here, when you travel around Los Angeles, when you go to the beautiful coast and when you go to beautiful West LA or Chinatown or Korea town, you say, "Wow." When you go to South Central, you say, "What?" They just don't go together.

COMMISSIONER GEORGE. Chairman Fletcher yesterday called our attention to the large amount of money that is each Sunday collected in black churches across the country and put into banks and other investments. And it was pointed out, I don't know if by Chairman Fletcher or by one of the people on the panels, that when it comes to actually investing that money, black churches like all churches come up against an obstacle, the tax-exemption provisions, which will suddenly involve them in taxation if economic investments are made. Would you favor a policy that would give those churches in enterprise zones or more generally a break to eliminate the disincentive for investing those funds in a productive economic way in these communities?

MR. HILL. Well, of course, we already can do that. All we have to do is organize profit organizations outside of our nonprofit corporation by members of our church whom we control. Our church alone—we are small, a struggling church on the poor side of town. We own six businesses. We are on our way to owning 15 more.

More than that, churches can adopt and encourage businesses within South Central or within the poor areas. I have businesses—on my radio program, without them giving me any money for the radio, I have just said, "Buy your gas at Vernon and Western." And the man has called me and said, "You know, you have tripled my business." So the churches can play a great

role not only in owning the businesses like themselves—and actually we don't have all that money nor time to get into that—but we can do it. But we can encourage, we can adopt, we can point people towards businesses of people of other colors in our community who are, in fact, recycling money in the community. So we have that power to do that, and that is a great power. But that does not even begin to substitute what the SBA could do if it would do what it was designed to do. SBA was designed to be that bank that would loan small businesses money that didn't have the criteria of other great big banks. But they have become more difficult now than the great big banks.

COMMISSIONER GEORGE. Why not go around them then, Reverend? Why not just cut, do the simple move of cutting the capital gains tax for investments in these areas?

MR. HILL. That would be a way, but why either/or? Why don't we straighten out the SBA, too?

COMMISSIONER GEORGE. Why not? It's not either/or. Just a final question, if I might, Reverend, following up on a question from yesterday. If you could comment in Los Angeles, and in the nation more generally, because I know that you are an observer of what goes on across the nation, on the state of health of the black church in our, in many ways, secularized society and the state of health of the black family.

MR. HILL. Well, of course, in any community that you go to at this point in history attending church is not as popular as it was 10 years ago or 20 years ago, because 20 years ago we were right in the throes of fighting for civil rights and what have you, so everybody would show up and everybody would know what was going on. For some reason, somebody thought 5 years ago we were all right now, so then church attendance went down. But it is just like the man who never attended prayer meeting. He heard they were going to cut out prayer meeting, and he came to prayer meeting. So in the neighborhood community, don't jump on the church. Don't let the lack of attendance over against 10 years ago suggest that we are any less healthy, because people who don't go to church pay attention to the moves of the church in our community. And so I think the church will continue to be our rallying point. It will continue to be where we bring people together and where we kind of instruct them to go

forward. There was another part to your question, Mr. George.

COMMISSIONER GEORGE. On the black family.

MR. HILL. That is a tremendous problem that is solvable. It involves the lack of job opportunities. It involves the lack of incentives to be a family. As you well know, in the welfare structure, removing the male from the home in order to get welfare, you are deliberately destroying the family. The stress and the strain of living in poverty—two or three things that get—I'm a pastor now of 30 years, preacher 42 years, 43 maybe—two or three things can break up a home. One is the strain of finance. I don't care who you are. I don't care where you come from. If you are the husband, any of you gentlemen up here—you are the husband—and over and over again you can't bring a check home to your wife and children, that is going to develop a strain, and it will eventually develop a break up if you don't watch it. The other, of course, is the man's inability to participate in his government and what have you without being discriminated against.

So I go back to Barbara Jordan. And I challenge this committee. Have we in fact abandoned our dreams for an integrated America? And are we now in fact just trying to separate the warring factions as to what portion of America they will control?

COMMISSIONER GEORGE. And what would you propose as the kinds of policies that will stand up as the opposition to the idea of balkanizing America?

MR. HILL. Well, I think this committee—and I have testified in quite a few—but I think this committee is underestimated as to the power that you have or should have or the Constitution gives you or the vote of the Congress gave you. For instance, during that uprising, I believe that this committee more than any other committee should have been here and should have been saying that, "That was a foul." The news media was wrong. One of our great big problems was the news media. And I think that you have got to become the focal point to which we look when there is an uprising. The Civil Rights Commission—more than the visit of the President and the Governor should have been the visit of the Civil Rights Commission. Since this was a civil disorder, the Civil Rights Commission should have been right in the midst of the civil disorder.

And somebody has already said it up here, that the strengthening of the Civil Rights Commissions on both county and city levels is a mandate. It's a must. You can't go out here and take a survey and find anybody who knows who is the president of the Civil Rights Commission of the County of Los Angeles. You can't find it. Nobody knows. It is inactive. It is almost impotent.

And I suggest that the Civil Rights Commission should have been the first plane to land in the civil disorder. And you have subpoena power. You could have brought in everybody doing anything out of order and make the pronouncement. Other than that, everybody else came with pronouncements and picture taking. And we are left with a community still expecting and still hoping, still expecting and still hoping.

COMMISSIONER GEORGE. Thank you, Reverend Hill. Thank you, Mr. Chairman, and thank you, Mr. Wang.

CHAIRPERSON FLETCHER. Just for the record, Reverend Hill, we made a move to come. We asked for a supplemental appropriation so we could get here. The smoke hadn't even cleared. It had just gotten started when we realized it. And we quickly moved to ask for a supplemental appropriation to do it. And our supplemental appropriation was held in abeyance, and we didn't get it.

MR. HILL. In the regular system.

CHAIRPERSON FLETCHER. The regular system. By the time we got through trying to run the bases, it was too late. Thank you.

MR. DOCTOR. Mr. Chairman, I would like to make a quick comment, too. I think for the benefit of this particular panel and the City of Los Angeles, it should be pointed out that the Commission was aware that we had problems long before Los Angeles ever erupted. As a matter of fact, in February of 1991 in the Commission retreat down in Richmond, Virginia, we adopted a project designed to look at racial and ethnic tensions because there was a recognition on the part of this Commission and this staff that we were on the verge of some very serious problems in this area. The Chairman has reminded me that we have made the President aware of our concerns in this particular area, and that is why we are doing this project. But the point that needs to be made is we recognized early on, long before there was this uprising in Los Angeles, that we were headed in this direction.

MR. HILL. And, of course, as I said again, this reinforces what I have said. And I wish I had a loud enough voice. I wish I was a known person to just accuse the Government of the United States of having no commitment to solving the problems of the inner city. Whatever they do, they are forced to do it. It is crumbs from the rich man's table.

CHAIRPERSON FLETCHER. Commissioner Redenbaugh.

COMMISSIONER REDENBAUGH. Reverend Hill, I agree with and am moved by what you say about the indifference of the country toward the plight of poverty. And one of the things that we have seen here this week and in other places that we visited is that what we find is poor people are imploring either State or Federal Governments that are themselves drifting towards bankruptcy for small handouts. The question I have for you is, why are we not insisting that the rules of the game that trap and maintain and hold people in poverty be changed?

MR. HILL. Well, I think that—first of all, and I go back to the poverty program when it was organized and even today—check it out—I'm not for sure, but check it out—I received it. You have the authority to get it. I think it now costs around \$42,000 a year to deliver \$7,200 a year to a woman with five children. Now, where did the other 30-some thousand go? It actually costs around \$44,000 to deliver \$7,200. It would be better if the government would just write a check for \$25,000 and send it to the woman. Poverty has its profit. There are many profit poverty workers throughout this country. I was chairman of the poverty program here, and it was always amazing to me that when we got through with salaries, we had very little left to help the poor. So there is profit in poverty. And that is not only financially. That is politically. You can actually win an election championed by making promises that you are going to help the hurting and the poor. So there is profit in poverty.

And so you say why we don't? It is because even though our organizations may be designed to do that, we are not raising enough hell right now. If we would have taken the position that we are now taking in this country, we would have still been in segregation. We rose up. We rejected. We have come from a long ways, but we have a long ways to go. So I think that in answer to your

question, "Why aren't we doing it?" we do not have any prophets or statesmen that are championing the cause. We have just about written off 31 million people in America by saying, "We can just give them a check the 1st and the 15th, and they will be quiet." They are not going to be quiet, and it is going to be 50 million by the year 2000. And that is a large army.

COMMISSIONER REDENBAUGH. Thank you.

Testimony of Cecil I. Murray, Senior Minister, First African Methodist Episcopal Church

MR. GLICK. Mr. Chair, I would like to turn now to the Reverend Murray. But before I do, I would like to bring your attention to the fact that we are now an hour and a half behind. And we are going to keep on slipping unless we take the appropriate steps.

Reverend Murray, you are pastor of a large and important church in South Central, and I would like to phrase for you the same kind of questions that have been discussed with Reverend Hill. And I am going to ask you first, why do you believe that previous attempts—the kinds of things that we saw that followed in Watts after Watts blew up some years ago, and there were efforts undertaken, efforts spoken about at least, and they didn't seem to make any changes—why didn't they make any changes, and what should be done differently this time?

REV. MURRAY. Thank you. And I, like the other panelists, would have to pose my answers in the context of this Commission, which is an extraordinarily important Commission, and we remembered you at six o'clock this morning at the altar. If we were talking to another group, perhaps the answers might be different. But to do capsules and to try to point us towards tomorrow is our aim.

Perhaps the overriding consensus following the 1965 uprising and the 1992 uprising was one of enrichment. It is kind of the way we approach our helping programs in America—enrichment. And we cannot do that. We must move towards empowerment. Let me give you a small example. The Disney Corporation said to us, "Talk to our employees. If they give a half-million, management will give a half-million." We worked together. Disney Corporation gives us a million dollars for a microloan program. We get an esteemed board of directors that also will have respectability. We send out the word that they can

make loans of up to \$20,000. One thousand applicants come. It isn't enough just to give people money, so we have a 10-week free course of indoctrination. At the end of that, then we select persons to receive \$20,000.

To date, we have given 25 loans. We will empower 35 existing businesses, start 35 new businesses, hire 350 people. We go into the congregation, get the MBAs, the CPAs, the attorneys. In teams of two, they handle the business for 2 years. If at the end of the 2 years they have kept the debt-to-loan ratio of 4 percent, done their due diligence, then we have a Korean bank and a black bank that have agreed to give them large loans of hundreds of thousands of dollars. So then we go from the small entrepreneur to potentially a large entrepreneur on \$1 million that will leverage itself to \$10 million and has already leveraged itself to \$1.3 million. We have 11 other programs in related areas. This is one instance of what we mean by empowering rather than enriching.

The government doesn't have the funds nor the will to do a massive Marshall Plan to the inner cities of America. So we at the corporate level, at the grassroots level, and at the government level must work together to maximize the dollar that is given. We are not going to pour zillions of dollars into the inner cities. So we have to take the existing resources in the inner cities and enable them. That is what we are hoping the government will do through this Commission. If you will enable us, we will empower ourselves.

MR. GLICK. I have no further questions, Mr. Chairman.

CHAIRPERSON FLETCHER. I don't believe I do either.

VICE CHAIRPERSON WANG. One question, Reverend Murray. I mentioned earlier—I don't know whether you were here—about the Chicago model, that United Way of Chicago hired an Afro-American person to serve as a mediator. Her purpose was to visit all the stores and see if she believed there is any conflict, any arguments over pricing, over attitudes, over whatever, and she is there to kind of help bridge the gap. Do you think such a program would be helpful?

REV. MURRAY. I think it is extraordinarily helpful. We have Rev. Leonard Jackson who is a staff minister appointed to work with Koreans, work with Latinos, work with Jews, work with

Anglos. Attorney Julius Butler and Attorney Kendall James are here now to attest to what you are saying. But, you know, it is a candle, and there are many brave candles being lit. What we need is a sunburst. The Koreans are not our problem. We are not their problem. The Latinos are not our problem. We are not each others problems. Reverend Hill said we had been polarized—with great truth—or he said we are polarized. I would like to take it to the next step of saying, "We have been polarized." If we get to loving each other, we're still hungry. If we get to liking each other, Koreans still can't employ us because they are a mom and pop business. They have got to hire their sons and daughters. They will sleep there. They will work hard. They will come into the *kye* and pool their money and enable one of theirs, then they will do it for another, and they pay the loan back—a very noble concept.

What we have to do is with tax credits allow banks to come into the impoverished areas and make loans and get credits through the government. Because presently no bank with a whole lot of sense is going to risk a whole lot of money on poor folks. We must say to the insurance companies—which will not put money into the area even to cover insurance, even though blacks have a high responsibility rate for paying their bills particularly on insurance notes, car notes, and home notes—we must make it possible through government tax credits for them to invest in the inner city area. Even now in Los Angeles that is happening. Housing is crucial. Next month we will begin a \$14 million housing project through tax credits. Kathleen Brown, treasurer of the State at that time, processed our application for tax credits. We were accepted. Then we looked for cooperation. O'Melveny and Myers' firm helped us find and do all the due diligence and the paperwork. So we can do it.

What we struggle with is not lone personalities but systems that oppress. We are at each others' throats because we are fighting over a bone, as E.V. Hill said, and we need more than a bone. We need the whole buffalo. And that is possible if we can only make it easier for corporate persons to come in, and that is what we hope government will do. It doesn't have to throw zillions at us.

Another little thing that could easily be done. The military bases are going to be idle. We are downsizing. Let's simply take the military in-

stallations that the government already owns, let them lease them to us for a dollar a year, let them continue to keep the logistics of maintenance there or do the painting—got the rolling stock, got the hospitals. Let's take the 35,000 homeless in this city and the 180,000 homeless in this county. Let's take the unskilled and the underskilled. Let's take the people who are three generations, two generations on welfare. Take them off that. Not with any budget—75 percent of the budget is payroll. Volunteers will do that. White, black, Asian, and red. We will volunteer. If the government will do the 25 percent, the volunteers will give 10 hours a month of woman-hours or manhours.

So we can do it with a minimum investment of money and a maximum investment of people. We have a simple computer program that deals with 20 at risk young people per day. IBM and Apple gave us the hardware. International gave us the software. Arsenio Hall bought the place for us. We did \$65,000 worth of renovation. We are turning out these persons now who will have a skill. Vidal Sassoon comes and says, "Give me nine motivated persons. I will train them in my system. When they get out, we will place them in shops. If they do well in 2 years, we will look at the possibility of them owning those shops." These are the ways I think the Civil Rights Commission can sensitize the government to enable grassroots people, corporate people, and governmental people to do a more creative thing than we are presently doing.

VICE CHAIRPERSON WANG. Thank you very much. That was well said.

REV. MURRAY. Thank you, sir.

CHAIRPERSON FLETCHER. Russ, that is what we have been saying.

COMMISSIONER REDENBAUGH. Reverend, I would like to meet with you separately and talk to you further on this because this is exactly the solution to the problem. We need to find a way to do more of exactly what you are saying. Thank you.

REV. MURRAY. Thank you.

CHAIRPERSON FLETCHER. I want to thank each and every one of you. You have been very helpful. This is an important panel this morning. I would just tack on a closing remark and say to you that in terms of this Commission, we recognize our capacity to influence, and we have struggled mightily for the last couple, 3 years to try to do that. In fact, we sent letters to the

President and to the leadership of the House and the Senate on both sides of the aisle and all 50 States warning them of the possibility that such as happened would happen. And what we got back was a yawn. One Governor responded and said, "Stay out of my State." Another one said, "It's a good idea." One of the congressional leaders wrote back and said, "It is a good idea," and we didn't hear from anybody else. So we have been trying. And you have been helpful. You have armed us with facts that will help us be possibly even more effective. Thanks so much. Sorry we kept you so long and ran over. But my feeling is when we get a panel like this, I would prefer for the report to say we got some good information than that we ran it even on time.

REV. MURRAY. Thank you.

Transportation Impact on Communities

MR. DOCTOR. We would now like to invite to the witness table Robin Cannon, Mike Hernandez, and Joseph Avila.

MR. GLICK. Staff Director, the witness is not Robin Cannon. She was with us and spoke to us last night. She is going to be replaced in this group by Mr. John Walsh.

MR. DOCTOR. John Walsh.

VICE CHAIRPERSON WANG. Mr. Walsh, Mr. Hernandez, and Mr. Avila, could you stand up and raise your right hand.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you very much. Please be seated. Mr. Counsel, would you start.

MR. GLICK. Mr. Wang, staff attorney Stella Youngblood will be questioning this panel.

MS. YOUNGBLOOD. Thank you very much, Mr. Vice Chair. In the interests of trying to catch up on some of the lost time—staff has been previously contacted by members of the next panel that they have a subsequent obligation this afternoon—I would like to request your permission to question each of the witnesses sequentially, and then turn the questioning over to the Commissioners.

VICE CHAIRPERSON WANG. All right.

MS. YOUNGBLOOD. Thank you very much. Would each of the witnesses please state your name and organizational affiliation.

MR. WALSH. John Walsh, chairman of United Riders of Los Angeles, a passengers' lobby.

MR. HERNANDEZ. Mike Hernandez, a member of the Los Angeles City Council.

MR. AVILA. Joseph Avila, attorney at law, of Avila and Putnam.

Testimony of John Walsh, Chairman, United Riders of Los Angeles

MS. YOUNGBLOOD. Thank you very much. I would like to begin with Mr. Walsh, please. Mr. Walsh, it is the Commission's understanding that you are what is termed a "transit-dependent person." Would you please explain what that term means literally and what that term means to you personally?

MR. WALSH. Literally it means that I have no automobile, I have never had a driver's license, and I depend for my mobility on the bus system and the rail system of the County of Los Angeles. As far as bus riders are concerned in general, transit dependent generally means that you are of a lower income, that you can't afford to buy a car, and that you are relegated to visiting and going to work by public transportation.

MS. YOUNGBLOOD. Sir, do you have any information on what kind of numbers of individuals who would be classified as transit dependent are in Los Angeles at this time?

MR. WALSH. Well, I have the latest ridership figures for the RTD, and it shows that 52 percent of the RTD's riders earn less than \$15,000 a year. These are transit-dependent people. Only about 10 or 15 percent or 20 percent of the people who ride the MTA bus system, as it is called now, have cars in their homes. We are totally dependent on this system.

MS. YOUNGBLOOD. Mr. Walsh, what is your profession, please?

MR. WALSH. I am a public school teacher since 1985 for the Los Angeles Unified School District.

MS. YOUNGBLOOD. And as a teacher in the Los Angeles Unified School District, would it be correct to assume that you have had an opportunity to work in a number of different schools throughout the city, or are you based at one school?

MR. WALSH. Well, the furthest down I go—I teach now on a substitute basis—would be down as far as Slauson and occasionally into East LA, but mostly in the central part of the city.

MS. YOUNGBLOOD. What, sir, then, are your personal observations with respect to your use of

the public transit system in traversing to those parts of the city?

MR. WALSH. I feel the transit system is being cheated by the rail system. The bus system is being cheated. We have to deal on the buses with roaches. We have to deal on the buses with filth. The windows are etched. We can hardly see out the windows.

Most of the people who take transit are not only transit dependent, but they are members of minorities. Well over two-thirds of the people who use the system are minorities. We get along very well. There are 1.5 million of us countywide on those buses every day. We get along the way Rodney King told us to get along. Our problem is that we don't have enough service. And our major problem is, especially among our minority members, bus members, we can't get to work, and we can't get home from work. We have right now very poor bus service in the inner city.

I would just like to finish an answer by pointing out that Normandie and Florence, the flash point of the civil unrest, if you live at Normandie and Florence and you want to go downtown to look for a job, you have to take two buses. It will take you about an hour and a quarter to get downtown to be interviewed for a job if you live in that section of the city. If you live in the Valley, if you live in Sherman Oaks, you can take a Freeway Flyer, and you will be downtown in 25, 30 minutes. It is a basic inequity of service between the suburbs and the inner city.

MS. YOUNGBLOOD. Do you have any personal observations based on your use of the transit system with regard to safety issues, sir?

MR. WALSH. I myself have never been a victim of a crime. Members of gangs often just walk on the bus and shout out their gang name. And the driver or the operator is in fear of his or her life and does nothing about it, lets them sit down. I have seen many times graffiti going on in the bus. And I talked to the driver, the operator, and said, "There are people in the back putting graffiti on." And he told me that he was afraid for his life. The problem is that only 3 cents a passenger is spent on bus for protection and safety and about \$1.30 a passenger is spent on rail. That is one of the reasons that line 204, as you know, is one of the most dangerous of the lines down Vermont Avenue. Our major thrust is that Title VI is being violated and that the sub-

urbs are getting either directly or indirectly a much better shake than the inner city.

MS. YOUNGBLOOD. One final question, Mr. Walsh. How do your observations at this point in time compare with your experience with other transit systems in other cities or with the transit system in Los Angeles in years past?

MR. WALSH. It has gotten worse in Los Angeles. For instance, we once had a line that went from Woodland Hills all the way into Hollywood. We are not against suburban lines, per se, because who uses suburban lines? In fact, nannies use suburban lines, domestics use suburban lines to get to their jobs. Those are the bulk of their ridership. We feel that we need—the peak—well, actually the peak was 1980. We now have no more buses on the road than we had in 1980. That is 13 years. In fact, the County of Los Angeles has the highest increase in population, raw numbers, of any county in the United States. Yet, we have the same few buses, and the fleet is aging, and it is difficult.

I myself grew up until I was about 20 years old in New York. I think rail worked in New York. The buses were cleaner in New York. To show you how, to demonstrate how the buses are thought of here, in Washington, D.C., the buses have the right of way. In Los Angeles, the buses don't have the right of way. So our rides take an extra 5 or 10 minutes. That is the conclusion of my remarks.

Testimony of Mike Hernandez, Member, Los Angeles City Council

MS. YOUNGBLOOD. Thank you very much, Mr. Walsh. I would like to move to Council Member Hernandez, please. Council Member, would you please provide us with some background demographic data regarding your council district, particularly, first with regard to homes not having access to an automobile. And it is staff's understanding that you will be using a number of graphics to enhance your testimony. So if you would, please, proceed.

MR. HERNANDEZ. Yes. I don't want to break it down specifically to a council district. What I would like to do is break it down specifically to more of an area, a geographic area of Los Angeles.

MS. YOUNGBLOOD. That would be fine.

MR. HERNANDEZ. One of the bases I think is important, based on the previous conversations I heard, is that there be an understanding that

people of color, people of low income, people of immigrant status, for example, are being forced to live in smaller and smaller pieces of land in the City of Los Angeles. There are approximately 180,000 households within the city that do not have an automobile, but those 180,000 households are concentrated primarily in the inner city, what is described as the Pico-Union, South Central area. We have a map we are putting up right there. The reality is in what is described as Pico-Union and a little bit south by the coliseum, you will find 40 to 90 percent of the households have no automobile. So, when you talk about the transit-dependent population, it is all concentrated primarily in the inner city.

In my council district in particular, we found that RTD had approximately 600,000 bus boardings a day within the confines of the district. And you have to understand I have 233,000 people living in the district. But, on the average, people basically have to transfer three times. What we found interesting is their routes are going out to the suburbs, and it is because we are employed out in the suburbs and in low-wage earning jobs. So they are heavy routes, they are full routes that tend to be traveled between 5:00 a.m. in the morning until 9:00 o'clock in the morning going out to the suburbs, opposite of the traffic congestion that we see on our freeways. And the same thing happens in the evening coming back from work.

Again, we have been using the public transportation system all along. Historically, you also need to know that when they built the original Red Line, the original electric cars in the City of LA, there was a strong concern that that would disseminate our community, divide it. But because of the low fares, it was a method of keeping us together. But that happened at the same time the automobile was introduced. And Los Angeles, the city, grew from 100 square miles to approximately 400 square miles. Los Angeles is a city where one out of every two and a half people owned an automobile, whereas nationally it was one out of seven. The people who consistently have not had automobiles have been the people in the inner city. And that happens to be where you have your highest insurance rates.

MS. YOUNGBLOOD. A moment ago, in responding to that question, council member, you mentioned in passing that jobs are located in the

suburbs. Would you please elaborate on that? Are you talking about new jobs, present jobs?

MR. HERNANDEZ. Well, I am talking about basically, again, your low-wage jobs. It is funny. I can go to the Beverly Hilton or Beverly Wilshire Hotel and ask any waiter where he lives, and chances are he lives in my district. I can ask him how long he have been working there, and he can tell me, "Seven to 10 years." And I can ask him how he gets to work, and he will tell me, "by bus." Those are the kinds of jobs. You go to a fast food place, and you will find that. Again, you have low-income wages, so you have minority people working there, most of them of immigrant status—most of them. It is no longer the young people taking these jobs but rather people trying to sustain families on those wages. And when we are talking about developing a rail system, for example, it is going along communities that are basically the minority communities. It is just not being built to serve them.

And I want to give you a real graphic example because it was kind of insulting in my district. Before I got elected, there was an 8-month vacancy in the office. What happened is the LA County Transportation Commission bought a parcel of land to build a maintenance yard. And they used the different [inaudible]. They were talking about the Pasadena light rail maintenance yard. But when they decided to build, they were putting the metro in—maintenance yard. And that's what they ended up putting there to start. We got into a big legal battle over it. And to make a long story short, there was some litigation. However, when they built this maintenance yard, they got those trains parked there. Well, you have to understand that the trains travel from the suburbs to the inner city in the morning, and from the inner city back to the suburbs at night. So my constituents have to look at that maintenance yard, have to look at those trains, but if they were to try to take them into work, they would have to stay overnight.

CHAIRPERSON FLETCHER. Could you say that again?

MR. HERNANDEZ. If they were to try to use it to take it to work, they would have to stay overnight because it travels the opposite directions of their needs. So, again, there was no real consideration in terms of who was going to be using the line and how it could serve their purposes. Our charts show us working in the suburbs. And there should

have been some consideration having that line serve that population base as well.

MS. YOUNGBLOOD. The maintenance yard to which you are referring is, of course, Taylor Yard?

MR. HERNANDEZ. Right.

MS. YOUNGBLOOD. What did the development of this maintenance yard translate into in terms of jobs in that community?

MR. HERNANDEZ. Very few, if any.

MS. YOUNGBLOOD. Would you elaborate on that, please?

MR. HERNANDEZ. Yes. Again, I think that—and I don't have the specifics—we were told they were going to have about 70 jobs that would be created by that maintenance yard. I think it is operating at a higher capacity than it was explained to us. So I don't know the exact number of how many jobs are there. But the people who live in the surrounding area did not get to participate in the construction of those jobs, did not get to participate in the construction of the facility, and are not the ones who are being employed. And it is because of other kinds of systems that we have.

For example, the competitive bid system will not allow the local businesses to get those contracts. And comparable wage assumes that you are a member of a trade union or you are a member of a union. And my constituents tend to be laborers. They tend to be people who work in the construction industry. They don't tend to be members of the unions. So, because of the rules of comparable wage, they were excluded from those employment opportunities.

MS. YOUNGBLOOD. For purposes of the record, what is the racial and ethnic makeup of your constituency?

MR. HERNANDEZ. My district is about 70 percent Latino, 20 percent Asian, 10 percent other. I think it is important that you know that as a city, Los Angeles is 40 percent Latino, it is about 16 percent African American, it is about 14 percent Asian, and about 33 percent Anglo. And, you know, what is bothersome is I was listening to the previous conversation. People talk about the African American community. They talk about the Korean community. They are really not talking about where the needs exist for advancement in civil rights. We are ignoring the Latino community, which happens to be the majority population and the population with greatest need. The per capita income of someone

who is Anglo in the City of Los Angeles is \$22,000. The per capita for an African American is \$16,000. The per capita for Latinos is \$7,100. Tremendous need.

I also think it is important that we understand this. I have statistics here. People assume that the African American community has not been able to advance beyond the civil rights movement. And that is a misnomer. When you look at the work force of the City of Los Angeles with a 13 to 14 percent population base, their work force is 22 percent within the city. When you look at the Latino population at 39 percent, our work force is 20 percent in the city.

If you were to look at the LA County Transportation Commission's work force, again, the African American community was sitting at 22 percent. The Latino community was sitting at 18 percent, even worse than the city. If you were to look at the bureau of transportation's work force, the African American community represented 23 percent, the Latino community represented 8 percent. Those are some realities.

But if you talk about parity, you cannot claim that. But if we talk about a different concept that I tend to talk about, that is reflection. You cannot claim it either. Because when I say "reflection," you have got to look at communities as zones of need. Where is it that they have needs, and how do you make up for those needs? And our policymakers never take those realities into consideration. What they are doing is they are taking self-interest into consideration in developing policy.

So what has been happening in the City of Los Angeles is reapportionment because it is done by population base. You have had your more affluent areas get more land 10 ten years. And so, for example, Marvin Braude's district, the 11th council district, is 72 square miles of land. My council district is 13 square miles. All the inner-city council districts are between 10 and 13 square miles of land. The suburbs average about 56 square miles of land.

If you look at the concept of integration and transportation, we are using busing to send kids to the suburbs. It is not the kids from the suburbs coming to the inner city. The LA Unified School District has 2,800 school buses. And you need to understand that there are approximately 40 elementary schools in the suburbs that are closed because of no student population. And the high school population in the suburbs is 45 to 65

percent bused in. There is no concept of home rule. There is no concept of balancing housing stock to have real integration in this city. What happens is we keep on using transportation, whether it be the automobile or systems like busing, to keep communities separate, and then you have inequities as to how you are subsidizing those systems.

I think that a lot of these hearings serve no purpose if we don't really deal with the real issues. And I am looking at how you create nexuses between neighborhoods and jobs so that the reality is that you don't lose out because of the rules. How do you create opportunities to educate population bases, our young? If you look at this chart, this gives you your 18 years or younger populations in the City of Los Angeles.

MS. YOUNGBLOOD. Which areas would those be, for purposes of—

MR. HERNANDEZ. Well, that pertains to our area there, Northeast Los Angeles. If you come down, you have South Boyle Heights, South Central, all the way down to the Alameda Corridor to Wilmington. And then up north, you have Pacoima, Arleta, North Hollywood, and Sun Valley. That is where your pockets of young people are, and that is where we should be focusing on putting training programs, to get people involved in the concept of transportation so that they can be educated to get those jobs in the future. We have some other charts I would like to show you. Unemployment—you need to understand that the rail corridors are going through those same areas.

CHAIRPERSON FLETCHER. While he is putting that up, you talked about civil rights. You made a statement that is very interesting to me, because I have to try to convince people that the Civil Rights Act really is working. And you just made a statement a moment ago. Would you embellish on that a little bit while he is putting that up?

MR. HERNANDEZ. Sure.

CHAIRPERSON FLETCHER. It covers unemployment—that is a good opportunity.

MR. HERNANDEZ. Let's talk about voting rights.

CHAIRPERSON FLETCHER. Okay. Let's go with that.

MR. HERNANDEZ. Los Angeles as a city has 992,000 people who aren't citizens. That is the equivalent of four council districts. And the re-

ality is policymakers are making decisions based on citizens and ignoring approximately 992,000 peoples' worth of needs. Some of those people have been at this—I mean they have to wait 17 years to become a citizen if they are from Mexico. What has affected the voting rights of the Latino population, in a State called California that used to be Mexico, has been the immigration laws. There has also been created a quota system that not more than 40,000 can immigrate from Mexico. What happens is your line gets longer and longer every year. So you have to wait. You have the right to immigrate, but to get your green card, you have to wait 10 to 12 years.

Now, you get your green card, and then you have got to wait 5 years to become a citizen. That is a whole generation that doesn't have the right to participate in the system. It allows for policymakers to make decisions without taking that person's right into consideration. That is an issue that has to really be looked at. I keep on saying, "What is the definition of a citizen?" only because some of them come from what I call "central America"—Wisconsin, Louisiana, Arkansas—establish themselves for 60 days in Los Angeles, have the right to collect public aid and have the right to vote. Someone could be here as a laborer for 17 years and cannot vote.

CHAIRPERSON FLETCHER. How about social security?

MR. HERNANDEZ. Most of the immigrant population does not apply.

CHAIRPERSON FLETCHER. But they do pay it, though.

MR. HERNANDEZ. The employers take it out of their checks.

CHAIRPERSON FLETCHER. That is the point I want to make. I want that in the record. They do pay it.

MR. HERNANDEZ. We do pay. We do participate in the system. And all the studies aren't accurate. People say we don't pay. It is a medical insurance program. But the reality is it is McDonald's who has us work for 30 hours so they don't give us medical insurance, as opposed to allowing us to work for 40 hours where they would have to provide it. Those are some of the inequities that happen in those systems. So I think corporate America has been taxing our health system. But we as laborers have been paying into the system. Most of the time we cannot participate with the security of knowing that we have full-time employ-

ment, that our boss can't take advantage of us. So what happens is they take away wages that they might not be reporting in some instances. In other instances, we don't generate any benefits by paying into the system because we are waiting to become legal residents. And in order to do that, you cannot receive any type of public assistance.

See, you have got to understand we have different populations when you talk about the Latino community. Even our long-term populations aren't being employed. Taylor Yard used to be a railroad maintenance yard. And there were 600 people laid off when Southern Pacific chose to close its doors. Well, those people aren't the ones working in the maintenance yard at the MTA right now.

MS. YOUNGBLOOD. I notice that you do have your graphic up now. Would you please proceed?

MR. HERNANDEZ. Yes. Again, unemployment, where you have your green area—it is greater than twice the city average—and I have some other charts—you have some small charts because it would take us too long to show you all these charts—I wish you would have had it set up a little bit differently—but, as you look at the needs, whether it be in housing, education attainment, there are 900,000 adults in the city who don't have a high school diploma. Our entire LA Unified School District population is 622,000. But, if you look at the charts, all of a sudden you see a clear reflection of ethnicity when you look at a city breakdown, and I will pass this down to you. Whether it be the African American community or the Latino community, we are not basically living in the areas that the rail system is going to be benefiting. And that is the system that is being subsidized heavily. The employment opportunities are not going to the communities with the greatest needs, the majority population.

We are receiving secondary forms of education because our kids are the ones that are being bused. Our schools are the ones that are overcrowded. Our schools are the ones that look like prisons. Our schools are the ones where the environment is not conducive for learning. And I keep on saying I want to look into the future and say we happen to be establishing policies that allow for the advancement of those zones, regardless of who lives there, because it shouldn't be broken down ethnically—the reality is people live where they can live by income.

And, see, nobody talks about transportation subsidizing housing along those corridors. One of the fears people are having now is that as we build this transportation system and hook up people into the whole system of rail, it is going to become land that people are going to want to buy into. People are going to move us out again because we are not going to be able to afford to live in our own land. I guess it was Governor Pio Pico who once said one day we would be known as strangers in our own land.

Testimony of Thomas S. Avila, Attorney, Avila & Putnam

MS. YOUNGBLOOD. Thank you, council member. I am sure that the Commissioners will have several more questions for you. I would like to move on to Mr. Avila. Mr. Avila, what is your current occupation?

MR. AVILA. I am an attorney in private practice, and I have been in private practice since 1971.

MS. YOUNGBLOOD. Do you represent any organizations, and, if so, would you please indicate whom?

MR. AVILA. Yes. I have been the counsel to the Latin Business Association, the Hispanic Contractors Association, the Mexican American Grocers Association, and the list is probably longer than my arm, but that will give you an idea of what I do.

MS. YOUNGBLOOD. Thank you, sir. Would you please give the Commission your assessment of the current extent of minority participation in MTA construction projects?

MR. AVILA. Well, I think the MTA is probably one of the few organizations that is making a very aggressive attempt at trying to include many minorities. But I believe part of the problem is that we are facing legislative barriers, systematic barriers, and other kinds of barriers that the MTA and other similar organizations are facing as a result of inadequately prepared legislation that emanates either out of Washington or Sacramento. When I look at the activity that occurred with the Century Freeway where minorities were given an ample opportunity to participate and then I discover some of the other agencies, federally funded or nonfederally funded, claiming that they can't find and locate minorities to do the work, it is kind of interesting to see how that's played out.

MTA probably and its predecessor LACTC had a very aggressive program, but one of the problems that they are facing is the SBA size standards. When minorities- and women-owned businesses reach a certain level, they are deemed nonqualified, no longer eligible to participate in the program because a lot of the Federal system's requirements for certification indicate that you must comply with the SBA size standards. And several years ago many of the community organizations weren't aware that the SBA size standards were reduced. Even though the economy and inflation were going the other direction, the size standards were reduced to our detriment.

So what you have is a situation where contracts, particularly your MTA contracts which are getting larger and larger in dollar amount—as they go up, the size standards go down, which means that it reduces the opportunity for minorities to participate in the process. So we are very concerned about that, and we would hope that perhaps this Commission can impress on Congress that size standards, while they are important to target certain groups, should not be likewise used as a means to keep minorities out of the contracting process.

MS. YOUNGBLOOD. Mr. Avila, would your observations with regard to minority participation be consistent for all minority groups, or have your observations been limited to a specific group?

MR. AVILA. Well, I have had the good fortune to work with a number of colleagues in all the minority communities, and I have worked with a number of different minority organizations, so I have some familiarity with Asian problems and with problems facing black business organizations. But primarily I have focused on the Latino or Hispanic community for the last 21 years. But, from my observations, in sharing them with legal counsel involved with the Asian Business Association and the Black Business Association, they all express the same concerns that I do. So I think my comments probably have some application.

MS. YOUNGBLOOD. Would your comments also be consistent for other minority participation in all mass transit-related projects, not specifically limited to the MTA? You mentioned a moment ago your involvement in the Century Freeway project.

MR. AVILA. I think my comments probably are applicable to all of the transit programs as

long as they are funded by the Department of Transportation, and particularly where you have federally funded programs. And we are looking at implementation of goals and good faith effort programs. I think across the board they are very much the same.

MS. YOUNGBLOOD. Thank you very much. At this time I have no further questions of the witnesses, and I would like to pass them to the Commissioners.

CHAIRPERSON FLETCHER. Commissioner Reynoso?

COMMISSIONER REYNOSO. I don't want to ask questions in light of the time, but I would like to ask Mr. Hernandez to maybe submit to us—I think we have 30 days for the open record—your recommendations particularly on citizenship. You mentioned, "So many," quote, "Here are here for a long time and don't vote." If you have some recommendations on how citizenship can be effectuated more quickly or even, as has been debated in Los Angeles, having noncitizens vote on those matters on which they have an interest, I think that would be of help to the Commission.

I would like to ask Mr. Avila particularly to submit any recommendations for changes in the Federal law on contracting, because it has become practically a crisis situation of what laws that were viewed as being favorable to labor and helpful to the community are now apparently hanging up the accomplishment of that. Thank you.

CHAIRPERSON FLETCHER. With respect to the voting rights legislation, tell me what your experiences are, and what recommendations would you like us to make with reference to more equitable opportunities to vote, Mr. Hernandez?

MR. HERNANDEZ. I think there has to be a process where we start really defining what makes someone a citizen, and how do you create equity in that process. To me, the fact that someone is here working, staying out of trouble—and has been doing it for a long time—they should be able to be a citizen. And I use the example of my mother-in-law. You need to understand that California as a State has the worst record of citizenship turnover. I mean if you were to apply for citizenship in New York, you would have an easier time than you do in California. And my mother-in-law—I keep on asking her why she wouldn't, because she tried three times in 1958 to 1962 to become a citizen. Now, my father-in-law was able to. She wasn't because she kept on fail-

ing the oral exam, the interview. Now, the reality is here are folks who own two homes, pay taxes. He was a laborer for the railroad for 37 years. She was a seamstress for 38 years. Their son is a Marine. She cannot vote for her son-in-law to sit on the city council. It makes no sense.

COMMISSIONER GEORGE. Are you sure she would vote for you? We are making assumptions about that.

MR. HERNANDEZ. And I guess that shows a little bit about my character, because I am willing to take the chance.

COMMISSIONER GEORGE. My mother-in-law wouldn't vote for me, I assure you of that.

MR. HERNANDEZ. One reason I was willing to take the chance is she made burritos for the volunteers. But I think it is important that we look at that. The Immigration and Naturalization Service doesn't have an emphasis on naturalization. Their emphasis is enforcement. That enforcement is a cloak over a community. It is what gives parents fears about sending their kids to school and wondering if they are going to come back. It is also what gives the employers the advantage to take advantage of people. So that has been their focus. During the civil unrest, the Federal Government chose to put INS in my district. They didn't choose to protect businesses. They chose to create a fear, and that wasn't right.

CHAIRPERSON FLETCHER. Is your district Pico?

MR. HERNANDEZ. I have Pico-Union, also, I also have part of Korean town, I have Chinatown, I have parts of Filipino town. I have a tremendous district. Hang out with me. You will listen to seven national anthems on a Sunday. But the American anthem is the one that everybody stands proudest with.

CHAIRPERSON FLETCHER. All right.

MR. HERNANDEZ. But I think that it is important that we understand that there is no real emphasis on naturalization. Since the amnesty law passed, we have 800,000 people in the Los Angeles region who qualify for amnesty, and they are going to be turned over to citizenship starting in October. But it is not the government who is putting an emphasis on that. It is our organizations that are doing it with volunteers. We are not waiting for an appropriation.

The numbers are tremendous. And if people understood what kind of impact that would have

on the policymaking—because all of a sudden policymakers would be held more accountable once those folks become citizens—there should be an emphasis there. But then at the same time, these waiting periods, because of the quota that was instituted, it works against those people from the Western Hemisphere as opposed to the Eastern Hemisphere. And I think it was done purposely.

If you understand, we converted to an easier voter registration mechanism by allowing you to fill out your own form. But we also made them in English only. You have to understand that it made a difference. But now with the new Voting Rights Act and the fact that we can include ballots in different languages, I had the pleasure of meeting a senior citizen Korean man who had his ballot in Korean pointing to my name. 'So I think it does make a difference.

So we have to be focusing on what constitutes a citizen in the city, what gives someone a right to participate in the policymaking. I mean why is it that children's parents don't have the right to hold a school board accountable to the kinds of policies they are educating? So we have to look at it very closely because Los Angeles is not like the rest of the United States. We have a different history here. We have a population base that is made up of immigrants. And that is our future as an international city with an international harbor and an international airport and being at the center of the Pacific Rim, at the same time having an anchor to the south. So we should look at those kinds of issues in terms of how it is that we can make a difference in Los Angeles. But that is the biggest factor I think that is affecting policymaking, the fact that we don't have the numbers. We are the numbers, but we don't have the numbers when it comes to the ability to affect policymakers. You know, clearly, we are the future of the city. It is not like you can just wipe us out.

CHAIRPERSON FLETCHER. With reference to the most recent immigration legislation, for your information, one of the first challenges I had and many of us had as members of the Commission was to deal with the most recent immigration legislation. And we found that it discriminated more than it helped. Question number one, did you get a chance to testify on that legislation at the national level?

MR. HERNANDEZ. No, I didn't.

CHAIRPERSON FLETCHER. Is there a reason for that?

MR. HERNANDEZ. Well, number one, one Latino city council person in the history of Los Angeles had just got elected 2 years ago. This district was created in 1987. Gloria Molina represented it then. I was a businessman before that.

CHAIRPERSON FLETCHER. Did she testify on it, do you know?

MR. HERNANDEZ. I wouldn't be able to tell you because I don't know if she did.

CHAIRPERSON FLETCHER. Are you familiar at all with what the so—

MR. HERNANDEZ. Well, I know what amnesty did. It solved the problems up to 1982. If you understood what I was talking about, this quota system as it relates—

CHAIRPERSON FLETCHER. That is where I am coming from. As you explained it, what recommendation do you want to get into this record?

MR. HERNANDEZ. Well, I think it is important that we consider looking at those numbers again. Are we going to deal with allowing people to be part of this city who have lived here for many years? Your waiting list of people since 1982—and that was, again, 11 years ago—you need to understand now you have the same problems but worse. Because it was 1978 when the quota system was established. And so we found the problem that accumulated over a 4-year period. Now we have got a problem that has accumulated over an 11-year period, but we didn't change that part of the rules. So you have people who have the legal right to immigrate because they have children who were born here or their parents were citizens or their sisters and brothers are citizens. But they have to wait. And so because we didn't address that legislation from 1978, it didn't make a difference.

CHAIRPERSON FLETCHER. My theory is that—and I want to ask you another question with reference to your statement on the civil rights legislation—my theory is that you can track what little progress black America has made on the basis of their enhanced and increased ability to use their political muscle.

MR. HERNANDEZ. Exactly.

CHAIRPERSON FLETCHER. We may have a difference of opinion with reference to how well they have done. I think much, much more needs to be done on the part of those who have been elected. But when you compare the disparities

between Latinos and African Americans, pointing out that disparity is not to say that the system is working well for either one of them.

MR. HERNANDEZ. I agree with you. One of the things people don't talk about is that 13 percent of the African American community has a Spanish surname. And that population is suffering even more. I think, again, this whole question of being able to participate has to be addressed. And my fear in my district—you need to understand that when Gloria Molina got elected to the city council seat I represent in 1987, there were 38,000 registered voters, and this was after extensive efforts. I do have a strong record of voter registration. When I ran for office, there were 33,000, 2 years ago. This last election, there were 27,000. Now, that gives me the ability to do anything I want. That is what is wrong with the system.

CHAIRPERSON FLETCHER. Just a moment. You have been involved in the EEO—possibly the EEO—but the minority business set-aside legislation that was put in place, and you have seen what our hopes were when we put it in place in late 1969, and probably worked with it all through the 1970s and 1980s. I think it needs repairing, rejuvenation, or redesign. Do you have any thoughts along those lines that you would like to get into this report?

MR. AVILA. Absolutely. I think that entire system of legislation needs to be revisited. I think it needs to be streamlined, and I think it needs to be strengthened. One of the problems that most minority business people face today is that they are dealing with a maze of legislation and a maze of eligibility criteria. If you intend to do business under any of the MBE, WBE, or DBE programs, you will find that the eligibility criteria is different depending on who you apply for.

Let me just give you an example of a maze that I would have to go through if I intended to do business in the construction field. I probably would have to qualify with the SBA, with the Department of Commerce, with any other Federal agency, DOT, etc. So you may end up seeking certification with 10 or 12 Federal agencies. If I intended to do business with the State of California, I have another 10 to 12 agencies that I would have to obtain certification for. If I intended to do business in the County of Los Angeles, I again would have to qualify with all of the different county agencies and departments.

If I did business in the City of Los Angeles, I would have to do the same thing. I counted at one point in time that there were over 38 agencies if I wanted to do construction work. Now, typically it costs anywhere from \$1,500 to \$2,000 in terms of time and expense to file all of those applications. So, right off the bat, you are placing a financial burden on the minority business person to become eligible through the certification process to participate.

The other problem that we run into is the uneven application of the criteria. When I applied for certification with a local agency, I was asked to prove my ethnicity. It was rather difficult for me because my birth certificate said, "Caucasian." Obviously, if you look at me, I probably don't fit that description, but yet it was my responsibility to prove to the certification agency that I was of minority extraction. There was no documentation that I could go to. I had nothing to prove my ethnicity. Finally, I got the agency to agree to accept a letter from the Mexican American Legal Defense and Education Fund from the chairman and the president certifying that as long as they have known me for the past 21 years, I have been involved, and I appear to be, and it obviously reflects that I am Hispanic and Filipino, so therefore I could qualify. But that was the only document, the only criteria that was holding up my certification in order to participate in the process.

The other concern that we have as minority business people, there is a system of third party challenges that is really devastating to minority participants. And we discovered that these challenges in most cases aren't being initiated by MBEs, but rather they are being initiated by majority-owned companies.

CHAIRPERSON FLETCHER. Who receive general contracts.

MR. AVILA. The ATC [phonetic] nationally challenges on a third party challenge base the certification of minorities. And it is not because they want to eliminate the minority. It is a tool by which they eliminate their competition. The problem is that we become part of the jetsam and flotsam because we lose contract opportunities when they challenge each other. Very rarely will you find minorities challenging the others on the basis of their MBE, DBE, or WBE certification. It is typically done by the majority companies. The problem with the third party challenge system, even though it is akin to the government's hot

line, the problem is that it violates the due process rights of the minority business person because strictly on the basis of hearsay and innuendo, someone can say that my law firm is not owned by and controlled by persons of minority ethnicity. And the point is that two of the three stockholders in my law corporation are minorities. But my partner happens not to be minority, and we have been challenged. And because we are who we are, and because of my history for the past 21 years in dealing with MBE issues, the challenge is thrown out. But the fact is that it occurred.

I represent a very successful Hispanic concrete and structural engineering company that was doing a lot of work on the Century Freeway. And it was constantly being challenged as a front. The individual happens to have a non-Hispanic last name. However, he is probably more Mexican than I would ever hope to be, and yet he was challenged frequently. We appeared before not less than six administrative hearings before CALTRANS. We appeared in Sacramento on a challenge. And eventually there was a challenge issued to the Department of Transportation.

The problem with these is in most cases they are desk audits, which means that the paperwork is submitted and somebody in an office someplace renders a decision. And if you happen to have somebody opposing you who is from the government, it makes the job of our representation much more difficult because often people will give more credibility to a statement filed by a person of the government.

CHAIRPERSON FLETCHER. Let me ask you to do us a favor, please. I would appreciate it if you would design a flow chart. I call it a "hostage holding flow chart." They hold you hostage in that process while the work is being done. When you finally get out of that entanglement, the contract is over. My concern is with the Intermodal Transportation Act, 150 some billion bucks, and the additional public works legislation coming down the track. It is important that we be able to put both the House and the Senate committees that deal with those appropriations, as well as the agencies involved with those sizable corporations—exactly why the minority business and DBE and all of those different things aren't working and to the degree that that—that entanglement process, and they really need to see it, a flow chart with boxes and all, the different checkpoints where it gets ridiculous. And I hope

you will be able to give us a remedy with reference to all of this myriad of going through the maze of being certified to do business. I am knowledgeable on it because I was an 8a contractor. I am not any more, but I had contracts with military bases all over the country and up on the Alaskan pipeline. It wasn't nearly as complex and complicated in the 1970s as it was rumored to be in the 1980s. So I would appreciate that documentation for this record.

MR. AVILA. I will do that.

CHAIRPERSON FLETCHER. Thank you very much. Any other questions?

MS. YOUNGBLOOD. Yes. Staff has some additional questions to ask of the witnesses, for the record. I would like to go back to Mr. Walsh, please. Mr. Walsh, do you have any additional personal observations with respect to your role as a teacher as to what you have seen happen to your students when their parents have a lack of transportation alternatives?

MR. WALSH. Yes. As a teacher in the system, when I was in the junior high system, I ran into many children who at age 10 or 12 years old were running the household because the father was in the country of origin and the mother was working as a domestic in outlying suburban areas and it was impossible for her to get back every day because in the evening on the bus system it turns into about 90 percent male and 10 percent female—because of the danger. So these women have to live 5 days a week in the valley and other suburban areas leaving the children to run a family.

I would like to just parenthetically mention that a foothill transit zone was created out of a suburban area, the San Gabriel Valley, by the MTA, the LACTC at that time, to address suburban problems. And during the days of the civil disturbance, this system funded by the MTA refused to come into Los Angeles. They dropped their passengers, many of whom were domestics, on their way home on Thursday and Friday at the El Monte Busway, and they said, "We are not coming into LA. Go find an RTD bus." We brought this up to the MTA. We asked for a censure. We asked for money to be deducted. In fact, nothing happened.

There are a great deal of problems with children—a youth fare. How is a youth who has to pay \$1.10 to get around the city? Suppose a mother just wants a short trip and she has got a

6 year old and a 7 year old child and she isn't able to come up with the \$42 for a pass? It is going to cost her round trip to go five or six blocks \$6.60 with those children of 6 or 7 years.

I think that it is no coincidence that the city with the most overcrowded bus system in America had the most serious civil uprising in America. It is tied. If you can't get around, if you can't get a job, if you can't go to get a job, this is an inevitable result.

MR. HERNANDEZ. I just wanted to add something here as far as school children. You need to understand that most of the routes developed by the bus systems are regional in perspective and they are not local, which is why we have as many transfers. Most people's social service needs tend to be local.

And you also need to understand that the school district in its budget cuts basically had to cut some bus routes. And if you weren't part of the busing program, the local busing program wasn't there in place. And principals have told me—Nightingale Jr. High school is an example—by cutting the route from Ann Street, the William Meade Housing Project to Nightingale—the kids it used to take there—resulted in 70 students no longer going to school. The principal called the homes to talk to the parents about why their kids were no longer coming in. It was because they wouldn't cross the turf lines of the gangs. You see, now they have to do it by foot. We have experienced the same thing at Belmont High School. Kids from Pico-Union have a hard time getting over to Belmont. And so local transportation needs have to be addressed.

I just finished holding some hearings on school violence. I found that the kids—that all the excitement was happening about—I don't want to demean it because—more kids are committing suicides than the kids who have been harmed on school campuses—but we found that those kids who were part of a shooting or got shot were all kids who were being bused to the schools. None of them were from the home school environment. And the kids' testimony to me was, "We feel safe at home, and we feel safe at school. It is in between that we have a problem." And that is why they are packing guns.

MS. YOUNGBLOOD. Thank you. This question is addressed to both Mr. Walsh and to Council Member Hernandez. What opportunities have both of you, you as a member of your organiza-

tion or you as a council member, had to make your position known or to bring these issues to bear and to become a part of the decisionmaking process? First Mr. Walsh, please.

MR. WALSH. We have a new director of the MTA. Previously, it had been very difficult. We have been hitting a steel wall when it comes to the bus riders' issues. We are in a nutshell, and we have talked to Mr. White already. We have talked to Mr. White at meetings about this. We don't want to see what happened in Miami. In Miami they built something called Metrorail. A company called Schimpler Corradina [phonetic] made projections of the ridership. They are at 35 or 40 percent of the ridership that was projected. As a result, the cost of deficits yearly for the rail system meant that they had to decimate the bus system. They now have, bus and rail in Miami, fewer people than they had bus only being transported.

In fact, in Los Angeles right now we have the beginning of a rail system. We are now transporting about 90 million people fewer bus and rail than we did in 1985 bus only. In other words, we are building rail systems, and fewer people are being transported. This is a problem we believe that the MTA will address. And Mr. White has been talking about it, in trimming the schedule of building rail and putting more money into the bus system. There are 30,000 bus stops in the MTA's district. There are now 16 or 17 rail stops. We can't feed the rail stops and starve the 30,000 bus stops.

MR. HERNANDEZ. One of the initial things I initiated and that we followed through with was basically the dissemination of transportation scrip to seniors and disabled people. But the City of Los Angeles had a very limited program, and we found that it only operated west of the Harbor Freeway and primarily out in the suburbs. Because we were able to show the inadequacies and so forth, we were able to secure additional funding, and we expanded the program. Now many more seniors and disabled people are eligible for the scrip.

And it is funny, because in the expansion, there was a reduction of service between—now you have to be 65 as opposed to 62 to be a senior. Every now and then, I am pulling out \$10 bills so I can make up the difference to a senior citizen for 2 months because it makes a difference in their incomes. The other reality is we have

been able to introduce a resolution that council passed asking that the MTA consider taking a higher percentage of their budget—as opposed to 2 percent, increasing it to 6 percent—for purposes of security so that we can have more security on the bus system. Because we think the difference should go strictly to buses because there is a total inadequacy in terms of how they are subsidizing security for rail system versus the people who are using the system now.

We have also been looking at transportation quotas because we have several applications in with the Federal Government right now—but they have been approved at 95 percent approval ratings—in terms of local transportation needs so that we can get shuttle systems introduced into the district. And more important—I know my colleague Alatorre is here—I really appreciate the fact that he sits on the housing committee on the city council because we have been developing a lot of housing in our district that is inclusive of social service components simply because of the fact that it is not accessible to our constituents.

MS. YOUNGBLOOD. There are a number of other questions that staff has, but, again, we are aware of the time constraints. I would like to ask with Chairman's permission at this time if the staff can submit written questions in the form of interrogatories to the remaining witnesses and have them respond within a 30-day period.

CHAIRPERSON FLETCHER. Certainly. I concur with that. That will be excellent.

MS. YOUNGBLOOD. Thank you very much.

CHAIRPERSON FLETCHER. In the process, if you have a writeup on that hearing that you said you had, we would like a writeup for the record, please.

MR. HERNANDEZ. I would be more than happy to submit that to you.

CHAIRPERSON FLETCHER. Thank you very much. You have been very helpful to us.

MR. HERNANDEZ. I did need some information, some demographics and some charts, if I could get it back.

CHAIRPERSON FLETCHER. Counsel, would you call the next panelists for me, please.

Local Officials

MS. YOUNGBLOOD. Mr. Franklin White, Mr. Tom Rubin, and Council Member Richard Alatorre.

VICE CHAIRPERSON WANG. Mr. White, Mr. Rubin, and Mr. Alatorre, could I ask you to stand up and raise your right hand, please.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you very much. Please be seated, and we can ask the counsel to begin with your questioning.

MS. YOUNGBLOOD. Thank you, Mr. Vice Chairman. I would like to again request that we follow the same format where staff asks all the questions of the witnesses and thereafter passes the witnesses over to the Commissioners.

VICE CHAIRPERSON WANG. By all means, counsel.

MS. YOUNGBLOOD. Thank you very much. We would like to begin with Council Member Alatorre, given your previous time commitment. Council member, would you please state your current position?

MR. ALATORRE. My name is Councilman Richard Alatorre, city councilman for the 14th District, and currently the chairman of the Metropolitan Transportation Authority.

MS. YOUNGBLOOD. Thank you very much. I broke with previous procedure. Would all of the witnesses please state their name and title and organizational affiliation?

MR. WHITE. My name is Franklin White, and I am the chief executive officer of the Metropolitan Transportation Authority.

MR. RUBIN. My name is Tom Rubin, and I am employed by the Los Angeles County Metropolitan Transportation Authority.

Testimony of Richard Alatorre, Member, Los Angeles City Council, and Chairman, Metropolitan Transportation Authority

MS. YOUNGBLOOD. Thank you very much. Council member, through what process did you become chairman of the Metropolitan Transit Authority?

MR. ALATORRE. I was elected when the MTA was formed. I was elected on February the 1st—the first meeting in February. I was elected by the membership of the MTA.

MS. YOUNGBLOOD. What are your powers and responsibilities as chairman of that board?

MR. ALATORRE. Well, I make the assignments for the committees. I make appointments to some of the commissions that we have jurisdiction over. I set the agenda, set the agenda for the MTA meetings. That is pretty much it.

MS. YOUNGBLOOD. Would you please state then what the role of the MTA board is with respect to making transportation policy decisions in the City of Los Angeles?

MR. ALATORRE. Well, it is not just in the city. The MTA really is a regional board made up of people of Los Angeles County. We are the policy board in the transportation arena for Los Angeles County. We are the ones that set the agenda for expenditures and money. We set the projections for, as an example, the 30-year plan that was adopted by then the planning wing of the MTA now with the merged wing, which is planning as well as operations of public transportation in Los Angeles County. That's pretty much it.

MS. YOUNGBLOOD. Thank you. Council member, I noticed you were sitting in the audience through the previous panel's testimony. Would you please give us your own assessment of the current level of service being provided to the constituency served through the MTA, particularly the transit-dependent persons in Los Angeles?

MR. ALATORRE. Well, you know, I think it is safe to say that it needs improvement.

MS. YOUNGBLOOD. Would you please elaborate?

MR. ALATORRE. Well, you know, we happen to have in the inner city probably the most overcrowding of any of the lines in the jurisdiction that we have. I think that it is safe to say that in the past, unfortunately, transportation and taking care of those that are really our constituents have not been taken care of in the manner I believe that they should. We have a long way to go. I think we are committed to a multimodal transportation system. We adopted a 30-year plan which I think, in light of the economic realities that we know today, has to be revisited.

I think if you ask transit-dependent people whether they are receiving adequate service, they are going to be the first ones to tell you, "No." You ask people probably from our agency, and they will recognize that improvements have to be made but probably not at the urgency that the people that use the buses have. They will cite to you, the transit-dependent people will cite to you, the uneven expenditure of resources. That is debatable. They will cite to you the fact that we pay more money to take care of people that are riding rail cars than we do the millions of people that use buses every day.

Even when the system is built out, the system as we know it today with the Metro Red Line, the Blue Line, the Orange Line, the White—the Green Line—we are only talking about at best maybe 11 percent of the riding public. I think the real question is, What do we do and how do we care for the other 89 percent of the riding public? And that is probably at its best we are talking. And I think that one of the members of the former panel talked about the uneven expenditure of money. It is not so much the uneven expenditure of money. It is just that we have a system that is regional in nature. And with that, the core, the transit-dependent people that happen not to be using buses as a luxury—they use it as a necessity—the emphasis is not put on that constituency as much as it is put on transporting people regionally into downtown Los Angeles. Transit-dependent people in my district, as an example, use the transportation system not just to go to work, but they use the transportation system to meet their needs, whether it is shopping, whether it is going to visit doctors, and the like. And kids, obviously they use it to commute to school.

MS. YOUNGBLOOD. Would then your assessment be the same for people who are not transit dependent that the level of services is not equal, or would you say that the assessment would be better?

MR. ALATORRE. I think the expenditure of money is greater. You have to look at Los Angeles not as an urban core. You have to look at Los Angeles as a set of suburban communities. And with that, obviously, when you have lines and you have to set up a regional system, obviously you are going to spend more money the further out that you get. As you look at the subsidy for people that are transit dependent, I think they pay for themselves. But when you look at how you move people in suburban communities, the subsidy obviously is larger.

MS. YOUNGBLOOD. Council member, would you agree that it should be a goal of any transportation system to increase the mobility of people?

MR. ALATORRE. Well, that is the purpose. That is obviously the purpose of any transportation system. But then you have to define who are we really serving. But mobility certainly is one of the most important parts of any transportation system. And some would argue that the ability for people that happen to only have as a

mechanism to get from one place to another a bus system—they probably are not as mobile as you and I may be.

MS. YOUNGBLOOD. I am not sure I understood your response, sir. Would you please restate that?

MR. ALATORRE. What I am trying to say is that mobility is obviously the objective of the MTA. Now, when you go out into suburban communities, many times it is a choice that people make to ride a bus, as an example, or Metrolink or the light rail in the system that we have now. But people in the inner city don't have much choice. They only have one choice, and that choice is whatever transportation network that we have. That is busing. And, consequently, if they are over capacity and if they are used more often, the wear and tear obviously is greater. But those individuals do not have the luxury that you and I have.

If it was available, we could use rail—we could use light rail or heavy rail if we lived in areas like that. But, see, people that live in the inner city only have one choice. And when the Red Line is built out, they will have another choice. The question will be, how many of them are going to opt to using it and whether in fact it is even affordable for them, and that remains to be seen.

MS. YOUNGBLOOD. Council member, you just heard testimony from the previous panel that indicated that mobility is being decreased. Are you telling the Commission—is it your testimony then, sir—that we should be looking at the regional system as a whole and assessing it on that basis and not on a basis of increasing the mobility of all the people, including the people who are dependent upon that system?

MR. ALATORRE. I think that the commitment of the MTA in its mission statement is to provide equality of service to people, not just expenditure of dollars in one mode of transportation. It obviously costs more when you bring people from different places. If we were just a metropolitan transportation network, I think the service would be different. But with the expenditures of money that we have, and recession hitting us the way that it has, and the expenditure by the Federal Government and the allocation by the Federal Government more toward rail than operations—and you can see that over a period of the last decade—you see a reduction in monies coming from the Federal Government for operations, and you see that that is more fashionable,

which happens to be rail—the monies have gone more for capital than it has gone for operations—and the question of what our commitment—yes, our commitment has to be the mobility of people irrespective of where they happen to live, whether they live in the inner city or whether they live in suburban communities.

Maybe we have to revisit the idea of the MTA being a regional carrier. Some would say, "Just take care of people in Los Angeles." Obviously, the commitment was made long before I even became a member of the RTD or the LACTC. The decision was that we were going to be a regional carrier. And with that, obviously there are problems.

MS. YOUNGBLOOD. Council member, what would be your assessment of the MTA's performance in providing jobs and contracting opportunities for minorities, minority residents?

MR. ALATORRE. Well, like any other, obviously it could improve. But I think that when you look at what we have done and the commitment that the MTA and its board has in its statement of purpose as it relates to, number one, employment opportunities, and, number two, opening up economic opportunities, if you look at it from the standpoint of whether we follow the guidelines, do we meet those standards? Yes, we meet them. Could we do a better job? Yes, we could do a better job.

I think that you will see that since the inclusion of the membership of—I am not just talking about myself but of others that share a similar commitment, that the numbers have increased, that the commitment certainly that I have as a chairman and ultimately as a member of the MTA, is that African Americans, Hispanics, Asians, American Indians, should play a bigger role in the participation of the \$180 billion and whatever costs that are going to be expended over the 30-year period. And my commitment is to do a better job and to increase that participation.

MS. YOUNGBLOOD. Thank you. Previously, we requested some documents from your office, council member, and I would appreciate it if you would have your attorney forward those to us.

MR. ALATORRE. Okay. Very good. We will get them to you.

MS. YOUNGBLOOD. Next I would like to turn my questioning to Mr. White.

MR. ALATORRE. Excuse me. I have a time constraint. They have been holding up the start for

me because I make the quorum. And I just want to know if there are any other questions for me?

MS. YOUNGBLOOD. Yes, sir, there are. I believe there are additional questions.

COMMISSIONER REYNOSO. I just wonder whether we might do what we did with the previous panel. Maybe we could send interrogatories to some of the witnesses, particularly in light of the fact that we are running so late. And maybe we could make up some time that way.

MR. ALATORRE. I want to try and accommodate the Commission. It is just I was told to be here at 10:30. Mr. Montez told me to be here, and the subpoena told me to be here, and I want to comply with the subpoena.

CHAIRPERSON FLETCHER. Mr. Montez was right. The subpoena was right. Counsel, your response to that, please?

MS. YOUNGBLOOD. Earlier, I believe, in our conversations I spoke with a staff member of yours. It was my understanding that the meeting started at 1:00.

MR. ALATORRE. No. The city council started at 10 o'clock.

MS. YOUNGBLOOD. I understand that, council member. We issued a subpoena, and I apologize for any inconvenience. I had indicated to one of your staff members that you would be free to go at 12:30, and I would prefer that you stay until that time. And if at that time we are not done with the remaining questions, I would be happy to submit written interrogatories to you through your attorney.

CHAIRPERSON FLETCHER. Just for the sake of dual accommodation, if you have any more questions to ask of him, can you ask him now, before you go to any of the other members?

MS. YOUNGBLOOD. That would be fine. Thank you, Mr. Chairman. Council member, given that all of the MTA board members are elected officials, specifically with regard to yourself, how are you utilizing your political influence to effectuate changes that you indicated a moment ago were needed, specifically with regard to providing job opportunities and contracting opportunities for minorities? And please do not limit your response to only contracting opportunities. This would be with regard to individuals who are skilled laborers, laborers who would be able to work on MTA projects and initiatives that are underway. How are you utilizing your own personal influence?

MR. ALATORRE. Obviously, I think that the staff recognizes the commitment that the commission has, individually and collectively, to the idea of not only employment opportunities but also as subcontractors and prime contractors for the capital projects that we are involved in. That certainly is one of the commitments that I have and I believe that a majority of the commission has now, to maybe a greater extent with some than with others.

We have set out a policy on capital contracts that they have to meet a certain threshold. And I believe Mr. White can discuss that. And that threshold has to be met. We have seen over a period of years that there were many ways of getting around it. We insist now that there be the monitoring that should take place. In any of the awards that are given to a prime contractor, we look at the participation of women and minority business entrepreneurs.

We are getting to the point where we are having minorities that are the primes and not just the subs. We have outreach programs where we try and educate the small business entrepreneur as to the opportunities that we have. The influence, I believe, is understood by the staff. The staff maybe in the past took care of their business a certain way. The business that they took care of is that they made—they determined what the roles were, how they were met and whether they were met, and whether there was good faith that a particular contractor was involved in. That, to me, was not sufficient when I served on the RTD. Goals didn't mean anything to me unless they were met. We, fortunately, had an inspector general that understood. And he happened to be a Hispanic, and he understood what the thrust of the intentions were of the board.

Now, can we improve? Of course. I think we have a long way to go, but I think that the staff recognizes that there is a commitment individually and collectively by a majority of the members of the MTA.

MS. YOUNGBLOOD. Thank you very much. I will submit the remaining questions to your attorney.

MR. ALATORRE. Very good.

MS. YOUNGBLOOD. Thank you very much, Mr. Chairman.

CHAIRPERSON FLETCHER. You are free to go.

MR. ALATORRE. Thank you very much. I appreciate it very much.

Testimony of Franklin White, Chief Executive Officer, Metropolitan Transportation Authority

MS. YOUNGBLOOD. Mr. White, I will try to be brief because I understand that you also have a board meeting that you need to leave to attend. You are, of course, the current executive director of the MTA; is that correct?

MR. WHITE. Chief executive officer.

MS. YOUNGBLOOD. Thank you very much, sir. What is the MTA's previous record regarding Title VI compliance, specifically with regard to provision of services throughout the community?

MR. WHITE. You mean transportation services?

MS. YOUNGBLOOD. Yes, sir.

MR. WHITE. Let me answer the question in a different way, taking into account perhaps some of the observations that were made by the previous panel, also taking into account the fact that I am, I think, as you know, in my 11th or 12th week. But I think the transportation services, given the population pressure in this area, given the horizontal nature of the community, is pretty good in comparable terms, that is, to other cities of its ilk. Of course, Los Angeles because of its huge size and the county because of its huge size face really a transportation dilemma much beyond almost any other city you can think about because most cities are not this flat, most cities are not near as automobile dependent as this one is, and on and on and on.

Now, let me come to the matter of how one ought to view the ridership falloff that was discussed earlier, and, I think, suggesting that the poor quality of bus service or perhaps the fares were the principal reasons for that falloff. That is how I interpreted those comments. I don't think those comments are accurate, and I think people who look at transportation historically and look at it nationwide have reached other conclusions. The facts are that transit ridership is down everywhere. It is down in all other communities—and I don't want to be that absolute. It is down in most other communities, including those where there has been an increase in the population.

So one is confused about why there is an increase in the population and why is transit ridership down. And I think the answer that professionals in the field have arrived at as to why

that is the case—I think it is also true in Los Angeles, although I have been here such a short time—I think those factors are principally two. The first is change in the residential patterns in most cities, an increase in suburbanization to a much larger degree than the planners had ever forecasted. This, of course, ties to what is the connection between land use planning and residential development. The fact of the matter is in most of the country there is very little, and so you have suburbs increasing at a tremendous rate so that the old transportation patterns don't work anymore. And that is factor number one. People have to use an automobile.

The second factor, which is equally important, is the rise in affluence during the 1980s. Many more people were able to acquire automobiles than in prior decades. And in the case of Los Angeles, you have to look precession. Absolutely boom economy for a very long time, many more people registering automobiles. The staff probably knows better, and I can't recall the rate, but let me tell you, it is a phenomenal rate.

So you put together the change in where people live and more automobile ownership and the lag in the adjustment of the transportation machinery, and that is why transit ridership is down. It is down in New York. It is down in Chicago. It is down in Los Angeles. This is not to say conditions have nothing to do with it. It is to say the problem is much more complicated than that.

CHAIRPERSON FLETCHER. Is it down in Houston?

MR. WHITE. I don't know Houston in particular, but if I had to bet, I would say, "Yes" because I know what the pattern is nationwide. All of the transit managers when they get together, they get together to moan and try to analyze this problem to find out, "Why is our population growth in urban centers—transit ridership is down when the opposite ought to be occurring?" And if you don't look at the residential patterns, you won't understand the answer.

MS. YOUNGBLOOD. Thank you very much, sir. I would like to ask the previous question a different way then. Do you perceive a disparity or a difference in the level of services being provided to various users of the mass transit systems in Los Angeles?

MR. WHITE. I think the answer to that, if one were to compare bus service—and you have to ask which bus service—but bus service to the

condition in the rail system, the little bit of it that has been opened so far, I think the answer to that would be, "Yes," because, by and large, the bus system serves an inner-city population beset with all of the social problems that all of us know well, for which the transportation sector lacks the capability to solve all of those problems, and reflects in its machinery the same conditions that beset the school system and other service centers within those neighborhoods. I think if you physically are in both places, depending on where you are in the bus system, you could not conclude otherwise.

MS. YOUNGBLOOD. Thank you. Has the MTA as of yet devised a plan to deal with these procedure disparities?

MR. WHITE. I would say that the MTA is in the process of doing that, which is what the chairman indicated a few moments earlier. But I think to put the comparison in context, and I hate to keep doing it, but that is the only way we can think critically about these questions, I would prefer to go back and ask this question. What is LA County attempting to do, and in the course of attempting to do it, do we have conditions which are undesirable in comparison between some of the modes? And I think the answer is clearly "Yes," they are undesirable, and "Yes," we ought to be dealing with them. But the situation I am trying to explain and elucidate has to do with something very basic that has to underlie this conversation, and that is that Los Angeles County, driven by the Clean Air Act, driven by ISTEA [Intermodal Surface Transportation Efficiency Act], which requires various and sundry other activities in order to continue eligibility for Federal funds, has embarked on an enormous rail construction program.

And as one or two of the other witnesses has explained before, once you embark on that, that determines your subsidy level. So one can't be aghast at subsidy differences without understanding they flow naturally from the decision to create a regional rail network. That is point one. Point two is when you create a brand new regional rail network and you want to have people use it and you want it to be attractive and so on, it is going to look different from the bus system that was there before. So we are suffering from that in the comparison.

I do believe that as we create a regional rail network and as we spend enormous sums in doing

that, which we are doing, we must be conscious of the conditions in the buses. We must be conscious that those differences will be heightened, and we ought to be allocating that money in a way that as best it can eliminates those differences.

But we shouldn't kid ourselves. We are not going to be able to eliminate all of those differences any more than in any other service in government one would drive downtown or in the inner city and not expect to see conditions which are different in the suburbs. So while I think we have to do a better job, and it must be part of our objective, we have to be realistic about what is going to be possible, in fact.

MS. YOUNGBLOOD. In response to the previous question, you mentioned ISTEA and certain requirements that once you embark upon that path must be met. What of the economic development requirements or components of ISTEA has the MTA gone about implementing and carrying out?

MR. WHITE. In my short time, I must tell you that when I arrived from New York, I could not be more pleased with how aggressive Los Angeles County has been both with respect to minority participation in contracts there let but also concern and aggressiveness with respect to employment. I have been in a number of major cities and have not seen any in which the attitude and behavior has been so aggressive. It doesn't mean it is perfect, but I think if it isn't perfect, it is not for lack of a desire to improve on both those scores.

MS. YOUNGBLOOD. Would you please cite any specific examples of the same?

MR. WHITE. Well, I have lived and worked in New York City, lived and worked in Washington, D.C., lived and worked in Richmond, Virginia, and in none of those places was the fervor as strong as it is here.

MS. YOUNGBLOOD. I guess my question, Mr. White, is specific examples of economic development plans that have been carried out in specific communities. And we had previously indicated that if you would like to call upon staff, you may do so.

MR. WHITE. I will do that, if I have to. Let me tell you in general how that is done in our program. The economic development that we of necessity create in our program is that we are building, and that creates jobs and opportunities for firms, both minority and nonminority. We

also open stations, and part of the job of locating a station, thinking about its design, is to encourage economic development around those stations. Now we have a very large and active so-called joint development program. Those are the ways in which we have tried to do that. We hold job fairs; we hold MBE fairs. We do an enormous amount of reaching out to minorities and the business community in general about the opportunities that the MTA will present in the course of spending \$180 billion over 30 years, which is the plan. Now, staff, help me about what I have left out. There are a number of other activities that we will supplement in the record. I think privately we have talked about them. I won't leave this material. We will make sure we get them to you to supplement my answer.

MS. YOUNGBLOOD. Thank you very much. I would like to pass the witness at this time to the Commissioners.

CHAIRPERSON FLETCHER. Panel? I heard you say you were in Washington. When were you there?

MR. WHITE. I worked for the Carter White House in 1978 to 1981.

CHAIRPERSON FLETCHER. Were you involved at the time we started putting in the Washington metro system?

MR. WHITE. I was not. I was an assistant to Stuart Eizenstat on the domestic policy staff.

CHAIRPERSON FLETCHER. So you did not have any involvement—

MR. WHITE. I did not have transportation. But I lived in Silver Spring, know the subway system, rode it, and am familiar with not only what they did but with their transit problems.

CHAIRPERSON FLETCHER. The reason I asked for Houston when I asked for comparisons is, in my mind, there are a lot of commonalities between LA stretched all over the place and Houston. And so that was the reason I asked for that. You said some things that concerned me. I hear that you were impressed by the quality of the effort that is being made to include minority and women entrepreneurs for job opportunities. I guess what I am concerned with is—I am not that interested in comparing Los Angeles to some other city—I am interested in comparing Los Angeles to Los Angeles goals and objectives. On a scale of 1 to 10, have they crossed the 50-yard line in terms of productivity, or are they still struggling in the defense end of the field?

MR. WHITE. I think that the goals that were set by the prior boards—and there were two before the consolidation—have generally been achieved. As of March of 1993, the overall M/WBE participation is on the order of 23 percent. The goals that the board had set were 20 to 25 percent, so I think they were accomplished.

CHAIRPERSON FLETCHER. That is in terms of contracts.

MR. WHITE. That is in terms of the rail construction program.

CHAIRPERSON FLETCHER. Could you submit for the record your compliance audit and review process with respect to prime and minority contractors?

MR. WHITE. We will do that. I am reminded that on page 12 of my written testimony which has been distributed, there is an extensive discussion on page 12 of the economic development activities in which we are engaged.

CHAIRPERSON FLETCHER. Thank you very much. That's all I have, counsel.

MS. YOUNGBLOOD. Thank you very much. As with Council Member Alatorre, I would like to request permission at this time, Mr. Chairman, to submit the remainder of the questions for this witness to his attorney in the form of written interrogatories.

CHAIRPERSON FLETCHER. You have my permission.

MS. YOUNGBLOOD. Thank you very much. Thank you very much, Mr. White.

CHAIRPERSON FLETCHER. Thank you, Mr. White. Proceed, counsel.

Testimony of Tom Rubin, Senior Staff, Metropolitan Transportation Authority

MS. YOUNGBLOOD. Mr. Rubin, what is your current assessment of the MTA's performance with regard to providing job opportunities for minorities?

MR. RUBIN. I believe that has to be broken into two parts. One is direct employment by the MTA itself. The second is employment through contracting.

MS. YOUNGBLOOD. If you would please respond first to the first portion of that.

MR. RUBIN. At the present time, the MTA employs approximately 75—I'm sorry—78.5 percent of our total employees are minority, female, or both minority and female. This is in excess of the Los Angeles County labor market. And we

believe we have a very sound record for many, many years, decades in employment of minorities and females.

MS. YOUNGBLOOD. Now, would you respond to the same question with regard to contracting opportunities?

MR. RUBIN. I believe that Mr. White responded in this area. I am in charge of human resources or was in charge of human resources for SCRTD, so I am familiar with the employment numbers. I am less familiar with the contracting numbers. I do know that we have a very strong program, and this is agencywide, and, believe me, the last thing you want to be is an MTA staff person bringing a procurement to the board for approval that does not have a substantial participation by DBEs. That is not a pleasant experience.

CHAIRPERSON FLETCHER. That is good to hear.

MS. YOUNGBLOOD. Earlier, Mr. Rubin, you heard a previous panelist, Mr. Walsh, define the term transit dependent. Would you please describe for the Commission the transit-dependent population in Los Angeles in terms of race and ethnicity, where they commute to, their time spent in transit, their use of travel modes, and where they live?

MR. RUBIN. Well, it is a very complex question. I will do what I can. You asked me to prepare some numbers. I have a table that I have provided you on the passenger demographics which does speak to our passengers. In our latest onboard survey which was done in January of this year, approximately 48 percent of our bus riders were Hispanic, 23 percent were black, 8 percent were Asian, and approximately 19 percent were white. Our ridership was approximately 40 percent male and 60 percent female. Our ridership, I believe, would be properly described as socially, economically disadvantaged to a large part; 62 percent of our ridership has household incomes under \$15,000 a year, which is the poverty level in Los Angeles County.

So our ridership is very largely a transit-dependent group. In other surveys that we have done, approximately 15 percent of our riders own a car, and well under 50 percent of our riders have access to a car. So the bus ridership is very much a transit-dependent group. As far as where they go, well, there are well over a million riders, a million two or so a day, and they are going all over.

However, as in most large cities, our transit pattern is basically primarily a home to work downtown central business district. In the central business district, over 30 percent of the workers get there on transit. But countywide, our percentage is well under 10 percent. So for the people that are going from either the inner city or to a lesser extent the suburbs to downtown, we do have an extensive route system that has a great deal of utilization. We also have fairly good counter-commute service. The people who are going from downtown to the suburbs in many cases do have good service. I know the line I use—I go downtown every morning—is one of the main feeder lines to and from the San Fernando Valley.

We have as much if not more service from the downtown to the outlying areas. The problem, of course, is it is from the downtown to the outlying areas. And by and large, the people don't live downtown. So they have to first get to downtown, then transfer, and go in the other direction. And this is less convenient, of course, than for the people that have a destination downtown. We also have a great deal of cross-town service. These are routes that do not touch downtown. One of our busiest lines, one of the busiest lines in the United States, is on Vermont Avenue, which carries almost 60,000 people a day and doesn't come within 2 or 3 miles of downtown.

However, by and large, the people that do not work downtown have less access than the people who do work downtown, and this is nothing that is unique to Los Angeles. This is common to every large city and small city in the United States. It is just a fact of life that more people go downtown. So you put more service downtown. And the people who aren't going there just don't get as good service. And as the population and the jobs continue to spread out, the situation gets worse as far as being able to provide transit service to the people who need it.

MS. YOUNGBLOOD. Thank you very much. I would like to pass the witness to the Chairman at this time.

CHAIRPERSON FLETCHER. Thank you very much. I don't recall hearing your definition of transit dependent.

MR. RUBIN. We generally break it into transit-dependent and "choice" riders. Transit-dependent riders are those that do not have a practical alternative to transit, to getting to

where they want to go. Generally speaking, they do not own an automobile. They do not have access to an automobile. They do not have the opportunity to carpool or van pool. And where they want to go is just too far away to walk, etc., etc. The other alternatives, such as bikes, just are not practical. Choice riders are those that do have an alternative and actively choose to take mass transit. Generally speaking, choice riders own a car or have ready access to a car.

CHAIRPERSON FLETCHER. Now, I heard you say that you feel rather uncomfortable taking a contracting opportunity before your oversight board without adequate or acceptable minority/women business participation.

MR. RUBIN. Yes, sir.

CHAIRPERSON FLETCHER. Tell me about the assessment process. How do you know when you go before them that you are going to have something that they will agree with?

MR. RUBIN. Well, the board has set targets, and they have set policy, and they have gone far beyond what is required by the Federal law. The Federal law, of course, requires that we meet certain targets or we set targets and strive for the targets on an agencywide basis and by certain categories. Our board has gone farther and wants to go down to individual contracts. So they don't want somebody to come in and say, "Well, we don't have any DBE participation on this one, but we are going to make it up on another contract." Our board has told us very clearly that they want to see DBE participation on every single contract or there better be a damn good reason why. And believe me, sir, they mean it.

CHAIRPERSON FLETCHER. Could we have a copy of that policy statement for the record, please?

MR. RUBIN. I am sure we can get that to you, yes, sir.

CHAIRPERSON FLETCHER. I appreciate that. I don't think I have any additional questions. Do you, sir?

COMMISSIONER REYNOSO. No. I will submit mine in writing. Thank you.

COMMISSIONER ANDERSON. Yes, please. Mr. Rubin, would you say that the transit-dependent individuals in the inner city have been disadvantaged on the decision to build a regional rail system?

MR. RUBIN. In my opinion, sir, yes, they have.

COMMISSIONER ANDERSON. And how significantly would you say they have been disadvantaged?

MR. RUBIN. I would say that we have lost as much as 25 percent of the potential ridership. At the peak, we were carrying almost 500 million riders a year. Since the decision was made to put more money into rail, our ridership has fallen to a little over 400 million a year, and it will probably be less than that this year. And I believe those two factors are very closely intertwined. There have been other factors, but I believe that is the big one.

COMMISSIONER ANDERSON. Certainly the provision of services to transit-dependent individuals is not the only consideration of a transportation system. In your opinion, is it given a high enough priority in the current system?

MR. RUBIN. In my personal opinion, no, sir.

COMMISSIONER ANDERSON. Thank you very much.

MS. YOUNGBLOOD. Again, Mr. Chair, I would like permission to submit the remainder of my questions to this witness in writing.

CHAIRPERSON FLETCHER. So be it.

MS. YOUNGBLOOD. Thank you. In addition, Mr. Chair, I notice that Mr. White came back to the podium, and I am not certain if he had an additional comment.

MR. WHITE. I had two thoughts I wanted to express and felt guilty when I got outside of the room that I had neglected to mention them.

CHAIRPERSON FLETCHER. Glad for the guilt.

MR. WHITE. The first is that I wanted to the make sure, in light of comments made not at this panel but earlier, that I had indicated to the Commission that it should note that the rail lines which were initially under construction and are open now—namely, the Red Line, the Blue Line—the Green Line soon to be open—all run through minority populations. You would not have known that, I thought, from some of the comments earlier. In fact, probably 60 percent of the ridership on the Green Line are minority population. So I think that is an important fact.

The other important fact relates to why does one build a rail system of this kind. And I may have touched on that indirectly, but I think it ought to be said expressly. My view is, and I have said it in a number of arenas, the board members have said it and understand it, is eco-

nominically, with the growth that is predicted in this region and in this basin, without a radical improvement in the transportation system, this area economically is dead. We will have gridlock.

Business which has begun to leave already will leave in increasing numbers if transportation which is so vital a part of the business climate does not improve. There are people, as many of you know, who get up at 4:00 a.m. to go to work in this region. While they will do that for a while, my humble opinion is they will not do it for a lifetime. And for companies that have had trouble attracting people to this region, it will become an ever more important concern in decisions to stay or decisions to locate here despite the weather. All of which is to say the judgments that were made earlier in this region to pass the various propositions, to get started on a macro regional rail system that will allow you to cope with the transportation and travel demands of the years 2015 and 2030 were, in my opinion, the right long term strategic directions for this area. So if that is true, and I recognize some people may say, "That is not true," but if it is true, then the dilemma, the choices that you have to make in allocating transportation dollars, become even more difficult. And I thought that point needed to be made. I thank you.

CHAIRPERSON FLETCHER. In my own case, I am kind of familiar with Los Angeles when it had the D car and the U car that used to be at 12th and Central Avenue, and when the U car went all the way out to Central Boulevard, and the Red car went all the way down to Long Beach. So I am kind of familiar with the rail transportation as well as how General Motors talked you out of it. The Intermodal Transportation Act, as you well know, is earmarked for \$150 billion, I guess it is, to deal with our transportation systems. And as far as I am concerned, there is a considerable amount of contracting and job opportunities in that legislation all over the country.

For your information, the Commission just held a briefing, not a hearing, in Denver over the building of that \$2.5 billion airport there. And the mere fact that we took a look caused a change in attitude with reference to the ability to find minority and women contractors. They just came out of the sand somewhere, likewise, with respect to job opportunities.

But I would like to have for the record your approach, your process, how it works, and what the outcome has been so that the members of the House and Senate oversight committee on transportation can understand that it is working somewhere to the degree that it is so they will understand that what we are asking for is not unreasonable, that it is reasonable, that it is being done, that the board expects that it be done, that the staff expects to carry out the board's expectations, and the results can be measured in terms of personhours of work by minorities and women, as well as dollars and contracting opportunities.

MR. WHITE. We will supply that. Thank you.

CHAIRPERSON FLETCHER. All right. Call the next panel, please, counsel.

Federal Officials

MS. YOUNGBLOOD. Yes. We would like to call the next panel, Mr. Robert McManus and Mr. Stewart Taylor. And, in addition, if they are accompanied by any of their staff, would they please come forward as well.

CHAIRPERSON FLETCHER. If you would remain standing, I will swear you in.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you very much. Counsel?

MS. YOUNGBLOOD. Thank you very much, Mr. Chairman. At the outset, in the interest of trying to catch up on our lost time, there are a number of questions that the Commission has addressed to these witnesses. They have traveled quite a distance to come and testify, but I would ask the Chairman to give staff permission to submit questions to these witnesses in the form of interrogatories. There are several questions and several will be asked, but the remainder I would ask the Chair to please permit us to send in the form of interrogatories.

CHAIRPERSON FLETCHER. You have my permission to do so.

Testimony of Robert McManus, Acting Administrator, Federal Transit Administration, Washington, D.C.; Stewart Taylor, Regional Administrator, FTA Region IX, San Francisco; and Susan Schruth, Acting Director, Office of Civil Rights, FTA, Washington, D.C.

MS. YOUNGBLOOD. Thank you very much, Mr. Chairman. Would each of the witnesses please state your name and current position?

MR. MCMANUS. I am Robert McManus. I am currently acting as the Administrator in the transition from the Bush to the Clinton administration. I am otherwise the Associate Administrator for Grants Management of the FTA, and I have been in that position for some 12 years, and I have been with the agency since 1965, and I have acted in transitions. This is the third time. So I am kidded about being the designated "Acting Administrator."

MR. DOCTOR. Some of us understand that.

MR. TAYLOR. My name is Stewart Taylor. I am the Regional Administrator of the Federal Transit Administration of Region IX, headquarters in San Francisco.

MS. SCHRUTH. I am Susan Schruth. I am the Acting Director of Civil Rights for the FTA in Washington.

MS. YOUNGBLOOD. Thank you very much. I would like to start with Mr. Taylor. Mr. Taylor, would you please describe the process at the regional level through which the FTA provides funding for the local mass transit projects?

MR. TAYLOR. Funds are allocated to cities and States through the Federal legislative process in Washington. So each area receives an allocation both on a formula basis and a discretionary basis. With these funds in place, each grantee, as we call them, each agency, receives funds, and in my Region IX, which encompasses California, Hawaii, and the Pacific territories, the grantees, numbering around 95, submit on an annual basis applications for funding through the various sections of the Federal transit act. These applications contain a number of requirements that are laid out in Federal regulations, among them the civil rights requirements. My staff review these applications. And if they meet all of the regulations, we then prepare a grant, and grants are awarded. This takes place on a quarterly basis throughout a year. But, basically, it is an annual cycle.

MS. YOUNGBLOOD. It is our understanding that a number of mass transit projects are currently being funded in Los Angeles. What is the largest mass transit project that is currently being funded in Los Angeles, and will you please describe the levels of funding being provided?

MR. TAYLOR. The largest project in the Los Angeles area is the Red Line rapid transit project. It is expected to cost over the life of the construction some \$5.3 billion, which makes it the largest

civil works in the United States. This project has been ongoing since 1986, and funds that have been allocated have been granted to Los Angeles, and now the Metropolitan Transportation Authority, exceeds some \$2 billion. The first segment of that line was just opened in January.

MS. YOUNGBLOOD. Thank you, sir. After a grant has been made, does the FTA currently have in place a procedure for assessing grantee performance on their federally funded projects? And if so, would you please describe that and particularly please answer that question with regard to assessing their performance in the area of civil rights.

MR. TAYLOR. The Federal Transit Administration has an elaborate oversight program. We exercise a great deal of activity in our stewardship of taxpayers' funds. There are a number of processes that we follow in this oversight role. First of all, in the actual award of the grant, as I mentioned previously, we have what I will call a checklist of requirements established by regulations that a particular grantee must meet. Then we have a series of operations to see that the grantee is following the requirements of the various acts. One of those is called the annual audit. This is where we go into a given transit agency and examine its performance over the previous year. One of those elements in the annual audit is the civil rights performance. And we see whether the grantee is performing his requirements as far as so-called Title VI, that is, providing services to minorities, EEO performance, as well as DBE performance.

A more elaborate process is called the triennial review. This, as the name implies, is a procedure once every 3 years by which, usually through a specialist firm, we examine the overall performance of that agency. It just so happens that this very past Friday we performed a desk review—that is, looked over the papers—preceding an actual review of the Metropolitan Transportation Authority which will take place later this summer here. This triennial review process examines a number of aspects regarding minorities and the whole civil rights effort. With regard, for example, to DBE performance, we look to see whether the agency has a full-time staff, we look to see whether the civil rights performance has been approved previously in the annual grant making process by our Office of Civil Rights. We make a work force analysis. We

see that it is appropriate. We examine the goals of the agency.

A very important aspect of civil rights compliance is the complaint process. We see whether the time frame for adjudicating a complaint is reasonable, and we also examine carefully the record of handling complaints in the spectrum of civil rights issues. We look to see whether the DBE officer is full time and, a very important factor, to whom that DBE officer reports. We are very concerned that he report to the executive director or someone equally senior.

MS. YOUNGBLOOD. Thank you, sir. With regard to the FTA's own complaint process, particularly again addressing your comments to civil rights complaints, what is the procedure in the region for handling incoming complaints perhaps regarding any of the issues you addressed, EEO, Title VI, DBE, or otherwise?

MR. TAYLOR. The regional officers throughout the United States are basically in a grant making and oversight role. We do not have specialists who deal with the issues of specific complaints. And I would like to turn the answer to that over to Ms. Schruth.

MS. YOUNGBLOOD. That would be fine. Thank you, sir.

MS. SCHRUTH. The current procedure for handling complaints is laid out in a departmentwide order, 1,012. And in that order, the Secretary's Office of Civil Rights has the primary responsibility for receiving complaints, making a determination of investigative merit, and then investigating the complaint. So, currently, under the system that we use now, any complaint which comes to the Federal Transit Administration is referred to the Secretary's office for those steps. Under certain circumstances, the Secretary's office can and has referred complaints back to the FTA for handling directly by the Office of Civil Rights.

MS. YOUNGBLOOD. I'm sorry. I was taking care of another matter when you were answering the first part of that question. Specifically with regard to Region IX, what is the status of that process?

MS. SCHRUTH. It is a national process. It is uniform throughout. Anytime a complaint comes into the regional office, if it alleges discrimination on any basis, that complaint must be referred to the Office of Civil Rights in Washing-

ton. We then are required to forward it to the Secretary's Office of Civil Rights.

MS. YOUNGBLOOD. Are there any civil rights personnel stationed out in the field?

MS. SCHRUTH. There are currently four regional civil rights officers in four separate regions.

MS. YOUNGBLOOD. Do you know where those are, Ms. Schruth?

MS. SCHRUTH. Chicago, Denver, Kansas City, and Seattle.

MS. YOUNGBLOOD. Thank you very much. I would like to turn my questioning to Mr. McManus at this time. Mr. McManus, what are your responsibilities as the Acting Administrator of the FTA?

MR. MCMANUS. I am responsible for the executive direction of the agency, except for what delegations the Secretary retains to himself.

MS. YOUNGBLOOD. Thank you. Ms. Schruth—and, again, since Ms. Schruth is accompanying you, either one of you can answer this—what are the responsibilities of the Office of Civil Rights?

MR. MCMANUS. Are you asking me that question?

MS. YOUNGBLOOD. Either you or Ms. Schruth can respond.

MR. MCMANUS. Well, the Office of Civil Rights is responsible for the enforcement of the four basic civil rights programs of the agency: the Title VI, the EEO activity, the DBE activity, and the ADA, Americans with Disabilities Act, activities. And it is responsible—actually has functional direction of the program throughout the organization subject to the delegations that were just worked out at the end of the last administration, where the Administrator mainlined some of the civil rights activities in the regional offices and—actually in the direction of eliminating the actual position of civil rights officer and reassigning the staff. That actually was accomplished toward the end of the last administration.

But the Civil Rights Office as it now functions has executive direction with respect to functional performance. And I think the current administration, the current Secretary, has an extremely high interest in this whole subject area as does the intended designee, the intended nominee of the agency, Mr. Linton. So that is essentially the function of the office. It is a headquarters policy direction and enforcement agency for civil rights

activities. Do you want to supplement that in any way, Susan?

MS. SCHRUTH. That is generally what we do.

MS. YOUNGBLOOD. Thank you. What are the current staffing levels in the Office of Civil Rights, both national and regional? You have already explained their areas of responsibility.

MR. MCMANUS. Well, at the national level, I think there are currently 17 FTEs, full-time equivalent positions, and that includes two civil rights officers who have responsibility for Regions I through IV. In the regional offices, there are the four that Susan referred to.

MS. YOUNGBLOOD. You may want to submit this in writing later, but these civil rights personnel are responsible for fielding and, I guess, monitoring complaints regarding what level of grant distribution for the FTA?

MR. MCMANUS. Well, they are responsible for advising the regional administrators in their regional office with respect to compliance, particularly with each new grant with respect to the civil rights requirements of Title VI, which has gotten extensive discussion on earlier panels here, the determination has to be made that the benefits of the program—and this is a financial assistance agency that spends close to \$4 billion a year currently and may be spending close to \$4.5 billion in fiscal 1994—to ensure that those benefits are in fact widespread and available to the population that is intended to be benefited under Title VI—that is the key, a very key part of our civil rights program—and then they are responsible for the other three that I mentioned. But, specifically, the upfront review with respect to the benefits of the grant programs is vital. But it isn't one about which we get a lot of complaints. In fact, we really don't have, particularly from the Los Angeles area, a lot of current complaints about the four activities under any of the civil rights programs.

MS. YOUNGBLOOD. How many complaints have you received in the past several years from the Los Angeles area, particularly with regard to the MTA? It is a newly created body, therefore, its predecessor organizations, the LACTC and—

MR. MCMANUS. I can't comment with respect to the several years. But I think we currently only have about four to six, something like six complaints.

MS. YOUNGBLOOD. What would be the nature of those complaints, please?

MS. SCHRUTH. There are two accessibility-based complaints and four DBE-based complaints.

MS. YOUNGBLOOD. Mr. Chairman?

CHAIRPERSON FLETCHER. Yes.

MS. YOUNGBLOOD. I would like to pass the witnesses at this time.

CHAIRPERSON FLETCHER. Define accessibility complaints, please.

MS. SCHRUTH. Those which allege discrimination based on 504, or the Americans with Disabilities Act.

CHAIRPERSON FLETCHER. I know what it is based on, but define what you mean by accessibility. Do you mean they can't get to the job or they can't get to the contracts?

MS. SCHRUTH. I'm sorry. That service is not being provided to them based on the fact that they are a person with a disability—either a hearing impairment, visual impairment, they use a wheelchair—that service is being denied to them as prescribed under either section 504 of the Rehab Act of 1973 or the Americans with Disabilities Act. It is based on that condition.

CHAIRPERSON FLETCHER. Is that unique to this particular jurisdiction where you are concerned, or would you find the same thing across the country?

MS. SCHRUTH. That is the most frequent complaint basis that we have, are those based on accessibility issues. And it is national. I would say that six complaints is an average amount for a metropolitan area.

CHAIRPERSON FLETCHER. How long have you been in the current job?

MS. SCHRUTH. Current job 4 months.

CHAIRPERSON FLETCHER. How long have you been in the EEO enforcement business?

MS. SCHRUTH. Well, I have been an attorney for 14 years.

CHAIRPERSON FLETCHER. Inside the government?

MS. SCHRUTH. Yes.

CHAIRPERSON FLETCHER. Which agency?

MS. SCHRUTH. I have worked for the Federal Transit Administration, the National Highway Traffic and Safety Administration, the Department of Housing and Urban Development, and the Federal Register.

CHAIRPERSON FLETCHER. You have been there how long altogether?

MS. SCHRUTH. 14 years I have been in the Federal Government.

CHAIRPERSON FLETCHER. Would you distinguish for me, if you will, the pluses and the minuses of a desk audit as it pertains to minority business opportunities and job opportunities?

MS. SCHRUTH. As opposed to not doing one?

CHAIRPERSON FLETCHER. As opposed to going into the field and finding out what is going on.

MS. SCHRUTH. Well, I think a desk audit provides you with information about whether they have complied with the paper requirements of the regulation. A field audit is going to give you the opportunity to talk to the client base as well as the regulated entity to find out what is really going on.

CHAIRPERSON FLETCHER. During the period that you have been there—this isn't fair; I should make sure you understand where I am coming from. I have had considerable experience inside the government where EEO is concerned and where affirmative action is concerned as well as minority business contracts, so I am really not asking a theoretical question. I am asking what actually happens. As to the Transportation Department—I will qualify—what I am about to say is that I ran what was called a procurement support delivery system effort for UMTA when Stanley was the UMTA Administrator. And we did procurement fairs in 25 cities—we were supposed to—we did procurement fairs in 9 cities—and within a 90-day period, we came up with 20,000 bona fide minority and women contractors who were bondable and who could also get lines of credit to perform on their contract. In fact, the record showed that in that 9-week period, we were responsible for a half-billion dollars' worth of procurements. And after that, they cut the contract.

One of the ways, I might add, that we did our work was by your grants. As you well know, at that time—I don't know what it is now—at that time each transit authority for UMTA at least had to indicate what they were going to be buying in the next year—how many buses, this, that, and the other they were going to be buying. And the way we conducted our procurement fairs was on the basis of whether those grantees had actually set in place a system to do their business. What we found is that after the effectiveness of that procurement fair, all of a sudden it appeared that Transportation changed its

mind about field audits and started doing desk audits. And it has been suggested to me that the minute they started doing desk audits, the volume of contracts, the volume of contract dollars, and the volume of the hours worked by minorities and women went down. You were in Transportation at that time. Is there any validity to that allegation?

MS. SCHRUTH. I don't know. I think that there has been less staff in the fields doing field audits in general. And I do think that that is changing. We currently have a 5-year program to begin doing compliance reviews which will be in-field examinations of grantees in the civil rights arena.

CHAIRPERSON FLETCHER. When did that become the order of the day?

MS. SCHRUTH. Since I have been there, we have been working on specific contracts. In the last fiscal year, we had money set aside to begin doing compliance reviews. And we are now implementing that.

CHAIRPERSON FLETCHER. The Civil Rights Commission has issued a book we call the green book. The green book is about a briefing we did on the \$2.5 billion airport that is going in Denver, Colorado. And at the time that we did that briefing, the current Secretary of Transportation was the mayor of Denver. What we found out at that time—and any of you can answer if there has been a change—what we found out at that time is the people sitting in the field told us that in terms of budget, in terms of travel orders, and in terms of audit processes, the Transportation Department's auditing program had collapsed and that flat out nothing was happening. And so when we took a look at Denver, it didn't validate all of those facts, but it suggested that the contractors behaved as if they did not expect to be held accountable for the affirmative action program, for the minority business program; in fact, they could send the headquarters whatever they wanted to send them by way of numbers, and nobody would come out in the field to validate that. Now, do you expect that to change?

MR. MCMANUS. May I explain that?

CHAIRPERSON FLETCHER. Please do.

MR. MCMANUS. Was that with respect to the FTA or with respect to the DOT at large?

CHAIRPERSON FLETCHER. In this instance, we used the airport. Let me go back and say that during my Chairmanship here I have concen-

trated, and have been able to get the members of the Commission to go along considerably, on economic opportunities at the job and contracting opportunities created by taxpayers' dollars. One of the first places we went to look—because they were bragging about this beautiful big airport that was going into Denver—one of the first places we decided to go into the field was to Denver to see just how well that 10 percent subsidized division worked. So in this instance, we were looking at the Denver airport.

But as far as I am concerned, and what people inside Transportation tell us, is that there has been something of a pullback across the board—the Federal Highway Administration, the Railway Administration—the contractors had decided that with a desk audit—people inside understood that a desk audit would not provide the necessary information to go to court or to even challenge what they were doing. So they told us and told me, in particular, that a desk audit doesn't work. And one of the reasons that our performance is so lousy and one of the reasons the contractors don't fear us is because they know we can't get out in the field to get the data needed to put together a good case.

MR. MCMANUS. I would like to comment about that whole subject, Mr. Chairman. I think it is a vital one from several different perspectives. During the 1980s with respect to the FTA, there was a reduction in the size of the agency that took place over about a 10-year period of about 27 percent or so. We were recently at a FTE level, full-time equivalent level, of some 568 positions, including the regional offices. In the early 1980s, that withered down to one point at which in the late 1980s, around 1989, we were at an FTE level of about 406. As that was happening, with respect to oversight activities of all kinds, not just civil rights, there was some drawback of field visits. Seeing that, what we tried to do was to find another way to have a presence.

In fact, I don't mind saying that I generated the response whereby we worked with the congressional committees and with the Administration in seeking legislation that would permit us to use program dollars to retain contractors. And so we did that with respect to construction management first, because that was the precipitating factor. We had a bad situation in Miami because of oversight.

CHAIRPERSON FLETCHER. I recall.

MR. MCMANUS. And so then we began with construction management. Then, as I saw what was happening, I suggested that we further seek further amendment of that authority to add management financial oversight safety, and that was done in 1990. And now what we have done is, effectively for those functions we have something like 79 full-time equivalents which help restore some of that loss.

CHAIRPERSON FLETCHER. What was it at the peak?

MR. MCMANUS. The loss at the peak—we were down to 406 full-time equivalents from 568. We are now back up to—the last Administrator saw that situation and was impressed by what was happening and requested some restoration. He was successful for 2 years and not the third year. So we are currently back up to around 470 or so. Then with the 79 FTEs from contracting, we are near where we were at 568. We don't have the staff to oversee the contractors, and we are now in another downtrend, where for the next 3 years it is going to be a contraction of the size of the agency, of all agencies in the Government under the current administration.

But what I am trying to say to you is that we are not just sitting by idly and letting that happen. With respect to the civil rights program, we mean to use contractors, and that is the latest function to get the heavy attention.

CHAIRPERSON FLETCHER. Contracting out to contract compliance companies?

MR. MCMANUS. Yes, to do the field visits with our field staff—to do these field visits. And our intention is to get a level of support. And we have the financial ability to do this with the structure we set up under the amendment to the law, section 23[h] of our law. So we will be able to review the largest grantees—there are about 50 of them—at least once every 3 years in an intense way, 3 or 4 years. And that will be an intense subject matter review of all civil rights activities. Then in the triennial reviews that Mr. Taylor mentioned of all administrative and legislative requirements that also go on every 3 years—that is a reconnaissance-type survey—we will pick up on the results of these intensive reviews of the civil rights program and follow up in the triennial review. So there is a double effect there. We do the same thing for procurement. We do it for financial management oversight. We

do it for construction. So, if the detailed review finds noncompliance or problem areas, it will be followed up with a triennial review as well as with counseling and technical assistance and conferences that are part of the basic activity of the civil rights program.

So what I am saying to you is that there was a tone-setting effect that you referred to without doubt in those years. And what is happening now is that there is a very forceful reversal of that tone setting, particularly by the current Secretary in every dimension of the civil rights program. In fact, I want to submit for the record, if you are not familiar with it, a talk that Secretary Peña gave just within the past several days in Washington, particularly on the DBE activity, the contracting, where he reviewed what our experience has been and his intention to make the DOT performance in this area a model for the whole government. Tone setting is very important. I would agree with you. It has the effects that you alluded to. But I made this extensive comment to point out that at the performance level, we have taken management steps to protect ourselves and see to it that the intent of the law is applied.

CHAIRPERSON FLETCHER. I have one other question, and then I will cease. How do you go about determining or setting standards in determining whether a company is in fact making a good faith effort? Any of you. They lay out their affirmative action program, and part of it says "a good faith effort." And if they can't do it, then they can come back and get a change order and say, "We looked. We couldn't find them. So we are going to ask to be relieved of certain specifications in our affirmative action program." How do you evaluate that?

MR. MCMANUS. We do collect—we do have information. We do have a reporting system. I may ask Susan to elaborate on it. But we are not just taking, you know, pious hopes and emotional statements about intent or inability to comply with a requirement. We are looking at hard data. It is not always easy to come by, but we have good data in the Los Angeles area and for most of the large grantees. But the level of detail is—if the data is reported in the aggregate, then you can slough over a lot of problems. When you get down to the detail on how many minorities are in specific classifications of employment within an agency, that is where the

examination gets more telling. With respect to LA, the LA organization, the LACMTA, so far, I think the data shows that there is a pretty good level of performance right across the board.

The Secretary, on the other hand, had a visit from Hispanic organizations in the New York area who were very dissatisfied with the performance there when you got below the surface and began looking at what the performance level was with respect to specific job classifications. I guess a short answer to your question is that you can only get at it by seeing some information, seeing some data. And we get it in the EEO programs that have to be submitted. Do you want to supplement that, Susan?

MS. SCHRUTH. The only thing that I would add is that we are in the process of developing a compliance manual for the four civil rights programs, and that will be something that each investigator will use, and it will go through an analysis of the different conclusions or representations, the different plans the grantees have submitted, whether they can be verified or not. And I think the nature of compliance reviews, in our mind at least, is to question some of the assumptions that the grantees are making; in the EEO area, to take a look at the numbers, to see if their utilization study that is required by regulation in fact represents what we consider to be an accurate utilization. So, for compliance, we will look behind the grantee's analysis to see if we come up with the same conclusions that the grantee has.

The other thing that we have going for us, I think, is actual knowledge in our regional offices of all of the grantees. We have seasoned professionals in the regions that I think are overworked, and they would certainly like some of the Washington staff to be reassigned out to the regions. But those are the people who work with the grantees every day. And we have been able to rely on their knowledge of the locale as well as what the grantee is representing to us.

And the final piece obviously is the standard that is identified in the statute. That you always have to go back to, I believe, in a civil rights review.

CHAIRPERSON FLETCHER. As well as the standards in their own affirmative action program, right?

MS. SCHRUTH. Yes. But they need to be consistent with our requirements as well.

CHAIRPERSON FLETCHER. They also need to be consistent with what they do internally when they really want to get it done. Let me say that again, now. When I do audits—I am a professional auditor for the EEO—I often audit a company against its own standards. And I will ask the company, “Show me how you do it when you really want to get it done. What is the salary of the people, what is the staffing pattern, the hours devoted to it, the office space, the computers? Let’s compare the two, and let’s see which one you really want to get done.” Now, it is my view that a good faith effort starts not external to the company but internal. “Show us how you behave inside when you really want to get it done.” And the comparison between the two is often shocking. When they really want to get it done and throw the resources behind it, it is shocking between what their commitment is to EEO and their actual staffing and that sort of thing. So I am saying that we are at a point now where we have to be very specific in our sophistication of evaluating a good faith effort. And it starts inside the company as opposed to externally.

MS. SCHRUTH. I would agree with you.

CHAIRPERSON FLETCHER. I would appreciate, for the record, the new process. I have people telling me that Transportation is turning around under the new Secretary. They intend to begin to make it happen. I would like to have for the record whatever new directives and whatever new processes, including the speech that you are talking about, with reference to how we go about getting this done.

MR. MCMANUS. We will be glad to do that. We would be pleased to do that. The speech is quite explicit, and I think you will find it impressive.

CHAIRPERSON FLETCHER. I beg your pardon?

MR. MCMANUS. I think you will find the speech impressive. It is very explicit about precisely how the Secretary would like to close in on the problems here.

CHAIRPERSON FLETCHER. Russ?

COMMISSIONER REDENBAUGH. Yes. I have one question for Mr. Taylor. In your opening remarks, sir, you described a rather sophisticated process of granting and reviewing. Which aspects of that process are troublesome and are not as effective as they might be?

MR. TAYLOR. Well, that is a difficult question to answer because it is a process that has been in place for many years. There is a certain evolu-

tion about it, but it is something that our grantees are accustomed to, they know how it works, and by and large, they meet the requirements.

COMMISSIONER REDENBAUGH. But I would presume that in any process as complicated as the one you have described, there are steps or activities which are troublesome or with which people sometimes have difficulty complying. And I am asking you to direct our attention to those.

MR. MCMANUS. I think the delicate one is the one that we heard in earlier panels today on the questions that the Commission put to the previous panels. When you are engaged in rapid transit fixed highway construction, what happens to your existing service? I was moved by Mr. Walsh’s comments earlier today and his reference to Miami and the decay of the bus service down there while the rail system was being built. I am very familiar with that. In fact, when we saw that beginning to happen some years ago, we wrote and dealt with Miami saying that they had better be careful or they were going to be in trouble with section 19 of our act, which is the specific supplementary authority in our act pertaining to civil rights, the whole panorama.

COMMISSIONER REDENBAUGH. I appreciate your response.

MR. MCMANUS. I am trying to get to it.

COMMISSIONER REDENBAUGH. If you would. Specifically, I am asking about the granting process.

MR. MCMANUS. Well, this is part of the granting process. The point being that if you can’t say that you are delivering service—you are delivering, for example, your formula portion resource and providing or maintaining your current service because you are devoting construction dollars and operating costs to the activity associated with construction—that always happens when you are running a system while you are also building another element in it—then you do have a problem on how you deal with a grantee and whether you withdraw, whether you impose some kind of a sanction, whether you say, “Let’s pause for thought here.” And it is a very delicate thing to do because your rail system is the result of a lot of community politics and congressional politics as well. It is not an easy thing to deal with.

That hasn’t just happened in Miami. I was struck with Mr. Rubin’s candor when he was

asked that question about service. Let's not kid ourselves. There are those tensions.

COMMISSIONER REDENBAUGH. Are there other aspects of the granting process itself that are difficult or need improvement?

MR. TAYLOR. I can think of two examples as Mr. McManus was speaking. It is not improving the process, but two of the requirements can be troublesome. One is the so called 13(c) section where there must be a signoff by the Department of Labor. And what this involves is passing the particular grant to the labor organizations for their approval. And the unions can at times use this as a club to gain their own way in matters, so this can cause some delays.

A second area is the third-party contracting area where we have established in the past years a requirement that a certain amount of an agency's operations be contracted out to the private sector. Again, there is a problem with the labor organization being jealous of their rights and their gains within this public transit agency. And from a political standpoint, it has been difficult for these agencies to reach out with the private contracting work. And this too can cause delays.

COMMISSIONER REDENBAUGH. Thank you, Mr. Taylor. That is very responsive. Are there other aspects of the process which if changed could really streamline the work that you do and accelerate the granting process?

MR. TAYLOR. It is a complex process, but the other side of the coin is that it is necessary in order to make sure that our grantees comply with this panoply of regulations. I think if we attempted to streamline it, we would open ourselves to criticism that we are not providing the necessary stewardship. Now, under the previous administration, a great deal of streamlining did take place. That is to say, the regional administrators were given a great deal more empowerment to approve grants than had been the case previously. Almost the entire grant-making cycle involved Washington headquarters. This was time consuming as the grants went through the Washington bureaucracy, as small as it is. Much of this now is performed locally at the regional headquarters, and there has been a definite speed up and streamlining in the grant-making process.

COMMISSIONER REDENBAUGH. Thank you.

CHAIRPERSON FLETCHER. Counsel?

MS. YOUNGBLOOD. Yes, Mr. Chairman. Staff would like to submit the remainder of its questions to the witnesses in writing in the form of interrogatories.

CHAIRPERSON FLETCHER. All right. Thank you. You have been very helpful. And it might help you to know that Art Teele is now the chairman of the Miami commission, and he has got to live with some of the mess he helped to create.

Job Training—JTPA Participants

MR. DOCTOR. We would like to call witnesses Gwene Patton, Karen Muchison, and Kenny Jones.

VICE CHAIRPERSON WANG. Would the applicants remain standing and will you raise your right hand.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you. This has to do with the Job Training Partnership Act. We are very, very happy to see three participants who are here to offer their experiences. So we may proceed, please.

MR. GLICK. Vice Chairman Wang, Eileen Rudert, our staff economist and social scientist, will carry the questioning for these witnesses.

VICE CHAIRPERSON WANG. Thank you. Please proceed.

Testimony of Gwené Patton, JPTA Trainee, Los Angeles Urban League

DR. RUDERT. Ms. Patton, are you currently or have you recently been enrolled in a job training program funded by the Job Training Partnership Act?

MS. PATTON. Yes. I have recently graduated from—

DR. RUDERT. Can you move your microphone closer, please.

MS. PATTON. I am still a participant of the program.

DR. RUDERT. What occupation or job are you training for?

MS. PATTON. I have been training for office procedures. I just finished training at the Los Angeles Urban League. And I am back at the school for more training.

DR. RUDERT. And can you describe the type of training you received? I understand you were in classroom, training and then you had some on-the-job training; is that correct?

MS. PATTON. That's correct. I had training in WordPerfect and typing and basic office procedures. And I was transferred over to the headquarters of the Urban League for additional training outside of the classroom.

DR. RUDERT. And you finished your on-the-job training?

MS. PATTON. And I finished my on-the-job training.

DR. RUDERT. What are you doing now?

MS. PATTON. Right now I am in the process of job search, and I am looking for permanent employment.

DR. RUDERT. I understand that you are a mother of a young child and are receiving Aid to Families with Dependent Children, known as AFDC?

MS. PATTON. Yes.

DR. RUDERT. Can you tell us how much a month your AFDC payments are and what other benefits you receive from AFDC in addition to a monthly check?

MS. PATTON. I get about \$511 monthly. And I also get Medi-Cal benefits and food assistance.

DR. RUDERT. And do you also receive a child care subsidy from JTPA?

MS. PATTON. That's correct. My school provides me with approximately \$40 a week for child care.

DR. RUDERT. And does that cover the entire cost of the—

MS. PATTON. No. It's a majority of the cost. I pay \$70. They pay \$40, and I pay the remaining.

DR. RUDERT. Okay. So you pay \$40—

MS. PATTON. I pay \$30, and then they will pay the \$40 a week.

DR. RUDERT. So at least during the time that you were in the on-the-job training, you were receiving your on-the-job training wages; is that correct?

MS. PATTON. That's correct. I was receiving minimum wage of \$4.25 an hour with on-the-job training.

DR. RUDERT. And a subsidy for the cost of child care and a monthly AFDC check and your other AFDC benefits; is that correct?

MS. PATTON. That's correct.

DR. RUDERT. I am going to ask the Commissioners to continue questioning now.

MR. GLICK. Please proceed, Vice Chairman Wang.

VICE CHAIRPERSON WANG. You are done with your part of it?

MR. GLICK. But we reserve the right to come back.

VICE CHAIRPERSON WANG. Okay. Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH. Yes. Thank you. What level of expected compensation do you have?

MS. PATTON. I expect to retain a job that will help me to be independent without aid and hopefully to live independently, you know, retain a permanent job so I can take care of myself and my child.

COMMISSIONER REDENBAUGH. And what level of income would you expect?

MS. PATTON. To be able to live independently without aid, maybe—probably \$1,100, maybe \$1,000 a month.

COMMISSIONER REDENBAUGH. And what is the relationship between the income that you earn and your capacity to continue to receive AFDC?

MS. PATTON. The income that I was earning at the on-the-job training was minimum wage, therefore, it didn't affect my aid from the AFDC. So I was not cut off from the AFDC, since it was a temporary job.

COMMISSIONER REDENBAUGH. If it were a permanent job, at what income level or hourly wage level would you then become cut off?

MS. PATTON. The process is after you retain a permanent job and—you have to make—I'm not sure of the exact amount hourly—but you have to make so much money a month, and then you receive benefits for a year after you retain permanent employment, and then you will be cut off.

COMMISSIONER REDENBAUGH. Okay. Thank you.

COMMISSIONER REYNOSO. What is your own expectation of being able to find a job that will pay \$1,000, \$1,100, \$1,200 a month? Just from talking to your friends, talking to other people that have gone through this program, do you see yourself in a couple of months or 3 months having a job like that?

MS. PATTON. Yes, I do. I have the training for the job, the training that I received at the Urban League. I will receive pretty much—the wages that I expect relate to the training that I received.

COMMISSIONER REYNOSO. Does that mean that you are training for a specific job, that is, if

you do well, then you are going to get that job, or will you simply go out on the market?

MS. PATTON. The training that I receive is training that will help me to obtain a job receiving anywhere from that amount up.

COMMISSIONER REYNOSO. And based on what you know, you are pretty optimistic you will be able to find that type of job?

MS. PATTON. Right. I have found a few jobs that are basically for that amount.

COMMISSIONER REYNOSO. I notice that in the material we got, it says that you are hoping to go on to school and go to law school. Since I am a law professor, I am excited about that.

MS. PATTON. That's right.

COMMISSIONER REYNOSO. What plans do you have in terms of continuing your training? Are you going to sign up for community college training at night or what?

MS. PATTON. Once I have retained employment permanently, I will be able to work out a schedule where I will be able to go to school at night a couple of times a week and study business and law.

COMMISSIONER REYNOSO. Thank you.

VICE CHAIRPERSON WANG. Just one more question from me. If you can help us by your personal experience on the AFDC part of it, how long would you say you—not just you, per se, but in general—how long would you say that a person should really continue to receive this type of benefit as it is intended, to continue training and then continue to work?

MS. PATTON. In my opinion—I have only been receiving aid for less than a year, for about a year. And, in my opinion, I don't think anyone should stay longer than, you know, 2 years maybe. It's not about—you know, if a person feels that—it's a help; that's a fact—but if you feel that you can go on and do more and be relieved of that aid, then that's fine. But I feel no more than 2 years. But it all depends on the person's situation.

VICE CHAIRPERSON WANG. Thank you.

DR. RUDERT. Ms. Patton, you indicated that you hoped to make \$1,100 a month to live independently. For the job that you are training for, what hourly wage do you expect to make?

MS. PATTON. Anywhere from \$6.50 to \$7.00. Actually, since I have had the on-the-job training, I have been hired, but it is not a permanent

position. It is a possibility that it will be permanent, but the wage is \$7.00 an hour.

DR. RUDERT. You say that is a job you have interviewed for?

MS. PATTON. Yes, that is a job that I have retained for the summer.

DR. RUDERT. Have you had any other job interviews for permanent jobs?

MS. PATTON. I have been on a few interviews, and most of the jobs that I have been on, their pay is pretty much \$6.00 and up. I have been on a few since I have been in the program, yes.

DR. RUDERT. And do you at this point have any prospects of a permanent job?

MS. PATTON. I have a few interviews coming up, and, hopefully, yes, they are permanent positions. I am just pretty much interviewing.

Testimony of Karen Mucthison and Kenny Jones, JPTA Trainees, Maxine Waters Employment Preparation Center

DR. RUDERT. Okay. Thank you. Ms. Mucthison and Mr. Jones, are you currently or have you recently been participants in job training at the Maxine Waters Employment Preparation Center?

MR. JONES. Yes, ma'am.

MS. MUCTHISON. Yes, ma'am.

DR. RUDERT. What occupations are you training for?

MS. MUCTHISON. We are training in the electronic communications field.

DR. RUDERT. And is this training funded by the Federal program, the Job Training Partnership Act, known as the JTPA?

MS. MUCTHISON. Yes, it is.

DR. RUDERT. When did you begin training?

MS. MUCTHISON. Well, I began training in October of 1992.

DR. RUDERT. And Kenny, Mr. Jones?

MR. JONES. Also October of 1992.

DR. RUDERT. Ms. Mucthison, how long did you expect your training to last?

MS. MUCTHISON. Well, I was under the impression that it was a 100 hour course, so about that—maybe for 3 to 4, maybe 5 months. As it turned out, it has become extended to a year under the impression or—we were led to believe that if we stayed for a longer period of time, we would get additional training in other areas besides just cable splicing, which would be radio communications. And that never did materialize. It hasn't yet.

DR. RUDERT. And, Mr. Jones, how long did you expect your training to last?

MR. JONES. For 6 months, roughly 6 months. Well, after the 6 months, it got to be where the instructor, our teacher, got stuck on himself. And it was only his reviewing—his reminiscing on his life, what he had did out there in his training but not in the classroom. So basically when I originally joined, it was for 6 months. It has been over 6 months, and we still are on the first thing that he talked about the first month when I first joined. See, I went to the program for 6 months before I really actually enrolled in it because that's the interest that I had in this class, electronic communications. I was deeply indebted and very loyal to going there, and, you know, to get some kind of training to obtain a trade up to date.

DR. RUDERT. Have you attended classes continuously throughout your training?

MR. JONES. I beg your pardon?

DR. RUDERT. Have you attended classes continuously throughout your training?

MR. JONES. To the point I slept in a truck on the street.

MS. MUCTHISON. And I have a reply to that, also. On a regular basis, yes, I did attend. There did become a point in time though that, I must say, I was getting very frustrated with it, and I stayed away for about a month. I have since gone back. But on a continuous basis until I got frustrated, yes. As it turns out upon going back, you find out that you didn't miss anything because the same topic is still being covered. The same areas, you know, are still there. The training is still as shallow as it was when you got it.

MR. JONES. Excuse me. May I say something?

DR. RUDERT. Sure.

MR. JONES. We was led to believe that the companies of AT&T, Sprint, PAC Bell, Northern Tel was all in a partnership with the Maxine Training Program and—

MS. MUCTHISON. And they would sponsor us and stand behind us, and they would be ready and willing to hire us, you know, provided, of course, that they got the contracts to take this on. And, in fact, some of these companies did come to the school and speak with the students. However, there was never any commitment made by the companies to any of the students. It was always a very vague maybe type of situation. And then on the other hand the instructor

led us to believe that there was nothing "iffy" about those people coming. But come to find out, there has been—no one has received a job. And, like I said, this is—I have been there since October. Not one person has received a job. No one has taken any tests for PAC Bell, AT&T, Sprint, or GTE or anything else. I am waiting for this \$25 or \$30 an hour that was—and I can't say "promised" because it's not really his responsibility, I suppose, if we don't get a job.

But I think really what upsets me most about the program is that you are led to believe all of these great possibilities are out there for you if you just go on and take heed to what he is saying and learn your lesson and apply yourself from that school. You really think there is going to be some payoff at the end of the rainbow. And come to find out this is just nothing but a bunch of disappointments and really—really a pack of lies. And that's really—it's real—it's just really frustrating.

MR. JONES. Excuse me. And to really make it more bluntly, Karen and myself had the two highest scores in the Maxine Waters School as of this time. Our scores were that high. They were so high until they had promised her a job. And all she had to do is go to the doctor and get a TB test. She went and did that, came back. There was no job. See, it's all a big front, all this talk. But then when it comes to show and tell to where you want to do something for yourself, rebuild here LA, it don't go like that. You get pushed back.

MS. MUCTHISON. Yes. You know, and there's nothing wrong with receiving the training. You know, there's no one saying that they don't want to learn, because everybody's there. And most of the students there were there because they did want to be trained.

MR. JONES. At that particular time.

MS. MUCTHISON. But then—I just can't understand the blatant lies. It's like you are just being strung along to some unknown end. And that's what's really—it's just really frustrating. And it doesn't have to be that way. If there isn't a partnership, if it's not a job training partnership, don't represent it as such.

MR. JONES. Yes, don't say it. Because now—we was in a classroom of, let's say, of 30 students. We was up at a quota of 30 students. We are down to about a handful, 5. So you can see the frustration in that classroom—how every-

body just got tired of being lied to, got tired of being promised, got tired of being misled. At one time—just like I said, I went to that school 5 months before I officially joined it. That's how interested I was in the program. After getting in officially, more lies, more disappointments. Now, I don't want nobody to misunderstand me. This is a good program, but there's a lot of changes need to be made. And if you don't, you are not going to have no school because people are going to keep dropping out because people are tired of being—I don't want to say that word—but "crapping" around.

MS. MUCTHISON. One more point. I don't want to take up too much time, but we have so much to say. It's even gotten so bad—and which—first of all, the black community and every community needs help—okay—some kind of assistance. So it's not to say that—"We're so damn objective, we're so damn objective, let's wipe it off the face of the earth." No. So don't get that impression at all. I forgot what I was going to say. Well, anyway, we need it. So keep that in mind. It does need a little bit more regulation.

MR. JONES. Just like I said, 5 months I was going to it before I enrolled. I have been stabbed three times, three in here and once on the side, and not once did that school try to give me any kind of help. With this wide open, I still went to school on a daily basis and was not late. That's determination. All this was wide open, and I still was there.

DR. RUDERT. Thank you, Kenny. I am going to ask the Commissioners if they would like to question you now.

VICE CHAIRPERSON WANG. Commissioner Reynoso?

COMMISSIONER REYNOSO. Yes. I take it from what you say that you consider the school and the training that you got good; is that right?

MR. JONES. Oh, yes. As far as the training—you have got to get somebody that can train us. You don't have—there's no, at this particular time—a teacher or an instructor in that kind of communication. You don't have that there yet. You need to have somebody and—put somebody in there, somebody that is not going to reminisce on their payment, tell you about how much money they made. Nobody want to hear that. I want to know how much money I can go out there and make.

COMMISSIONER REYNOSO. I meant in terms of the training. I take it the center is trying to train you to do certain jobs in the electronic media, apparently with the telephone.

MS. MUCTHISON. Yes.

COMMISSIONER REYNOSO. Do you think that you have learned how to do some of that work?

MR. JONES. I learned that much just by having a telephone myself. We want to know how to go in a manhole, to open a manhole and check for gas and make sure that the manhole top is not going to bust you in the face.

MS. MUCTHISON. No. I can answer it in a nutshell, no. Do I feel like the training has been adequate? No, I don't. Do I feel like Maxine Waters School needs to be there? Yes, because I am sure that there are some very talented and gifted, creative teachers in there, and there are pupils coming away with something. In our particular instance, it's not so. It's just not so. The instructor takes you to a certain point, and then you don't go beyond it. You don't. So on the whole, I suppose—I can't speak for everybody that is getting training there, but in my experience with two classes that I have been in, no, I don't feel that the training has been adequate. In fact, I have been very, very disappointed and very disillusioned.

MR. JONES. I don't want nobody here to get the wrong impression. We need the school in South Central. I am just here just telling you—just the simple truth. Please don't take the school. Just get somebody in there that can run it like a trade is supposed to be ran.

COMMISSIONER REYNOSO. So you are saying that the school needs to be there and that some programs—certainly we have already heard from Ms. Patton that her experience is a good one—and you are saying no doubt other persons had good experiences—

MS. MUCTHISON. Well, anyway, she wasn't enrolled in the Maxine Waters program. She was up under the Urban League, and I am sure the Urban League is a totally different program. So I don't know. The two can't be compared.

MR. JONES. I know, and they are too different.

COMMISSIONER REYNOSO. But as I heard you, one of your main concerns was that even if you had had good training, you weren't sure that you would actually have a job waiting for you.

MS. MUCTHISON. Oh, you are absolutely right.

MR. JONES. You are absolutely right.

MS. MUCTHISON. You are absolutely right. First of all, in the electronic communications field, you need—and let me tell you—we are very poor. We receive general relief assistance and food stamps. We barely have enough to cover the rent and to buy our food.

COMMISSIONER REYNOSO. What is general assistance at this time?

MR. JONES. General aid.

COMMISSIONER REYNOSO. In Los Angeles County, what is that now?

MS. MUCTHISON. It is \$315 a month and \$111 worth of food stamps, so that is not very much.

MR. JONES. For two people.

MS. MUCTHISON. Right.

COMMISSIONER REYNOSO. Right.

MS. MUCTHISON. As far as if we had received excellent training, do I feel like we would have been ready and prepared to go out and get a job? No. There is no way. You need a truck or at least a car. Which I don't—you need the tools. Tools are going to cost you \$1,500. And this is just to get started on a basic job. A lot of times—especially this is a recessionary time—people can pick and choose who they want to work. Why should they pick somebody—"What, you have no experience?" And then I said, "Well, my instructor so and so told me here." The instructor has done some things with these companies that if I go in there and say, "Well, I'm from him," they're going to turn me down, too, because of some rotten things that he has done to the company.

So, no, I don't expect to get a job out of that at all, because you need the tools, you need the trucks, unless, of course—because he presses the entrepreneurship end of it. You know, "Go out and do it yourself. Go out and do it yourself. Go out and do it yourself." Which is fine, if I had the truck and tools to go out and do it myself. That's wonderful.

And then if you go to apply for like a company like PAC Bell which has an 80 percent failure rate—of everybody who takes the test, 80 percent fail—so if you do get a job with a company, then that's wonderful because then you have your truck and tools, but then you don't get good pay. I mean he was promising \$25, \$30 an hour. And now he's talking PAC Bell—\$9 an hour. Well, that's a big jump.

MR. JONES. And not only that, he came at one point saying this lady was going to sponsor us with a truck and tools. This is only in his imagi-

nation, something he imagined. But he claimed he talked to the lady on the phone and the lady said she would take so many students and fund them and all that. That didn't happen. None of that transpired.

MS. MUCTHISON. And, again, I have to emphasize this again. You know, it's good to get the training, and it's good that that program is here, and they do help us out with a little stipend for food and a little stipend for transportation which—we had to really raise sand in order to get that, too.

MR. JONES. Excuse me a second. Yes, they give you food every 2 weeks. But me and this woman here have been in a trash can just to keep ourselves going to school. That's how dedicated and loyal we are about that program, and that's how serious we are.

MS. MUCTHISON. And the only thing that I have to say, just don't like wave carrots in front of people. That's not right. You know, if the jobs aren't there, then don't try to represent that they are there. Say what's real. I'm under the impression because it's the Job Partnership Training Act that there is going to be a job for me when I get out because I'm thinking that the two are working in tandem, and come to find out that everything is just a pipedream.

MR. JONES. I know they don't work together.

MS. MUCTHISON. It's just a pipedream. And that really, really demoralizes you.

COMMISSIONER REYNOSO. Thank you very much.

VICE CHAIRPERSON WANG. Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH. No questions.

VICE CHAIRPERSON WANG. Just one more question. How long has this Maxine Waters program been in existence?

MS. MUCTHISON. This electronic communications class has just started this year.

MR. JONES. But to answer your question, I would say about 20 years.

MS. MUCTHISON. The actual school?

VICE CHAIRPERSON WANG. The actual school.

MS. MUCTHISON. Right, about 20 years.

MR. JONES. About 20 years.

VICE CHAIRPERSON WANG. So they have actually trained many, many people; right?

MS. MUCTHISON. Yes, they have trained quite a few people. We are just talking about—and I did say this earlier—that I'm sure there are peo-

ple coming in that's getting excellent training and getting jobs, and they are getting help. It's just my experience with the two classes that I have been in, I have been misled and disillusioned. And, in fact, I will go further than that. I have just been straight out lied to. And I don't think there is any reason for that.

VICE CHAIRPERSON WANG. And how large is the total student body in the training program?

MS. MUCTHISON. All of them?

VICE CHAIRPERSON WANG. Right.

MS. MUCTHISON. I would say—I would say, I guess, 2,000 students. I mean I really don't know.

MR. JONES. Excuse me. Yes, there's people who have graduated out of that school. But they graduated up under—I'm trying to use the right word—false—okay—they promised them, the people they had there, "You are going to get \$20 an hour." But when it finally go down, when they walk out and go across the street and actually put in application, they're down to minimum wage—if anything, \$8 at the most. But they have been promised this here. They have been promising that. But the people there are so hungry, and they've completed the course and are tired of getting played around with, they will take that. So people have graduated. But it hasn't been what they was promised. It didn't come through.

VICE CHAIRPERSON WANG. I don't think anyone can promise you anything. Usually—

MR. JONES. They do this regularly. They do this on a regular basis.

VICE CHAIRPERSON WANG. Usually they say, "The potential, the potential is if you can really get into this, you can earn \$100 an hour."

MS. MUCTHISON. Okay, no. I'm sorry to cut you off, but, yes, there have been promises made to the point that I have heard students say that they were thinking about trying to sue the school for making promises to them and then not coming through with it, not fulfilling it. I don't know if that is a valid lawsuit or not. I was talking to the principal of the school about it. And he kind of said, "It's not valid, it's not valid." But for students to get to that point where they feel like they have to go and get a lawsuit, that's pretty serious.

VICE CHAIRPERSON WANG. I am not questioning you about what you are saying. But the law basically says, if I understand it correctly,

that your salary after training only needs to be 20 percent above minimum wage.

MS. MUCTHISON. No, see, no one has ever told us that.

VICE CHAIRPERSON WANG. That is JTPA law. So I don't think the sponsor wants to promise you \$20 when they only need to in a sense help you to find a job 20 percent above minimum wage and they will do their best to do that. Why should they get themselves into such a jam by promising you \$20 an hour which will get you frustrated?

MS. MUCTHISON. That's a good point. I don't know either. This is the first time that I have heard of it—it's only supposed to be 20 percent above the minimum wage. This is the first time I've—no one has ever said—and I'm sure none of the students at the school know that because this is the first time I have heard it.

VICE CHAIRPERSON WANG. We will look into this.

MR. JONES. Please look into it because then you will find out that their promise was \$30 an hour. They had that to where at one point—

MS. MUCTHISON. I was believing I was going to get it at one point.

MR. JONES. And to the point of being more honest with you, when she used to come home, I couldn't see nothing but dollar signs looking at her.

VICE CHAIRPERSON WANG. We wish you luck. Ms. Patton, I hope you find a good job. And I hope you, Ms. Mucthison and Mr. Jones, will continue with the program. The next group will be a group of training providers and program administrators who will perhaps clarify some of the points that just were made here. Counsel, would you invite those who are supposed to come up?

Training Providers and Program Administrators

MR. GLICK. Very well, Commissioner. We have Sophia Esparza, the Chicana Service Action Center; Lou Dantzler, director of Challengers Boys and Girls Clubs; Susan Cleere Flores, director of the Youth and Employment Services Division, Community Development Department of the City of Los Angeles; and Virgil Roberts of Dick Griffey Productions.

VICE CHAIRPERSON WANG. I would like to ask you to remain standing while I swear you in.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you very much. Please be seated and welcome to participate in this hearing. And I would ask counsel to proceed with the questioning.

**Testimony of Sophia Esparza, Director,
Chicana Service Action Center, Inc.**

DR. RUDERT. Thank you. I will begin with Ms. Esparza. Ms. Esparza, as director of the Chicana Service Action Center, could you describe for us where the center is located, what it does, and what it is?

MS. ESPARZA. The Chicana Service Action Center is a comprehensive women's center where we provide human services. Our administrative office is located at 134 East First Street, which is directly across the street from City Hall, but we have a total of 18 additional facilities that provide not just employment and training, but shelters for the homeless. Domestically, we operate shelters for domestic violence, we have gender/ethnic projects, women in non-traditional programs, a child care center. So it is comprehensive in a sense.

DR. RUDERT. And how long has it existed?

MS. ESPARZA. We are celebrating our 23rd year in existence.

DR. RUDERT. We understand that the center operates JTPA training programs under contracts to both the City and County of Los Angeles; is that correct?

MS. ESPARZA. Yes, it is.

DR. RUDERT. How much of the center's budget is funded through the JTPA program?

MS. ESPARZA. I would probably say that about 65 percent of our operation in total is through JTPA.

DR. RUDERT. And approximately how many people does the Chicana Service Action Center place in jobs in a program a year as a result of the JTPA program?

MS. ESPARZA. Our aggregate program in total probably places about 420 people in employment per year.

DR. RUDERT. Ms. Esparza, in your experience, how much must a welfare mother earn to replace the AFDC benefit she loses when she becomes employed?

MS. ESPARZA. Well, it has to be anywhere between—a minimum between \$9.50 per hour to \$11.00 per hour. And that is contingent on whether she receives—or an AFDC person is

receiving grant subsidies, if they are receiving food stamps and Medi-Cal, if it were just a straight grant—and right now the State of California is revisiting its payment schedule—but at minimum \$9.50 and at maximum \$11.00.

DR. RUDERT. I am going to ask the Commissioners to continue questioning you at this point, and I may return to questioning you later.

VICE CHAIRPERSON WANG. Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH. Thank you. If I understand what you are saying, then, a person who is in the AFDC program must earn, let's say, \$10.00 an hour to have the same aftertax equivalent as if she were not working?

MS. ESPARZA. That is correct. Because you need to factor in the medical benefits that may or may not be associated. You may have an employer who may provide the insurance for the employee. They may not provide the insurance for the children that are presently receiving it through AFDC, through Medi-Cal. You have the food subsidy which allows her to purchase, which may not be a cash award but defrays that cost. And in addition to which, in some situations, you have rental assistance or some type of other benefits that are associated with that participant.

COMMISSIONER REDENBAUGH. I accept your calculation. I want to pursue it a little further, though. Then, in effect, that person is paying a 100 percent tax; that is, they need to work 40 hours a week plus transfer time, and in exchange for that, they are no better off in terms of money than if they didn't work.

MS. ESPARZA. That's correct.

COMMISSIONER REDENBAUGH. And I presume that there is not an overabundance of \$10.00 and \$11.00 an hour jobs?

MS. ESPARZA. That is correct.

COMMISSIONER REDENBAUGH. Isn't this terribly discouraging?

MS. ESPARZA. Well, I think it would be if you were only looking at the public assistance population who might be on AFDC. But JTPA serves a number of people who are not just on AFDC. You have persons who may be on general relief, people who may be on unemployment insurance benefits, persons who may have absolutely no type of other type of public assistance where the \$10.00 an hour average wage of placement would not necessarily be a factor.

COMMISSIONER REDENBAUGH. But if we could just confine ourselves to the AFDC population, doesn't it make it very difficult for people to transition from that program to working?

MS. ESPARZA. It is very difficult. There is almost a built-in disincentive through the AFDC program to get them to work.

COMMISSIONER REDENBAUGH. To me, it would look more like a complete prohibition than it is an incentive. It would take an unusual person to do that. Would you recommend, for example, that the AFDC benefits be phased out rather than dropped out?

MS. ESPARZA. Yes. The discussion has been that perhaps in order to move persons into full-time gainful employment that the entry level point of \$10 an hour would need to begin to be phased out as that person moved up the career ladder in order to make it cost effective for that person to want to work even if it weren't to compensate for whatever the differential might be with the job.

COMMISSIONER REDENBAUGH. My personal belief is that there is something very morally wrong with preventing people from working. That is the only question I have. I would like to perhaps come back.

VICE CHAIRPERSON WANG. Thank you, Commissioner Redenbaugh. Mr. Reynoso?

COMMISSIONER REYNOSO. No.

VICE CHAIRPERSON WANG. Mr. Anderson?

COMMISSIONER ANDERSON. No.

VICE CHAIRPERSON WANG. Just to conclude this part of the questions, Ms. Esparza, would you say that if the benefit can really be carried over a period of time, allowing the person to continue to work and then progress to a point where the person would have sufficient income from the job to cover all the expenses and because it may not be of benefit anymore, how long a period do you think it would be? The young lady said she would hope that within 2 years—

MS. ESPARZA. Well, it really varies. It varies based on the number of children that a person may have, it varies on the ages of the children that they would have in terms of being able to effectively deal with medical/health coverage, perhaps child care. It means stabilizing a person in total to move them toward permanent self-sufficiency. And that really is a case-by-case issue. There is no magical point that you could say that it would be a year, 2 years, even 5

years. But it would seem to me that a leveraging of resources in terms of the person working and leveraging part of the grant award that they are receiving might be a more cost effective way for us to move persons toward employment.

And I have to add that part of the benefit in terms of moving a person toward employment is it is not just the wage that they initially gain but also the experience that they need to have in order to be able to move up the career ladder. And I think that is really important and often overlooked and missed. I can give you examples of numerous people who have come through our organization who were AFDC persons who started off as perhaps clerk-typists or receptionists in a small office and eventually moved up to becoming the office manager in an insurance company, and we have those success stories. But it is a matter of transitioning and giving that person the full support that they need to have.

VICE CHAIRPERSON WANG. Is it any different to run a program in South Central than any other part of the city?

MS. ESPARZA. Well, there are inherently more difficult problems in terms of operations. There are operational overhead costs that are a little more difficult in terms of providing service in South Central. First of all, it is finding at this point in time today, and today—even prior to our civil unrest situation, it was difficult to find space. But now presently with respect to so many buildings not being there, you can't find a building. You can't find space. If you do move in there, you have the additional problems in terms of receiving insurance coverage and being able to meet in compliance with the JTPA regulations, the present ones and some of the proposed new amended ones that are going to call for a number of factors—if you can even get an insurance carrier who is willing to insure you to do that. Also, it is difficult to find—and by "insurance carrier," I am not just talking about liability insurance. I am also talking about a workers' compensation insurance carrier who is willing to fund you off your operation in terms of allowing your staff to operate from that area because they feel that it is an inherently higher crime area, and they just don't want to deal with it.

At present some, I guess it was about 2 weeks ago, maybe a month ago, there were notices that were sent out to a vast number of businesses in the South Central area to business owners

where the insurance just said, "Come. You are at term. We are not going to insure you anymore." So as an operator, you have to understand those problems.

VICE CHAIRPERSON WANG. What can we do?

MS. ESPARZA. I think that service to that area, as I can see it, has not necessarily been a problem in terms of our being able to reach and service that community. There are obvious problems as well in terms of serving that community and being in there, and one of the issues is transportation. At your earlier panel you had, there were discussions about whether we had adequate service or bus service. That particular area of town has very poor bus service, so access in that area may be more difficult than if you operate in any other areas. What are the solutions? I think that—our organization is presently not located in the South Central LA area. But we service 22 percent of our population who are city contract out of South Central, and we have to find ways by which to do it, and that is to actually go in and bus these people out ourselves, colocating in an adjacent—right on the border area, having to look at new and dynamic approaches in terms of reaching that population in getting services.

VICE CHAIRPERSON WANG. We will come back to this. Counsel, please proceed.

DR. RUDERT. Ms. Esparza, in your view, do the Hispanic and African American and Asian communities each receive their fair share of JTPA services?

MS. ESPARZA. No, I don't feel that they do. I think that there may be—and I think you are talking about two issues. In terms of the Latino community, I know that we have an underservice in that community, and we also have an overservice to the Afro-American community in the system. However, in aggregate, there are also other groups that are not being served adequately, and that is the limited-English-proficient person or the non-English-speaking person, the disabled.

And I am not really sure in terms of what we have, but the City of Los Angeles, I am sure, probably has more specific and finite statistics. But I have with me a form that shows that for the Hispanic community, for example, the Latino community, we have, in the City of Los Angeles 54.46 percent—almost 55 percent of the persons who are Hispanic are in poverty and that's ages

between 14 and 64. And the percent served in 1991–92 program year, we served 45 percent, 45.2 percent. That was an underservice of 17 percent just to reach parity in terms of representation. And in 1992–93, we had service of 42 percent, which meant that our underservice increased by 22 percent.

That is significant because the Hispanic population continues to grow annually. We are looking at 1990 census figures, which are now 3 years old. So we know that every year the Hispanic population has probably increased beyond 54 percent, and yet our underservice keeps growing and likewise with our limited-English-speaking populations. And one can make some deductions off of that, that that probably is both the Asian community that is being underserved through the limited-English-speaking population as well as Hispanics, because those are the two largest limited-English-proficient populations. And underservice to the limited English speakers for 1991–92 was at 47 percent, and underservice in 1992–93 was 53 percent to them.

DR. RUDERT. You had a chart that you were referring to there. Would you like to submit that for the record?

MS. ESPARZA. Sure, yes.

DR. RUDERT. Please hand it to the clerks behind you. Thank you.

[The document was introduced.]

VICE CHAIRPERSON WANG. At this very movement, if I can ask for acknowledgment, we have a little bit of a dilemma here, but we want to accommodate one of our invited guests because she is about to take an airplane, so she wants to see whether we can accommodate her. We said we will. So as soon as she comes in, we will just interrupt for a few seconds and have her come to the podium. Why don't we proceed.

MR. GLICK. Mr. Vice Chair, our next witness, and I am embarrassed that we are interrupting the panel, but we will continue as soon as we can, will be Ms. Antonia Hernandez, who is the president of the Mexican American Legal Defense and Education Fund, and we are anxious to have her testimony, but since she has another engagement which she absolutely cannot miss, I beg the indulgence of the panel and would ask you to call Ms. Hernandez to the stand at this time.

VICE CHAIRPERSON WANG. Could you come up? Ms. Hernandez, can I ask you to stand.

[Whereupon, the witness was sworn.]

VICE CHAIRPERSON WANG. Thank you very much. We appreciate very much your coming. I know you are under a very, very tight schedule. And we feel very grateful for your presence. You represent a very important organization. So if I can ask the counsel to begin the questioning.

**Testimony of Antonia Hernandez, President,
Mexican American Legal Defense and
Education Fund**

MR. GLICK. Thank you, Vice Chair. I would like to ask you initially about the current cases or educational program activities that you may have underway here in southern California. I am not thinking specifically and only in Los Angeles, but in the five-county southern California region. What is your major activity and program now?

MS. HERNANDEZ. Well, the nature of the activity really varies. I will try to give you a snapshot of it. We are very concerned with the potential breakup of the Los Angeles Unified School District (LAUSD). We are extremely concerned with some of the unintended consequences of ratification of the Learn proposal, and we have been working very actively in that area.

The whole issue of tracking has begun to surface. And we are beginning to look into how we can challenge the resurgence of tracking, although it is an extremely difficult litigation type of case to take. But it is on the rise, and that's a real issue to us. We just settled a case with the LA Unified School District dealing with the allocation of resources within the district. And that is becoming an issue more and more often.

We also have the problem that is related to the break up of the LAUSD school district, and that is certain parts of the city wanting to break away from the larger school district and, of course, the impact that that would have on poor children. As you know, LAUSD is the second largest school district in the United States. It is overwhelmingly minority, with the vast majority being Latino. And so that, when there are changes to a district that has over 680,000 students, the impact to those most vulnerable aggravates an already very difficult situation. Those are the areas that we are looking at from the advocacy perspective and the educational perspective and from the litigation perspective.

What we are also looking into, it also goes into the Learn proposal, and that is putting more control at the local school level. One of the

most important components for that concept to work is the issue of parent participation. If you do not have parent participation, what local control means is the jockeying of local control between the administration, principals, and teachers, and the parents are totally left out. Unless there is a major investment of resources to train parents, to educate parents on how to be involved when the control is returned to the local level, you are going to have an already excluded group of disenfranchised and alienated students and parents made all the worse. And so our efforts, we have a parent leadership training program. We are looking into how we can take that program to a larger audience to include a larger number of people. But it is an issue that is not only of concern in southern California, but it is of concern nationally with the movement to go to local control.

MR. GLICK. Well, in the one sense you are very much concerned about the breaking up of the unified school district. And am I correct in assuming that the reason for that is that it would result in loss of resources and perhaps loss of skilled teachers? I am not sure I understand the impact of the breakup, which sounds like it would return to some local control, yet on the other hand local control is very important. Could you clarify that for me, please?

MS. HERNANDEZ. We will be more than happy to submit the analysis of the impact of the breakup to the members of the Commission, and we will send that to you. It is a lot more complex and complicated, and I will say the generalities of small is better and local control is better don't work. They are just simplistic, what I would call catch words that don't deal with the complexity. With the breakup of the school district you are really talking about a very complicated system, exploited for political reasons in this already tense environment. What is happening with the breakup and some of the problems are right now LAUSD is going through a massive reallocation of teachers. If you talk to any teacher right now, in addition to going back to the semester system and in addition to closing the year, there is some reallocation of teachers, with those having much more seniority getting their pick of where they would like to teach and where it is much more desirable to teach, so that some of those changes that you alluded to are already happening. It has nothing to do with the breakup of the school system.

What you have in the issue of the breakup of the school system is certain parts of the city wanting more access to more of the resources. You are already dealing with the inequitable distribution of resources in a system that is already stretched to the maximum. You have the whole issue of busing. You have the issue of overcrowding. And then, of course, you have the management issues, or the question of how well the system is managed.

It is not as simple as to say that if you make it smaller it is better. Compton School District is very small, and it is, you know, on the verge of bankruptcy. The Richmond School District went into bankruptcy. Small does not mean better. Local control does not mean better unless you have the interests, or the various interests, involved capable of taking local control. And right now, from a poor parent's perspective, unless you work with the parents, local control means control between the teacher and the principal. It does not mean local control by the community.

MR. GLICK. Yesterday we heard testimony from Richard Martinez of the Southwestern Voter Registration and Education Project. He indicated to us that while the Latino vote is becoming stronger in California, it has a ways to go. And the importance of the vote as he so eloquently told us means that the control or at least some impact on the decisionmaking process can be had. Is MALDEF now engaged in any of the districting or voting area cases?

MS. HERNANDEZ. Well, the redistricting process has come to an end or almost at the tail end. We still have litigation in the various courts throughout the country dealing with the issue of redistricting. But that, most of it has already been done. I will say that we were intimately involved with the redistricting in California, Texas, Illinois, New Mexico, Colorado, Arizona, and other parts of the country.

MR. GLICK. I am aware of those cases. But are there any ongoing at this point that we would want to watch?

MS. HERNANDEZ. Our emphasis in California is dealing with all of the jurisdictions within the State of California, going down to the city level, to the county level, going from at-large to single-member districts, which is a very important component of our strategy. We are looking and we have developed a list of jurisdictions that we are looking into. What you will see from

MALDEF for the rest of the decade of the 1990s is that emphasis on local jurisdictions throughout the State of California.

MR. GLICK. Thank you, Ms. Hernandez, Vice Chair Wang.

VICE CHAIRPERSON WANG. Commissioner Reynoso.

COMMISSIONER REYNOSO. Yesterday we had some testimony—actually today also—pertaining to the advisability of breaking up the INS between its enforcement duties and its citizenship or social service duties, if you will. Have you or MALDEF taken a position on that, or do you have some personal views?

MS. HERNANDEZ. Well, I have been dealing with the issue of the breakup of INS since 1978 and its various proposals in the Senate and in Congress and the various proposals that you are part of, Mr. Reynoso. So I personally have some views. And the institution has taken views for many years. I think you need to take a look at that issue from different perspectives. Right now in LA County alone we have a unique opportunity to naturalize over a million legal residents who became legal through the Immigration and Control Act of 1986. It is a unique opportunity that not only INS must take, but that the community must take. And in reference to the testimony of Richard Martinez from the Southwest Voter Registration Project, it is something that we are working with other organizations to take advantage of.

The INS does not need to be broken up to do that. And we must do that immediately. What INS needs to do is to channel some of its resources—and as you know, over 93 percent of the resources going to the INS goes to enforcement—rechannel some of those to take advantage of the opportunity to naturalize all of these people that are here to be naturalized.

On the larger level you are dealing with the issue of an agency that has never really performed, and, in fact, in the hierarchy of Federal agencies, it is seen as one of the most ineffective in implementing its mandate. And that's an issue that is being discussed. Some of the proposals are that the actual checking of goods coming in should be taken over by Customs—and as you know when you cross the border, you really go through two channels and through two different agencies—to give some of that to Customs; to keep the enforcement, which is what INS does

predominantly, within INS, the enforcement of our immigration laws; and then to create a separate agency to deal with the naturalization—it is the Immigration and Naturalization Service—and to give more impetus to the servicing of agencies, the servicing of citizens, when they want to bring in sons or daughters or relatives under the immigration law. And there is a lot to be said for that.

I believe in the past this country has not devoted resources to naturalizing and into assimilating the number of immigrants coming into our country. And I think that it needs to do that. It is missing a great opportunity. I know that in the discussions that have been had in Washington, D.C., that the issue of the breakup and giving more emphasis to naturalization is beginning to gain some attention.

COMMISSIONER REYNOSO. Councilman Hernandez testified as to the low number of Latinos who are eligible to register to vote. He mentioned the large number of aliens who live in this district, of course the young, and the frustration of having people in this country like his mother-in-law, who has been here forever and a day, who still is not a citizen and therefore cannot vote although she is very aware of the political issues of the day, and mentioned the problems with becoming a citizen. I want to ask you a more general question. What would be your suggestions—I know they are several—in terms of how to permit the Latino community, that is, for example in the Hernandez district, to participate more fully in the political process of his district and this country?

MS. HERNANDEZ. Well, I think there are several things that can be done and are not that difficult to do. In the past it is true the Latinos have had—Latinos and Canadians, or Mexican immigrants to be more specific, have had the lowest percentage of naturalization. A lot of it has had to do with the proximity of the country that they come from. But putting that aside, one is the emphasis on naturalization. There is a rising awareness of the importance and the need to naturalize. When we conducted the National Census Awareness Project that we did throughout this country for the 1990 census—and, in fact, it was extremely successful—Hispanics had the largest percentage of awareness of the census than any ethnic group, including Anglo-Saxons, in the country. What we found is

that in order to get our community to participate in response, we have to convey a connection, a consequence, a benefit to what we are asking the individuals to participate in. And in working with MALEO, who is the organization that is primarily interested and focused on naturalization, is trying to get that focus, to convey that need and that benefit.

In addition to that we conducted some years back, MALDEF conducted a sort of an assessment of why a community cannot naturalize. We found that, in addition to traditionally the fear of INS, the lack of awareness, one of the factors was the whole issue of the losing of citizenship in Mexico. I have had extensive discussions with representatives from the government of Mexico basically who are very cooperative and want to be cooperative in helping us to pass out the word that, yes, you lose your citizenship but that there are ways that, you know, should you ever decide to, to regain that citizenship. But most importantly the misconception that you cannot own property or keep property, if in case you do, in the country that you come from.

So what we have been doing is trying to deal systematically with the reasons and the factors that people have stated that they don't become citizens. I will also tell you that it is not all the individual's doing, that of the people who apply for naturalization, Mexican Americans have the highest rejection rate of those that go through the system. And what we do—

COMMISSIONER REYNOSO. Excuse me. On your previous point, we have dual citizenship, the U.S. does. And the only country that we have dual citizenship with is Israel. Would it help to have dual citizenship with Canada and Mexico?

MS. HERNANDEZ. Actually, we don't have dual citizenship in a way. It is other countries allow you to keep your citizenship. This country does not. I mean, you become an American citizen. There are some where there is a provision. But it is more, you know, it is the other country's action that does it. And where there is that policy, you are not mandated to give up that citizenship, that you have it or under circumstances you can keep it. I will tell you, Commissioners, that from a political perspective, I really think that politically as a community—

COMMISSIONER REYNOSO. Excuse me. I have been given a note that says that the U.S. recognizes dual citizenship with Israel and Ireland.

MS. HERNANDEZ. And there are specific political, historical reasons for that. In fact, that helps me make the point that I was going to make. From a political practical perspective, the question that I ask is, How much energy do we have to spend doing that versus naturalizing individuals and bringing them into the mainstream? Our approach, MALDEF's approach, is that we have got to bring people into the mainstream. We have got to get them involved in the political process. We have got to get them as voters. We have got to get them to breathe life into our democracy—in fact, nobody is voting right now; it is not just the Latinos—and to get them involved, and there would be a lot of political ramifications for a solution that might be long in coming. And that is just sort of our own philosophical personal perspective of this issue.

COMMISSIONER REYNOSO. One more question along those lines. It has been suggested and implied also in the Hernandez testimony that maybe people who have children in schools, people who are not U.S. citizens but have children in schools, might be encouraged and allowed to vote in school matters, as they are in New York and I guess some other places. What is your and MALDEF's position on that? Does that fall in the same category? It is such a tough political battle that you have had that perhaps you had better approach it differently.

MS. HERNANDEZ. Actually, we have been looking at that. As you know Chicago has, you know, when they went to local community control, they said all parents who have children can do that. Tacoma, I believe, has passed that legislation. What we are doing is looking to see whether, in fact, such policies do have the effect of increasing the percentage of the immigrant community's participation in the governance of the school districts. And we have yet to make a conclusion because those are recent developments.

COMMISSIONER REYNOSO. Thank you.

VICE CHAIRPERSON WANG. Commissioner Anderson?

COMMISSIONER ANDERSON. Pass.

VICE CHAIRPERSON WANG. Two questions, very quickly. Would you care to share with us your assessment of our city's racial tension at this very moment, intergroup relations from your standpoint?

MS. HERNANDEZ. Well, actually I think you are sort of asking the wrong person, but I will give

you my opinion. I am a Pollyanna. My philosophy has always been of having very good working relationships with various groups and ethnic communities. And my institution, I believe, reflects that, a collaborative effort. That is not to say that I do not recognize that there are some racial tensions. A great deal of that racial tension is caused by the economic realities of the lives that these people have to live. And I will tell you that in the many interactions that I have had in dealing with the Asian community, with the African American community, I will tell you that I very seldom, I have not found hate. I find misunderstanding. I find, you know, competition for scarce resources. I find resentment.

That leads me to believe that we have a greater responsibility to learn more about our neighbors and who is in the community. But, you know, I don't see it as severely as some people see it. And I will tell you that I am the cochair of the Racial Harmony Task Force of RLA. And I would say that I am involved in just about every collaborative effort that has come in.

At the leadership level I can tell you that most of our cases you see our counsel being cocounsel with the NAACP Legal Defense Fund, with the other legal sources working in our area, in the redistricting effort. You know, we put our collaborative approach to the test. In fact, you did not see major competition or racial strife between the African American community and the Latino community when we sued the city in 1987 or when we sued the county in 1990. And, in fact, when we sued the county in 1990, the NAACP Legal Defense Fund stated in court that for purposes of liability they would allow ACLU, MALDEF, and the Justice Department to present the case. And if we won and then we got into the issue of remedies, that they would come in and in that case get involved in the case. And I think that that says a lot about our working relationship.

I want to stress that education and dealing with the economic conditions is central to easing the racial tensions and speaking honestly and respecting the other person's perspective. And I don't think that the media is really, you know, really helping in this situation. It is aggravating a situation that is already tense.

VICE CHAIRPERSON WANG. What step do you think the Federal Government should take, if any, to ease this intergroup tension or to foster better intergroup relations?

MS. HERNANDEZ. My sense is that the Federal Government is largely responsible because they abandoned the cities 15 years ago. The tensions that you see in Los Angeles are no different than you see in Atlanta, in New York, in Detroit, and in Chicago. And I believe that the Federal Government needs to pay attention to the inner cities and to the urban centers. Once it does that and it is in partnership with the local and State communities as it should be, then you are going to see a greater redistribution of resources and attention being paid to the needs of the poor inner city.

I believe that in LA there is a realization that the suburbs cannot survive without the cities and there is a realization in our society that great urban civilizations have not survived because they were suburbs. You need economic development and you need vibrant cities and vibrant economic inner cities to have a healthy society. Hopefully, the Federal Government has begun to pay attention to the inner cities because not only has the Civil Rights Commission come to LA, but I think just about every Cabinet officer has come to LA in the last 3 months.

VICE CHAIRPERSON WANG. On that note, I think it is apparent that certainly LA is one of the most attractive cities, if nothing else. We want to thank you very, very much for your contribution and also your candid—counsel has one more question?

MR. GLICK. Do you have a statement that you brought with you, Ms. Hernandez, that we could include in our record?

MS. HERNANDEZ. Yes, I do. And I have given it already to your staff.

MR. GLICK. Thank you.

VICE CHAIRPERSON WANG. Thank you. So let's resume our panel on JTPA. And I want to apologize for the interruption. And I hope you find this conversation was somewhat helpful, in addition to our dialogue.

Testimony of Lou Dantzler, Director, Challengers Boys and Girls Club

DR. RUDERT. Returning to JTPA, the Job Training Partnership Act. Mr. Dantzler, as director of the Challengers Boys and Girls Club, can you tell us what it is and describe its programs?

MR. DANTZLER. The Challengers Boys and Girls Club is a place for kids between the ages of 6 and 17. It is a program that I started in 1968

because I saw the need for kids to have youth direction. We started with 12 in the back of a truck. Today we have a membership of over 2,200 boys and girls. One of the things that I think is important is that parents need to be involved in the programs along with the kids. And from that we have many, many volunteers or parents involved. In fact, most parents must have put in at least 4 or 8 hours per month at our facilities while the kids are there. The programs run from craft programs, education programs, job training, just providing things that they can do.

DR. RUDERT. Thank you. I am going to ask the Commissioners to question you now.

VICE CHAIRPERSON WANG. Commissioner Anderson?

COMMISSIONER ANDERSON. Thank you very much, Mr. Chairman. Mr. Dantzler, does your program receive funding from the Job Training Partnership Act?

MR. DANTZLER. No, we do not.

COMMISSIONER ANDERSON. Can you explain to us or give us some idea of what kind of programs you are familiar with in your area that might benefit from that program, funding under that program?

MR. DANTZLER. Well, kids will benefit, first of all. Not only that we do work with the Urban League sometimes. Because people that they have in training they send them to us and we hire some of these people to work for us, you know. And that's one of the things that has been very helpful to us also.

But I think other than that, people talk a lot. And you don't see action. People just go out and say what can be done, what needs to be done. But I think that if you really look at it, people should start working together on some of these things where we complain about. I think we can make a difference in the life of the people and the kids in our community.

Those things are very important. That's what we have done for 25 years. We have tried to make a difference. We are going to continue to make a difference. Regardless—because you have a hearing here, you have a hearing there. What happens after the hearing people leave town? Is the information going on the shelf someplace? What can we do with it? I can just hear them coming up in another 5 years and

saying, we need another hearing, about the same things that we already know the answers to.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. I share your frustration, Mr. Dantzler. Even as other people add, as we are conducting these hearings and we are going to put together a report. That report is going to be actually published. It is probably faster than a year, but the average time to publish a report is 2 years. By then the situation may be different.

MR. DANTZLER. You might be right.

VICE CHAIRPERSON WANG. So you have to look from the standpoint that by us coming over, that we have, on the one hand, again called attention to whole lots of people focusing on this very, very subject that we are discussing. And also I think with that kind of attention people will start working on some common solutions. And we have—like you said in a sense, early on our Chair is very, very committed to see to it and see through the MTA employment programs, subcontracts, concessions to minority small business. That's where jobs will be created. You will have another \$5 billion that is supposed to be spent in LA to build additional transportation. And that money needs to be spent and minority groups need to really tap into it to be benefited by it. So this is where we want to monitor, we want to be sure those promises made by the Federal Government, in essence, that they are delivered. So that is our function, to monitor, to kind of make sure that they do whatever they are supposed to do. So on that note, if we can just continue.

DR. RUDERT. Okay, thank you. Mr. Dantzler, am I wrong, I was under the impression that you operate a summer program where you offer pre-employment skills training—

MR. DANTZLER. Yes, we do.

DR. RUDERT. —to participants under the JTPA program?

MR. DANTZLER. Yes, we do. For summer youth employment programs only that we do that. We have approximately 100 kids that we hire. What we do is we train those kids prior to getting the job for the summer, you know. And then we put them into the jobs that we need at our facilities, whether it is in the arts and crafts, education program, or whatever. But those things only happen once per year. And then after that then we have to go back and go through a

corporation or foundation and have them put in a jobs program for the kids at the school there. But we do run the job program. It is not through JTPA, you know, year round.

**Testimony of Susan Cleere Flores, Director,
Youth and Employment Services Division,
Los Angeles City Community
Development Department**

DR. RUDERT. Thank you. Ms. Flores, can you explain in what capacity you work for the City of Los Angeles and what responsibility you have for the program funded by the Job Training Partnership Act?

MS. FLORES. I am the administrator of the Job Training Partnership Act in Los Angeles, and I have responsibility for the overall general management of the program in its day-to-day operations.

DR. RUDERT. And what effect have recent economic changes in southern California, such as the demise of the defense and aerospace industries and the exodus of many businesses, had on job training programs and trainees?

MS. FLORES. Jobs. In the last year alone there has been over 108,000 jobs lost in our local area. Since 1989 the unemployment rate has doubled from 5.9 percent to over 11 percent in our local area. What you have are individuals being dislocated, becoming cyclically unemployed and competing in a labor market where we have already a substantial number of structurally unemployed or individuals trying to enter the labor market for the first time.

We also have a problem in terms of defining our training. We have dislocation in the economy, not just the individual workers, but in the economy. You have entire industries, entire occupational clusters falling out of our economy. Everyone talks about the emergence of new clusters, the transportation industry, for example, the health care industry, the environmental industry. They are hard pushed, however, to tell you in an organized fashion where after all that planned training, what kind of jobs we will have requiring what in some kind of regular timely basis to help us to prepare. In the last 2 years we have moved from a very small component, for example, of health care occupations to many, many more. We are training licensed vocational nurses. We are training people for inhome health care. We have inhome health care with

an AIDS specialty. We have done a tremendous amount to try and focus on that.

It is interesting to know that just as we were starting that gear-up, with the recession, many of our HMOs started losing enrollment. So here we are training because there has been a demand in the health care industries, and then our public health care providers that are dependent on public dollars for their services and their plan and our HMOs that are dependent on employer enrollment or people being able to convert to individual enrollment start losing their employee base or scaling back on their rehiring and hiring.

Then all of a sudden you are saying, What are we doing here? This is supposed to be a growth occupation. And we began to turn actually to our community-based health providers and a lot of other health care providers to begin to focus our training to meet their needs. But it is catch up and figure it out. And one of the things that we have done is, for example, with the transportation occupation we have been speaking with them and having them speak with the employment development department labor information people to see to what extent we can begin that planning so we can assure that we are going to have jobs in a year, 2 years, or 3 years from now and what do we need to do today to prepare our work force for that. So, yes, it has had major implications because there aren't as many jobs.

DR. RUDERT. Well, how does the city ensure that JTPA funds are distributed equitably across the city and to disadvantaged communities such as South Central Los Angeles?

MS. FLORES. The allocation formula within the City of Los Angeles for our grants is based on the census. The city is divided into six planning areas: East, Northeast, South Central, Central City, the Valley, and the Harbor strip down into the harbor. Based on census data, right now 1990 census data, we allocate the funds to those areas. And we go to bid in those areas for programs who serve residents of those areas. The statistics that Ms. Esparza cited earlier are the data that we recently ran for our Private Industry Council to look at how we are serving, based on the 1990 census, various demographic groups and various special need groups in the city.

It is a small picture. What we intend to do when we close this program year out is to go through all of our varied specialty groups, special needs groups and look at how we performed.

And it is not only the data that Sophia brought today. But the other thing we need to look at is completion and placement because you can enroll; you may not necessarily be placing your completing folks with follow-up at certain wage levels for parity.

There is another issue that you have to deal with on the parity issue, and that is that JTPA funds nationally serve less than 4 percent of the eligible, and locally less than that. So I discourage individuals talking about overservice to any group because there are far more eligible in any group than we have the capacity to serve. However, if you just look at the dollars that we do have and whether or not we have parity of service, South Central has parity of service. That is not the issue. The issue is, and the issue that has been brought up in many discussions, is the location of services in South Central. And that definitely is the problem, people being able to go to training in their own community.

I believe Ms. Esparza spoke to some of the issues for that. I could add to some of the things that she said by discussing further transportation. Agencies want to make themselves accessible to the largest number of folks coming from the greatest number of places. Therefore, agencies will try to—as Sophia has indicated—put themselves between communities on major transportation lines. That is not encouraging of embedding yourself, then, in a distinct community in our city. And most of our transportation roads lead to downtown or the central quarter. So, agencies that attempt to make themselves accessible to the greatest number of individuals tend to place themselves in those corridors. Then again I would have to echo the security concerns, the insurance concerns, that are definitely there for agencies locating in many of our communities in the city.

DR. RUDERT. What is the city trying to do to overcome the shortage of service providers in the South Central area located there?

MS. FLORES. Within the last 3 years the city has started two programs. One is the Youth Opportunity Unlimited Program. We applied for and received 3 years ago a Federal grant for the Youth Opportunity Unlimited Program, which is a Department of Labor initiative. There are nine that were started three years ago in the country. The City of LA has one. That program targets six census tracts, roughly in the Vermont, Manches-

ter East area. The city selected that area because there were no service providers located in that area. There are no parks located in those six census tracts. There were very little resources of a human services type, let alone a job-training type. And the junior high school in that area had one of the highest dropout rates in the city, had one of the highest teen pregnancy rate in the city. That's junior high I am speaking of, not high school. Nobody bothers to count junior high dropout rates. They are fairly significant in some of our communities in the City of Los Angeles; these are young people that we have lost before they are even eligible for job training services at the age of 14.

So we went into that area, and our intention was to use the Federal funds to start the program up in that area. One of the city programs, the Private Industry Council, was very proactive in terms of providing resources and support to the program. And to create a board of directors and to create a new nonprofit. That board has been established. The nonprofit is completing the filing of their papers. And hopefully by July 12 we will have a nonprofit with their own staff with approximately \$1.5 million of funding annually starting this year. So we have spun that off and started it. There is a new entity in the South Central area.

In addition, we also identified a problem several years ago in the city in terms of service in our housing developments, the public housing authority developments, significant underservice of residents of those developments. Initially, we provided incentive points in several of our competitive bid programs to encourage providers to come into the developments, to actually provide services, do their outreach on site in the developments. Chicano Service Action Center is one of those providers that took us up on that challenge and is providing services in some of our developments now.

It wasn't enough. So, additionally, we said, "Okay, we have done that. The other thing that we need to do is put programs in the developments ourselves." And we did that in five of the developments within the city. Those programs provide family job-training services for those who are old enough to be eligible for job-training services, and they also provide recreation and educational support services for our younger housing development residents. Those programs

have been also spun off. We have spun those off to the Housing Authority of the City of Los Angeles as of October. And they have now become institutionalized and are operational.

Then, finally, another thing that we have done is in our last competitive bid we gave bonus points for agencies who committed to locating their school, their business, their training site in the communities that they were proposing to serve and attempt to encourage them to do that. Because there is an accessibility issue for our participants by locating in the community. But there is also I think an important spinoff benefit, and that is to bring business into the community. The people that work at that agency eat in that community. They may shop in that community. And there is a presence of an active building of something happening in that community that we wanted to encourage. But there are a lot of pressures operating against it.

DR. RUDERT. You mentioned transportation. Can you describe what difficulties the lack of transportation creates for the JTPA program from the perspective of service providers, program developers, and participants, and in particular how does the lack of a public transportation system contribute to the shortage of service providers in South Central Los Angeles. I think you answered—

MS. FLORES.—part of that, yes. The Job Training Partnership Act, at least as currently structured, can provide transportation support. And we do that. However, you can provide the support to pay for the transportation. But there is also a tremendous disincentive if it is going to take you 45 minutes or an hour and two transfers to get someplace. So part of the issue of transportation is the cost. Transportation in the city is not inexpensive, even when it is accessible. And when you provide subsidies during training for transportation and transportation must be continued after that person is still working, you do—you know, you were talking earlier about AFDC and additional support. Transportation is a real cost in the city in terms of getting to jobs and getting the things that you need to do with your life done, accessing services.

So, transportation for our service providers is important because they need to put themselves on transportation lines in order for participants to be able to get to them. It is important in terms

of securing jobs because almost all of our job-training programs—and I think that Sophia can echo this—have a whole part when they are doing job prep and they are preparing people to go out and be placed on how to use our transportation systems. It is not easy to use our transportation systems. To go almost anyplace requires that you transfer. In addition to that, the timeliness of the schedules of when our transportation runs are not always necessarily compatible with when the employer wants you someplace. So that's a critical issue for our participants and especially our younger participants.

Using public transportation may mean traveling through areas of the city and waiting on corners where you are not necessarily going to feel safe. Whether that is a perception or whether that is a reality, I am not sure that we are here to discuss right now. But if I feel unsafe if I have to transfer at this corner, then I am going to be disinclined to do that. As an example, last year as a part of our summer youth employment program, we were very fortunate to convince UCLA to create 250 summer slots. Very exciting. It made all of the media.

UCLA, as most of you know, is on the far west side of the city. In order for our young people on the east side of the city to participate in the program on the west side of the city—which at best in a private car if we were to leave here right now it would take us 45 minutes to get to that site—we worked with the community-based organizations in East LA, we worked with the police department, we worked with our gang services people and said, Where can we have 50 young people meet on the corner? We will pay for a bus all summer long to get them to UCLA. But where can we have the young people meet to pick them up. They all said there is really no place that would be safe for those 50 young people.

So we said, okay, we are not going to give up on this. All of the young people from East LA—and we had 2 out of 50 who did not show up the first day, and both of them called, which I think if any of you have worked with 14 to 21 year olds has got to be some record in and of itself. We had them all come to Terminal Annex, which is to the east side of downtown. It is this side of the LA River. It is considered downtown, not East LA. They all had to be there by a quarter of 8:00 in the morning in order for us to bus them to UCLA. They made it there. They cared. We did-

n't do it all the way. We didn't do it all the way. You know, we didn't pick them up at the door. They already had to take public transportation to that location. That was a tremendous commitment of those young people. We are talking over—if you figure at minimum 20 minutes to get to Terminal Annex and in some cases from El Sereno or the further side of East LA to get to Terminal Annex then another 45 minute bus ride and then back again. But they wanted to do it. That was a cost of—we did that at four sites in the city. We had a site in South Central, a site in the Valley, and a site in the central city to pick youngsters up from. It was an enormous cost. We leased those buses for the summer for our 9-week program.

The City of LA is enormous. It is very big. As some of you were talking about this earlier, that we grew out and not up. And our jobs are not located where our homes are. Our training resources are not located where our homes are. And in order to access—our health services are not located where our homes are. And in order to access all of those different pieces, we are totally dependent on our transportation system.

I think one other point is that the employment development department recently published—and I am not sure what their source data was—a study of the City of Los Angeles at the time of the civil unrest. One of the points that they made in there which I had not previously picked up was that in the areas that were most impacted by the civil unrest, most physically impacted, most damage done by the civil unrest, the utilization of public transportation is double. The dependency on public transportation is double that of what it is in the rest of the city. And I think that's an important thing for us to know. Because not only do we have poor infrastructure for public transportation, but we have more of a demand for it.

DR. RUDERT. Thank you. Vice Chair, perhaps the Commissioners have some questions.

VICE CHAIRPERSON WANG. Mr. Reynoso.

COMMISSIONER REYNOSO. I may ask some questions in writing.

VICE CHAIRPERSON WANG. Mr. Anderson.

COMMISSIONER ANDERSON. Yes, Mr. Vice Chairman, I have one question. I would like to go back to the issue of underservice. Now, I take your point that if there is funding sufficient for only 4 percent of eligible beneficiaries under the

program, that in a real sense everybody is underserved or 96 percent are underserved. But, nonetheless, within various demographic projections we can speak about underservice or less service than others. I seem to understand you to say that there was underservice.

MS. FLORES. Yes, there was.

COMMISSIONER ANDERSON. Yes, there is. And so can you tell us some of the—I think you touched on some of the factors why there may be under-service. But can you elaborate on that and explain to us what could be done to change that.

MS. FLORES. I think perhaps one of the things that could be done would be some understanding by individuals in Washington, D.C., that structure statutes and regulations under which we operate of the uniqueness of Los Angeles, southern California, and of the entire Southwest. And I think here I would like to focus very much on non-English-speaking Latino issues.

Number one, the Job Training Partnership Act provides little to no incentive and, in fact, it is virtually impossible to provide upgrade training within the act. And if you do, when the Inspector General of the GAO [U.S. General Accounting Office] comes out, they will question—they will always question and sometimes you can convince them that you actually did it correctly. They will always question it. They will not always disallow it, but will always question it.

We know and time and time again it has been shown through various studies that the substantial problem in our African American community is unemployment. A substantial problem in our Latino community is underemployment. And without being able to do upgrade training in a significant fashion, we are not going to be reaching all of the individuals that we should be reaching who are working minimum wage jobs that have a family size that keeps that family below poverty. And we have to remember that up until just 2 years ago a family of three making minimum wage was below poverty, working full time.

Secondly, the drive under the new amendments is for us to do more and more standardized assessment for our entire community, centralized intake. And there are reasons for that. There were some abuses. There were some problems in the system. So everyone has come to, "This is what you must do, is you must make everything standardized." The ideal model is where you have eve-

rybody applying for services at a central location, all receiving the same kind of assessment, and then being referred to the appropriate service provider, depending on what that service provider had in the way of training. We speak over 85 languages in this city. If you had a location where everybody was bilingual, that would still be a substantial number of staff to cover all of the languages that might be coming into your office. Testing instruments for standardized assessment do not deal with all of the different reading and writing and language issues.

Then there is accessibility. And accessibility can mean my agency is on the right corner for the bus line. And it can even mean my agency has a diversified staff and speak more than one language. It does not necessarily mean that in a changing demographic community my agency is seen by all members of that community as accessible. That is something that happens over time. And there are many of the agencies in the South Central area who appropriately in the late 1960s and during the 1970s served substantially African American communities. That's who was there.

The community changes, and you have a growing Latino population in the community. It will take time until the neighbor says to the neighbor or the mom says to the mom, whether it is a youth program or a training program, "Oh, yes, you can get service there. That's not just a black program, that's not just a Latino program, and that's not just an Asian program." That takes time. And those changing community perceptions, those changing—even when we are doing the job right.

And we don't always do it right. Not all of our programs are diversified in terms of language skills or staffing. But even where all that is done right, it takes times for the community perception to occur. Limited English speaking—I have a pet peeve right now with the JTPA amendment in its entirety I am forgetting. One of the JTPA programs is basic skills preparation. By basic skills, insufficiency is somebody that has reading and math capability below ninth grade level. And that's one of our targeted groups that we have to seek to serve. If we want to use as a target group limited English speaking, we must use a special category and ask that be included as a targeted group. Now, I would submit to you that if a person is limited English speaking or non-English speaking, they are basic skills defi-

cient in the English language and there should be no testing, because they will decline to test. They know that they will fail it and people don't like to embarrass themselves by failing a test. And I think there are probably service providers that can tell you stories about their not getting credit for serving certain target groups and boxes don't get checked because people decline to test because they have pride and they don't want to take something they know they are not going to succeed. So that's the problem with limited-English-speaking people.

With regard to the disabled population, we had some problems with two of our service providers to the disabled community over the last 2 or 3 years. And that's led to its not being refunded. And that is something that we are not trying to restructure to build in some additional activity. But those are some of the general barriers. If you were to look at—there are groups that are not on here. And the Private Industry Council of the city as I said, will be looking at all of our demographics when we close this year out.

Young minority males. Young minority males, I haven't run the numbers. But I would be willing to guess that we are undeserving them. Young minority males have no support systems to get them through classroom training programs. There is no financial assistance for them. What is available through JTPA is minimal and has to have paperwork done on it from here to the end of time to justify it. And so there is a disincentive for the service providers to do all the paperwork to do that. Be that right or be that wrong, it exists.

The Job Training Partnership Act system also discourages risk. Up until this June 30 our contracts had been performance-based contracts; a nonprofit, a trade school, a public entity cannot get the money that they put into a program out unless they place people at a certain wage in a certain occupation. We have had a substantial number of programs that have had losses. We have had programs decline funds who had successfully competed or ask for reductions in funds because they know they can't support them.

The Job Training Partnership Act, for a lot of good reasons—and the pendulum swings back and forth. The pendulum in the past few years has sunk to the oversight side. It would be very interesting for somebody to nationally compare numbers of the dollars spent on oversight by the

Inspector General's Office, by the GAO's office, by the Department of Labor, by the State of California, by my staff, and by the Private Industry Council on oversight, and compare those to the dollar figures spent on capacity building and technical assistance by the same parties.

My monitoring budget is probably—and I am talking about the data that I have to generate to give to the State and Federal Government—that budget is of my direct staff costs is probably 75 to 80 percent of my budget. And I would compare that to a budget of less than 1 percent for technical assistance. My staff attempt to do some of the technical assistance themselves. We try and do as much training as we can without mandate in order to protect the city and our agencies to the extent that we can from liability. Our mandate is oversight.

I think earlier you were talking about the correctional institution, and we were talking about INS. I have heard it a couple times today, different scenarios about where do you do correction, where do you do enforcement, and where do you do prevention and capacity building and training. And this particular system, just in terms of the system itself, is way over on the enforcement side.

COMMISSIONER ANDERSON. So I hear a lot of talk about regulatory reform. But you are saying that we need that with JTPA?

MS. FLORES. They just amended the Job Training Partnership Act to take care of all the abuses. Those amendments were passed last fall. Regulation is interim. It still has not been finalized. There are well over 100 pages of additional regulations. This is not done with regard to previous regulations. This is additional regulations. One of the things that—just some simple things that cost an enormous amount of money, and I don't think people realize how much they cost, the good intentions of various and sundry. The new amendments require the City of Los Angeles to track our funds by program year, by cost category. The Housing and Urban Development Department, the HUD program, they had that requirement up until 2 or 3 years ago. And HUD said, Do you know how much this is costing us to do this? And do you know what we are getting out of it? This does not make any sense. We are not going to require that anymore.

Two years later Department of Labor requires it. One begins to wonder, Are people

talking to each other? I don't know what folks are going to get out of it except that you will be able to say, this happened here and this happened here in terms of expenditures. I don't know what program quality that brings to our delivery of service. It is an enormously expensive thing for us to do at the city level, and I am sure it becomes much more expensive as you push that up the line.

COMMISSIONER ANDERSON. Well, I have some more questions, but maybe we could submit some of them to you in writing.

MS. FLORES. Be happy to answer them.

COMMISSIONER ANDERSON. I would like just one quick final question. Going back to the question of upgrade training, two things: Would you see that as the primary or the most important reason why there may be inequity in service or in underservice to the Latino community?

MS. FLORES. I would say it is a substantial, substantial reason. And also it impacts our—with a substantial immigrant community, not even Latino, but all of the immigrant community. In addition to if you are currently working at a minimum wage, minimum skill job, the difficulty of getting job-training services to upgrade, there is an additional curlicue in the statute and regulations and that is that, if you have had previous education or experience in any occupation ever, anyplace, then you have to do all kinds of additional documentation as to why you need further training. We have a substantially immigrant community applying for our services. They may have had an educational experience or a job in an occupation in their home country that was called the same thing it is called here. But the tools, the systems, the procedures here are different. The certification may be different. So I would say, yes that is a significant, significant issue.

COMMISSIONER ANDERSON. And that inequality is built in to a bias through the regulatory or statutory scheme?

MS. FLORES. I would say, yes.

COMMISSIONER ANDERSON. Thanks very much.

COMMISSIONER GEORGE. Mr. Dantzler, do you have any views as to what, if anything, can be done by local, State, or Federal Government to strengthen families in the community that you serve?

MR. DANTZLER. I think they need to listen to what they are saying instead of just information

from the top down. They should listen to what some of the people say.

COMMISSIONER GEORGE. What would that be, if you could explain?

MR. DANTZLER. I think, just for an example, in the community themselves, they have some ideas of things that needs to be changed in their local community, also, instead of people just telling them what they are going to do for them. And I think that's one of the reasons why hopefully that we have been kind of successful for 25 years in our local community. I think community needs to, again, look—work with themselves. And I know that that's one of the things that has happened over the past years.

COMMISSIONER GEORGE. How do you account for your own success?

MR. DANTZLER. Because of the fact we have got community involved, we have got parents involved, we have kids involved. Everybody is involved. I never thought of this as true before, but I tend to believe sometimes because we are not controlled by Federal and local government, you know.

COMMISSIONER GEORGE. In other words, because government is out of the way you can work?

MR. DANTZLER. Well, they won't have to listen to what we say. In other words, we get some funds. But we don't totally depend on them. And that has been—so I would say a corporation foundation has really been supportive of what we are doing, and we have been receiving support from them because of what we are doing.

COMMISSIONER GEORGE. Can you reflect on some of the differences that you experience depending on whether your funding comes from private or public sources?

MR. DANTZLER. Paperwork is number one. We don't have a trail of a whole bunch of paperwork. You know, kind of limitation that they set on what you can do and what you cannot do. It is not just blindly what you want to do. But we become more effective that way also. Just, for example, you start writing for the Federal Government just hiring kids for the income level. If they don't get the income level, you can't hire the kids. But from private enterprise, you know, you can hire the kids. Those kids need jobs just as well as anybody else. So what we have done is we have put together a chart of what we can get for \$50,000, we can get X amount of kids for the

summer. And people have been responding to that, you know.

COMMISSIONER GEORGE. Thank you.

VICE CHAIRPERSON WANG. Just before we proceed, would you care, Ms. Flores, to comment on the other two—further on the Maxine Waters Center. Very briefly. I just want to get a record.

MS. FLORES. Yes, I will be happy to. That particular skills center is underperforming in terms of their claims made within the entire LAUSD skills center program. The school district centers are in many of the communities, and they are accessible. The skills centers are not our best job developers and placement entities, and we have been working with the school district to remedy that. They have been on corrective action status for the last year. Within the school district, this particular center seems to have even greater problems. So, yes, I could confirm what was said. .

VICE CHAIRPERSON WANG. Thank you.

Testimony of Virgil Roberts, President, Solar Records, and Member, Private Industry Council of Los Angeles

DR. RUDERT. Mr. Roberts, as president and general counsel for an entertainment company called Solar Records, you bring a business perspective to the City of Los Angeles's Private Industry Council. How long have you been involved with the JTPA program as a member of PIC?

MR. ROBERTS. Too long. I have been involved now about 5 years.

DR. RUDERT. According to JTPA legislation, what role does the PIC have in creating a partnership with private business?

MR. ROBERTS. Well, I think the philosophical concept was to try and create an organization that would have a significant business component so that as government was going about its business of trying to train people for the job market that there would be constant input from the private sector, that the private sector would also be involved in bringing resources to the program. And I think that was really the idea. What we tried to do with the PIC here over the years is to play that role of letting private industry have an impact on what takes place in the job-training programs.

DR. RUDERT. So what would you say your PIC is doing, then, to create a partnership with private businesses?

MR. ROBERTS. Not enough. The thing that I have tried to do since I have been a member of the PIC is to change the way you do job training. And I have been chairperson now for 3, 4 years of what we call our ad hoc new program committee. We finally—it has become my program, my committee—we finally have started a program that tries to aggressively get private enterprise involved in the job-training process. And we have also—I will describe that later—and we have also done, I think, a pretty good job of trying to market what it is that PIC does to both the business community as well as to potential employees.

DR. RUDERT. Is this more or less than is required by legislation?

MR. ROBERTS. The legislation, depends on who reads it and how it is interpreted. Across the country, different communities do different things with their Job Training Partnership Act monies and the way in which it is used and the way it orders leverage. What we are trying to do with—in my mind I have a vision that is totally different for how job training ought to be done than the way we do it in this particular community. In my view, the best way to go about job training is to find jobs and employers and then train people for those jobs.

The way in which our system basically runs presently is there are a number of service providers who train people for jobs and then they try to place them. And I think that what we are trying to do with our model program is to show that there is another way that you can get people involved in jobs and hopefully jobs that have a career. And that way, really, is to become much more employer friendly and to spend a great deal more time talking with employers about their present, mid-range, and long-term needs; what they think employees should have in the way of skills and background and training to meet those needs; and then to do a lot more customized training and working with employees. So, basically, when you bring somebody into your training program, you are training them for a job that already exists, as opposed to training people and then trying to find jobs to place them in.

DR. RUDERT. Can we stop and look for a moment at service providers. What role does the PIC play in selecting service providers?

MR. ROBERTS. Well, presently what the Private Industry Council does is it plays a policy role, an oversight role, in setting forth the types

of requirements that we think service providers should have, the types of facilities and background they should have. And then the city issues an RFP [request for proposals]. People respond to that RFP. They are then rated. And based upon the money we have, people then are kind of picked down from 1 to 50, or 1 to whatever the number is.

DR. RUDERT. What criteria do they use to select them?

MR. ROBERTS. Well, the criteria basically is, one, the desire that they have for training, their experience, their ability to demonstrate that they are going to, in fact, be able to satisfactorily train people and place them into jobs. The regulations for the Job Training Partnership Act presently strive for what is called performance; that is to say, people are judged and paid based upon their employment rate, their ability to train people and place them in jobs. So, in looking at the people that are contracted with by the city, the role that the PIC attempts to play is to ensure that those agencies that receive our monies do have the ability to do what they say they are going to do, that is, to train people and place them in the jobs they say they are going to place them in.

DR. RUDERT. Currently, what is the PIC doing to ensure that training is offered in industries that are growing or have growth potential?

MR. ROBERTS. We just did the first sort of marketing study to look at the demand occupations in this community and to see which directions we think businesses are going. And the hope will be that the next RFP that we do will be to target service providers and give them points based upon their ability to train people for those demand occupations. It is not the way I would do it. It is the way our system is set up. As I say, the way I would do it is I am not sure that—and this is what my model program is doing. I would really like to talk about my model program because that's basically what I spend all my time doing.

When you go to do a survey and somebody tells you that the demand occupations for the future are X, Y, and Z, that may or may not be true for you in your community. It reminds me of when I was in Lamaze and they tell you the gestation period for a human is 270 days, but yours may be 260, it may be 265, it may be 280, because all humans are different. It is the same way with the community. We have a generalized idea about what demand occupations may be for

the future. But that doesn't necessarily give you the information to really place real people in real jobs. I think, therefore, that the better way to do it is, rather than do a survey, is to go and find real employers who really are employing people and find out what they want. And then you should train for that. And I hope that my model program is going to be successful. I have every reason to believe it will be. If it is, then I would like to think that it will become a model that will grow and we will begin to change the way in which we do job training in this community.

Let me say a little bit more about the model program while I have the mike. Essentially what we are trying to do is make better use of computer technology. We hired a person from the private sector who actually had his own company that was successful. He made a lot of money, and he sold it, and he came to work for the city. What this person has been doing is going out, talking to personnel departments at large, small, medium-sized businesses to find out from them what sorts of job openings they now have, they expect to have in the future. And what he does with each of the employers that he talks to is he gets them to agree upon the DOT code, that is to say, the basic requirements for the job openings that they now have or will have in the future. Then all that is put into a computer database, a little notebook computer. Then what we have been doing, because the funding from the program comes from dislocated workers, is we have been going to a lot of the plants that close down. As the employees get laid off, we put into the system what it is the people being laid off or dislocated, what it is they do and what their skills are. Then what the computer does is the computer can do a match. And it can tell you for those job openings that you have, who are the people that are close by way of skills that they have already attained to those jobs. It can more or less tell you how much training you need to get in order for you to become competent for job openings that are now available or will be available in the future.

It can tell you how much you need by way of extra schooling, you know, on-the-job training, etc. So what we then do is, once the computer makes a match, you can then bring those people in, you can interview them, you can do an assessment. And then you send them out either to do the additional training or to the employer

who is going to employ them. The employer can say, "Yes, this is my kind of person and if they do the training that is required for the job I have, I will hire them."

So presently we have about 4,000, I think, dislocated workers in the database, and we are developing a database of several thousand jobs. They are jobs, everything from senior level corporate executive types down to stock clerks and your basic entry-level positions. And because the computer has a perfect memory, as we begin to load people on the system and they begin to move into the system, whenever job openings come in, the computer will immediately spit out everybody who is close, even if it is someone who has been placed in a job, so that it will become a system where, if once you are in and you want to stay in, you can stay in. So you can have a job at one level. If later on a job at a higher level becomes available, we will have the database and we can contact you and say, "Do you know that if you go back to community college and take other 20 hours of credits there is a job where you can get \$30,000 a year instead of \$25,000?"

So that's what the model program is designed to do. We will see if it works or not. There are a lot of untested hypotheses. But that's what the PIC and my committee is putting devoting a lot of time to try and put together a system where you can do another way of job training.

DR. RUDERT. Mr. Roberts, I am going to ask the Commissioners if they would like to question you now. Vice Chair?

COMMISSIONER REYNOSO. No. I may have some questions in writing.

VICE CHAIRPERSON WANG. Commissioner Anderson?

COMMISSIONER ANDERSON. Well, just briefly I guess what I hear you saying, Mr. Roberts, is that the Job Training Partnership Act lacks a business perspective?

MR. ROBERTS. Yes, it does. And I don't know if it is the Job Training Partnership Act. I think a lot of it has to do with the way in which government operates. And it is not all bad, you know. All people who work in jobs are responsible to those folks who have some kind of control over their destiny. The real problem with job training and a lot of government jobs is that the client, who may be an unemployed person, has no control over the destiny of the people's lives who may be in the system. It is the Inspector General. It is the GAO.

It is the mayor. So, consequently, what happens is a great deal of time and effort is spent in satisfying those people above who have some sort of control over your life, who can embarrass you politically, or fire you from your job. As a consequence, there is not nearly enough time and attention being focused on the recipients that we are really trying to help.

I think that what we have to try and figure out a way to do, that is consistent with maintaining the fiduciary relationship with the public purse, that we cut a lot of the strings and red tape, that we begin to run more effective programs that really help the lives of the people that we want to help. And I think that one of the things that may be of great benefit to us in the future is the use of technology and looking at how we go about trying to train and place people for jobs in ways very differently than we presently do.

COMMISSIONER ANDERSON. We have had some testimony or information on the difficulty of going through the training process with a lack of support services. Do you think that your approach is one which—well, while it may not provide more support services, do you think psychologically it makes the lack of support services perhaps easier to bear, knowing that there is a good chance for a job there at the end of the training? Do you see your approach affecting that at all or not?

MR. ROBERTS. No, I don't. What I see my approach doing, what I hope it does, is that it will free up some resources just because it won't be as many people doing the same kind of monitoring, one. Two, if you know there is a real job, I think there will be some degree of motivation that will make people stick in. And now I am thinking more about the AFDC recipient who says, "God, the entry level job is \$6.50, and I am really giving up a lot to take this job, but I know I am on a career path, as opposed to a dead-end job." So I can see some motivation. But I think we would be kidding ourselves if we think that you are going to get somebody to come and go to work and go through a training program because they know there is a real job and yet there is no money to pay for a babysitter, there is no money for them to buy a bus pass to get to work. Support services, those funds are funds that are really needed, because they don't take care of luxuries; they take care of basics, like the bus pass, like a babysitter, like lunch money. If anything, we need to make sure that we have the ability to do support serv-

ices, one, and that adequate funds are available, and, two, that are spent. There are instances where there are funds for support services that actually are not spent. So I don't see doing things differently will make it easier. I just think it will make us more efficient.

COMMISSIONER ANDERSON. I see Ms. Flores and Ms. Esparza nodding, but your nods aren't going to be on the transcript. Would you like to—maybe I should say nodding affirmatively. Would you like to comment?

MS. FLORES. Yes, just generally from the system perspective, yes we need the support services. And, yes, there are support services funds that are sometimes made available to our service providers that are not spent. In the early 1980s that was part of how JTPA was measured, and it was a systemic problem because the Feds are going at the costs of underemployment. And you don't get incentive monies if your cost per employment was too high, and they factored in the support service cost when they did that. So, the system had a disincentive in it as structured for support services. That has been shifted over the last 2 to 3 years, but it has not been fully corrected, to put it mildly. So, yes, there is an issue there. In our last competitive bid, we actually looked not only demonstrating effectiveness in terms of placing folks in jobs, but also in terms of the actual percentage of your budget that you had spent on support services, given the folks that you are going to serve, and what you were proposing to do in terms of the other proposals. So that's become something that we take a very close look at. And I think probably Sophia has something even more detailed in the service contracts area.

MS. ESPARZA. Well, there are a couple of statements that I would like to make in terms of the items that have been discussed. One of the areas that I want to address in terms of underservice, I don't mean to suggest that we are overserving any population group. What I am saying that, in terms of the allocation of resources, I think there is a real underservice to Latinos in the system overall. And in a sense because there is a predisposition based on my organizational name in terms of the area we seek to serve, both in terms of gender, largely female, and largely Hispanic. We serve both youth and adult population groups.

One of the things that I do know about the regulations is that it in fact works against Latinos

more so than it would toward any other ethnic group. I can speak to that because our organization has offices in the San Fernando Valley which may not have a large Latino population, as well as through the County of Los Angeles. We stretch out all the way out to the Pomona area where we have probably a mix of a third black, a third Hispanic, and a third Anglo-Saxon. And the difficulty in terms of qualifying Hispanics in the system is much greater than in terms of being able to secure the eligibility documentation for any other ethnic group. I think that the legislation is written in such a way that, in fact, it does work against a certain population group more so than it does the other. So I wanted to make that point.

The other point to that is something that Sue mentioned. And that is that, in terms of eligibility of criteria and income, we have in the Latino community a population that has come—and especially an immigrant population—that has come to the United States to work. So they don't perceive the training part of it as important to them immediately as the employment part of it. So we need to, in fact, almost look at the legislation in terms of how it is applied and how it is implemented here locally to address the issues of being able to place a person and concurrently train. Because the Latino population finds it very difficult, especially if they are under amnesty, to leave a job and not support that family and be able to prove that they are going to be able to pass through that amnesty phase without fear that they may jeopardize their legal status.

In addition to this, we have a gray economy that has always impacted the Latino community. But most recently it has impacted Cabinet positions in the United States. And that is that—we in the Latino community know very well of the gray economy and how it impacts or affects our families because people may have marginal jobs and may be paid cash, and our employers do not pay social security, taxes, and everything else that they are supposed to. I guess Ms. Zoe Baird and a couple of other people have now found out that they can lose their jobs too. But the Latino members have found out—they are very concerned in terms of whether they are in line for JTPA programs, whether they are going to jeopardize the status of any other extended family member because our community has, when you are looking at eligibility, we have to include everybody's income in that household. Sometimes

you need four or five members in the family who work. And you ask the person, well, because the Inspector General is going to come down and they are going to do an analysis and they are going to do tests and they are going to say, How is this person able to pay light, phone, rent, gas if they were only earning \$150 or \$200? And you have to include everybody's income, including the youth members who might leave school early to participate in that.

So I think that the system as a whole, I cannot really address it in terms of any other ethnic group. But that particular ethnic group, I think that legislation really works against that group in terms of being able to access and wanting to participate. I can tell you many instances where people walk in, they fill out the application, they come through, they bring all their documentation, we start asking questions, and they ask for those documents back.

How this is going to happen now in future with the new amendments where we are supposed to track an interested party to an applicant and how that applicant becomes a—or how that candidate becomes a participant and how we are supposed to keep that paper trail for the GAO and everybody else who comes along, I really don't know what that is going to do in terms of even further dissuading people from participating. So that is, I think, in terms of what I meant, I didn't mean to suggest that, you know, anybody else was doing so much better. But I think in terms of that that's a real concern.

The other concern that I have in terms of JTPA, and that is as a provider, is that the regulations are now swinging the other way in terms of oversight. Our organization has been successful in terms of the fixed unit price contracting system. It took us a time and we took a loss the first year that we transition from CETA [Comprehensive Employment and Training Act] to JTPA because we needed to add that business perspective into our operation and that risk management in terms of what we do. Our organization has been effective in terms of placing clients on jobs because our board of directors decided on incentives to staff in terms of how we pay. So everybody gets paid on a minimum base like you would be if you were a used car salesperson. And based on your performance and your production, then you get paid subsequently through that. That has worked effectively for us

because it has brought a marriage between our staff and our client. That client's economic welfare is linked to our staff's economic welfare.

Moving back again into a JTPA line item program, you are not going to be able to look at creative ways of making a program work because you are so hamstrung by all of the restrictions in terms of even how you answer a call, from this point forward, how you give somebody an application, and when you begin assessment because, once you begin assessment, that person all of a sudden becomes a program participant. And that's going to have a direct correlation in terms of our performance to the system and individually to contractors because you are no longer being able to risk manage some of the things that you were beforehand.

So, when you talked about overregulation and what it did, it is going to have a very negative effect on this. Here, locally, it is going to have a very negative effect, I think, on certain populations, more so than others because I think that the one thing that the Asian community and the Latino community share in LA, is that they have a commitment to having come to this country to work. And so training is going to have to be something that somehow is going to be managed or will have to be looked at to be managed concurrently. And I don't know if that's something that people in Washington will listen effectively to.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. My final question to Mr. Roberts—very briefly, we are running out of time—but I just wanted to get your feelings about Rebuild LA, whether—I mean, the job creation aspect of particularly of that effort, are you familiar with it or what can you—

MR. ROBERTS. Well, I am familiar with it now. And I think Rebuild LA has done—contrary to a lot of what I think has been said in the press—has done a remarkable job of attracting investment capital back into the community, which I think becomes an important vehicle to create jobs in the community. They have actually attracted about a half a billion dollars in capital to the community. They have been to a lot of grocery stores that have got to be rebuilt. In terms of the impact upon jobs, I mean, obviously those are newly created jobs.

RLA has not had a, quote, unquote, an institutional relationship with JTPA. One of the things that I hope will take place as we go for-

ward with a new mayor and with the construction of the MTA is that JTPA will play an increasingly important role in making certain that our participants, that the clients we serve, get employed by a lot of the new construction and a lot of the rebuilding that is going to take place in the southern California area.

VICE CHAIRPERSON WANG. Thank you very much. And we really—if counsel has any more questions?

MR. GLICK. No.

VICE CHAIRPERSON WANG. Okay. Thank you very much.

Barriers to Small Business Development in the Inner City

MR. DOCTOR. Under the broad topic of economic development, we will be talking next about various of small business development in the inner city. We would like to invite to come to the witness table Frank Robinson, Pedro Pallan, E. E. Barrington, Ryan Song, and Carlton Jenkins.

VICE CHAIRPERSON WANG. Can I ask you to stand with your right hand raised.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Welcome to this particular section on economic development. We will talk about various small business development in the inner city.

Testimony of Carlton Jenkins, President and Managing Director, Founders National Bank of Los Angeles

MR. GLICK. I would like to start, and then Dr. Zalokar will work together with me on this panel. I would like to start with Mr. Jenkins, if I may. Am I correct that you are the managing director of Founders National Bank? Is that correct?

MR. JENKINS. That is correct.

MR. GLICK. In talking to our staff you may have used the term that it is very important, that in South Central LA there be a growth of capital infrastructure. That's a term that I have been told that you used. That can have a number of different meanings, and I would like to have you share with us your definition of capital infrastructure as you use it.

MR. JENKINS. Well, I think that the context that that question was posed originally, let me take you back for a second and have you understand that Founders National Bank in Los Angeles is the only African American owned commer-

cial bank in the State of California. That is specific to our discussion today. It is even more significant in that it is the only commercial bank, black owned or majority owned, that is headquartered in South Central Los Angeles. And understand that Founders is only 2½ years old. What that says is that, prior to our existence, for the last 25 years there has not been an African American-owned commercial bank in the State, certainly not one in South Central Los Angeles.

And I would suggest to you that, as we look at the issues that confront our community, equal access to a genuine provider of capital and credit has not been there historically. And you don't rebuild or, I should say, build a community without providing it with some kind of building block. And I would perceive that institutions such as ours that are dedicated specifically to that community are extremely important relative to providing an actualizing of the dreams and desires of the community.

We are a business lender predominantly, having chosen that in deference to the fact that there are providers of home loan products in the community. We have found in our discourse almost on a daily basis that the concern the community has is simply its inability to access capital and credit in a very meaningful way. And I say that to say that while there are presumably providers in that community, that is to say banks who have branches there, they are somewhat disingenuous in the way in which they approach our community.

What I mean is they do not deploy the same kind of capital, energy, talent, products, and services to this community as, for example, they do in marketing their Fortune 500 companies or their Latin American network or their European network. And I would suggest that is—is a—you know, almost criminal. To take deposit dollars out of a community and not redeploy those dollars back into that community is problematic for that community. And it is critical that where there is someone who has this as their purview that they look seriously at whatever the impediments are to the creation of more banks like mine certainly, and I think more importantly continuing to be heavy-handed with those institutions that would provide excuses or reasons not to provide our communities with access to capital and credit similarly to that which they provide to other parts of this community.

MR. GLICK. Well, is there in your community where the bank is acting, is there a demand, entrepreneurial group, a group that has demand for commercial capital?

MR. JENKINS. Well, let me say this. We have been open for 2 years. And almost from day one we have had, I would suggest, an 8- to 10-week backlog of what we perceive to be very quality-oriented credit requests. I have engaged at present four consultants just to take up the slack or the demand from my own staff to be sure that these people are given timely response.

And, you know, these are the requests that—and recognize that I am trained in major banks, so that I have the same skills as those who would suggest that you can't lend in this community. We in two years have \$20 to \$25 million in business-oriented product in that community already, another \$25 million in multifamily real estate product, for a total of about \$52, \$53 million. The only loss that the bank has sustained in 2½ years comes as a result of a banker who was unemployed and lost his job and filed bankruptcy. That is, someone who normally would have been one of our better credits turned out to be the only problem.

I assure you that we have money out to churches, to minority contractors, to community-based organizations. We have got money out to a former prisoner, a convict who was recently released and created a program to sell hair care products to fellow prisoners. He is turning into being one of our more significant clients in that community. We are not unique. That is to say, we don't do anything that I would perceive to be extraordinarily different in how we underwrite credit. All that we do is we simply try to understand who our borrowers are and their particular sensitivities, their peculiarities, their tendencies to potentially live beyond the normal ratios that one would prescribe, their tendencies to have potentially bad credit sometimes, their potential to have had two or three job changes in the last year, the need sometimes to work two or three jobs, one of which may be a cash-paying job. We simply take all of those things into account in making a credit decision.

We perceive ourselves to be what a community bank used to be, that is to say, you knew who you were lending your money to. And those borrowers have a genuine sense of private concern in your betterment as an institution, recognizing that

should something ever happen to our institution, this community will not have again another African American owned institution. We have shareholders. We are genuinely profit motivated. So, we don't give it away, I assure you. We simply deploy the right kind of talent and energy to get it done. It is a real simple equation for us.

MR. GLICK. We have learned from yourself that you had an equity investment from the ARCO Corporation of a substantial amount.

MR. JENKINS. Right.

MR. GLICK. Have you had any contacts with any other major financial institutions or commercial institutions that could put some more funding into your institution for further retailing?

MR. JENKINS. Well, let me get into the context of your question and let me just say that the press announcement for the ARCO participation took place, I believe, December the 7th. Only yesterday did I receive formal approval, or should I say that I received a message that approval is on the way, for ARCO to actually make the investment in my bank. What that means basically the government or those who regulate my bank have taken 6 months to approve a situation that was perhaps the most positive transaction that a minority bank in, certainly, in my time as a banker has ever seen. It took 6 months. And in most of that circumstance ARCO was made to be the villain in trying to do something that was as pro-minority banking as is possible.

But, to answer your direct question, Bank of America has made a similar commitment, a little smaller. Therefore, it is just a holding issue. But they have committed about a million dollars to support the ARCO piece. We have two other announcements that we are not able to make today. But they will approximate another million and a half dollars of a similar nature. The importance of the ARCO transaction, it had never been done before anywhere in the country. It is the first time that corporate America has understood the leveraging possibilities of a dollar in a minority institution. There are those who would suggest that a dollar of capital translates into \$10 to \$15 in potential lending capability. So ARCO's investment, depending on how you look at it, could mean between \$15 and \$30 million in and of itself in new lending capability for this community. It is a very, very meaningful kind of thing.

And as the Commission is looking at the kinds of options that do exist, I would encourage

strongly that you look at that transaction and potentially the barriers to that transaction to ensure that where corporate America is now coming around the corner on this concept, that there is a support mechanism and certainly a mechanism to ensure some movement of the process to allow that to happen.

MR. GLICK. Well, you indicated that it has taken such a long time for that ARCO loan to be approved. Would that be because of different standards being applied, or was that just simply a normal time frame, or just slowness?

MR. JENKINS. Combination of a number of things. Certainly, its novelty created its own share of problems. There are some very archaic Bank Holding Company Act requirements which potentially kick in depending upon the amount of ownership a corporation has in the bank. It was designed, I think, some time ago to ensure that banks were not taken over by insurance companies, etc. But I would submit that, in the context of our transaction, which was simply a situation where ARCO was making an investment in my institution, had no interest in managing it or running it or being on the board or any of those things that would create an ownership problem, that there should have been or should be a mechanism to ensure that that moves fluidly.

I can't underscore to you how difficult it is to start a minority bank and even harder to raise the capital for one. I have to this day not been able to raise capital in my community, principally because they don't have it, but secondarily because a bank investment is a very esoteric kind of investment. So I am dependent on corporations like ARCO. And I would like, hopefully, to be able to have raised between \$3 and \$4 million in the last 6 to 9 months with this particular concept. And it is something that is gaining ground. It has been done several times since across the country, I think ours having been a very successful model for it.

MR. GLICK. Thank you. I would like to turn over to the Commissioners to proceed with questions for Mr. Jenkins. And then after that is finished, we will go to the other witnesses.

VICE CHAIRPERSON WANG. Mr. Redenbaugh.

COMMISSIONER REDENBAUGH. Thank you. Mr. Jenkins, which regulatory agency?

MR. JENKINS. Office of the Comptroller of the Currency.

COMMISSIONER REDENBAUGH. Office of the Comptroller of the Currency.

MR. JENKINS. Right. There were some Federal Reserve issues. And the Federal Reserve's San Francisco office was extraordinarily helpful in moving the process, to the extent that they had approved it several months prior to it moving on to the OCC.

COMMISSIONER REDENBAUGH. And you found the Federal Reserve Board district bank in San Francisco cooperative on other—

MR. JENKINS. Yes. Because they had to work on both our ARCO piece and our Bank of America piece almost concurrently. I think the difference is that they simply understood more the spirit of the investment and were motivated to ensure that the Federal Reserve in and of itself was not the stumbling block in not allowing something like that which had so much positive associated with it to move forward.

COMMISSIONER REDENBAUGH. Do you think that when you do another one of these you will have less difficulty with the Comptroller of the Currency?

MR. JENKINS. Yes and no. What we have had to do is, at least in this first series of stock purchases, we have created what we hope to be a cookie cutter concept. Now, that assumes that all of the prospective corporations that I approach will want to buy into this particular series of preferred stock that we have created. Should I deviate, then I am back to square one, and I have to start the process all over again.

COMMISSIONER REDENBAUGH. You have a shelf approval?

MR. JENKINS. That's basically it. Up to a certain amount with certain conditions that are fixed, basically.

COMMISSIONER REDENBAUGH. What are some of the other obstacles that you have encountered, particularly in the regulatory, or any area?

MR. JENKINS. Well, I mean, from a regulatory point of view, we exist in an environment that is unique, I guess, to this community in that there hasn't been a black-owned commercial bank in 25 years. So what that means is we are an anomaly in every imaginable sense. We are regulated by the OCC and an examination team that has never examined a minority-owned bank, they had never come in and looked at a bank where most of the credit has been minority-owned and minority driven. So there has been some—I hate to use the

word "adversarial"—but there has been a lot of disagreement, I guess, with respect to the kind of lending that we do and our underwriting criteria.

COMMISSIONER REDENBAUGH. I might be allowed to comment as somebody knowledgeable in the area. It appears that the examiners haven't exactly done a wonderful job in majority-owned banks.

MR. JENKINS. Correct. You are correct.

COMMISSIONER REDENBAUGH. Then I can understand, that while you may have presented them difficult or perhaps unusual circumstances, they haven't always performed particularly well in the more normal situation.

MR. JENKINS. You are correct. And I am taking your comment and simply suggesting that ours added another level of concern and confusion. We have been examined potentially seven times in 2 years, which in and of itself is unique, I am told, and always disconcerting. We went through a CRA [Community Reinvestment Act] examination last year, which was extraordinarily stressful, given that our institutions—

COMMISSIONER REDENBAUGH. There was some thought that you might be out of compliance with CRA?

MR. JENKINS. Well, no, not necessarily. I think the disagreement simply comes to how you measure one's CRA commitment, I guess, recognizing that a lot of banks have been able to move satisfactorily in that environment by virtue of how large the checkbook is. We didn't have that luxury and won't have for some time, and because we were brand new, had only been lending for a year at that time, so it was just a very difficult time for us. But, yet, there aren't very many initiatives in that community that are economic in nature that our institution is not involved in, directly or indirectly. We are by many stretches the most visible bank, certainly in this State, and depending upon who you talk to, in the country, of minority banks, particularly in light of our capital creation issues and more importantly our direction in the community. We legislate. We have a lobbyist full time. We have been successful in trying to preserve what few minority preferences do exist in certain segments of the governmental statute, particularly the RTC [Resolution Trust Corporation].

We just try to deal with minority banking in a very universal and broad sense, to just try to get people to understand that it is critical to the de-

velopment of the community and its entrepreneurial bent. I mean, without banks like mine, it is—we were talking about job training and educational possibilities, things like that. Well, you have to understand that a dream realized is his ownership. And our institution is designed hopefully to cause that to happen. Without that, you just don't have a community that is standing on its own two feet. And that is our mission. It is clear and simple.

COMMISSIONER REDENBAUGH. What can—excuse me for interrupting. What would you like to see done to make it easier for you and other organizations like yours to spring up all across the country? What changes would you recommend? And I ask the question from the background that you have as a commercial banker and someone already successful in the field.

MR. JENKINS. Well, two things I will do. And I apologize that I don't have it with me. I believe that I supplied to the Commission earlier a list of legislative remedies that we had prepared. And if you do not have that available, I will be happy to do that again. We have prepared our own legislative agenda.

COMMISSIONER REDENBAUGH. We would very much like to have that, if we don't already.

MR. JENKINS. And having said that, let me just speak to two things. As we sit, to my knowledge there is only one area—and that is to say the RTC—that does have specifically embodied in it certain minority preferences or minority options that allow for the creation of banks like mine. Mine was, in fact, an RTC-owned institution prior to our acquisition 2 years ago. And we used a portion of the RTC funding bill that allows for the government to match capital injections, one-third-two-thirds. We were able to leverage one dollar for two dollars additionally to create the initial capital for our institution. The RTC happens to be the only place where that does exist. And without that, very candidly our institution wouldn't exist today, it is very simple. To amass the type of capital necessary, in most cases \$5 to \$7 million, it is almost impossible in the minority community to do that, to create a bank such as ours.

COMMISSIONER REDENBAUGH. In what you have recommended, have you recommended any changes in the tax codes?

MR. JENKINS. A couple. Accelerated depreciation. Potentially the return of NOLs that were

associated with the prior institutions if, in fact, there were any, so that the buyers were able to amass the capital to do it. Tax credit for the investment in a minority institution. There were two or three others.

COMMISSIONER REDENBAUGH. Anything to do with capital gains?

MR. JENKINS. Yes. And I think that clearly would speak to some incentive—

COMMISSIONER REDENBAUGH. You believe that would substantially increase your ability to raise capital?

MR. JENKINS. Clearly. Clearly. And I think also it would allow for other people to step into the arena. I mean, it is an arena a lot of folks really just don't understand and can't find an incentive for, other than—particularly since the return on one's investment is kind of esoteric. It takes a long time to generate a return on a bank investment.

COMMISSIONER REDENBAUGH. Well, there are a number of us that want to commend—that do commend and encourage you. We are following with interest the progress you and other banks like yours, like the United Bank of Philadelphia. I yield to my colleagues, and I have no further questions.

MR. JENKINS. If I could, the bank in Philadelphia is currently attempting to avail themselves of that RTC measure that we were able to. But they can't do it without something being on the table to provide some incentive. So it is a very important concept that there be these kinds of divisions. It can be tough to ensure that we have a fighting chance.

COMMISSIONER REDENBAUGH. Again, it gets back to incentives make a difference.

MR. JENKINS. They do. Clearly.

VICE CHAIRPERSON WANG. Mr. George.

COMMISSIONER GEORGE. No, thank you.

VICE CHAIRPERSON WANG. Mr. Anderson.

Testimony of Frank Robinson, President, Robinson's Helicopters

DR. ZALOKAR. I would like to turn the questioning to Frank Robinson. Mr. Robinson, as president of a firm that manufactures helicopters in Torrance, California, which is just south of Los Angeles, can you tell us how many permanent employees you have, what percentage of these employees are members of racial and eth-

nic minority groups, and what types of jobs you hire them for, particularly at what skill levels?

MR. ROBINSON. I have about 460 employees; 58 percent of them are minorities. We have all different types of skill levels and disciplines, everything from people doing riveting, welding, mechanics, machinists, electricians, pilots. Even lawyers. We have a very wide range. It is, generally speaking, a fairly desirable employment in that we have a minimum starting wage for any new trainees who know absolutely nothing of \$9 an hour. And from there it goes on up. We have always been able to keep our average hourly wage at least a dollar an hour above the national average for factory workers.

DR. ZALOKAR. Thank you. Can you describe the business climate in Torrance as it affects your firm, and, in particular, can you comment both on the positive features of the climate and the negative features of doing business in southern California?

MR. ROBINSON. Well, the big advantage in southern California for us is good flying weather and it is generally a nice place to live. The City of Torrance has been excellent. We have had very good cooperation from the City of Torrance. On the other hand, other government agencies have not been quite so cooperative. We have a great deal of problem with the AQMD, the air quality management district, because they make it very, very difficult for us to use any good quality paints; they make it difficult for us to bond rotor blades. We are very much in favor of what they are trying to accomplish. We all like clean air. But, unfortunately, agencies of that type are frequently staffed with people who have absolutely no experience in manufacturing, know nothing of the problems or complexity of manufacturing, and so they tend to edict rules and requirements and regulations which are extremely difficult, if not impossible to comply with. That probably has been the biggest single interference that we have had.

The other thing, right now we are a growing company. We want to expand. I want to hire another, oh, another about 200 more employees to work in the factory. Unfortunately, the tax structure which is going into effect in the near future makes that very, very difficult. As in this corporation, we are taxed at the individual rate. So the new tax rates, of course, between State and Federal will increase our income tax to

about 50 percent. Well, that's only half the problem. The other half is that the amortization rate that we have to depreciate a new building over is presently 31½ years. Under the law which is now before Congress, they are going to increase that to 39 years. Okay, here is the dilemma. I want to build a new \$10 million modern efficient factory. In order to be able to do that, I am first going to have to give the State and Federal Governments \$10 million. That's because it is going to have to be paid for out of after-tax dollars. Then I will be able to amortize 2½ percent per year of that, which means that—well, see, I am 63 now. I will be able to amortize that building by the time I am 102. Well, that's not very much incentive to put that kind of money into a new modern-type of facility.

MR. GLICK. Mr. Chairman, may I interrupt for just a moment.

VICE CHAIRPERSON WANG. Sure.

MR. GLICK. Mr. Jenkins has something of an urgent need to be leaving. We are running late, and if you could possibly excuse him I would appreciate it.

VICE CHAIRPERSON WANG. Certainly. We appreciate your attendance.

MR. JENKINS. Thank you.

DR. ZALOKAR. Mr. Robinson, one more question. Does the cost of workers' compensation insurance, is that a major problem for your firm?

MR. ROBINSON. Workmen's compensation?

DR. ZALOKAR. Yes.

MR. ROBINSON. Oh, yes, it is for any manufacturing company in California. The legal environment here has gotten so bad that a great deal of the money which goes into the workmen's comp is being consumed purely in the legal process. And even though the benefits, I think, under workmen's compensation in California are not even on a par with the rest of the country, the cost is much higher, mainly because of the amount that is being consumed in the legal process.

DR. ZALOKAR. I would like to proceed to the questioning of the witnesses, the rest of them, and then I will turn the questioning over to the Commissioners.

VICE CHAIRPERSON WANG. Okay.

Testimony of Pedro Pallan, Owner, San Antonio's Bakery

DR. ZALOKAR. I will continue with Mr. Pallan. Mr. Pallan, we understand you have operated a

bakery in Compton, California, for 33 years. Can you tell us briefly about the number, the levels of skills, and the ethnic backgrounds of your employees?

MR. PALLAN. Yes. I have been in business in Compton for the last 33 years. I have a specialty shop. We manufacture Mexican-style pastries. The demographics have—the change in the demographics have been very good to us. We have been expanding every year for the last, I would say, maybe 30 years. The last couple of years due to—well, I have got to tell you I am in an exceptional position. Because we are already established, we don't need any money for development.

But our present dilemma is this monster that we have on our back of workmen's compensation. I am paying extremely high premiums due to fraudulent claims, which I have no defense. The law does not give me any avenues to defend myself against these claims. And the insurance companies pay them, and I have to pay the premiums. I did have intentions—and I say that past tense—of expanding my business. But due to these problems with workmen's comp, redlining in the City of Compton by the insurance companies—we were there in the first riots, in 1965, and the riots of 1992 we survived. But due to probably some of these factors, we are high risk, we are considered high risk, and we pay exorbitant premiums for our insurance policies. This does not help us out any. All this premium, I mean we could sink into—reinvest into our businesses, which we are not being able to.

I don't worry about borrowing money from Founders Bank—he is located in Compton also—because it is only a loan and you have to pay it back. And when you are not competitive in your field anymore, then something is wrong. I cannot raise my prices any longer because competition really won't allow me to. I will just go under. This is the dilemma that my established business is concerned with right at this moment right now. We are not even thinking of asking for loans.

Testimony of E.E. Barrington, President, Group IX Aerospace

DR. ZALOKAR. Thank you very much. Mr. Barrington, as the president of a small aerospace parts manufacturing firm in South Central Los Angeles, can you tell us about your employees,

their racial and ethnic background, their skill levels, and what types of work they do?

MR. BARRINGTON. The skill levels are similar to Mr. Robinson's skill levels in aircraft manufacturing, similar. We have people who operate machines and drill and rivet, weld, and assembly. That's basically—and paint and process. In terms of numbers, we have been from a high in 1971 of 175 people to a current employment of about 25, which is accountable to a lot of factors, the downturn in the industry and some built-in structural problems that are faced by most small parts manufacturers in general.

DR. ZALOKAR. I don't think that you told us the ethnic and racial backgrounds of your employees.

MR. BARRINGTON. It is about 50–50 black and Latino.

DR. ZALOKAR. Thank you. Could you please describe for us the barriers manufacturing firms such as yours face in doing business in South Central Los Angeles, and particularly parts manufacturing firms. For instance, do workers' compensation or environmental regulations affect you or do you have other problems that are more—

MR. BARRINGTON. Well, I think you have to separate the problems. There are some generic problems that all of us are faced with: workmen's comp and the AQMD and things of that type. And then there are also some generic problems that are faced by most small manufacturers, in that traditionally small manufacturers like ourselves, as distinguished from Mr. Robinson, have—we built a part to print. Mr. Robinson's engineers will design a part or component, and he will give us the print, and we will make that part.

Now, we are in competition with hundreds of other shops in this area who can perform the same level of quality. So that what distinguishes—what may distinguish us from someone else is price, which means that price is the driver in terms of who Mr. Robinson would award the contract to. And if price is the driver, then that means that you are supplying a commodity. And if you are supplying a commodity, then that affects your balance sheet, which is another problem. Because if your price is a driver, you are not really building up any enterprise value over a period of time. And that's a generic problem that is faced by all small manufacturers such as ourselves.

The other generic problem that we have is a balance sheet problem. Since you are in a commodity business, you are forced to run your business by your profit and loss statement, not the balance sheet. And since your balance sheet is not building up value, then you may be in a position to get a bank loan, but you certainly cannot attract equity investment of someone who has a proprietary product or a—or an item like Mr. Robinson has. He has a product that—and his product happens to be a very unique design. Those of us who are in the business are very familiar. The rest of the business is going south, but he is going north because he has a unique design, and he has been very successful. Those sets of circumstances do not apply themselves to the majority of small manufacturers such as ourselves. So there is a dilemma too. And that situation is faced by the majority of small aircraft parts manufacturers in southern California.

Testimony of Ryan Song, Executive Director, Korean American Grocers Association of Southern California

DR. ZALOKAR. Thank you. I will now ask a question of Mr. Song. From your vantage point as the executive director of the Korean American Grocers Association of Southern California, can you tell us about the security problems faced by the Korean American grocers who have stores in neighborhoods such as South Central Los Angeles?

MR. SONG. South Central Los Angeles area, the security problem is pretty much not only a grocers' problem by an areawide problem. As you probably know, the Los Angeles riot last year produced numerous amounts of damage. And the figure, in our association alone there were 580 stores were affected during the riot, "affected" meaning looted, burned, or both. And of that about 200 stores are completely burned. And even before that there were a lot of problems with looting, the problems directly associated with the operation of the store. But outside of those problems associated directly with the operation of the store, there were areawide problems of gang violence, prostitution, drug dealing. And those are not adequately addressed. And I think that those grocers who go into the area probably knew the risk. And after the riot, even those problems did not diminish. When I saw the police report, that it

says after the riot hard crimes that involves homicides and those hard crimes have gone up whereas those minor crimes have gone down. It seems to indicate that the riot did not really raise awareness in the community, at least part of the community.

The kind of the security problems that we face in the Korean community is probably a little bit peculiar at this point because after the riot we experienced enormous height in the security problems and crime problems. For example, in the first 3 months of this year we had about five grocers killed in a number of different occasions. I don't think most of them relate to any racial tensions directly, but it seems to me that the crime problems and the security concerns in the South Central area have not diminished at all.

DR. ZALOKAR. Can you describe the relationship between Korean American grocers and the police in Los Angeles, and in particular do Korean American grocers have difficulties getting police protection, either because of language difficulties or other reasons?

MR. SONG. Yes, those problems still persist. But I have to say that after Chief Williams became the head of the police department, the situation has improved a little bit and is still improving. The tangible result of his community-based policy is that there are some regular meetings between the police department and the Korean people, especially in the Wilshire Branch and the Hollywood Branch and near Korea town. There is a regular meeting instituted. But I don't see that kind of initiative in the South Central area. Because it seems to me that whenever there is a meeting, the initiative comes from community such as Korea town, and it could come from the police department itself.

Also, the language problem still is a considerable factor in reaching out to the police department. And I guess vice versa, would be the same. About 30 percent of the Korean population is fluent in English, which means that 70 percent still has difficulty. Not only language barriers, but cultural barriers also. So it is extremely hard for them to approach the police department or to report the crimes in an easy manner. I think the training in other languages of the police department should be instituted. I saw the report that those kinds of training have seen some success in other parts of the country. And because of the

racial makeup of this City of Los Angeles, I think those kind of programs are crucial in the future.

DR. ZALOKAR. Thank you. I am going to turn the questioning over to the Commissioners at this time, with the possibility that I may ask a few more at the end.

VICE CHAIRPERSON WANG. Okay. Commissioner Redenbaugh.

COMMISSIONER REDENBAUGH. I would like to begin with Mr. Robbins. Is it Robbins?

MR. ROBINSON. Robinson.

COMMISSIONER REDENBAUGH. Robinson. It seems that the principal advantage that southern California has for an organization like yours somewhat over other locations, we have this good flying weather, but we need a more hospitable business climate?

MR. ROBINSON. Well, as you go east, the climate from a business point of view would probably get a little bit better in Arizona, Nevada, New Mexico, or Texas. But, there again, even though you have clear weather for flying, you do have rather hot weather in the summer and cold weather in the winter. In aircraft we tend to use very large buildings. And the cost goes up quite rapidly if you have to heat that in the wintertime and aircondition it in the summertime. So that, in addition to the flying weather, gives California a very natural advantage in aircraft manufacturing.

COMMISSIONER REDENBAUGH. And that gives you a certain immobility?

MR. ROBINSON. Another advantage actually for us, we export 60 percent of our helicopters, and the close proximity of the Port of Los Angeles and LAX means that we can, either by ship or by air, ship our helicopters to pretty much anywhere in the world. We export them to about 30 different countries.

COMMISSIONER REDENBAUGH. Given that you export more than half of your production, have you considered moving your production elsewhere?

MR. ROBINSON. Yes. We have been approached by companies in a number of different foreign countries who would like us to either move there or license them, one or the other. And we have looked at that a little bit. We have looked at the possibility of Mexico. I would hate to do that. But I guess I could foresee certain circumstances in the future that would be des-

perate enough so that we would have to consider doing that.

COMMISSIONER REDENBAUGH. What are the recommendations that you would make to us to improve the climate for your company and companies like yours located in the southern California area?

MR. ROBINSON. You mean State or Federal?

COMMISSIONER REDENBAUGH. Don't limit yourself to either.

MR. ROBINSON. Okay. Well, the problem with California as a State, I think, is that it is so overregulated. It also of course is a very high tax State. And everything is under regulation. No matter what you do in California the paperwork required is two or three times what it would be in many other States. And, of course, the agencies that I have mentioned earlier. As far as the Federal goes, I think the biggest problem there is the rather aggressive tax structure, particularly because of that very, very, very long amortization period for any new plant and facilities. And just relative to us, I think it is one of the primary reasons why America is falling so far behind the rest of the world in modern manufacturing.

In other words, we are seeing industry after industry going over overseas. And the reason for that is that American plants and facilities are old, and they are getting older. But who wants to build a new modern plant when you have to amortize it over either 31½ years—if that bill goes through, and I am sure it will—or 39 years? Really, you want down in the 5- or 10-year period would be much more progressive and would provide a real strong incentive for American investors to build new, modern, and very competitive manufacturing plants.

COMMISSIONER REDENBAUGH. Are you saying that an increase in the corporate tax rate and the top level personal tax rate are not likely to improve the economy?

MR. ROBINSON. I am afraid I am, yes.

COMMISSIONER REDENBAUGH. How would your business be impacted by, say, a 10 percent payroll tax to finance health care reform?

MR. ROBINSON. Well, it would roughly increase the price of our product by that same amount and would hurt our competitive position to that same degree.

COMMISSIONER REDENBAUGH. Okay, thank you.

VICE CHAIRPERSON WANG. Any other questions.

COMMISSIONER REYNOSO. No, no questions.

VICE CHAIRPERSON WANG. Mr. Robinson, can I ask you, are you involved in any of the training programs for, say, unskilled to—

MR. ROBINSON. Oh, yes. I would say that at least half of the employees that we bring in are unskilled when they come to work for us. And we set up classes to train them in what—in aircraft assembly and so on. In certain areas we can't do that. I mean, a skilled machinist is a skilled machinist. That takes many years. So, we will tend to hire an experienced machinist and the same with a class A welder. But practically all the people on our assembly line and other people working in jobs of that type, they come to us pretty much without any prior skill or training. And we find that we can bring them up to speed fairly quickly.

VICE CHAIRPERSON WANG. Are you monitored by the tax credit from the JTPA program?

MR. ROBINSON. No. The only program that we ever participated in—and that was many years ago—was the CETA program. And we did bring in a number of employees a number of years ago. But that was discontinued, oh, I guess it was more than 10 years ago.

VICE CHAIRPERSON WANG. That was substituted by JTPA. So there is still a similar kind of structure there. But you are not—

MR. ROBINSON. No, we are not involved in any government programs.

VICE CHAIRPERSON WANG. We will continue with the other—

COMMISSIONER REDENBAUGH. Yes. I would ask any of the other three witnesses what recommendations they would have for us to enhance the economic opportunity for businesses of their type.

MR. PALLAN. Mr. Commissioner, my main concern would be workmen's compensation. And as I understand it, the Assembly and Senate have approved bills reforming workmen's compensation. And I believe they are in Sacramento ready for the Governor to sign them. I think that would help my business tremendously.

VICE CHAIRPERSON WANG. Why is it so—I mean, I have heard since I have come to LA a lot of talk about workmen's comp. Every State has workmen's comp. That's a national program. I think—I mean in New York, any employer has

to provide workmen's compensation. It is the board—the State board. But the—I guess injury, like if you are injured on the job, then you are offered compensation. Is there an overutilization? Is that it?

MR. PALLAN. I believe that it is the fraud what is within the system of the workmen's compensation, leaving the employer without any recourse. There is no way you can defend yourself, whether you believe it is a fraudulent case. They can go—the employee can go to any medical facility as many times as they wish. And naturally on the media—English, Spanish, or any other language—they are constantly advertising that if you have been laid off, or whatever, you can get compensated. And that's what makes the premiums extremely high.

VICE CHAIRPERSON WANG. We will certainly look into that. My understanding from the New York system, is that of the employment insurance benefit, a lot of utilization of that because of the high unemployment right now.

MR. PALLAN. I have always had in my 33 years workmen's compensation. And I think premiums were not extreme. They didn't become extreme until about 3, 4 years ago. They escalated over 100 percent. And that really, you know, kind of shakes up a business.

COMMISSIONER REDENBAUGH. Other recommendations for changes in regulation, changes in rules?

MR. BARRINGTON. In addition to the depreciation and the taxation problems, issues that Mr. Robinson brought up that act as an impediment to investment, I would recommend something in the areas of technology. Number one in the area of manufacturing process technology, what we are finding is that the capabilities—let me give you the background of that, is that we no longer compete in a domestic economy. It is a worldwide economy. So those of us who are situated in South Central Los Angeles are not just competing with firms in Arizona and the rest of California. We are competing with firms throughout the world. And what we are finding is that small manufacturers in the United States in general are falling behind our counterparts in other parts of the world in using modern manufacturing process technology—technologies and processes. And what we have found is that the training programs that have been developed to assist manufacturing companies upgrade their

technology are really skewed to benefit large companies. So that's one area.

The other area in technology is technology transfer. In the aerospace and the aircraft business, at least for the next 3 years until 1995, till commercial aircraft picks up again, the business base available for those in aircraft manufacturing is going to be diminishing. So, then, there is a need to transfer that technology to other industries where you can grow. And along with that is the need to be able to transfer your base technology that you have into another niche where you no longer are producing a commodity but where you have picked up the technology that you have a product that has a value added and a competitive basis where you can be competitive in the worldwide market having a proprietary component.

In our case, we have been very fortunate that we were selected to participate in the consortium that was established here in California here, CALSTART, a private-public consortium that was established to facilitate the development of a transportation component manufacturing capability, transferring the capabilities of those of us who have been in aircraft into transportation technology. So, if you look around in the vast reservoir of technology available of aerospace companies and in our national labs, there is a lot of technology that is available for transfer to firms such as ourselves, that you could upgrade our talent and—

COMMISSIONER REDENBAUGH. So you are recommending that more of that be done?

MR. BARRINGTON. Well, with emphasis on small companies because there, again, the present operation is skewed towards large companies. But for the fact that we were able to enter into and be a member of CALSTART, this consortium, that opportunity wouldn't have been made available to us. But those opportunities need to be made available to the vast multitude of small manufacturers. So those are the recommendations that I would make.

COMMISSIONER REDENBAUGH. Good. Thank you.

VICE CHAIRPERSON WANG. Mr. Song?

MR. SONG. Yes, I would join in the recommendations of the other panel members. The concern is the overregulation of small businesses. We in the Korean American Grocers Association, the local chapter in southern Califor-

nia which has about 3,500 members all in Southern California—we are a member of national KAGRO system, which has about 20,000 members all across U.S. In California situation because we are mostly a small business, so we have to be concerned about what kind of regulations are coming from the city, State, and Federal Governments. And I have noticed that even though most of the stores, the mom and pop size stores, they have to go through an array of permit processes and regulation compliance processes before they are comfortably in a legal compliance stage. And that is especially true for ordinary situations of victims of riot last year.

As I mentioned before, there were about 200 Korean American grocery stores completely burnt last year. And in the City of LA not one of them has come back to their business. I think that is extraordinary. And the reason being that the City of Los Angeles requires an additional permit process, which was largely used to road-block those stores to come back to their livelihood. And this controversy has been termed the liquor store controversy, but that is misleading because most of the grocer stores that are members, that about 15 to 20 percent of the floor space is dedicated to the beer or wine or liquor items, but 85 percent or 80 percent are dedicated to the grocery items.

And they proliferate only because there are not many actually—actually a very little number of larger supermarkets that residents require. And this case is akin to what is happening in the San Francisco County, which has an even higher concentration of liquor outlets or grocery stores. Their stores over there are also grocery stores with a liquor department, but because of the geographical configuration—a lot of hills over there—they do not have large supermarkets in suburban areas down there, too. That's why there are a lot of corner markets, convenience markets. And because of similar reasons, I guess, South Central areas have proliferation of a lot of corner stores. Not because of geographical consideration, but because of economic consideration and the lack of investment from the mainstream food industries. These liquor stores have proliferated.

For example, a typical liquor store would deal with the food stamp program, which by law the store has to carry 50 or more percent as grocery items. They carry the check cashing programs or

money orders because of the lack of the financial institutions down there. All in all they are contributing to the need of the communities.

But because of the general crime problems and because of the lack of accountability on the part of police department, the elected officials, for that matter, it seems to me that the victims receive the brunt of the criticisms, deserved and undeserved. And because of that, City of Los Angeles has been active in blocking the process of their going back to their businesses.

VICE CHAIRPERSON WANG. Mr. Robinson, I am going to take the time to ask you two more questions. You mentioned about 30 countries that you are doing business with.

MR. ROBINSON. Yes.

VICE CHAIRPERSON WANG. If we have a good policy of encouraging and also assisting you to develop your worldwide markets so as to help the balance of trade, would you expand your business to sell more to the international market?

MR. ROBINSON. No, actually we don't need any help. We would rather not have any government contracts or any government interference. Because, you know, it tends to make you less efficient. We just want to have a fair tax structure and less red tape, less—I hate to use the word—but less harassment by government. That would be the best help they could do for us.

VICE CHAIRPERSON WANG. Then come back to, if you were to expand your business, like to sell more helicopters, say out on the international market, would you then—and then if the government will be less on your back but provide you with more tax incentives, would you consider opening up, say, manufacturing of the parts in South Central?

MR. ROBINSON. We already subcontract a lot of individual parts with many smaller subcontractors in South Central.

VICE CHAIRPERSON WANG. Thank you. Thank you very much.

DR. ZALOKAR. I have just one more question for Mr. Pallan. As a member of the Hispanic Chamber of Commerce in Compton, somebody who is active in that organization, I was wondering if you could comment on the problems that Hispanic businesses, especially, might have in dealing with bureaucracies in that city relative to other small businesses.

MR. PALLAN. Yes, I am the immediate past president of the Latino Chamber of Commerce. I am a business person in Compton. I am active in the civil rights movement. I am a humanitarian and past commissioner of the Personnel Commission of the Compton Unified School District. This—I almost feel obligated—I feel obligated to inform this Commission that in Compton, California, at the present time is a hot spot for civil unrest between the Latino community and the African American community. For this last 3 weeks the students which make up 57 percent of the district have either walked out of their classrooms or have demonstrated at the schools due to racial slurs, discriminatory attitudes, humiliation, and a lack of good education.

We have asked the City of Compton, the unified school district, to implement an affirmative action program to guarantee equal employment opportunities to all the community. And they have literally refused to. I would like to submit this information from the *Congressional Record* which will substantiate my claims to these charges. We have approached our legislative representatives: Congress, State Senate, Assembly. They refuse to address this issue because of its sensitivity. They do not want to be pitting one minority against the other. But on the other hand, who is going to defuse this situation? And I ask for your help in this matter.

DR. ZALOKAR. Thank you. I would hope that you would submit that for the record.

MR. PALLAN. Yes, I have the documentation with me.

DR. ZALOKAR. Thank you very much.

VICE CHAIRPERSON WANG. Thank you very much. We do appreciate you coming to share your thoughts with us. And our record will be open for 30 more days to submit any additional documents.

Promising Inner-city Development and Job Creation Initiatives

MR. DOCTOR. Mr. Chairman, on the broad subject of economic development, we will discuss promising inner-city development and job creation initiatives. And in that connection we would like to call Dr. Denise Fairchild, Garrett Nelson, Michael Gage, and Forescee Hogan-Rowles.

VICE CHAIRPERSON WANG. I would like you to stand with your right hand raised while I read this.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you. Please be seated. I apologize for keeping you longer than necessary, because we just kind of always run out of time. So we will just proceed right into it. The counsel can take it over.

Testimony of Denise Fairchild, Director, Greater Los Angeles Local Initiatives Support Corporation

DR. ZALOKAR. I will begin with Dr. Fairchild. I was wondering, as the Greater Los Angeles director of the Local Initiatives Support Corporation, or LISC, can you briefly describe the work of LISC and tell us a little bit about the sources of LISC's funding?

DR. FAIRCHILD. LISC is a national organization. We provide financing, technical assistance, and training to residents in low-income communities so that they can reclaim their own community through rehabbing and building new housing as well as doing commercial and economic development initiatives and other social service programs. Our main emphasis is turning blighted communities into vibrant, economically vibrant residential and commercial areas. We receive our sources of financing from the private sector, from corporations, from financial institutions, as well as from foundations. We make those private sector resources available to non-profit community development corporations in the inner city.

We essentially have been rebuilding the inner city of Los Angeles well before Rebuild LA, and we have been doing it in inner-city communities across the country. The mission of LISC is to actually create stakeholders in the inner city, in giving them a sense of ownership and control of their destiny by bringing information skills and resources to them. We are in essence Clinton's concept of a community development bank. Fundamentally, we are a financial institution, and we engage in social investment lending and investment.

DR. ZALOKAR. Can you give us a little bit more of a picture of how your revolving grant fund works and how community-based organizations might use those funds?

DR. FAIRCHILD. We have a whole family of financial services that we make available to nonprofit community development corporations. One of the most sought-after resources is our

predevelopment loan fund. It is a revolving loan fund. It is capitalized through grant resources from financial and philanthropic institutions. We provide up to \$50,000 at zero percent interest to the CDCs to engage in a variety of real estate activities, to actually take a concept of a blighted street corner or vacant lot and turn that vacant lot into a new kind of residential or commercial development project. So that predevelopment financing provides for funds for appraisals, to auction the land, to do phase one environmental work, to do everything it takes to actually package this and create a loan product for a public or private lender. So that is what we consider high risk upfront capital because this money is not collateral or secured by anything. What we do is go on the faith of the organization itself that it will be around to see the development through completion and that, in fact, the organization is working towards the entire revitalization of its neighborhood.

So that's how our revolving loan fund works. And while it is not secured and it is not interest bearing, we do anticipate that they will pay us back with the first source of take-out financing, which could be either the acquisition of the construction financing that comes in through the public or private sector.

In addition to that, we also have low interest loans through a revolving loan fund that we make available of 6 percent interest money up to \$250,000 to allow these nonprofit CDCs to pay for more extended predevelopment costs, to pay for gap construction financing, or to also provide them with minifirms, which allows for them to take basically an 8-year mortgage with that kind of money.

Finally, we have an equity investment fund, which is capitalized through the tax credit program, which allows corporations a tax credit for investing in affordable housing. Last year we put \$39 million on the street. And about 90 percent of that money was made available to Los Angeles community development corporations and produced over 800 units of affordable housing in South Los Angeles, East Los Angeles, and the central area. This year we should have about \$40 million of equity investments for a similar number of units, projects that are actually run by, owned by, and developed by nonprofit community development corporations.

DR. ZALOKAR. Thank you. I have no more questions for Dr. Fairchild at this time.

VICE CHAIRPERSON WANG. Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH. Move to proceed. I have nothing.

VICE CHAIRPERSON WANG. Commissioner Anderson?

COMMISSIONER ANDERSON. No.

VICE CHAIRPERSON WANG. Dr. Fairchild, can you explain a little bit more about the national organization that you are part of?

DR. FAIRCHILD. The organization was created back in 1979 by the Ford Foundation and a number of other corporations. It was created sort of on the edge of the war on poverty. At that time, if you remember, it was realized that people living in conditions of poverty are the best experts on what to do about those conditions.

VICE CHAIRPERSON WANG. How many cities are you operating in?

DR. FAIRCHILD. We are operating in 30 cities across the United States, and we are in the process of starting operations in three additional cities within the course of the next year.

VICE CHAIRPERSON WANG. Including New York?

DR. FAIRCHILD. Oh, absolutely. In fact, we are headquartered in New York City.

VICE CHAIRPERSON WANG. So you are saying that the \$40 million that you got is all from profitmaking groups, in terms of investment? Or is it contributions?

DR. FAIRCHILD. That was strictly investment resources made possible through the 1986 Tax Reform Act. That \$40 million is strictly for the State of California, however. On a nationwide basis, last year, the 1992 equity fund, we raised \$245 million.

VICE CHAIRPERSON WANG. Do you raise that \$40 million yourself, or do you take it out of the national pool?

DR. FAIRCHILD. Oh, no. We raise that locally with corporations in the State of California, corporations such as ARCO, Walt Disney, Great Western Financial. We have a list of about 10 or 11 investors for the 1992 fund. Warren Buffett has been our major investor on the national level. We also get investment resources from Fannie Mae and Freddie Mac.

VICE CHAIRPERSON WANG. How about the government? Has the government contributed any part of it?

DR. FAIRCHILD. Oh, no. No, their contribution is actually not realizing some of the tax dollars that they would through the tax credit program.

VICE CHAIRPERSON WANG. Okay.

MR. GLICK. I would like to ask you, Vice Chair, to excuse Dr. Fairchild now. I know she has another commitment. And if it would be possible for you to excuse her now, and then, in her place, I would like you to let me call Mr. Peter Ueberroth to join the panel that is seated now because we have made a commitment to him also.

VICE CHAIRPERSON WANG. Thank you very much, Dr. Fairchild.

DR. FAIRCHILD. I would like to submit to you some information about our economic development initiative and sectorial work that we are doing to link inner-city communities to the growth industries in this region and bringing jobs and business opportunities in the inner city from those growth industries. And our goal is to raise, again, investment resources to make it possible for these nonprofit community development corporations to be owners and participants in these growth industries. So I will leave that with you for the record.

MR. GLICK. We will add it to the record, Dr. Fairchild. Mr. Ueberroth, will you join the panel, please.

VICE CHAIRPERSON WANG. I ask you to remain standing, Mr. Ueberroth. Mr. Ueberroth, can I ask you to stand and raise your right hand?

MR. UEBERROTH. In order to facilitate, if you don't mind, I would like my—I am no longer a cochair of RLA—but one of the cochairs to join me so we have current information.

VICE CHAIRPERSON WANG. Sure.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you. Please be seated.

MR. GLICK. Mr. Salazar, how should be put it, Tony or Anthony?

MR. SALAZAR. Tony.

Testimony of Peter Ueberroth, Former Cochair, and Tony Salazar, Cochair, Rebuild LA

MR. GLICK. Let me begin, Vice Chair Wang, with Mr. Ueberroth. The whole purpose as we understand it from the beginning of Rebuild LA was to encourage the private sector to invest into

the inner city of Los Angeles, in part where the damage from last year's riots occurred. And I would like to have you indicate to us what you have seen as the impediments to such investment and what advantages the business might find to investing capital into various kinds of activity, business profitmaking activities, in the torn areas of the city?

MR. UEBERROTH. Let me try. That's a very broad question.

MR. GLICK. It is. It is indeed.

MR. UEBERROTH. Basically, the private sector has not been involved in the inner cities in Los Angeles. I will speak only in Los Angeles, although I have familiarity with most of the inner cities in America. It has not really been a factor since the Second World War. And in your question you said we were put together for the purpose—RLA—for the purpose of investing in the riot-torn areas, or something along those lines.

We basically came together for the sole purpose of getting private sector investment, training, hiring, any kind of activity by the private sector, in all of the poverty areas of southern California, not just the areas that were riot torn. There were many areas where there was no evidence of the riots, but still needed the private sector to be involved. Neighborhoods in America that do well all have some private sector involvement in a major way, as an employer, as an investor, as a trainer. So, basically, it is our belief that there has been a somewhat real and sometimes invisible red line around parts of our inner cities in America. And the private sector has been encouraged not to be there, for many reasons.

From your standpoint, I think the most important thing is that we believe that what needs to be done is that the Federal Government, which has yet under either administration to pass any legislation for the inner cities of America, should provide incentives, not money, but incentives, for a 10-year period for the major inner cities of America so they can get a chance to catch up. Basically, Los Angeles has been experiencing real investment by the private sector, but it would increase substantially if it had government support.

MR. GLICK. You indicated that the inner cities have not been the site of large business investment for many, many years. What conditions did RLA expect to change so that it would be interesting too, from a business standpoint, for

business organizations to go into the inner cities? In other words, what I am getting at, what factors would have been changed?

MR. UEBERROTH. Well, basically, RLA has no power to change any factors; it had no authority from any governmental body at all. All we had was we had the power of influence, a volunteer organization. As you know, my position was unpaid, and not expense reimbursed in any way. It was for the sole purpose of encouraging the private sector to participate in the inner city. Our one leverage, if you think what you are looking for, is the fact that it is a wholly underserved market, that the inner cities in America are wholly underserved in almost all aspects of commercial behavior.

So we have attempted to and have successfully convinced companies that, not for altruistic reasons, but for profitmaking reasons, they should no longer ignore the inner city. As you know and all of your panelists know—or Commission members know—that costs in the inner city are higher than in any other part of America, the cost for a quart of milk or a loaf of bread. And if you bring competition and you bring investment to the inner city, the prices and the quality of the goods and services increase for the people who live in the inner city.

So we had no special magic. We just tried to convince people it was a good market with good and decent people that deserved the same chance that all the suburbs have and that if they would try it, we would work with them, and it should work out well for them. So the private sector involvement has come without any government incentive, wholly without government incentive, in fact, government disincentive.

MR. GLICK. Government disincentive?

MR. UEBERROTH. At times, sure.

MR. GLICK. Can you give us some idea of what factors you are specifically thinking of.

MR. UEBERROTH. Well, I could—it would be legion. I don't have time. The worker's compensation in the State of California, the banking regulations—you can go on endlessly—the permitting process. All kinds of things that are—are development fees. You can go on and on the reasons why not to do anything in the inner city, along many other things that go on that are not government.

MR. GLICK. That was going to be my next question because in your capacity as chair of the

California Council on Competitiveness, you have made a strong pitch for changing the regulatory patterns that would make it more inviting for businesses to come to southern California. Would you give us some idea of what you mean by regulatory picture? I am not quoting, but that's essentially what we understand you to have meant.

MR. UEBERROTH. Well, I would submit our report—I would be pleased to see that the report is submitted to every member of the Commission. It is quite detailed. And it was a year's amount of work. And I really won't try and summarize it. Any business person—California has developed an antijob environment over the last number of years. This is California, not Federal, now. And that antijob bias has encouraged people to take jobs out of the State of California. So that report calls on the way California can change its antijob environment so that more people will be hired in the inner city and the rest of California. That report was designed for the entire State of California. It was a year's work by Democrats, Republicans, small and large business. And I think it was pretty well received by both sides of the aisle.

MR. GLICK. Chairman Fletcher, I would like the Commissioners to pick up the questioning now of Mr. Ueberroth.

CHAIRPERSON FLETCHER. Let me first yield to any members of the panel. Russell?

COMMISSIONER REDENBAUGH. Yes. We have heard a lot of testimony here in the last 2 days that I would characterize as of a depressing nature, of a nature that causes this Commissioner to conclude that quite often policies of the government worsen the very conditions they are intended to improve. We have heard again and again reports of excessive regulation. And we certainly must conclude that the inner cities face the highest costs and highest taxes and highest regulations than any areas in this country. Specifically, what more can be done to encourage private sector involvement? Because it appears that there is clearly not a lot of private sector investment in the inner cities.

MR. UEBERROTH. Let me respectfully disagree with one part of what you said. Given the environment of southern California, there has been an impressive private sector investment in the inner city in southern California. Normally what follows—I will let this gentleman finish over here.

CHAIRPERSON FLETCHER. Excuse me. Would you take your conversation outside.

AUDIENCE MEMBER. I have nothing to talk about.

MR. UEBERROTH. Basically, the private sector investment has been substantial. And I can characterize that for you, I believe.

COMMISSIONER REDENBAUGH. If you would, please. I am unaware of it.

MR. UEBERROTH. I will give you a little detail in a minute. More importantly—

AUDIENCE MEMBER. Nobody has told you to take me outside. Don't lie.

CHAIRPERSON FLETCHER. Hold it just a minute. I am going to ask him to take you out in a very few minutes if you don't—

AUDIENCE MEMBER. If you would tell him to stop interfering with me—I didn't ask him to talk to me about anything.

CHAIRPERSON FLETCHER. I am going to let the process go forward. Please be quiet. This is going to be one of the most important witnesses we hear. Please continue, sir.

MR. UEBERROTH. Let me start by saying that after a riot takes place the normal procedure is any investment that is in the inner city goes away and stays away. In New Jersey it took Newark, as some of you know well, it took nearly 20 years get one full-service grocery store, and it needed government support and government funding. Los Angeles in a 2-year period will have over a dozen new full-service grocery stores, some of which are already open, with good policies, hiring from the inner city, training from the inner city, and those kinds of things. They have—this Commission can be supplied with and many of your very quality staff members have met with our people and they have a lot of that data.

But the opposite has happened in Los Angeles; the private sector has begun to respond for the first time. I will give you one other just specific example, a Dallas, Texas, company, Chief Auto Supply, quick data, 28 stores, all 28 looted, 7 of them burned to the ground. What decision do you make? You move out of town normally. They said, "No, we are going to train in the inner city; we are going to reopen the 21 stores that were not burned to the ground." They reopened all 21. Then they rebuilt the 7 that were burned to the ground and those that they could, they built larger. Now they are in the process of

opening 15 more new stores and about 400 net new jobs. That's a private sector investment with no incentive from the government. That just has happened. Los Angeles is experiencing an interesting new kind of private sector involvement in the inner city.

Now, the first part of your question is, What has the government done to help or what things could it do? It has done nothing to help. It has done nothing to help. It needs to provide incentives to have many other companies follow the pattern of the Vons Supermarkets, of the Smart & Final Supermarkets, of the Chief Auto Supplies, of the other kinds of companies that are moving into the inner city with investment and with training.

You have heard panelists today talk to you about training. I didn't see on the agenda anybody from the dozen private sector training schools that are opening or are opened, many already opened—you can drive and see them—that are training people today. And those people all get jobs. All get jobs. It is right kind of training America should do.

The government shouldn't come in and train a bunch of people where there are no jobs. We have interviewed lots of youngsters who have gone through three government training programs and have never had a day's worth of work. If they go through the Toyota training program at Toyota or Pioneer Electronics training program, these are all private sector, totally funded by the private sector, with no incentives, they get a job when it is over with. All of them get a job.

So it is a different kind of program that is happening in Los Angeles. And I hope you would go back and talk about the government in Washington providing incentives so that—there is no current incentive to do this other than business practices and maybe market share. If the government would put some incentives, they would be an added normal investment in the inner city. And that's what is needed to allow the inner city to catch up.

MR. GLICK. What's that?

MR. UEBERROTH. A 10-year—incentives for anyone who will invest, hire, or train in the inner city—a 10-year economic advantage, not enterprise zone, but a green line around an area that now has a red line. If that would happen, it

would help people who have long been overlooked and pushed aside in the inner city.

COMMISSIONER REDENBAUGH. I am very intrigued with what you say. What would be the difference between that, a 10-year moratorium, and an enterprise zone?

MR. UEBERROTH. Well, it is not a moratorium. I didn't say that. I didn't use that word. An incentive that was tax positive for investment in the inner city. There is none now. You can even—the Federal Government could tax positive the individuals in the inner city. Because as you know, if a mother of two is on welfare and she goes and she decides she wants to help get—a single mother of two wants to get out of the poverty range and wants to get back into the work force, let's assume she has been, she is virtually taxed 90 percent by our current system.

We asked the Federal Government under both administrations to in the inner city only allow that working mother who goes back to work to have some shelter. Not total shelter. They can still collect taxes from her. But some shelter on her early income, her beginning income, so that she is not taxed, you know, in effect 90 percent by the two or three taxes that come down, plus the loss of welfare, so that she has a negative impact of 90 percent.

COMMISSIONER REDENBAUGH. And we see in some cases over 125 percent.

MR. SALAZAR. I just want to respond to your enterprise zone question. The enterprise zone right now just talks up about 20 square miles. And as Peter said earlier, we are focusing on areas that—areas of need. And our target population and area is where at least 20 percent or more of the population reside in poverty. In Los Angeles that's 163 square miles. That's 2½ million people within this area.

COMMISSIONER REDENBAUGH. Then the problem you have with zones is it is too limited?

MR. SALAZAR. It is too small.

COMMISSIONER REDENBAUGH. Right.

MR. SALAZAR. It is too small, too limited in order to impact the inner city that needs a whole lot of attention.

COMMISSIONER REDENBAUGH. So you would introduce incentives to people who live, work, and invest?

MR. SALAZAR. That's right. And incentives even—when you talk about disincentives or wrong incentives, for inner cities right now, just

focusing on housing, when you look at the low-income housing tax credit, one gets a 30 percent bonus on the low-income housing tax credit when they build more low-income housing in lower income areas. So we are "incenting" people to build more low-income housing in more distressed neighborhoods, which is creating more impact. The incentive should be to create more moderate income houses in lower income areas as well. You know, to give people options and not to lock them into poor neighborhoods.

COMMISSIONER REDENBAUGH. Thank you.

VICE CHAIRPERSON WANG. We have heard over the last couple of days a lot of—a comment about headlines and that they don't see results, they find that they are very frustrated, even though it is already a year after, nothing since has really been done to the extent to satisfy them. So I would like to ask Mr. Ueberroth, Do you think if we follow the game plan that you have together with Rebuild LA when we can see some tangible, real positive kind of outcome? Five years? Ten years from now?

MR. UEBERROTH. About 5 minutes if you get in your car and go look. It is just that simple. It is just that simple. You can always find somebody that hasn't gotten a job. You know, there is huge unemployment in the inner city. And we tried to burn the place down. It is not a place that people are running to. But I gave you a couple of specific examples. And you can go drive and the stores are open. In many four corners—there are many four-corner intersections in the city where all four corners were destroyed. And all four corners have been rebuilt and better and hiring more people. But after the banners come down and somebody sprays a little graffiti and people drive by, you are not sure that anything was ever burned down. We should maybe have a sign that says "This place used to be burned down."

So it will never be enough. But the City of Los Angeles Fire Department said in their report—I believe that I am accurate, and correct me if I am wrong—that 58 point something, almost 60 percent of all the burned-out structures have been rebuilt. Many more are under construction. And the rest are basically mostly tied up in licensing problems with the city, which is a valid argument on both sides.

One other thing that you might want to focus on, is something that in this city has been over-

looked, certainly by the Federal Government in any major way, is the huge amount of victims, innocent Americans, mostly, the vast majority, people of color, who had some kind of enterprise that was destroyed. And many with language barriers and all kinds of problems that really hasn't been addressed.

Now, that's not our job at all. We are trying to bring the private sector to play. I talked to you about rebuilding. Then there is all the people that are making new investments. In another 6 months to a year when they publish the 1993 results of the economics of southern California, the only up-tick that I think that there will be in all of southern California will be, I think, the inner city.

MR. SALAZAR. According to the city's records, there were 1,120 properties, buildings that were destroyed in the riots last year. Fifty percent of those are rebuilt, are up. Ten percent are under construction. Another 10 percent are in the permitting process. When you look at the licensing issue, the insurance problems, the whole issue of whether there is going to be liquor stores or gun stores allowed to be rebuilt back in the cities, those permitting stores have been put on hold. So there has been an enormous amount of reconstruction.

I would like to add the victims—the victims we are talking about are people, Spanish-speaking people, Korean Americans, many African Americans, small entrepreneurs who got hit in the riots, who lost—who were running small business operations, had all their equity in it, lost it. FEMA came in, Small Business Administration came in, and did about as poor a job as one can expect and one can have. And many of these entrepreneurs, small business people, are still struggling to get back into the economy. And those are very valuable resources that we have here in the city. These are people who know how to run a business. These are people who churn that economy in the inner city. These are people that we need to have back out there working. And they did not have the assistance necessary to do that.

VICE CHAIRPERSON WANG. Given the argument that you have presented that, okay, the construction of 50 percent up, but we have only 10 percent of business that are open. And you mentioned about the licensing. What can we do about that? Is there a coordinated effort? I think

there is a comment made by a number of people that they still have to travel to agency, agency, agency. And you cited SBA and FEMA and many others. Is there a coordinating body that brings all the licensing and all the recording agencies into one room, under one roof, so that we can kind of really attack it together?

MR. UEBERROTH. We represent the private sector. The permitting process is too slow. You need other witnesses to answer that question.

VICE CHAIRPERSON WANG. Any suggestions?

MR. UEBERROTH. No. The suggestions we have made endlessly, endlessly. I am not going to—there have been hearings by State, Federal, elected officials from every walk of life, ad nauseam, on this issue. And, you know, we have no power to talk about the government and talk about permitting. Frankly, we saw the State of California under one of our directors, Tom Sales, do a one-stop on the State permitting. It has yet to be joined by the county and city. That's not our game. We have other very learned people here who can talk to you about city government.

VICE CHAIRPERSON WANG. People on the street, they don't differentiate the private sector. They think rebuilding LA, that is what they all look at as really the beacon of—

MR. UEBERROTH. We are a little private sector charity, tiny little private sector charity, budget is less than one congressional office, less than your air tickets to come here. We are a tiny little force, but it is a growing force that should be copied in every city in America because unless solutions in America come from the private sector and not from the government, unless the little businesses that can get back in business have anchor stores and major stores like every other part of society, and banks so you don't have to pay a fee to cash a check—where else do you pay a fee to cash a check? I am not telling you anything you don't all know much better than me. Where do you pay a fee to cash a check? Where in America? One place. The inner city. No farmer paying a fee to cash a check. I do a little farming.

Incidentally, on the rebuild, you go around the country. Go find out where the riots were 20 years ago, and you are going to find that they have only rebuilt 10 percent. Nobody goes there. They put blacktop over that area and say "Listen, let's not go here because here is where you get burned down." Los Angeles is having a bit of a Renaissance. And it is a good start. It is

not nearly enough. It is not nearly enough to see, not nearly enough to touch, and not everyone is going to get a job. But it is a real major force in the right direction. Given government incentives, it would really blossom.

And also President Carter's group was out here today—not President Carter, his key people—one more time because we have a great cooperation with the Atlanta project. And they are seeing how it is working because they want a full service grocery store in the inner city. That will sweep the nation, incidentally. When you have so many coming into ours—Ralphs and Vons and Smart & Final and Lucky Market and all these people coming in—and we are not there in a major way as all these people come in, that's going to impact the other cities because there is going to be some copying which is going to be very helpful. When a major operator goes into a shopping center, the little businesses around, the locally owned businesses, the minority-owned businesses have a chance to flourish. If they are just there by themselves, it is awful tough to survive.

VICE CHAIRPERSON WANG. I just don't want to leave the impression, as you have hinted at, that Rebuild LA is such a small kind of outfit. But I think like you have said, or your inference, for example, through the collective effort by the private sector, I think Rebuild LA is a chartered organization by the city.

MR. UEBERROTH. No, it is not. It is not chartered by anybody. That's wrong. Take it out of the record. He is typing it over there. We are not chartered by the city. It is a little charity. It is a little not for profit, but with one single motive, and that's try and convince the private sector you cannot avoid the inner city if America is going to be great; your own enterprise will not be successful, whatever you are in, whatever business you are in, if you avoid the inner city. Plus it is unfair. Plus it is bad business.

The chairman of Smart & Final, he has got three stores going in the inner city. That is a grocery chain, for those who are visitors and don't know that, and a very competitive one, 100-year-old company. He said it is the highest volume and the highest profits of any new store openings are these three new stores in the inner city. And he has got prices down so that people in the inner city are going to get a fair price and

a chance to have the same benefits as the people in the suburbs.

VICE CHAIRPERSON WANG. You see, you have assumed the responsibility, whether it is private, whether it is on your own initiative, that you are taking on this responsibility of Rebuild LA and—

MR. UEBERROTH. No, no. We are not taking responsibility. I want to correct you. We are one of many organizations. There are many organizations doing the same thing. And they are all terrific. There is every one. There is one created by a congresswoman locally. There is one that is created by churches.

VICE CHAIRPERSON WANG. But there is only one Rebuild LA. There is only one Rebuild LA, right? There is no other organization that carries that name, right?

MR. UEBERROTH. Well, you wouldn't have to have the same name. There is only one U.S. Commission on Civil Rights.

VICE CHAIRPERSON WANG. But you have the responsibility.

CHAIRPERSON FLETCHER. A lot of folks think there are others, though.

MR. UEBERROTH. Well, we will sell you the name for a dollar if you will invest in the inner city.

COMMISSIONER GEORGE. Mr. Ueberroth, I going to ask you to umpire—I realize that you have a bit of experience at that. So I am going to ask you to umpire a little dispute that we have among people who testified here and a dispute that I dare say we will have as Commissioners try and prepare a report. Yesterday, on one side, we heard some testimony that strategies that rely on deregulation and lowering wages are bound to fail because they will force competition only on the basis of price, thereby forcing a downward spiral of wages and living standards. We also heard testimony about the need to adopt policies to raise wages among the working poor. And among the policies that were suggested were increasing the minimum wage and encouraging unionization. Now, that was on the one hand.

On the other hand, we heard testimony saying that that is precisely what we need to do in order to stimulate economic revitalization in our inner areas was deregulation and cutting down our bureaucracy and, indeed, cutting or getting rid of the minimum wage, which was described by one of our witnesses as the teenage black un-

employment act. Now, do you come down one way or another in this dispute?

MR. UEBERROTH. First of all, our organization does not have an opinion on the subject of the minimum wage.

COMMISSIONER GEORGE. How about Peter Ueberroth?

MR. UEBERROTH. The value of his opinion is vastly overrated. I don't like the framing. A personal opinion would go a little something like this. I think the minimum wage is too low. How much too low needs to be studied. But I think the minimum wage is too low. I think what needs to be changed is the fact that if the mother of two—single mother of two, goes back and she gets above minimum wage, but all that is wiped out and lost immediately, so I said it is a 90 percent tax, and one of your honored Commissioners said it as even as 125 percent tax, I have to advise her don't take a job. Stay home with your children. You don't have enough net left over to pay for a babysitter when your children come home from grammar school.

So I think that anything—there is no single solution. It sounds like your speakers on both sides were looking for single solutions, and saying either you solve it left or you solve it right. You solve it by both those hands coming together and figuring out how can we make it better for the inner city alone. For instance, you used the word better wages and unionization as the same thing. I don't hold those the same thing. I think that labor has to get enlightened. I think that government has to get enlightened and take the shackles off the small business person in the inner city.

Now, if I take you to any small business in the inner city—and I am going to have to take some language skills along with me because I barely speak English. But if I were to take you there, they would, for instance, say one of the things that is putting—without exception—them out of business is the State of California's workers' compensation laws, which impact more than the minority-owned and inner-city businesses. You just can't—I mean, you have to picture yourself as an inner-city person and see what can happen to you when you have got regulations, 500 pages of regulations coming at you that you have to hire people to even figure out what they are or they close your business. And then you have workers' compensation, which is the highest in the nation or about the highest in

the nation. The worker, incidentally, is down getting only about 43rd in the nation. And that's what the worker gets.

So, that's the case where labor and management has not gotten together and thrown the people out of office in Sacramento. It is on all the major networks. I mean, you have read about the disgrace of southern California worker's comp. That impacts the inner-city person. And then the fact that the benefits go away as soon as an unemployed inner-city person tries to get a job and has children, the benefits go away. Those are impact items that could be changed; they could be changed very quickly, and net not cost the government any money. That's just managing better. And it would dramatically help people in the inner city.

COMMISSIONER GEORGE. We have heard some testimony about capital formation and how capital formation is a crucial element in the overall solution. Would you favor a form that would give capital gains tax cut relief or eliminate the capital gains tax for inner-city businesses?

MR. UEBERROTH. I wouldn't eliminate it. But I would give some incentive. I would give it some relief if it is in the inner city. Again, it is tough to hire in the inner city because there is more training necessary. Anybody who tries to tell you hiring in the inner city you don't have to train as much as you do in the suburbs is not telling the truth. You have to train more in the inner city. So, if you have to spend that money, there be some incentive that makes you break even at least. The inner cities need incentives for 10 years to catch up.

COMMISSIONER GEORGE. So it sounds to me that your message overall is that the socially responsible thing to do is to lower the cost of doing business in the inner cities; is that right?

MR. UEBERROTH. Yes. To lower the cost of doing business and to train. To make incentives to train and hire. People in the inner city deserve a chance to have a job. If all the businesses are located elsewhere, I mean, there is a prejudice right there. They have got to get in the car and drive forever to find a job. The job should be there. I mean, you take some of the most—you know, the simplest businesses that are located in every single community but the inner city. I mean, that's an outrage. It is not fair. And it is also not smart by the businesses. I mean, it is just not smart. That's what RLA is about, trying

to explain it to them, show it to them, and take them to the ones who have already opened their businesses and they are already doing things and let them meet and talk. And then the next one comes and the next one comes and the next one comes.

And if it was a success—and some of your members have done a very good job about talking about the regulation strangulation and all the permitting process. If it was clear that, you know, in the inner city if all the forms are filled out you had a 30-day period where you had to be finished with permits at the various government levels, some incentive for doing business there, people would be doing business there. Right now that doesn't exist.

COMMISSIONER GEORGE. Thank you.

CHAIRPERSON FLETCHER. Carl?

COMMISSIONER ANDERSON. No.

CHAIRPERSON FLETCHER. First let me thank you for coming and sharing your views. Let me preface my remarks with a statement first. Sometimes as individuals we have a tough time perceiving the perception that other folk have of us and the importance or lack thereof of our involvement. In my case, I have been in the civil rights struggle for 50 years. And my argument has always been, you can't solve an economic problem with a social program. It just doesn't work. And so I have waited for years, 50 to be exact, for the day that the corporate America might find a reason to get into the game. And I say that to say this, that when I read that you, sir, were going to be involved in Rebuild LA, to use my friend Russell's term, I said, "There is the snowflake that will start the avalanche. With him leading the movement, there is a real possibility that corporate America will roll up their sleeves and get in the game."

Now, that brings me to my real concern. The perception across the country is that Rebuild LA has not worked and that it is not likely to work. And the fact that it hasn't worked will cause the corporate leadership of other communities—including the one where I live and teach school, the University of Denver Business School—will say, "Peter and Rebuild LA didn't make it. Why should we believe that we are any different and can do any better? Under the circumstances, we haven't had the violence and what have you that they had and therefore they had a need that everybody could see, and yet they couldn't make

it happen." And I think you have been a partial success and probably a partial failure. I am curious to know then if that's the case, what have you done that you think that you have done well that you think could be transported to other cities? In other words, it is as if to say this problem is in LA but it is not of LA.

This Commission had informed the President and the Congress and all 50 of the Governors in this country that something like what was going to happen in Watts—what I call Watts Two—was on the verge of happening, and they said, no, no, it can't be. Then when it did happen they asked me to come out here and take a quick look. And I went back and I appeared before the Senate Banking and Urban Affairs Committee. And I said it is time now for the corporate America and the banks in particular to suit up and get in the game. And there was a feeling that we will wait and see what Peter Ueberroth and Rebuild LA does. So if you were to talk to the House and Senate Banking Committee right now, and they were asking for your advice as to how to make whatever your vision was work, what three or four things would you tell them that government must do to be a part of urging the corporate community to get in the game? What must they do?

MR. UEBERROTH. Well, first, government—I have talked about incentives. Let me tell you what I think is going to happen. I would like to respectfully disagree. RLA if it trains one person and gets one new job is a success. And as it has been going—and those are in the thousands—it is a success. It is not an immediate success. And that's the primary reason that I stepped away as cochair because there is a fascination—negative fascination—with this fellow who is living in a hotel downtown while he is doing it and all that nonsense. And the other cochairs, my fellow cochairs, are equally or more talented. Do not worry about the corporate America knowing that RLA is a success because that tom-tom beats very well, too. And they know—like I gave you an example, I talked to you about Chief Auto Supply. Pretty soon you will hear an announcement in a few days about Trak Auto Supply. Big surprise, a competitor.

Major investment, new stores—business goes where business does well. And as they begin to understand the phenomenon that people in the inner city are decent, bill-paying, hardworking

people and you can make money there as well as you can make money in Beverly Hills, as that is being known, it will do very well in Denver, thank you. And I could talk to you about the top 10 corporate leaders in Denver and tell you that they already know. So I have no fear. The media be damned what the media says. These people learn from other business people. Hey, it is working. Did you hear what this guy did, did you hear what that person did, did you hear what that organization did? So that will circulate. The government should not ask corporate America to join the game. They should quit talking and having all these banking—whether it is Senate Banking Committee or the rest, they should take and pass some incentive for the inner cities of America. They should include Denver, they should include Detroit, they should include Newark and Washington, D.C., right under their noses. There should be some incentives.

Now, how can it be that it has been well over a year since the riots, we have had two different administrations in there, not one iota of legislation passed for a change in the inner cities in America? That's an outrage. I am mad about it. It is ugly. It is wrong. And they ought to do something. So what I would tell you to do, with respect, is to try and go back and say, there is a beginning in Los Angeles that should be watched carefully. And frankly RLA will be copied by every single major inner city in America. It just will. I am an employer in the inner city in Chicago. I think I am the largest employer in the inner city in Chicago. There ain't anybody else. And I know that if there were real incentives in the inner city in Chicago, my predecessor would not have taken half of that business and moved it to Wisconsin and Iowa so there is only half left. He would have kept it all in there, and a competitor would have come in, too.

So you have got to have incentives from the government to invest, train, and hire in the inner city. It is overly simple. Invest, train, and hire in the inner city. Give the people an equal chance, and it will blossom.

CHAIRPERSON FLETCHER. Can you be specific about the incentives? Just a couple of them.

MR. UEBERROTH. Well, I would think if somebody hires somebody, there should be some kind of a tax credit. If you hire somebody that is unemployed and put them to work and they stay employed for 2 years and they become a tax-

payer, we should take a look at those taxes that the government is getting and give half of them back to that employer that took that person that had no chance, took the chance with the person, and hired them and trained them. Give half of them back. The government is making money. Let's split it.

Let's do something that makes sense so that you start to play the real game. You know what really happens today—and it happens in almost all the inner cities you represent. After the riots—and, you know, when was the last major disruption that we had in an inner city after Los Angeles? It was when a basketball championship was won in Portland and there was a small riot in Chicago. And so the causes, you don't know what the causes are. There could have been, you know, a storm going through south Florida.

Whatever the causes are, what you need to do is immediately bring about an incentive for people to go and invest in that area, train people in that area, and hire people in the area. And what that should be, I know not going to argue with the government. They know what they are doing. But whatever the gain, whatever they are gaining out of the inner city, give half back.

You see, figure out the economics of one person who is on welfare. So that's a huge cost to the government, lots of taxpayer money going out, that's going out of the door. So that person comes off welfare and is hired and is now paying taxes. So not only you don't have to pay here, you got this money coming in here. Well, give half of that money back to the person who took the chance, hired, and trained them. Or give half the money back to the employee let him have a chance to stand on his feet, or her feet. It is not complicated stuff. But everybody avoids it because they are all playing political games.

And, you know, it is nonsense. How could it be that there is not one iota of Federal legislation on the inner cities? I think people knew something happened here. And every single Republican and Democrat that I ever heard of has been out here looking around. And they have all been on television. But when the hell are they going to do something?

CHAIRPERSON FLETCHER. I just wanted you to know that I wanted your words in print, just the way you feel about it. I feel the same way. And I have a hard time getting them to understand it. And I think the assumption is because I don't

own a big business or something I couldn't know what goes on. And I keep trying to tell them what works in the suburbs will work in the inner city if you dare to give it a try.

MR. UEBERROTH. That's RLA. That's our whole philosophy. If the same chance is given in the inner city that the suburbs have, then it is going to work.

MR. SALAZAR. Let me say besides job tax credit, capital investment credit, those that incent businesses that come back in, but there are also people there who own property. There are homeowners in the inner city who are not incented to reinvest back in their property because of the investment that is going on by government and by everybody else. They are not investing in the infrastructures. They are not investing in the parks and schools and everywhere else that needs to happen. We should also incent them, give them some kind of credit to invest in their own home. If we are building and reinvesting in the small businesses and bringing capital investment back in, let's get them to invest back in their home.

Another—just the structural issue is that it is time for government to follow what is development in the inner city. After the riots in the 1960s, we all saw government rush in with many millions of dollars to try to stabilize the economy, to try to jump start it, to try to keep investment dollars back in the value of homes. And the private sector took a while. The investment that has gone back in the city has been without government incentives, has been without that. It is time for government to follow.

Rebuild LA is going to work. And it is working and businesses are investing not because Rebuild LA is a charter entity of the city, not because it is part of a community group out there. It is because it is tied to the private sector, and the private sector also feels a comfort level to come back in and invest. And there are partners there. And they know that the government and community groups will be partners with them. So it is also that little structural issue and where do people—where do you place an organization like this.

MR. UEBERROTH. A lot of the private sector doesn't have all the facts. A lot of the private sector does not have all the facts—do not have all the facts. Whatever. My San Jose State education. Some other things that we do is to help

them find and link up with minority firms to construct their businesses, to find out how to go about hiring because it is a new area, a new field. And every city should have some little private sector group that is just in the business, private sector training, hiring, and investing in the inner city. Every city should have some little group that does that. We are the group that does that, and we are going to continue to do it.

Don't worry about the credit. Three, 4, 5 years from now by the copying alone you will know that it has been very successful because every city will have one. Already it is happening in other cities. And they better do it—because the riot-torn areas, please go visit them. Go visit Detroit. There is no investment. It is just, "Leave those areas alone and put blacktop down and let's hope that something good happens without our help." That just doesn't work.

You have been kind to listen to us. And you have got a number of much more learned people here to listen to.

CHAIRPERSON FLETCHER. You have gotten into the record the way I wanted you to be there.

MR. UEBERROTH. Thank you.

CHAIRPERSON FLETCHER. Thank you very much for your time. Our record is open for 30 days. And if there is anything that you didn't say here that you wanted to get in, please let me know. Because at a minimum what this Commission wants, we want to put some pressure, if you will, with the information that we have, on the House and the Senate and see if we want get that legislation that you talked about.

MR. UEBERROTH. Let me thank all of you. You are all sacrificing your time to sit here and do this. I am a grandfather, and I missed my first grandchild's graduation to fit around to be here. Well, you sacrificed a lot more than I did. We are grateful for your efforts.

CHAIRPERSON FLETCHER. Thank you very much. Next witness.

Testimony of Garrett Nelson, Executive Vice President and Chief Development Officer, The Vons Companies, Inc.

DR. ZALOKAR. I would like to resume the questioning with Mr. Nelson. Mr. Nelson, as the executive vice president and chief development officer of Vons Companies, could you tell us about Vons' recent decision to build a number of supermarkets in inner-city Los Angeles, and in

particular, can you tell us of how many supermarkets Vons has firm plans to build, when Vons made the decision, and what prompted Vons to make this decision?

MR. NELSON. In late 1991 as we were looking at our market share and looking at our growth opportunities, it became apparent to us that there was a very large market within the heart of our larger market that we weren't serving. Now, this wasn't a big surprise to us. But we did learn that we had 1,700,000 people in a single area, the inner city of Los Angeles, that couldn't shop at a Vons store even if they wanted to. In February of 1992 we made a decision, we made the internal decision, to invest \$100,000,000 of our capital to build stores in the inner city. Not unlike many corporate strategic decisions, our decision was not publicly announced. We didn't intentionally not announce it. We simply went about beginning to execute that decision. The \$100,000,000 should build 10 to 12 stores, depending on how large those stores are or how expensive the land happens to be.

On April 29, however, we sat in front of television sets, as we did on the 30th and the 1st of May as well, looking at that portion of the city that we had said we are going to invest \$100,000,000 of our capital, watching it burn. And I think you will understand that it didn't take much for us to begin to challenge our decision as to whether or not we have made a very intelligent economic decision. By that Sunday night, I think it was the 3rd of May, we reaffirmed our decision. We made a few changes. We decided that we would do it as fast as possible, not over a 5- or 6-year period as we had originally intended. We had a better sense of either a social opportunity or a social responsibility that arose out of the riots, one that really we had not focused on as we made our original decision, and we wanted to be sure that we addressed that in our strategy. We also decided that at the right time we would come out of the closet. We would, in fact, announce this strategic decision because we felt that the people of Los Angeles would probably benefit from it.

DR. ZALOKAR. Could you please tell us how many and what types of jobs each supermarket will have and how many of those jobs will go to residents of the communities in which the stores are located?

MR. NELSON. Well, first, nearly all of the jobs, although not all of the jobs, will go to trade area residents, those people who live in the trade area of the stores. There will be a few jobs that won't. There will be manager jobs initially that won't because it is not likely we will find skilled, trained managers in the immediate trade area. But other than that and a scattering of skilled, seasoned people from our other stores, the employees will be employees from the trade area. A typical store might employ as few as 50 people if it is a small store. In a large store, a high volume store, it might employ over 200 people.

DR. ZALOKAR. What is Vons doing to ensure that the community residents receive the necessary training to qualify for these jobs, and in particular, could you tell us about your preemployment training program?

MR. NELSON. Well, we have divided the employment into three categories. The first category we would define as not just unemployed, but essentially unemployable without further training, not just job training, but basic life skills training, and we are employing a significant percentage of each store's employee base from that group, the unemployed and essentially unemployable. We have developed specific training programs for those people. In fact, we have a pilot program that began in mid-March, a pilot program of 24 students, 18 of whom will be graduating on the 25th of this month, not as high a percentage of graduates as we had originally hoped, but a rate we are convinced we can improve. That's essentially a 12- to 16-week special training program that is before any job training. The individuals who are accepted for that program are guaranteed employment by Vons if they complete the program and if they pass the drug test.

DR. ZALOKAR. Is that program at least partially funded by the Job Training Partnership Act funds?

MR. NELSON. Yes, it is.

DR. ZALOKAR. I would like to turn over the questioning of this witness.

VICE CHAIRPERSON WANG. Commissioner?

COMMISSIONER REDENBAUGH. What changed in terms of your ability to see this as a market opportunity?

MR. NELSON. Over a period of 20 or 30 years Vons essentially withdrew from the community. It is not that we didn't have stores there. We did.

But we closed small stores and took advantage of the growth and income opportunities in the suburban areas. During the 1970s and 1980s it was relatively easy to make a good investment decision to invest in new stores in suburban areas. As the economy in southern California began to slow down in the late eighties and as population began—growth began to slow down in suburban areas, it became apparent that if we were going to meet our growth commitments we had to look elsewhere. We also had the advantage of an advertising umbrella in the inner city. We had the advantage of manufacturing and distribution facilities that were literally within miles of the inner city. We concluded that it was an economic opportunity for us to serve these nearly 2 million people who were not now being served by Vons or any other modern supermarket facility.

COMMISSIONER REDENBAUGH. So you have a rather unusual circumstance, then, in that this is an in-fill opportunity for you—

MR. NELSON. That's right.

COMMISSIONER REDENBAUGH.—that you wouldn't have in an urban area outside of your trade area?

MR. NELSON. That's correct, yes.

COMMISSIONER REDENBAUGH. What has been your experience to date?

MR. NELSON. Well first, our first new store won't open until November. The process is always a long-term one. Typically a new store takes at least 3 years from commitment to opening, and in cities it might take 5 or more years. We are pleased that we will be able to open our first new store as early as November of this year. We will be opening in Compton in November and in Pomona in November.

COMMISSIONER REDENBAUGH. Let me ask the obvious question. The additional 2 years is the permitting requirements?

MR. NELSON. Yes. Permitting is surely a part of it. But that's not the only delay or time-consuming factor. Land acquisition is a major obstacle for building large supermarkets in the cities. It is very difficult to find 5 or 6 or 7 acres in one parcel. And if we are successful in finding that kind of acreage in one parcel, it would be rare to have it zoned properly. More typically, we are facing multiple parcels, land assemblage, typically multiple owners, all of which implies time.

COMMISSIONER REDENBAUGH. And increases your cost?

MR. NELSON. That's right.

COMMISSIONER REDENBAUGH. So it is too early to talk about your business experience. What other businesses do you see moving in, following you in?

MR. NELSON. Well, we are hopeful that there will be a groundswell of small retail business development around the supermarket. We believe that the traffic that we attract, that we generate, should be an invitation to individual retail investment, although because land is so scarce, it is difficult for us to build centers that have additional retail space adjacent to those supermarkets.

COMMISSIONER REDENBAUGH. Do you operate throughout California?

MR. NELSON. We do not operate in the Bay Area, no. We are just a southern California company, although we do cross over the border into Las Vegas. We operate 350 stores, largely in southern California.

VICE CHAIRPERSON WANG. Carl, do you have a question?

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. We have heard a number of witnesses, today and yesterday, tell us that what we really have to have in the inner city is business incentives. And here you are telling us that a business has made a major commitment to the inner city without those incentives. Can you talk about that a little bit, to help us understand why you are able to make that kind of a commitment and why for other similar businesses to make the type of commitment you are making they need substantial incentives to do it?

MR. NELSON. We are probably not unique, but we are unusual. We are a market leader here in southern California, and yet we don't serve some 2 million of people in southern California. Those people live within our distribution network, within our advertising umbrella, they are familiar with our reputation as to quality, price, service. So we have a unique—not unique—but unusual opportunity that others may not have. If those decisions were relatively easy for us and it was a relatively easy decision, it was probably not much harder than others to face.

We are not naive, however, in viewing the costs of operating in the inner city. We do not believe that our operating costs are going to be consistent with our suburban stores. We do have

roughly 20 stores that operate on the fringe of the inner cities. They are smaller older stores, and the operating costs of those stores are consistently higher than suburban stores.

Fortunately, as a result of the density in the inner city, we expect that our sales per square foot or our sales per store will be significantly greater than the chain average. I think we heard Bob mention that Smart & Final's experience in the three stores they have recently opened in the inner city is better than chain average. And it is largely a function of the number of people who live close to the store.

COMMISSIONER ANDERSON. So, obviously, from the standpoint of self-interest you have made the decision to come into the city like this. But, from the standpoint of your experience in industry, aside from how it would affect your company, do you support that notion that there have to be strong incentives?

MR. NELSON. Yes, I surely do. And even we at Vons are facing significant cost factors, land cost factors, that we haven't anticipated for us today and that will make it difficult for us to round out our \$100,000,000 investment. I am not sure that any one has yet mentioned at least in the last couple of hours that the State of California has finally I believe—and I hope the Governor has signed it—passed a bill that is entitled, I think it is the Los Angeles Revitalization Zone bill. Essentially, it provides State benefits, State tax incentive benefits, for much broader areas than the Federal and State enterprise zones that are now in existence. I believe that if those State zone benefits were expanded to Federal tax benefits as well, we would see a significant increase in investment in the inner city, including the Vons Companies.

VICE CHAIRPERSON WANG. Anything more?

DR. ZALOKAR. I have just one more question. I want to know what Vons is doing to ensure that minority-owned firms are helping to build and service its stores?

MR. NELSON. Well, we are reaching out to the minority-owned business community in a way we never have before, reaching out to identify qualified firms, including construction firms. We have encouraged successful general contractors to form general—to form joint ventures with minority-owned construction companies. We have at this time engaged nearly all minority-owned businesses to build the stores that are now un-

der construction, and in fact, most of those contracts were won in a competitive bidding process. But the one thing we haven't done and the one thing we did not intend to do is to form a minority-owned business department in the company. We believe that the integration of the minority-owned business into the fabric of Vons is the only way that those relationships will endure at Vons.

Testimony of Michael Gage, President, CALSTART

DR. ZALOKAR. Thank you. I would like to turn the questioning to Mr. Gage. Mr. Gage, can you describe very briefly the mission of CALSTART, the consortium of which you are president?

MR. GAGE. The mission of CALSTART is to create an industry that will create jobs. It is that simple.

DR. ZALOKAR. Could you tell the Commissioners why you believe that that industry, which is the electric car industry, is a good prospect for southern California and, in particular, why does southern California have a competitive edge in producing electric cars and what is the potential market for electric cars?

MR. GAGE. I would start by saying it is more than just electric cars. We are advanced transportation technologies, and that includes even natural gas vehicles—and I often say that because the gas company also sits on my board of directors. But, in fact, we did start with an emphasis on electric vehicles, and we still are known as primarily an electric vehicle industry. Let me say that there are several reasons why we believe it will be successful, why we believe there is a huge market potential, and why we think that California does have an advantage.

First of all, as you know, the California Air Quality Board has set the standard that 2 percent of all vehicles offered for sale in California by 1998 must be zero emission vehicles. Those vehicles can only be electric vehicles. That's all that qualifies as zero emission vehicles. That would be in 1998 a minimum of 20,000 vehicles. That escalates in the year 2003 to 10 percent of all vehicles offered for sale, or 200,000 vehicles, in the year 2003.

But we also know that, in addition to the California standard, 17 of the 19 world auto manufacturers are currently aggressively involved in developing electric automobiles. Consequently, we

know that many countries in Europe require within the next couple of years that electric vehicles be on their streets. In France, in Sweden, and Italy, they all have requirements that electric vehicles in some numbers be on their streets. In addition, they are actually shutting down in some instances their central cities to nonelectric vehicles because of diminishment by air pollution of their cultural artifacts from internal combustion engine emissions.

So we believe there is a huge global market for electric vehicles as well. In fact, in Mexico City—there are 2 million automobiles in Mexico City—80 percent of the pollution comes from automobiles in Mexico City. And if you eliminated one-eighth, 250,000 vehicles, you would eliminate 50 percent of the auto emission, or 50 percent of their pollution in Mexico City; by electrifying their jitneys, their buses, and their taxis, you could eliminate literally 50 percent of airborne emissions. So there are huge opportunities. We know that cities around the globe are looking at this already.

Secondly, we know that the automobile manufacturers are gearing up for it. And, thirdly, California because of its aerospace industry has a competitive advantage. Because they put enormous emphasis on lightweight material, on energy-efficient operations, and on high value-added product and high quality products, all of those areas fit electric vehicles substantially like a glove. So that, in transferring those technologies to electric cars and/or natural gas vehicles, there are enormous opportunities in California that frankly don't exist anywhere else in the world. And only a few other places come close to having the same competitive advantage that California does.

DR. ZALOKAR. Could you estimate how many jobs the electric car industry is likely to create in southern California over the next few years, what types of jobs will be created, and also can you tell us what the prospects are for minorities getting a large portion of these jobs, or a portion of these jobs.

MR. GAGE. We have estimated at CALSTART that if we have one-third—in California—one-third of the electric vehicle industry by the year 2000 that that will likely equal about 55,000 jobs. There was a UCLA study that was announced just last week that I have forgotten the actual numbers that were in that study. I have asked for

a copy of it. But it was in the neighborhood of 24,000 jobs in southern California that they believed would be created by an electric vehicle industry. I think they were a little conservative, but that is how academia should be. Nonetheless, they were only focusing on southern California, not all of California which we were talking about. We believe that we will create thousands of jobs by the end of this year, in less than 18 months of existence in this electric vehicle industry and 55,000 by the year 2000.

In terms of minority—well, in terms of type of jobs, first and foremost you are looking at high wage, high skilled jobs in the manufacturing end of the business. You are looking at machinist jobs, you are looking at auto worker jobs, but predominantly in the machinist area, high wage, high skill jobs. Those are exactly the kind of jobs that are going out of existence as the aerospace industry meets its decline in California. In addition to that, there are the jobs of installing the electric and natural gas infrastructure, vehicle infrastructure, in the State, which is enormous. It is a dramatic change. And we are involved already in installing that infrastructure. But installing it in everyone's home, installing it in the equivalent of service stations throughout the State will create a substantial number of electrical jobs, the typical IBEW jobs, which are also high wage, high skill jobs. It will add a substantial number of jobs just in terms of the development industry that goes along with it. So we believe the preponderance of these jobs are high wage, high skill.

We believe that there are enormous opportunities within the minority community to bring the minority community in. You heard early today from an earlier panel from one of our board members, Dr. Joe Barrington, who was here. And we have established some direct linkages with minority communities from South Central and East LA. And we believe it is critical that they be brought in. In fact, we have developed internships with Cal State LA's engineering department. And they are by the way the only minority institution, educational institution, in the State of California.

We have developed those linkages to establish minority engineering internships with all of the 60 companies, or 60 entities, involved with CALSTART now, so that we can get people in at the ground floor level. We also have recruited in a

company called Solar Electric Engineering that just opened their construction—or their manufacturing facility in South Central Los Angeles. And they intend to actually manufacture electric vehicles in South Central Los Angeles, in addition to Dr. Barrington who was here earlier who owns Group IX Aerospace.

So there are enormous opportunities. We are working with the International Association of Machinists, that also sits on our board of directors, to ask them to bring in at least the equivalent of our population diversity into training programs with us, minorities in at least an equivalency as we bring people back onto the job from people who have lost their jobs in the aerospace industry.

DR. ZALOKAR. Thank you very much. I would like to turn the questioning of this witness over to the Commissioners.

COMMISSIONER REYNOSO. I understand that you have produced a prototype electric car already. Is that ready to go, or are you still doing more engineering, etc.? Because I read that competitors, i.e., the big auto companies, are very much into this because they see the writing on the wall in terms of the necessity to provide electric cars. Are you going to compete with them? Are you going to work in cooperation with the big auto makers? What is that relationship?

MR. GAGE. The relationship is one, I would say, on their part is love-hate. In fairness, they try to discount us to some extent. They do not love the 2 percent sales requirement at all. In fact, they argued vociferously against it. I would say for that reason if we can show that it can be done, we both help them on the one hand and cause them to change on the other. So that's always a difficult process to go through. But, by and large, we have a good working relationship with them. The showcase electric vehicle was designed to showcase 20 different technologies. And it has done that at the LA Auto Show, the Geneva Auto Show, the Tokyo Trade Show, and it has gone around the world, as well as around the U.S., showing those technologies.

COMMISSIONER REYNOSO. If the auto industry does not develop an electric car quickly enough, will your organization and the many folk that are part of it be able to produce your own electric car to put it on the market in southern California? It seems to me that southern California is large enough to be its own market, if you will.

And so I just wondered what your plans are in that regard.

MR. GAGE. Commissioner Reynoso, we believe that there are enormous opportunities. For example, we just submitted another application to ARPA just last week. And I would say that in that application there were four electric automobile manufacturers and five electric bus manufacturers participating in that program. That is, CALSTART is here to promote the industry and to get it moving. That's nine electric vehicle manufacturers already here in California, and that's not all of them. There are actually a couple of additional ones who for whatever reason have not come up to allow us to help them. But we believe they will.

The short answer to your question is that, yes, we believe there are plenty of opportunities to create it here if they don't. And frankly they can license, if they want to, manufacturers here in California to do the job for them if they really don't want to do them to meet their 2 percent requirements. So we think there are enormous opportunities for California and also for the automobile manufacturers. They have yet to see this as a profit center. They see it as a cost of doing business. At some point they will see it as a profit center. And that's when it will really take off.

COMMISSIONER REYNOSO. Thank you.

Testimony of Forescee Hogan-Rowles, Executive Director, Coalition for Women's Economic Development

DR. ZALOKAR. I would like to continue the questioning with Forescee Hogan-Rowles. As executive director for the Coalition for Women's Economic Development, can you explain briefly the work of that organization?

MS. HOGAN-ROWLES. Sure. I will refer to the Coalition for Women's Economic Development by the acronym CWED. We were designed and founded in 1989—actually 1988, and the original research was done on the project from 1986 to 1987. So actually we are in our fifth year of operation. We assist low-income people in starting and managing microbusinesses. We also operate the largest microenterprise loan fund in southern California. We make what is called nontraditional loans to low-income business owners.

We do two different kinds of lending. We do what is called peer lending, which is an idea

taken from the third world countries and placed in an urban environment. What we have done is actually proven that it can work. Now, there was some concern that you couldn't take a third world model and place it within an urban environment and have it work. What we have proven is that it does. The second kind of lending that we do is called individual lending. It is basically the same model that traditional financial institutions employ. However, we have some different criteria that is a bit more—it helps in a lot of ways the low-income business owners to access credit.

The other thing we offer is training. And our philosophy is based on a peer philosophy in which we believe that when people come together in a group and they decide to better themselves through self-employment, that if they have peer support, either through their own colleagues or their own friends within the neighborhood or people that they know that are in similar businesses, then they can in fact succeed. So what we do in our training is do that in very small numbers, no more than 15 or 20 people in a class, or a session. And we encourage the group to support each other. We also require homework in that session. It is a 12-week training course. And you have to have been in business for 6 months or more. We also offer a 4-week training course which we call Get Ready for Business because we found that a number of people would start the business plan class and realize that it wasn't for them.

So we offer people tools so that they can self-select themselves into the program or out of the program. In the 4-week session you have to have been in business for less than 6 months or ready to start. And the purpose of the Get Ready for Business workshop is for people to determine whether or not their business is a viable one, if their business could be a viable one, if their idea could work, if they have the tools that they need, and what the pricing looks like, what the competitive environment is. It gives people an opportunity to determine if they want to continue to actually start a business.

So basically we offer the three programs, in summary. And that is the entrepreneurial training, in two different sessions, a 4-week and a 12-week, and two types of lending, peer lending and individual lending.

DR. ZALOKAR. Could you tell the Commissioners what types of businesses your clients go into and how successful these businesses have been?

MS. HOGAN-ROWLES. You know, one thing I want to do is define what we mean by "success" because I think that is always critical that if we start to talk about the population that we work with. It is critical that the idea of success be understood in the terms in which it is accessed. One way that I can do that is that the people that we work with are low income and very low income, meaning they are probably—we use the HUD guidelines. So we are talking about up to \$24,500 for 1992. We just got our new letter and we are up to about \$25,700 in LA County for a single person is low income. In other parts of the country that's middle income. In fact, in different parts of California it is middle income. So it is a pretty high number of people that we actually serve.

What we look at is the difference or increase in small increments in a person's income from the time that they begin in our program to the time—and we measure things in 6-month intervals—to the time that they leave our program or they decide to access another loan or they decide to get some additional training. What that means is that we have people that are coming to us that are making maybe \$400 a month and they don't have any other sources of income. Yes, maybe they are receiving some government assistance, but maybe they haven't had a telephone.

So they use their additional income to, in fact, access a telephone so that they now have a telephone in their home and they don't have to go to a phone booth. That's one measure of success, some additional income to supply a basic need that they see as being important. Another measure of success that we look at is the ability to open a bank account. Most of the people that we assist have never had bank accounts. And they, in fact, are a large population, to a great degree the people that go to the check cashing stops and go to the grocery stores to cash checks. And they don't have a mechanism to save their money and/or prepare checks. So they are, in fact, spending money not only to buy a money order or cashier's check. But they are also unable to save. And there is a greater degree of opportunity for crime to be inflicted upon them because they are carrying large amounts of money around for short periods of time. So the ability to open a checking account or the ability to open

a savings account is what we look at as a measure of success.

The other thing that we look at is the ability of that person to pay their employees. A lot of the people that we serve in fact are self-employed, but they are called the working poor. What that means is they are working 10, 12 hours a day and they are working 6 days, sometimes 7 days a week, but they are making \$400 a month. So they are, in fact, not able to access another job because they have got to make that business work or it is difficult for them to increase their income. So what we are looking at is their ability to save and how they can save that money.

So what we do is try to encourage people to save. And they pay their kids. They pay their family. And what we are trying to do is get them to the point where they can, in fact, pay themselves and pay their families so that everybody is getting an income. So our measurement of success at this point deals mostly with small incremental steps that the business owners can make.

To date we started lending—and we have to measure that in some ways by the money that we have lent. We started lending in 1990. Our average loan size is \$1,500. And we have since then created about 400 jobs in terms of—well, we count the business owner himself. We count the other people that work in that business. And we count those businesses that, in fact pay someone or have hired someone else and that number includes contract work, seasonal jobs, and part-time employment.

DR. ZALOKAR. Could you describe what the nature of the businesses are, just so we have that on the record?

MS. HOGAN-ROWLES. Sure. A lot of light manufacturing, word processing, desktop publishing, photography printing, light alterations, cleaning businesses. Most of it tends to be the neighborhood kinds of businesses is that affect—one thing I think is important there is that the people have some skill level in those areas and, two, they are easy to start and the market entry is easy. There is also street vending, a lot of catering. Some people get into gift items. But those that tend to move forward happen to be those that—a lot of retail sales because it is easy entry, easy access particularly here in southern California with the garment industry. A lot of pottery that is made here. But mostly what we find is that people that

are doing businesses like cleaning, alterations, light manufacturing—when I say that I am talking about sewing and manufacturing clothing—those tend to be the easiest access, and they already come with skills. And those are the ones that tend to be most popular.

DR. ZALOKAR. Thank you. I will turn the questioning over to the Commissioners.

COMMISSIONER REYNOSO. Your organization is the Coalition for Women's Economic Development. Are all your clients women?

MS. HOGAN-ROWLES. No. We originally—and we were founded and we like to stick to our mission. The reason we were founded was because the part of the research that came forth was that women were grossly undeserved in LA County and there weren't any existing organizations that served the needs of poor women. There wasn't a mechanism to access credit and financing for low-income women that wanted to become self-employed, and so CWED was started. Since then we have served both women and men. But we have decided not to change our name because we still want to target and assist women because they happen to be the largest segment of single heads of households and the largest segment within the low-income population.

COMMISSIONER REDENBAUGH. From whence do you get the money for the loans?

MS. HOGAN-ROWLES. That comes from several sources, mostly private until 1992. Our—

COMMISSIONER REDENBAUGH. Excuse me. When you say "private," is that from individuals?

MS. HOGAN-ROWLES. Foundations. And we have—yes, our original microloan fund was funded in 1989 by a grant from the Charles Stewart Mott Foundation, Bank of America, and one anonymous donor. That was a private donor. Since then we have extended the loan fund to include more grants from sources like Citibank; ARCO has given money into the fund. And we have also expanded and we managing a loan fund for Multi-Bank Community Reinvestment Committee here. We also now have a contract to manage the fund for the Housing Authority of Los Angeles. And our largest loan is that we also operate the Microloan Demonstration Program for the SBA as its first intermediary in Los Angeles. And that is a loan to the organization in the amount of \$750,000.

COMMISSIONER REYNOSO. What is the longest period that a loan is made? I think most of them are relatively short periods.

MS. HOGAN-ROWLES. Yes. The small loans—actually we have two stages of loans. We can lend up to \$25,000. However, our loans hover around less than \$5,000. Like I said earlier, the average being \$1,500, although I think it is important that I mention that as people come back—because we call it a revolving loan fund. People will come to us and get a loan. And they will come back for future loans. We have people right now on their third and fourth loans. And they are up to \$5,000, \$6,000, \$7,000. But the average loan period is 12 to 18 months for first stage loans, which is \$50 to \$5,000, and up to 5 years for up to \$25,000.

COMMISSIONER REYNOSO. What is your rate of repayment as compared to, say, commercial banks?

MS. HOGAN-ROWLES. We have a 95 percent repayment rate, which is very high compared to our brother and sister bankers. The reason that is, however—and I think that is the critical issue—is that we offer technical assistance throughout the course of the loan. And we also offer the technical assistance and the training before a loan ever goes out because what we do is what we call character-based lending. In doing that, we know that the credit records are horrible. We know that people have probably no credit in some instances, and if it was, it is bad credit. And we also know that they haven't had the ability to get traditional financing from a bank.

So we look at things like character. Their ability to complete our course, our training course, which is 12 weeks. There is an attendance requirement. Their ability to complete the business plan. And we, throughout the course of the loan, in our loan documents they actually have to sign a loan document that says, "Yes, I am going to attend my class in technical assistance twice a month and my books are going to be opened and, yes, I understand that you are going to be at my business site maybe once a month, sometimes twice a month, and, yes, I understand that each time you call me I have got to have the answer for you and if I can't you have the right to come out and work with me."

COMMISSIONER REYNOSO. I can tell that the Federal Government is a pussycat compared to you folks. Thank you very much.

VICE CHAIRPERSON WANG. I am offering you an opportunity if you care to use it, if you care to comment on Mr. Ueberroth's suggestion earlier as a parting comment, if you would care to. It is purely voluntarily.

MR. GAGE. No comment.

MS. HOGAN-ROWLES. No, not from me. Thank you.

Policy Directions for Los Angeles

VICE CHAIRPERSON WANG. Thank you. Our final panel for the day. We certainly want to thank you for your patience. Will the counsel call the names of the last panel.

DR. ZALOKAR. Yes. Professor Pastor, Professor Scott, and Professor Grigsby, please.

VICE CHAIRPERSON WANG. I would ask you to stand up and raise your right hand as I read a statement.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you. Please be seated.

Testimony of Allen Scott, Director, Lewis Center for Regional Policy Studies, University of California, Los Angeles

DR. ZALOKAR. I will begin the questioning with Professor Scott. Professor Scott, as an expert on industrial development, can you explain why you believe that the free market cannot be relied upon as a source of economic development for southern California and why there is a need for a regional industrial policy?

COMMISSIONER REYNOSO. I could tell that's the easy question.

PROF. SCOTT. Let me just take a little issue with the question. My belief is not that the free market doesn't work. I have a lot of faith in the power and efficacy of free markets. The analyses which I have been carrying out in the last several years, particularly on the economic development in southern California, suggest to me that there are serious failures in certain areas of operation of markets and particularly in the matter of industrial production in southern California and that there is a role of a definite, a highly definable but nevertheless a positive role, for governmental organizations and agencies in economic development and what I would call quasi-political organizations, community groups, associations of employers, and other organizations who can play a significant role.

The arguments I have been making, in other words, are arguments that more effective and more competitive forms of industrial development in southern California can be achieved, particularly when we take into account the successes that we see in places like Japan and Germany. And it can be achieved more effectively by forms of competition combined with cooperative interaction between firms, between firms and government, and between different players in the economic system, than by an absolutely all-out war of all against all in a sort of 19th century laissez faire competitive market.

DR. ZALOKAR. Can you give us some idea of what sort of entities you are discussing, what sort of nonprofit sector entities you are discussing?

PROF. SCOTT. Yes. In the previous session we have heard the testimony of Michael Gage, who is the president of CALSTART. CALSTART is a not-for-profit, private-public organization, precisely the kind of cooperative organization that fills gaps in the operation of markets in the industrial system of southern California that is trying to create and has so far successfully, in my opinion, created a consortium, a collaborative of manufacturers, in which manufacturers work not through markets, but through the administrative organization provided by CALSTART to pool resources, to pool skills, and in the process to create synergies that otherwise would not be present and to give a push, an early development, to the electric car industry in southern California. This would be one example.

There are many other examples that you could cite around the needs for cooperative forms of technology development, labor training, which are typically areas where the private sector fails very badly in providing the right quantity and quality of labor skills—information services of various kinds; import-export; organizations that perhaps have some kind of public support of one kind and another; various sorts of services, particularly in areas where market failures occur—these are all very viable and important and significant areas within which nonprofit governmental and other associations can come in and add to the overall productivity and competitively of the economic system.

DR. ZALOKAR. Earlier we heard testimony—and I know you were in the audience—from several small business owners who were speaking about how they were hurt by various govern-

ment regulations which raised the cost of doing business in Los Angeles, such as environmental standards and the high cost of workers' compensation insurance. Would you support relaxing these types of regulations? How would you suggest dealing with their problems?

PROF. SCOTT. Well, there is no question that the regulations in the way they are administered need reform. There is always room for reform. And it is quite clear that worker's compensation, for example, is very badly in need of reform. But I think it would be a major error to think that if you reform worker's compensation or if you do away with other regulatory arrangements like, for example, the environmental regulations which govern business activity in southern California, that if you do away with those regulations that this then opens the door to all-out economic growth and development in southern California. I think that would be a serious error to think that.

On the contrary, there is always the real possibility that when you relax those kinds of regulations, you open the door to short-run and opportunistic forms of economic behavior which are in the end self-defeating. By that I mean, in particular, that doing away with the regulations—let's say workers' compensation, or with minimum wage regulations—opens the door to enlarging the pool of low wage and low skill workers in southern California. And that is not a recipe for continued competitiveness in the new global economy that is now around us.

DR. ZALOKAR. Can you think of some specific examples of industries to apply your theory to?

PROF. SCOTT. A specific example of—

DR. ZALOKAR. I am just thinking of something that might be able to illustrate how this is to—

PROF. SCOTT. Well, yes. In southern California, for example, we see that the industrial mix in southern California is a peculiar one because it has many, many very high skilled, high wage industries, from the movie industry to aerospace. But it also has many, many very low wage and low skill industries as well, like the furniture industry, for example, or like the jewelry industry or like the clothing industry in Los Angeles.

I think that the furniture industry is an example of an industry which has been caught up in a competitive strategy that has focused above all on cost cutting, and hence the furniture industry is the industry in southern California

which is most fixated on getting rid of the various regulations which it sees as being a shackle to its further development. But, in fact, it seems to me that the furniture industry made a wrong turn at some point—at some point in its history in southern California when it moved from being a high wage and relatively high skill industry into an increasing low wage, low skill industry and an industry which increasingly cannot compete, in fact, with high quality producers. It attempts to compete with low quality producers.

That is a game which, ultimately, it can never win because there are always yet more low wage producers round the corner coming in. And hence it keeps trying—there are exceptions, of course, in the furniture industry to what I am saying. But, by and large, it is an industry which seeks to profit continually by pressing down on costs, as opposed to what I would take to be a more viable competitive strategy for getting into other sectors in southern California and an objective for economic development policy in southern California, which is to begin to move up the scale of higher wages and higher skills and to compete on the basis of quality, rather than unidimensionally on the basis of cost.

DR. ZALOKAR. Thank you. I would like to continue to question each of the witnesses, and then turn the questioning over to the Commissioners.

PROF. SCOTT. By the way, if I may I have a written statement here which contains many of the items I would like to present. And if it is appropriate, I could read it into the record.

MR. GLICK. Yes, thank you.

Testimony of Manuel Pastor, Professor, Department of Economics, Occidental College

DR. ZALOKAR. Professor Pastor, can you give us a brief description of the differences between Latino poverty and black poverty on the average in Los Angeles?

PROF. PASTOR. The research that I have done looking at Latino poverty in Los Angeles emerged from a report that I did on Latinos and the Los Angeles uprising in the economic context. In that report, one of the first things that we try to insist on was that, in fact, economics was at the root of the uprising in Los Angeles. If we look at the most damaged areas in Los Angeles, we find that poverty rates are twice as high, the per capita income is half as high, and the rates of home ownership are half as high. In

fact, using statistical tests without even taking into account race or ethnicity, you can use those economic variables to predict 80 percent of the census tracts that in fact exploded into violence. So it is important to look at economics and certainly important that the Commission is doing that today.

One of the things that is an untold story of this uprising, though, is that in those most damaged tracts 49 percent of the residents are Latino. So it becomes important to look at the question of Latino poverty and how, in fact, it might be different than the kinds of models that are usually used to explain poverty. We have, on the one hand, a sort of conservative model which blames poverty on the lack of a work ethic, the lack of initiative, etc., on the part of the poor themselves. We have a sort of dominant liberal paradigm which looks at models of urban underclass, which basically argues that the poverty of urban areas emerges from a disconnection with the labor market and a family structure which is under great strain with high rates of single female-headed households. But those two characteristics and the lack of a work ethic do not at all explain Latino poverty in Los Angeles.

Latinos have the highest rate of labor force participation of any ethnic group in this city. In South Central, for example, the Latino male labor force participation is above 80 percent. For non-Latino males it is around 58 percent. And Latino households are 60 percent more likely to consist of married couples with children, the sort of Ozzie and Harriet kind of family, except that in these families Ozzie actually goes to work. You may remember that Ozzie tended to stay home in the TV show.

So really what we have is a group in Los Angeles that is doing everything by the rules—working hard, starting businesses, keeping families intact—and winding up being the poorest group in Los Angeles. Per capita Latino income is about 45 percent of overall per capita income. Latino families tend to be three times more likely in the City of Los Angeles than non-Latino families to fall below the poverty line.

We have got a group that is very poor, but that is working and keeping families intact. And the reason is not a disconnection from the labor market, nor is it family structure per se, or the high rates of female-headed households. What it is really is the low wages of the jobs that people

do have. And what that means is that we need to really shift part of our strategy in terms of dealing with urban poverty away from just job creation to looking at the jobs that people do have and whether or not there are ways to raise the wages in those jobs; to, on the one hand, increase the educational level so that people can escape what is a secondary labor market, but also, on the other hand, directly raise wages in those secondary labor markets.

DR. ZALOKAR. How would Federal policy intervene in such a way as to increase wages in the labor market?

PROF. PASTOR. Well, there are two clear ways to increase wages in the secondary labor markets. Another thing that the Federal Government can do before I say that is to begin to provide more educational funds, more money, so that people can—particularly young people—can escape from secondary labor markets and into the good, high wage jobs that Professor Scott was just talking about. But in terms of the secondary labor market, an increase in the minimum wage is long overdue, and it is also quite feasible. There was a recent article in *Business Week* about the shifting in economists' thinking about this issue.

Economists have long opposed an increase in the minimum wage. But what they are beginning to realize is that a low wage, low scale society is not really a base for competition in the world market, and econometric studies are showing them that increases in the minimum wage are not very costly in terms of the number of jobs. In the specific case of California, when it raised its minimum wage a couple of years ago, we actually had employment growth at the low wage level, partly because low wage workers tend to spend more money and circulate it in such a way as to generate more jobs. So I think that one clear thing that the Federal Government can do is go for an increase in the minimum wage.

The second thing that the Federal Government can help with is labor law reform to make it easier for unions to organize. One of the major initiatives here in the City of Los Angeles that have helped Latino workers has to do with unionization efforts on the part of Service Employees International Union to organize janitors, on the part of the Carpenters Union to organize drywallers, mostly Latino workers. And in both

those cases there have been major victories which have helped the lives of working people.

The other thing to move beyond workers into entrepreneurs is for the Federal Government to begin to put some teeth into the Community Reinvestment Act and to try to stop what amounts to an effective credit blockade of minority entrepreneurs in the City of Los Angeles and elsewhere.

Testimony of Eugene Grigsby, Professor of Urban Planning, and Director, Afro-American Studies Center, University of California, Los Angeles, and President, The Planning Group

DR. ZALOKAR. Thank you very much. I would like to move on to Professor Grigsby. As a professor of urban planning and the director of the Afro-American Studies Center at UCLA, as well as the president of your own consulting firm, you are in a unique position to suggest economic development strategies that Los Angeles should pursue. Can you begin by giving us a brief analysis of the economic situation in Los Angeles today and the types of policies that are most likely to help inner-city communities in Los Angeles?

PROF. GRIGSBY. I can certainly try. If you had the answer to that question, you wouldn't be here in Los Angeles. Let me try to build on what my two colleagues have said here. I think in order to move forward in a policy formulation and implementation perspective one needs to have a better understanding of the history at least for the past 10 years within the Los Angeles context. And it goes something like this.

In the decade of the 1980s the economy in California grew faster than it perhaps had in any other period in the history of the State of California. However, the number of persons, or the rate of number of persons, in poverty grew in tandem with that economic growth. When we examine it closely, we find that the growth was primarily in capital, not in job creation.

We also find that there was a differentiation between the high wage, high skill, low wage, low skill worker base within the context of this growth. We find the deindustrialization. We find the mobility of employment opportunities and manufacturing from so-called central cities to suburban areas. And we find an increasing concentration of poverty in the so-called inner-city area. So, on the one hand, tremendous growth and prosperity; on the other hand, the sharpen-

ing of the widening divide, as one of my colleagues from UCLA labels it.

What does this mean in terms of policy and intervention strategies? I think it first calls us to question the old cliché that a rising tide raises all boats. That is, as we examine the globalization of the economy, growth in the economy tied to so-called growth in jobs is not necessarily synonymous. You can grow capital without growing jobs. Indeed, the competitive global economy, in fact, means that you minimize the number of jobs as a part of the cost-cutting function and you maximize profitability through capital. That has tremendous implications on the availability of jobs, the relationship of those jobs to laborers, and the wage structure of those jobs. While Manuel correctly emphasized the plight of Latinos, the emphasis there is underemployment, while they are fully employed. For African Americans it is unemployment, no jobs. Yet, the results in terms of no income, or at least not sufficient income to function in the capital of society, is really the net same result. So when we start to ask ourselves about intervention strategies, I think there is a serious flaw to assume that growing the economy and growing jobs will of necessity benefit the population that Manuel talks about, a larger growing number of inner-city dwellers. So there is no necessary link between growing jobs and alleviating the conditions of inner-city poverty. I think that's an important paradigm shift.

Secondly, as we think about notions of restructuring, issues like the aerospace or creating alternative industries, we have to ask ourselves in the old structure what was the proportion of minority low skill, low wage employment in those sectors to start with. Not very high. So that when we restructure a highly competitive new set of industries with the excess labor pool we have now in the high wage, high educated group, the probability of creating a sufficient number of excess jobs to absorb again this low skilled, low wage pool is really not very promising. So while we may focus on this sort of restructuring and new opportunity, the likelihood that it is going to significantly improve the plight of inner-city dwellers should be reexamined quite closely.

There is also the issue of challenging the assumption that we can grow jobs commensurate with the growth of labor. I am not sure that we

can in a competitive global economy. Indeed, I think Los Angeles is a striking example of a first world city becoming a third world city, where one of the similar characteristics is that we have an expanding labor pool which we cannot absorb in the workplace. What many third world countries do to try to accommodate this is focus on something called the informal economy. That is, they try to support the ability of street vendors, support the ability of lending circles, support the ability of people to have a dignified way of participating in exchange in order to survive. In this city we do the opposite. We penalize street vendors. We make it impossible for small businesses to operate two and three out of a shop. We do code enforcement. We do a lot of things to prohibit the survivability of an informal economy, which is rapidly growing.

I think from a policy perspective we need to examine the legitimacy of that in our major urban cities, particularly Los Angeles, so that, in summary, in terms of policy intervention, one, simply relying on big business to grow jobs is probably not a reality if we want to impact inner-city dwellers; two, a major focus on restructuring as a potential new job creation to do that is likely not to occur; three, if we invested more in growing existing small businesses currently located in inner-city areas, of which there are a number, but which studies that we have conducted show many of them who have been there 25 years or longer, employ 50 or so employees, do not participate in a credit economy. They do not have lines of credit at major financial institutions.

If, indeed, we could grow 50 percent of those by 100 percent, we have a significant impact on the inner-city and the inner city employment. For example, if RLA, instead of attempting to create new lending pools and new mechanisms of acquiring and accumulating capital, had invested that same energy in growing the existing minority financial institutions, I think you would have seen an immediate effect in the loan distribution, employment, and sort of capital distribution in a way that it is needed and in a way that we have not yet seen it.

And I guess, finally, I would say that the new strategy must begin to ask ourselves, much like Allen has talked about, what is the role of the public sector in concert with the private sector to form the kind of partnerships that will assure

that the benefits of public policy in fact are directed in large part to those most in need, as opposed to the greater benefits of public policy perhaps going to those least in need.

DR. ZALOKAR. Thank you. I would like to turn the questioning over to the Commissioners.

VICE CHAIRPERSON WANG. I will just in the interest of time ask three questions, and I hope you will care to comment. My first question is related to Mr. Ueberroth's comment, in particular, that we have no urban policy and we need Washington to pass legislation to come up with urban policy. I would like you to comment upon that, one. Secondly, he talked about incentives, do we need incentives to the private sector to not only set up manufacturing, provide jobs in this, as his answer to the long term unemployed. And then a third question, I would like you to comment about Rebuild LA, your general understanding about whether so far from your assessment that it has been successful or not successful and why. Start with Professor Scott.

PROF. SCOTT. I will try and answer the three questions all in one brief answer. I think the—certainly from the evidence I have heard this afternoon—I have been in the audience for the last 2 hours listening to what has been going on—there are a lot of useful and important efforts going on to try to turn around the economic situation in South Central and in other poverty areas of southern California. And I support and applaud all of those efforts.

The thing I haven't heard and the thing that strikes me, nevertheless, as being perhaps the most important issue that we have to deal with concerns the fundamental strategy of economic development and the role that public agencies can play in this. What I am trying to say is this. It is not enough to have a sort of shotgun approach. It is not enough to jawbone investors to come in, to locate a grocery store here, a movie theater there, a recycling plant there. That's all very well and good. And that adds definitely, and is something to be supported. But what you want is an economic development process which ensures that you have those investments not just next year, not just 3 years from now, but 10 years from now with an increment.

In other words, you need to set in motion a process of development such that there is an endogenous, an internal, process of entrepreneurial activity and growth and creation in the emasculated

markets. And I think you get that by being highly selective and highly focused in how you approach the problem of economic development. In particular you have to pay attention to the fact that successful urban industries come in clusters. They don't come in just individual disparate unique firms. They come in systems of firms which have all sorts of synergies with one another, like in the clothing industry, for example.

The clothing industry is an industry which is highly organized into sets of manufacturers and subcontractors, service suppliers, and other many, many different facets to the industry, all of which create what economists would call positive externalities and, if you like in another language, positive synergies, developmental synergies. And you need to pay very careful attention to that because those structures of manufacturing activities become foci of growth and development and of entrepreneurial activity and they create structures of opportunities, both commercially and entrepreneurial which are important to the whole development process.

So the point that I would add to the question you asked about incentives, what can government do and has Rebuild LA been successful or not, is that this issue of building and focusing on clusters, cluster industries as foci for economic development, becomes very, very important. It is not enough to put in incentives, simply incentives, or, let's say, an enterprise zone. What you have to do is pay attention to the whole way in which the industrial manufacturing system is structured and its developmental dynamics. Some of the things that can be done—and I think CALSTART, for example, is a very important object lesson in getting a particular industry going, in beginning the task of creating those kinds of synergies by building networks of producers who interface with one another and interact with one another and have all sorts of very important technological interrelationships to one another. And of course, CALSTART is a product of Federal policy. It came into existence in response to the amendment to the 1991 Transportation Act making money available for these kinds of consortia. So one area, for example, would be focusing on developmental consortia for inner-city areas that would promote the cluster industry idea.

VICE CHAIRPERSON WANG. Thank you.

PROF. PASTOR. Well, let me briefly comment on those. I think Ueberroth is right in saying that we lack a national urban policy agenda. And I think the politics of that are very difficult, given who votes. And increasingly the vote is moving towards suburban areas, and the suburban areas are forgetting their reliance on the urban cores. The urban cores are increasingly populated by people of color, and that is an issue of race in the way that people vote and care about public policy.

There isn't a lot of public pressure to really have a national urban strategy, but it is absolutely essential to the health of this country. What is essential is that we reconceive it so that it is not a single responsibility, for example, of a Department of Housing and Urban Development, because, in fact, the number of interventions that need to go on are going to require action in Education, in Health, and in the Labor Department. You may notice that the recommendations that I made with regard to addressing Latino poverty essentially would be things that would be coming out of the Labor Department and the Commerce Department, and not out of Urban Development. In other words, I really think there is a need for a multi-agency strategy and a political commitment. And whatever part you can be of generating that is important.

With regard to incentives I think there ought to be two types. It seems to me that businesses do need incentives to locate. But it is not really relief from regulation. What it is really is help with getting through the regulations. One of concepts that has been floating during the last electoral campaign for mayor here, which I think will get implemented and would have gotten implemented under Michael Woo as well, is a notion of one-stop permit processing, so that development projects basically get a development officer assigned to them which helps them run the gauntlet of regulations. We need clean air in Los Angeles. We need protection of our workers in terms of occupational safety and health. We cannot afford to relax any of the standards that we, in fact, do have. But we needn't create so many complex hurdles, so many different agencies, that a business owner has to go through that it is impossible to develop.

I am intrigued in terms of incentives as well by one thing that President Clinton has proposed, and that is a notion of empowerment

zones in which you don't really rely on tax breaks to get businesses to locate, which has been shown to be fairly unsuccessful, but you really rely on organizing community groups to engage in community policing, to have neighborhood organizations and neighborhood planning. And I think we need to more broadly conceive what we mean by an enterprise zone. What will attract business is not a lack of taxes. But what will attract business is a safe community, neighborhood support, and a skills base.

Let me make one comment about Rebuild LA. And it really takes off from a—I got my letter about testifying here, and it said that one of the things I might be asked finally since an earlier witness is likely to testify about the need to a return to a fixed-value dollar such as in the gold standard you may be asked for testimony on that subject. I think that was a little scary. Part of the reason is that—I don't know if anybody came up and actually said that. But that's like if we did this one thing, everything would be okay. If we just fixed the value of the dollar it would be okay. Rebuild LA has been asked to do too much. And everybody thought this was the one thing that would save Los Angeles. They have been asked to do too much. The one thing that Rebuild LA can do, in fact, is to bring in some corporate investment into the distressed areas. In fact, there is a lot of other issues which have to go forward in terms of community development, community participation, nonprofit corporations, and that sort of thing.

In fact, what Rebuild LA, since it has a corporate base, should be asked to do is to challenge itself, not just with regard to putting in a new Vons, but with regard to getting the banking industry in this city to change its practices which effectively redline against minority neighborhoods, to get the corporations that are located in downtown Los Angeles to give up their union-busting tactics which have created poverty in the City of Los Angeles, to really look at these issues and challenge themselves and recognize that actions that they take that, in fact, deny economic development opportunities to small business, to minority communities, to minority workers, are in fact detrimental to the business health of this city. That's really the kind of leadership that I would have liked to see from Peter Ueberroth is to have him really turn around and challenge the Bank of America and Security Pa-

cific—now they are all one bank—to really open up the credit gates to minority entrepreneurs.

VICE CHAIRPERSON WANG. Thank you.

PROF. GRIGSBY. I would certainly agree that we don't have a national urban policy, but I am not sure that we should have a national urban policy. What we should have is leadership that says that cities in America are very important and that we should say the Federal Government's commitment is to cities, or to healthy vital cities, and ask ourselves how we get there. I think a part of that focus would be understanding the regional differences within this country within the context of a national government.

I don't believe we can ever return to the national policy concept that we did in the days on the war on poverty because we have major regional differences. Once we understand that we have these major regional differences, then we can ourselves what role might the Federal Government play and how might that link to incentives. Again as a part of national government, we might ask ourselves what would happen if we had a state of the city or a state of the regions report annually or biannually in order to understand from whence we have come and where we are going and whether—you know, whether we know whether we are making a difference or not. We don't have such an annual report at the moment.

If we were focusing on regional concepts, when we start to look at the Los Angeles metropolitan area, you need to keep in mind that there are 89 incorporated cities in Los Angeles County. That makes for a very interesting constellation relative to decisionmaking. But there is some consonance, it seems to me—Manuel was absolutely correct—about the relationship between so-called suburban cities and urban rings and the motion that they have no responsibility.

I think if you will look at a major piece of the employment sector, it is in downtown Los Angeles. If you look at how people get there, it is on freeways. If you look at where they go to recreate, it is at the Coliseum and Sports Arena. If you look at where they go to get culture, it is at MOCA, it is at LA County Art Museum. Suburbanites—excuse the expression—pimp off the inner city without having to pay the piper. So when we start to look at these regional arrangements and ask ourselves about infrastructure investment, we must ask what could we do from a Federal level to force a little more coop-

eration about fair housing, about unemployment rates, about equity in the distribution of goods and services, tied to financing of regional infrastructure, such as rapid rail systems, such as sewer treatment plants, such as new highways. There is where I think the Federal Government can provide some leverage and provide some incentive and maybe get some interjurisdictional cooperation to link what, in fact, is sort of a laissez faire relationship between competing jurisdictions where, in a sense, the minorities or inner-city residents pay a disproportional share of price for others to benefits.

When we talk about Rebuild LA, I certainly agree with what Manuel said, there has been too much expectation placed upon what it is they could do. I think a symbolic gesture was very important to get a commitment of corporate America to inner cities. But I think they dropped the ball in a number of areas, one of which is not understanding how an urban area works and being able to capitalize on investment that has already been made.

For example, \$183 billion is supposed to be invested in a regional rail network in the Los Angeles metropolitan area. Prior to the civil unrest, there wasn't even consideration of a rail system in the heart of South Central Los Angeles. Now they are trying to think about how to do that, although as of action taken this morning they have now taken all the funding out of any potential line down the Crenshaw corridor. However, the Blue Line between central Los Angeles and Long Beach is operational. RLA never conceived of a strategy that would link changes in land use policy densification and incentives for employment concentration adjacent to the Blue Line for which infrastructure has already been developed, for which you could capitalize on public investment and expenditure as a part of the contribution. It is linking relationships in a coordinated fashion in urban areas that is sorely missing in public policy.

VICE CHAIRPERSON WANG. Thank you very much. The floor is open, Commissioners.

COMMISSIONER REYNOSO. Well, maybe the last remark is what Professor Scott had in mind. Professor Scott, you indicated that there was a need for local planning, and you mentioned the efforts by Mr. Gage in sort of a private local planning. And I wanted you to explore a little bit further if you agree with the others, if you agree

there ought to be more local planning to how that might take shape or what would be the ingredients. It seems to me—I may be wrong—that if, for example, a local planning group or organization, including employers, agreed with Professor Pastor that one of the things that is needed is higher minimum wage, that that would be very influential in Washington because we have of course many, many folks who argue exactly the opposite. So my question is, How does the local planning happen, and how do the local planners influence public policy? If it happens.

PROF. SCOTT. Well, that's a very difficult question. Let me try to begin to get into it by indicating that I heard the other day that the Southern California Association of Governments is now pushing the idea of a regional economic council. And it seems to me that that is an idea whose time has come, particularly in a region like southern California which has very distinctive kinds of economic structures and very distinctive kinds of economic problems, particularly today at this moment of economic and social crisis in southern California. I think that something like a regional economic council which brought together the main constituencies in the region—employers, local government, the banks, labor, and community groups—to talk about the process of local economic development and hammer out agreements about the best way to go, to try to coordinate and to strategize around the future of the region, would be a very important first step, it seems to me, in this process of local planning and of this region, taking consciousness of, yes, economic identity and its economic problems and trying to do something creative and significant about them.

This idea of regional economic councils, by the way, is by no means a new one. It has worked very well in Germany, where this form of organization has been particularly successful in producing viable local economic development programs. In particular where you have forms of organization and you have lots of subcommittees, for example, industry subcommittees, that deal with particular industries and then filter the information back up to the regional council. And where you have that form of coordinated activity in which all participants play a role and have a political voice, I think that that would be an extremely important first step in the kind of local planning and the kind of action which I

think needs to be brought to bear on this region if we are to solve over the long term the economic problems we face and to recover the competitiveness of the region in global markets.

PROF. PASTOR. Well, briefly, planning is meant to overcome what are called collective action problems, which is, for example, the three of us sitting might not decide individually to invest, but if we knew that the others would invest, we would invest because there would be a kind of synergism that Professor Scott is talking about. Solving collective action problems through planning isn't something that is done just through the State, although the government can play an important role, bringing businesses together, bringing community residents together, community organizations, to try to figure out the community will do this, business will do that. These are the kinds of things I think that can move us forward. And it certainly needs to happen at a regional level because the southern California economy is a single regional economy, very interconnected.

One concern, though—and I would restate something that Professor Grigsby talked about—is that much of the discussion about regional development is disconnected from the discussion about community development in poor neighborhoods. We are all very concerned right now about reviving the aerospace industry. But if we do and take advantage of those workers' skills, it is not clear that it will be helping much minority communities or having the benefits of that trickle down to low-income communities in the inner city. We really need to have a serious discussion of how to link together some sort of regional strategy with the whole question of community development. We know what will work for community development: local neighborhood planning, credit to small entrepreneurs, improvement in conditions for workers. These sorts of things work at a local level, and we can connect that set of policies, that we are finally beginning to realize work, with a regional planning.

PROF. GRIGSBY. I am not sure I can add much more, other than to say that I think one of the cornerstones of any sort of regional planning is a question of financing. And that unless we understand how to develop a better way of financing local services through some form of a regional mechanism, as opposed to point of sale tax or property-based tax, then we are going to con-

tinue to have a major problem and that if nothing else, examining alternative financing mechanisms at the regional level may be one of the most effective ways to indeed address some of the big issues. An underpinning of that, obviously, is infrastructure and the relationship now between regional redistribution of monies and how to pay for that infrastructure. But equally important is who benefits from the infrastructure investment.

COMMISSIONER REYNOSO. Thank you very much. Further questions from the Commission?

COMMISSIONER GEORGE. I have a question for the group. I was intrigued by Professor Pastor's little whimsy about the three of you going into business together. If that happened, obviously it would be a coalition of different ethnic groups. We are going to hear testimony tomorrow, I understand, from someone who thinks that that is an important thing for Los Angeles, given the diversity of the city, the remarkable diversity of the city. Do you think—each of you, do you think that that is an important and worthwhile thing to stimulate, business ventures that are jointly owned by people from different ethnic groups, and if so do you have any ideas about how to create incentives to stimulate that kind of development?

PROF. PASTOR. Well, let me just say that I guess it is a little bit more than whimsy since Gene and I have actually worked together on some projects. And one of the projects—this is not—

COMMISSIONER REYNOSO. For money?

PROF. PASTOR. For money, yes. And then we have also done stuff not for money. Isn't that true, Gene?

PROF. GRIGSBY. That's true.

PROF. PASTOR. Some work that we have done with nonprofit community organizations. And actually one of the projects that Gene and I and a number of others did was to bring together a coalition of African American, Latino, Asian, Pacific American urban planners and community leaders over the last 4 years to be talking about economic policy in the region, not that many people have started businesses together. It seems to me that that is a very useful idea and that some of this has to be done a bit through jawboning, a bit through bringing people together. I am not sure what the State or government incentives could be for something like that. But people who work together—

COMMISSIONER GEORGE. Well, I wasn't talking necessarily about State. Any incentives that you can think of, any moves. They could be private.

PROF. GRIGSBY. I can give you three very concrete specific examples. Number one, I think the approach and the philosophy and the ideology is the right direction. And it is going to happen anyway, just given the nature of the population groups that exist at least in southern California. But let's be farfetched for a moment and say that Vons didn't invest in 10 new stores in South Central Los Angeles. By the way, my take on that is that if they carry that plan out as proposed, that will be a net economic disincentive for South Central Los Angeles. And the reason primarily is, take one example of one Vons store, 160 employees, 2 managers, both of the managers probably will not live in South Central. Those are the highest paid wage employees. The other 158 for the most part will be clerks and/or stock people, part time, no benefits, minimum benefits, even if unionized. Assume that generates a million dollar a year payroll and 80 percent of that goes to South Central Los Angeles. Boy, is that a great economic benefit. But to generate a million dollar payroll, you have got to have \$5 million worth of gross. That means over 4 million bucks leaves South Central Los Angeles, for each of those 10 stores, to go to Vons Corporation. Lousy economic development deal for South Central Los Angeles.

What's the alternative? What if Vons didn't invest in those 10 stores, but in fact took a look at 50 Korean stores that were burned down, set up a mechanism to expand 50 5,000 square foot stores to 50 25,000 square foot stores and created equity participation on the part of neighborhood groups? Vons supplies those stores on the same discount basis as they would supply the 10 stores. Vons has no new employees, no capital investment, and works out a goodwill deal and provides greater economic benefit to South Central Los Angeles. That's one potential example of a multiethnic partnership.

I'll give you a second example. I have helped to form a community-based for-profit development corporation, capitalizing on the \$100,000,000 of public investment in Exposition Park, called the Exposition Park Community Development Corporation. The idea is to be a holding company capitalized by local community people who live within a 2½ mile radius of the park. A resident or business owner pays 1,000

bucks for equity interest. We have four operating clients—a landscape maintenance company, a security company, an events management, and a parking management company—all predicated on continued public investment in the park and our ability to leverage those with other business opportunities around the park. So we are using public investment to benefit the community directly through capital formation, as opposed to job creation, which is what capitalism really is all about. It is a multiethnic community, multiethnic participation in a capitalist venture.

The third example you have already heard about today, CWED. That's a multiethnic deal that involves very low wage individuals to participate increasing in the capital economy. Those kinds of examples will occur more and more.

COMMISSIONER GEORGE. Thank you.

COMMISSIONER REYNOSO. Commissioner Anderson?

COMMISSIONER ANDERSON. Well, I really didn't have a question. But just your last answer makes me wonder. Why is Vons a good deal, then, for the suburbs? Or is it generally not a good deal at all for anybody?

PROF. GRIGSBY. It is a good deal for the equity of the owners. What it provides for South Central Los Angeles is potentially better access to good services, but that's not economic development. That's a service delivery strategy. Similarly with not-for-profit community-based organizations—it is a great service delivery strategy, not capital accumulation for the benefit of individuals, which is what capitalism is all about.

COMMISSIONER ANDERSON. Okay.

COMMISSIONER GEORGE. Well, is that true for the suburbs, too?

PROF. GRIGSBY. Yes.

COMMISSIONER GEORGE. So it is not an especially bad deal for the inner cities. It is bad whether it is in the suburbs or the inner cities except as a service delivery strategy?

PROF. GRIGSBY. With perhaps one mitigating issue here, more suburbanites often have the opportunity to be equity participants in either the shopping mall or the package deal through investment strategies than would inner-city people.

COMMISSIONER ANDERSON. Well, let me just pursue another minute. Vons is doing what it does—correct?—and it does it in the suburbs, and now it wants to do it in the inner city. Now, we don't tell Vons in the suburbs that you are

not really doing anything for us, so it is not a benefit for you to be here?

PROF. GRIGSBY. No. We say what you are doing in the inner city is not economic development strategy. It is a service delivery.

COMMISSIONER GEORGE. Well, what you are doing—wherever you are doing it is service delivery.

PROF. GRIGSBY. Right. Not economic development, particularly for the inner city—

COMMISSIONER ANDERSON. But that's the nature of what they do; isn't it?

PROF. GRIGSBY. No quibble that that is the nature. Just don't pass it off as an economic development strategy. When they have done building their 10 stores, don't say we have made a tremendous economic development contribution to South Central Los Angeles.

CHAIRPERSON FLETCHER. I am curious to know about the prospect for capital formation in the inner city. Can you talk a little bit—I am assuming that if we really want to get the economic development going in what I call third world neighborhoods, that some of the start-up seed money has to come from those particular neighborhoods as it pertains to this money—could you talk about capital formation in certain third world neighborhoods?

PROF. GRIGSBY. Sure. I will give you two examples. We are working with a coalition of church groups now.

CHAIRPERSON FLETCHER. I was hoping you would start there.

PROF. GRIGSBY. I won't name the groups or indicate which ones. But I can tell you that they are doing approximately \$100,000 a week gross of cash flow for which they are not paying meaningful investment strategies for that capitalization. Some of them have coalesced and have decided tactically that they want to buy the entire block surrounding as a land banking strategy. And it is a strategy to prevent encroachment in terms of their neighborhoods and enhance quality of life. That's one example of capital formulation. And the example of the Exposition Park group that I talked about—

CHAIRPERSON FLETCHER. Is the centerpiece of that the land banking?

PROF. GRIGSBY. Yes.

CHAIRPERSON FLETCHER. Okay. Go ahead.

PROF. GRIGSBY. The second one that I talked about, the Exposition Park Community Devel-

opment Corporation, if our prospectives are anywhere correct, given the market area, at 1,000 bucks per household we can capitalize that at about \$25 million. And we have developed a loan program to allow people to pay over a 3-year time period, and we will lend you the money at a low interest rate in order for you to play in this capital game.

CHAIRPERSON FLETCHER. Let me ask you another one. When I look at the merger agreements—I am talking about community reinvestment right now—as I look at the merger agreements that have been passed off as legitimate community reinvestment instruments, I noticed the dollar volumes that are supposed to be set aside for reinvestment in those neighbors. I have reviewed that, one, commercial banks aren't tickled to death, to say the least, about being a major catalyst for getting the community reinvestment program up and running.

Does it make sense to call on those banks and say to them extend a line of credit, if not their hard cash, extend a line of credit to an economic development trust fund, bank, or whatever you call it, and make that resource available? And then when the businesses become bankable—plus the technical assistance, etc. When the businesses finally become bankable, then move them over to the commercial banking side? But in the meantime, rather than wait on Federal legislation—I have a problem, I am excited by the thought of a community reinvestment bank. But by the time we get the Federal legislation out of there, the enabling legislation, the party will be over, so to speak, and nothing will have happened.

I am curious to know what should be recommended by this Commission with respect to those commitments that have been made? Point, I understand that when Bank of America merged with—what was it, Security Pacific?—that they made what a \$10, \$15 billion commitment to economic development in depressed neighborhoods. There is a great sense that suggests that those dollars be put into a trust fund so that they can be used immediately, as opposed to waiting until these depressed neighborhood entrepreneurs raise themselves to the level that they qualify for those loans.

PROF. PASTOR. Well, that idea might make sense. I think that one of the problems with community reinvestment is that it is predicated on banks needing to make loans in the areas

where they take deposits, which means that when they abandoned areas in terms of having banking services, then they also have no responsibility in the Community Reinvestment Act to make loans to those same areas. So what you see in South Central Los Angeles, for example, is a wholesale flight of banking services, and then, of course, banking loans are not available either. So there is a need to address the issue of getting services and loans in areas that are currently undeserved, and the CRA doesn't necessarily address that.

I think that another thing which needs to happen—I mean, obviously the Coalition for Women's Economic Development is in a very special niche. But I think anybody familiar with banking is struck by a 95 percent repay rate on loans. Part of it is that they know how to make those loans. They actually spend a lot of time in the community. They know how to distinguish between loan applicants in terms of who will be good for a loan based on community reputation and character and who will not be good for a loan based on their community reputation and character.

Because the banks are not in the communities, when they begin to say, "We will now lend to minority businesses," they actually don't know how to distinguish between who is good and who is bad. They also have a problem with making microloans, very small loans which are very effective for the community, because each loan has a fixed amount of transaction cost—the more loans you make, the more expensive it gets. That's an economic problem. And I would hope that the banks would take that on. But in terms of the learning curve, you know, as the Coalition for Women's Economic Development learned to make microloans by going to the third world, so too must bank officers at the Bank of America learn how to make microloans in the United States by working with the Coalition for Women's Economic Development. There is a lack of knowledge out there on the part of the banking officers.

I think that one the things that could be very useful is to attach some loan officers to community organizations, to groups like the Coalition for Women's Economic Development, to the South Shore Community Bank, so that they can learn how to make these loans, as well as provide the capital. Because right now they might provide the capital, but right now they don't know how to make the loans. In fact, a lot of the loans that they

will make will go bad because they don't know how to make them. And then they will pronounce the program a giant disaster. And I think we really need to seriously consider the learning curve for the bankers themselves in terms of getting into the distressed areas.

CHAIRPERSON FLETCHER. Okay, I heard that. Let me see if I can—I agree two things will happen. You would say to the banks that you—that you will train your staff to the point that they are good at what you want them to do internally. But in order for a transaction to take place, the folks who are supposed to participate need to understand how to respond to the transaction. That calls for, as far as I am concerned, a different kind of training. And I think we are saying the same thing. Someone has to be involved in training people who live in the neighborhood how to respond to the offer to transact. Is that basically what you are saying?

PROF. PASTOR. I am saying that the learning has to occur on both sides. Both the banks have to learn how to make these kind of loans in distinguishing between applicants, and of course the applicants need to learn how to do the correct business paperwork and apply for the loans and that sort of thing. So, yes, I am agreeing with what you are saying.

PROF. GRIGSBY. And an intermediate step might be to create really a council of small business operators, put them in charge of a lending pool so that you develop the expertise and the capabilities among the group who needs to, in fact, police their own, manage, and learn how to work within really the capital economy.

I mentioned a little bit earlier that there are a number of small businesses in South Central Los Angeles, have been there 25 years or longer, have 50 or more employees, never had a line of credit. These are entrepreneurial enterprises where the people have basically found what I call their level of incompetence. They run good businesses. They are profitable. But they do not know the nuances of a good balance sheet, the nuances of capital financing, of debt financing, of cash flow analysis, of which if they simply had that kind of help and by managing a fairly sizable pool which would be loaned among themselves much like the CWED model, I think the default rate would be extremely low, I think the return would be extremely high. And certainly the benefits would be tremendous.

CHAIRPERSON FLETCHER. Very good. All right. Thank you very much.

COMMISSIONER REYNOSO. Professor Scott, Professor Pastor, Professor Grigsby, I thank you for joining us and sharing your thoughts with us this afternoon.

Unscheduled Witnesses

MR. GLICK. Mr. Chairman, we are going to go into the open session of our hearing today. And I would like to advise the persons who have signed up to testify that because of the number of people who wish to be heard, we have to have a very strict limitation on the time that each witness can have. We have to be very careful in using our time so that we get the points in that each individual wants to make on the record and yet do not take away time from another individual who also has the right to testify. With that understanding, I would like to call Dorik Perman, Brian Levin, Claude Green, Jorge Silva. Are those individuals here?

CHAIRPERSON FLETCHER. The persons whose names he called please take your seats on the podium.

MR. GLICK. I will call the list again, please. Dorik Perman, Brian Levin, Claude Green, Jorge Silva.

CHAIRPERSON FLETCHER. The persons whose names he called, if you are here please take your seats on the podium.

MR. GLICK. Claude Green is apparently not here. Is Joe Duff here? Eddie Bail? Is Eddie Bail with us? Edmundo Lopez?

CHAIRPERSON FLETCHER. I would like to get all the chairs occupied.

MR. GLICK. Yes. Mr. Negrete?

CHAIRPERSON FLETCHER. Would you stand, please, and raise your right hands.

[Whereupon, the witnesses were sworn.]

MR. GLICK. We will begin with Mr. Dorik Perman.

Testimony of Dorik Perman

MR. PERMAN. First of all, I would like to thank the staff, Mr. Glick, for accommodating us at this late date. I certainly appreciate that. Unfortunately, that's about the only good thing I have to say to this Commission. A brief history so you understand. I am an entertainer and an activist for the handicapped and the disabled. I am Dorik Perman, and they call me the Godfa-

ther of the Disabled. And the reason that I came here to address the Commission is because there are some very, very serious problems that are not being addressed by you people running around the country trying to impress everybody. I looked at your 2-day agenda. Not one disabled leader was invited to this conference, and I will remind everybody we are the largest minority in the country. We outnumber blacks and Jews and Asians. And we are tired of being the chopped liver of our society.

The first issue that I want to address is the California State hate crime laws, specifically State Penal Code 422.6, which prohibits hate crimes and provides for enhanced sentences. Guess who, as usual, is the only minority that is not protected by California's hate crime law? The answer, as usual, the disabled. It is okay in California to do a hate crime against the disabled. And I will remind this Commission that California having such a law that does not include the disabled is a violation of the Americans with Disabilities Act, which provides for nondiscrimination by a State government service. And I am here because this Commission and the Federal Government must compel the State of California to now include the disabled as victims of hate crimes. We have wheelchairs stolen. I have had my handicapped van stolen. As an entertainer, I have come to the nightclub and found people writing on my posters "F***ing retard." Now, I want hate crime protection, and I want this Commission to see to it.

Issue number two. My California monthly benefits, SSI and SSP, which are given to me so that I may live independently and given to other disabled and blind persons so that they may live independently. Well, California's portion of the monthly SSI violates Federal law, violates the Americans with Disabilities Act, because it gives blind persons \$70 a month more than the most severely disabled, more than someone like myself who cannot feed themselves, who cannot hold up a piece of paper to read for themselves, who can't even take themselves to the bathroom. What kind of civil rights is this when we give extra money to one disability in direct violation of Federal law?

Now, I have brought this to the system. And I have brought it to the top. I have brought it to Janet Reno's attention. I have been told by the Department of Justice that it does not appear

that they are supposed to enforce the law. And what I ask of Janet Reno and all of these presumptuous panelists, I want the law enforced as the law is written. Now, I realize that it might not be very popular to take money away from the blind in order to make us equal. But I am certainly not, then, the equal to all the other minorities in this country if I am not even equal to the blind. Now, I am offering to the Commission in this envelope my letter to California Governor Pete Wilson and my letter to Janet Reno demanding that California's portion of my monthly check be equal to the penny with any blind person receiving benefits. And that's something that is going to change.

The last issue that I have to address you people is the one that is closest to my heart. I came here 6 years ago to pursue my dream as a rock and roll entertainer. And I have found that 40 years of rock and roll industry since the beginning of rock and roll, they do not let people born disabled be recording artists. Again, I have been told if I was blind I would have my record deal. And last week the disabled began fighting back. And for the first time in the history of this country last week the EEOC accepted four disabled charges of employment discrimination which I am bringing on behalf of myself and my fellow disabled artists against MCA Records. And those charges are also offered to the Commission.

MR. GLICK. Thank you, Mr. Perman. I believe your time has been exceeded. We will take the material that you have and include it into the record of this hearing. And we appreciate your testimony. I would like to call, then, Mr. Brian Levin.

Testimony of Brian Levin

MR. LEVIN. Thank you for having me tonight. I would just like to say something to the last speaker. I believe California does have coverage in the hate crimes statute here. What I would do for you is, I work and consult with friends of mine on the California Fair Housing Commission and also the LA County District Attorney's office. I will give you my number after this has ceased, and I will make sure that your case gets to their attention. Thank you.

CHAIRPERSON FLETCHER. Thank you very much.

MR. PERMAN. According to the city attorney California does not include the disabled in the

hate crime law. Now, if the city attorney is misinformed on the law—

MR. LEVIN. Thank you. I would like to thank Chairman Fletcher, the Commission, and the staff for affording me the opportunity to make this statement tonight. My name is Brian Levin. I am a visiting scholar at the Stanford University School of Law, where I specialize in bias crime policy implementation and poor counseling. I am also legal affairs director of the Center for the Study of Ethnic and Racial Violence. I have been working with individuals throughout the country, including legislators, the U.S. Attorney General, and the Wisconsin Attorney General, in connection with the United States Supreme Court hate crimes cases which Councilman B. Mitchell decided last Friday.

Unfortunately, the news I have is not very optimistic. Bias-motivated violence has increased significantly during 1992. Out of the 11 representative jurisdictions I surveyed, 6 had record levels, including Los Angeles, of bias crimes, with an average increase of 19 percent. That is approximately six times the rate of increase in violent crime for the first half of 1992. Eight of the 11 jurisdictions also reported increases. I had another three jurisdictions that reported increases, but I did not include them in the study because of differing methodologies.

The National Gay and Lesbian Task Force reported a record number of crimes, in addition to the record number of bias homicides for 1992. Additionally, the Anti-Defamation League had the second highest number of anti-Semitic incidents since the reporting system was implemented about 15 years ago. The FBI's bias crime reported for 1991 counted approximately 4,560 bias crime cases, but only 4.6 percent of law enforcement agencies could identify any case at all in their jurisdiction.

My conservative estimate of the number of cases based on my research with Stanford University suggests that the number has increased at 10 times that figure and probably more, due to the massive degree of underreporting that goes on in this, particularly with the area of immigrants, undocumented individuals, and Asians and gay Americans. But for the nation in general and Los Angeles specifically, numbers tell only part of the story. These numbers will always be small because the amount of underreporting that occurs.

Step one, you need a national victimization survey of bias violence. We have a victimization survey that as of now does not include bias violence. I believe the key here is to examine the causal factors regarding bias violence to determine what the future looks like, rather than looking merely at numbers. Because these numbers are very volatile and change obviously from one year from the next.

Demographics. The LA metropolitan area is a highly segregated area. At the same time there are shifts in populations, resulting in intergroup tensions. It is crucial that we utilize census and school enrollment data that we have so that we may intervene proactively to target communities in transition. As an example of that, we are seeing, for instance, violence that took place against an African American family which moved into a predominantly Latino area. There is also a shift in the service sector economy. In addition, 85 percent of new entrants to the work force, according to the National Institute Against Prejudice and Violence, will be immigrants, minorities, and women. Here in LA, occupational shifts are extensive, especially in light of the aftereffects of the civil disorder last year and the decommissioning of the defense industry.

There is also a persistence of negative stereotyping. The National Opinion Research Center reported in 1990 that 62 percent of white Americans believe blacks are lazier. When we look at the social surveys, what we are finding is although there is an abstract desire to rid discrimination, there is still an alarming rate of negative stereotyping of Asians, of minorities, of the disabled, of Jews. And these stereotypes which exist, which are exacerbated in both the social and political structure, set out certain groups to be legitimate victims of bias violence. That is. Indeed, a problem. These crimes are very detorable. To the extent that people act on stereotypes, if we institute programs we can cause a massive reduction in this. I will be wrapping up just briefly.

MR. GLICK. Very quickly, please,—

MR. LEVIN. Thank you.

MR. GLICK.—Mr. Levin.

MR. LEVIN. Lastly, we have a continuation of violence generally. From 1987 to 1991 the violent crime rate has gone up 24 percent in this country, and that has affected us. Also youth and schools, unfortunately, we are seeing a massive

amount of bias crimes take place in schools. A 1989 LA County survey revealed approximately 1,200 incidents of bias crimes in the schools. That's double the number of reported cases we have in New York, which is—

MR. GLICK. Mr. Levin, if you have a document, could—

MR. LEVIN. Sure.

MR. GLICK.—you give us that. Your—

MR. LEVIN. Okay.

MR. GLICK.—time has been exceeded.

MR. LEVIN. Okay. Thank you very much. I would like to enter into the record a document which I brought with me to—

MR. GLICK. Please give them to the hearing clerks who are sitting on your right. And I would go then to Mr. Negrete.

Testimony of Marcus Negrete

MR. NEGRETE. Thank you. My name is Marcus Negrete. Mr. Lopez, president of Arianza and chairman of LET, Latinos for Equity in Transit, is unavailable to be here. So I am representing Mr. Lopez. Arianza is a statewide organization that advocates for Hispanic and Native Americans in the areas of business, contracting, and employment. LET is a 17-member organization that advocates on behalf of its members in the Los Angeles area. Grantees of Department of Transportation funds such as the MTA, CALTRANS, OCTA—Orange County Transportation Authority—discriminate against ethnic minorities, particularly against Hispanics.

This pattern of discrimination is apparent in three areas: number one, in hiring practices; number two, selection process for projects to be funded; and number three, selection process for professional contracts. Hiring practices of the grantee excludes Hispanics and Native Americans in executive positions, midmanagement positions. The selection process for projects to be funded can be documented in the MTA 30-year plan. The organizations or grantees who do not have community outreach I do not think can understand the needs of its communities in which it is served. Professional contracts—the process favors established firms due to length of time in business and firms' experience. An emerging firm cannot compete with a firm that may have 20 to 50 years more experience. The selection process must focus on the firm's capability and a staff who will perform the work.

Our recommendations are the following. Number one, Latinos must be in executive positions and admitted to high management positions. Two, the MTA [should] adopt the Hispanic Employment Plan that was submitted to them by LET. Three, policy [should] be established that states promotions include criteria of ethnic diversity and consideration for Hispanic employees. Number four, MTA [should] fund transit projects in East LA, particularly the electric trolley bus project. That is to say, that it include Hispanic communities in their plan that meet its transit needs. And number five, the DOT, Department of Transportation, should monitor the grantees and enforce their policies. That is to say, the DOT should perform site audits, recommend corrective action, and enforce the policies if the grantee does not perform.

I would like to thank you for the opportunity to come before the Commission. Mr. Lopez will be submitting a detailed written testimony and other information to back up our concerns and our recommendations.

COMMISSIONER REYNOSO. Thank you. The record, I understand, stays open for 30 days. So if it could be done within that time. Mr. Chairman?

CHAIRPERSON FLETCHER. Fine. I was just going to say the same thing.

COMMISSIONER REYNOSO. Oh, excuse me.

MR. GLICK. Mr. Joe Duff.

Testimony of Joseph Duff

MR. DUFF. Thank you very much. Commissioner, staff, my name is Joseph Duff. I am president of the Los Angeles NAACP and have been president of that organization since 1989. I am an attorney. In my private work, I work as a legal adviser of the Charles R. Drew University of Medicine and Science. I also am pleased to be able to address you today. I probably was more appropriately in the session yesterday. I have little to say about economic development and more to say about the other issues having to deal with the resurgence of racial and ethnic tensions. And that is really our area of expertise. And though I do respect the Chairman's feeling about economics being at the root of these resurgence of problems, I don't have a lot to offer beyond what some of these other experts have said on the issues.

But on the question of resurgence of racial and ethnic tension, which I know has been the

great mandate of this Commission since its inception, and has been the subject of great debate over the last 12 years, I think that the resurgence of racial and ethnic tensions is a predictable result of the attack on civil rights that has manifested itself since 1980 at least in a concentrated form and obviously was a part of the—a central part of the problem in the civil rights revolution. That revolution was never a one-sided battle. It was always a battle against great odds and against great systemic forces that wanted not to have progress.

I believe that in Los Angeles, in particular, and in California we have probably been a paradigm of that battle. Here in Los Angeles I can speak specifically about the battle for school desegregation which was a subject of one of the committee's last investigations in 1966. That battle had just started in 1963 and went all the way through the California Supreme Court to come to a conclusion in 1976 indicating that school desegregation was to take place under a mandate of the court, and going from 1976 just in 4 years to a reversal of equity such that the court announced that a proposition which sought on its face to eliminate school desegregation had set its sights on so-called school busing was found to be unconstitutional. And from that point on, the whole equity consideration of school desegregation which showed the greatest promise for change of the system was abandoned.

Since 1980 the rhetoric of the administration and the rhetoric of the California government and local government, including the city government, has been away from equity and been away from things like school desegregation to the point that they are now even considered, to the point that people who talk about improving housing by way of opening up opportunities for housing, opening up opportunities for schools, demanding metropolitan solutions for school desegregation, are considered passé and out of place.

I think that the uprising that took place last year was a foregone conclusion when you have such types of disasters in public equity that people are not blind; they are not stupid. They see that the great potential rewards for being in the system are yanked away from them. When they win legal battles, the law is changed. When they start to have an ascendancy, the government then simply says, "We are changing the policy and you are no longer a part of the agenda, you

are no longer a part of the priorities; and in fact, the priorities are just the opposite, we are going to move the other way."

I think that it is impossible to keep people bottled up and contained. It is impossible to keep them from looking at the realities of practices such as the redlining practices. And I speak of redlining in two ways: redlining in the way of withdrawal of services from the community that was described earlier in the economic argument with respect to the merchants and the banks, and the other is the red line that places a line around the community to give the community more burden in living in a community such as what we face from the auto or life insurance agent or carrier, where we are paying higher rates. And such is the lack of availability of insurance in the redlined areas where we are having to do more to get the same kind of coverage.

I think that until the society and this Commission again resume that leadership burden of talking about the mantle of protecting and extending civil rights, that specific agenda that talked about equal protection, and its protection as the leading part of the Commission, of the Federal Government civil rights agenda, we won't be able to get it back. On the one hand, we won't have the attention of people and will constantly have things lost in the rhetorical arguments about things like reverse discrimination.

MR. GLICK. Mr. Duff, I believe your time has been exceeded.

MR. DUFF. Thank you.

CHAIRPERSON FLETCHER. May I ask a question of you, please. When is the NAACP national meeting?

MR. DUFF. In July, beginning July the 10th. It is going to be in Indianapolis, Indiana.

CHAIRPERSON FLETCHER. I would some appreciate some direction from the NAACP with reference to their perception of what the Civil Rights Commission's mission is at this particular time so that once that meeting is over there is something in your report that speaks specifically for the NAACP's perception and desire with respect to this Commission going back to its full configuration. We now have six regional offices. We should have 10. And we need to be able to have the impact that you talked about.

MR. DUFF. I recall—I don't recall the Chairman speaking at the convention in the past cou-

ple of years, but I recall there was a resolution relating to that—

CHAIRPERSON FLETCHER. I would like to see a discussion on that in the face of the new—if you recall when I spoke down there Watts hadn't happened, Watts Two hadn't happened yet.

MR. DUFF. Yes.

CHAIRPERSON FLETCHER. I would like to ask the NAACP under its new young leadership to speak to that resolution and get it in to the Commission so we can include it in our report as a result of this meeting.

MR. DUFF. Mr. Chairman, I would be very happy to pass that along and be involved in that process. And we will get back to you.

CHAIRPERSON FLETCHER. Thank you very much.

MR. GLICK. I call Niles Degrate. Robert Guzman. Morris Griffin. Albert Johnson. Do we have Mr. Guzman? And do we have Mr. Degrate?

MR. DEGRATE. Here.

MR. GLICK. Do we have Mr. Johnson? Do we have Morris Griffin?

MR. GRIFFIN. Yes.

MR. GLICK. Do we have Debra Dunn? Is Debra Dunn here?

MS. DUNN. Right here.

MR. GLICK. Could we give the panel the oath.

CHAIRPERSON FLETCHER. Let me swear them. [Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you very much. Proceed, Mr. Counsel.

MR. GLICK. Mr. Degrate, would you go first, please.

Testimony of Niles Degrate

MR. DEGRATE. My name is Niles Degrate, Juris Doctor degree, and I have worked in the aerospace industry for approximately 10 years as a senior contract administrator. An issue that I would like to address very specifically—and I know that we have a brief time—is the issue of the civil rights concept of quotas. It is a complete misnomer. What has happened is that there is an abundance, a malicious abundance, of discrimination in the aerospace industry. When you apply the concept of quotas as the employers' concept is that—what it has happened is that all of our jobs have come from the inner city, and they have gone to the suburbs. The theory being is that—they are now basing the concept of affirmative action as it did once pertain to a prima facie as a

disparate impact—is that suddenly we are now talking about the percentages and the populations of persons within the community.

If you move the employers to a population where there are no blacks or no minorities, essentially the zero probability concept simply says is that a person or a company no longer has the responsibility of hiring any minorities whatsoever, mainly because based on its population of a zero factor or a small percentage factor. Therefore, what the prima facie case used to be that if there are no minorities, one could establish a prima facie case that there was some degree of discrimination therefore shifting the burden of proof. The concept that we now have—and I think there was a proposal made by one of the legislatures to say that this, in the 1990–91 civil rights bill that this is not a quota bill. That was one of the most devastating proposals ever to the Civil Rights Act because what happened is that it provided all of the employers to escape the consequences of discrimination, intentional discrimination, under the auspices of some de facto neutralization permissibility.

So, therefore, there will never be a very good case of discrimination based on a zero capacity, because all of the companies have purposely circumvented the Civil Rights Act by moving to the suburbs. So you can talk about incentives. You can talk about moralities. You can talk about any number of things. But the plain and simple fact of the matter is that it is no more than unadulterated racism. And it will never end. In fact, it is getting more popular by the moment.

If you turn on your televisions, if you walk downtown, you will see nothing but white men and white women in white suits or dark suits working. If you turn on the TV, you talk about the "Year of the Woman." The Year of the Woman means the Year of the White Woman. Now, I don't understand something. If the white man is prejudiced and the white woman is not free, somebody is not doing their homework. Because now what you had is that you have the concept of superiority. You have the elevation of the white man, which has always been the case, and you have the elevation now of the white woman. So you go back now to the old days now. You walk around the streets. You see black men laying and sleeping down on the streets. And you see the white employers going and getting the immigrants because there is a profit margin

to be gained from that. And they are bypassing our brothers and sisters, which the Civil Rights Act was intended to provide jobs for.

The perception of the Civil Rights Commission is that it is an inept organization—no power, no concern about discrimination whatsoever, and yet this, this whole process is no more than intellectual subterfuge. For example, you have 250 publications here. 250 publications dating back from 10 to 20 years, of publications about civil rights. Well, I will be damned. Don't you know what—do you ever get it?

It is an established fact that racism is alive and well in America. You talk about ethnic cleansing. We have laid the predications now to go—remember Muslims are a darker race of people. And you talking about the darker race of people against the white race of people. There will eventually be in America, and I say soon, a civil war. Because I am not going to stand for discrimination anymore; my brothers and sisters are not going to stand for discrimination anymore. And who is to say anybody is suppose to live better than somebody else? We are—

MR. GLICK. Mr. Degrate, your time is up at this point.

MR. DEGRATE. My pleasure. Thank you.

MR. GLICK. Thank you very much. Mr. Guzman?

Testimony of Robert Guzman

MR. GUZMAN. Good afternoon. I want to thank you for the opportunities to address this Commission on areas concerning the Metropolitan Transportation Authority. That agency is comprised of the past Los Angeles Transportation Commission and the past Southern California Rapid Transit District. My name is Robert Guzman. I am the national president for the Society of Hispanic Professional Engineers, the largest Hispanic engineering society in the United States. We have over 165 chapters nationwide with a strong presence here in Los Angeles. We are also a partner of a certified minority-owned company with the MTA specializing in office automation training.

I have been involved in community organizations for 18 years. I am currently on the advisory committee to Governor Pete Wilson for the State of California. I most recently sat on two agencies in the State of California, Transportation and the Department of General Services. Over the

last year I have been working with the other minority business leaders from the Hispanic and Native American Indian and women-owned business communities. We formed a council. Through the frustrations these communities were having with LACTC, we felt we had to elevate this council to a higher level. During the merger involved [phonetic] the State Senate and Assembly, we were able to have an amendment that created the council for MTA. The bill was signed late last year.

The last 4 or 5 months there has been much tension building up in the Hispanic community about being left out of the transit services. The 30-year plan has now come under attacks by LET, Latinos for Equity in Transit. In the 30-year plan—if you have not seen this, the purple areas that are on consideration for the 30-year plan. If you look at this purple areas are primarily to the east of the—of the Blue Line, is primarily Hispanic districts. And yet this will be something that if they ever find the money after the \$180 billion that are used up, then maybe the East Side will have a transit system.

LET went public and obtained some television and radio coverage. Hispanic legislators in both city, county, State, and Federal Governments have now begun to address inequities of this plan. Because of the attacks by LET, the staff of MTA began to review the 30-year plan. In a recent MTA commission meeting, it was disclosed that the 30-year plan has a shortfall of billions of dollars. So now they have begun to review projects for consideration of funding. In the East LA area there is no current rail plan until after the 30-year plan. The only other project that is currently in preliminary design that enters that area is under fire by staff for termination.

MTA is saying that we are going to need more money to get a project that qualifies for one to nine ratio from the EPA plus it meets AQMD mandates from MTA to reduce the bus emissions by 30 percent is under fire. The 30-year plan is a reflection of its management. Since Hispanics were not at the executive branch of the MTA when the 30-year plan was drawn up and accepted, it is no wonder that it reflects a lack of transit services into heavily populated Hispanic areas. Hispanics from earlier testimony are a key ridership of the public transit.

We have a right to have equal access to public transportation, but under MTA's plan we don't. The old LACTC staff has made two recommendations which have received public backlash. An example is the Sumitomo incident and the Chandler subway standard. MTA is a superfunded agency, which could have an opportunity to provide employment for many that are unemployed. And yet it has yet to adopt and implement to allow access to the transportation industry.

Today if you live in Los Angeles and would like to pursue full time employment with MTA, if you don't have experience in the transportation industry, you won't qualify. Yet, I have been told that if they need experienced transportation engineers, they will look for them in other cities that have built light and heavy rail. My recommendation to this Commission is to have an independent audit of MTA employment statistics and its prime contractors on both the Red Line and the Blue Line. The change of policy of good faith is also unenforceable.

MR. GLICK. Mr. Guzman, your time has expired. If you want to put that document into the record of the hearing, please give it to the clerk sitting—

MR. GUZMAN. Okay. I will also submit the employment statistics that we have also prepared.

MR. GLICK. Fine. Thank you very much. Debra Dunn, please.

Testimony of Debra Dunn

MS. DUNN. Thank you for allowing me to address you today. I am here to talk a little bit about discrimination. And I hope that your Commission will take efforts to help end what so many people are experiencing here in the United States. Next week my daughter will be leaving for an internship in Washington, D.C. She is 19 years old and already she has seen and experienced enough discrimination in the United States to last for a lifetime. She has begun to question her decision about whether she wants to enter into the law profession. She asked me the other day what we Africans in America, as she calls us, have gained in the past 10 years. Before I could respond she says, "I think we have been pushed backwards, Momma."

I am here to tell you my story because I know that something must be done. And I am hoping that efforts will be made. I entered corporate

America in the early 1980s. I worked hard, 40-plus hours, attended college at night, raised a family. After approximately 12 years, one semester before my graduation, I received a midlevel management position. During the competition it was narrowed down to myself and another fellow male employee. I received the title, the position, the responsibilities, the private office. But I did not receive the salary. Now, had the male received this position, he would have with my small raise been making in excess of \$40,000. With my promotion I made less than \$30,000.

Working with budgets and all accounts, I discovered that my secretary, who had been with the company less than 1 year, had an annual income of over \$35,000. Further research revealed that I was the lowest paid employee. I was also the only black employee in this company—in this division, rather. I confronted personnel and let my manager know this, which resulted in my becoming harassed. When I went to the EEO office and asked for help, they told me that they believed my story, they had had reports about this company. But the laws had their hands tied. They couldn't help me.

This was not the first time that I had experienced discrimination with this company. But after my health suffered and I realized that eventually I would hurt myself or I would hurt someone else, I gave up. I resigned. That company, Garrett Aviation, Aerospace, a division of Allied-Signal Corporation, after 12 years of my good records—because, believe you me, otherwise I would not have been promoted to mid-level management—have slandered me and continued to try to discourage employers from hiring me.

I started over and was hired by the Federal Government. I found that discrimination is alive and well in this organization also. I was the only black that was hired for my recent position. I had qualifications and an Office of Personnel Management rating that proved that I should have started at a higher rate, but they ignored this and brought me in at a lower rate. As I said, I was the only black person hired.

When I heard about your hearings here today, I decided that I would come on in just to let you know about the discrimination that we are suffering here in LA and to let you know that this is why you have so much rage within the city also. Not only do we not find jobs, but we

have no place to turn when we have problems. I am not here to ask you to help me because I am a strong black woman. I don't want my grandchildren to come here and find themselves in the position that I found myself in. And I know that if this continues, we will have revolution here in the United States.

MR. GLICK. Mr. Griffin.

Testimony of Morris Griffin

MR. GRIFFIN. Greetings, Mr. Fletcher, members of the Commission, and you the viewing audience. Our city, Los Angeles, California, has gone through more political positions than any other city in the United States. And yet I sit here saying that it is business as usual. As you may or may not know, I am a member of the LA Coalition for Justice and the Police Brutality Committee. And I sit in on a great deal of budget and finance committees here in the City of Los Angeles. And I am seeing that a great deal of police brutality is still occurring and a lot of the officers are getting away with no reprimand.

As you may or may not know, Proposition F was passed by us Los Angelenos. And Proposition F was designed so that we could curtail the behavior of police officers. And yet we still sit here with 350—with 300,000, 50,000, 46,000 of police brutality excessive use of force cases, and yet nothing is done to these officers when we talk about suspension or some type of reprimand that needs to be done to curtail their behavior.

It is important that you understand. And I need you to put it on the record, let the record reflect that I am a supporter and voter of Bill Clinton, Al Gore, Barbara Boxer, and Diane Feinstein. I am also a product of Dr. Martin Luther King. I am also a product of Robert and Bobby Kennedy, as well as Malcolm X. It is important also to mention that police brutality and the judicial system are a serious cause of depression, plus no jobs paying decent salaries simply destroys motivation and home. Sixty-eight people were shot by police; 61 were shot in 1991, 69 in 1990, 68 in 1989, and 61 people were shot in 1988, and 56 in 1987. It is important to mention this because I want you to see that with our new elected mayor, Dick Riordan, we want to let you know that he won on the premise of putting more police officers into the streets. We want to also mention that we have 5,000 to 7,000 more law-breaking citizens coming into our environment this summer. We foresee

that there will be another possible uprising if we don't have you go back to the White House and tell the Congress that we need jobs and we need help here in Los Angeles.

When you look at the United States map, you see Maine as the head. You see Florida and Texas as the feet. You see California as the ass, better known as the buttocks. But I want you to know that we are not last and we are not lost even though we are Los Angeles. We want you to spread the word that we need jobs here in our city. We also want you to understand that we felt cheated when you gave Koreans \$20,000 to \$30,000 to come here to Los Angeles and move into our environment. And we felt cheated when we as black Americans fought in all the world wars for this country and were bypassed in not being given that opportunity first and foremost when we were told in the 1960s to get an education, in the 1970s we were told—in the 1970s it was a thing that we was told that dope was falling into our system that killed the Kennedys as well as Malcolm X. And then in the 1980s we have got the Koreans moving here. And here we are at the 1090s.

So it is important that you send that message. It is important to send the message that we are talking about our civil rights, we are talking about a situation where we as human—we are human beings and that even though we have been on welfare and you have given us incentives to get jobs, that these jobs were \$5 and there is no way that we can survive and live off of \$5 an hour. It is important for you to send the message that there is no way that we can pay for our kids under this same type of thing that this isn't give us any Medi-Cal or Medicare when we were supposedly trying to have some kind of a sense to go to work.

We need you to send that message, Mr. Fletcher. We need you to send that message, members of this Commission. We need you to tell these people back there that these people in California need some financial aid and that if Dick Riordan does—even though Dick Riordan has been elected, where is he going to put these jobs? Is he going to put these jobs in the outskirts, or is he going to put these jobs in the City of Los Angeles? It is very important that we, the people of Los Angeles, send you the message that we need help.

MR. GLICK. Thank you, Mr. Griffin. I would like to call Rodrigo Garcia, Dallas Williamson, Mollie Bell, and Ginn Doose.

CHAIRPERSON FLETCHER. Will you please stand and raise your right hand? I notice there is an empty chair. Could we call another—

MR. GLICK. Esther Lofton.

CHAIRPERSON FLETCHER. Esther Lofton, would you respond.

MS. LOFTON. Right here.

CHAIRPERSON FLETCHER. Thank you. Just a second. Would you each raise your right hand and respond in the affirmative.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you. Counsel, please proceed.

MR. GLICK. Rodrigo Garcia, will you proceed, Mr. Garcia.

Testimony of Rodrigo Garcia

MR. GARCIA. Thank you. Good evening, Commissioners. I would like to speak on two items. One is going to be the media impact on the Latino community. The other one is more on transportation. I wish to express to you that I feel the media industry in general does not develop a positive attitude of all of our citizens, Latino or non-Latino. They do not portray positive images of people and do not develop positive role models for our youth to aspire to become. This is particularly damaging to our Latino youth who have too few role models to emulate and are very much influenced by television and movies.

I wish to recommend to the Federal Communications Commission and Congress and the administration and the media industry that public service announcements be developed which show positive role models saying to the youth, "You can do it, go for it." These announcements should be shown repeatedly during station breaks, at prime time on television and radio, broadcast in English and Spanish. In time we will begin to make a change on our youth and ultimately on our society.

The second subject, dear Commissioners, as citizens of this nation and residents of Los Angeles, we wish to express our concern about inequities which exist here in Los Angeles due to the impact of decisions made by various agencies at local, State, and Federal levels; inequities in the selection of employees and appointments impact contract awards and project selection. The under-

representation of Latinos in executive positions of various agencies has created bureaucracies which are insensitive to Latino and other underrepresented communities. The awarding of contracts and the selection of parties are determined by key personnel. Should these people not be aware of or should they not be sensitive to the community's needs, they will make selections which mirror their open philosophies and attitudes with no regards to Latinos. Considering the hiring of staff and awarding of contracts, these are prime economic issues which impact the surrounding community. Crime, poverty, and educational attainment are impacted by the economic health of the community.

Although Latinos are hard-working and loyal employees, often they are last to be hired and first to be fired. How will they ever make it to executive positions if they are never given the opportunity? Small business is the backbone of any community. Yet, Latino-owned businesses often are ignored by governmental agencies, contracts are often awarded to nonminority business executive personnel. The Latino community needs successful entrepreneurs who can serve as role models and who can contribute to the community by providing jobs and political influence. Without a strong business community, Latinos will remain servants of those who control the purse strings.

Finally, the selection of capital improvement projects is often initiated by executive personnel in these agencies. The location and type of projects have profound impacts on the communities. The location of projects can help economic development in one area over another. These are critical decisions which, again, are decided by executive personnel.

We wish to recommend to the Congress and the administration the following action items, that the regional—that regional minority advisory councils composed of minority business associations and individuals be established at the U.S. Department of Transportation. Only by having direct access will citizens of our respective communities be able to share equitably. Two, that the DEO goals be converted to separate minority and women business enterprises goals and that the Surface Transportation Act goals be increased to 25 percent for MBEs and 10 percent WBEs. This will help promote small business development in the minority communities.

Three, increase employment of Latinos at the Department of Transportation to meet parity at all levels, especially the executive and administration positions. Four, increase employment of Latinos at local, state, and Federal boards and commissions. Five, require that local and State agencies which receive Federal funds meet affirmative action goals at all levels of employment, meet their M/WBE goals and select projects which are equitably distributed to serve the citizens of the surrounding community, hold their funding if they do not meet these minimum requirements.

Six, provide funding of major transportation programs in Los Angeles which invest in infrastructure and serve the ethnic population. Specific project recommendations are the electric trolley bus, which will serve the greatest ridership, most eclectic populations. Phase one will serve 300,000 daily riders, will remove 1,000 tons of emissions annually from the South Coast Air Basin and will provide much-needed construction and manufacturing jobs. This project will be eligible for 1991 Federal funding as a clean air project; (B) extend and accelerate East Side rail projects like the San Gabriel Corridor Route Five extension to Norwalk and develop an east multimodal station; (C) fund an Alameda Corridor project which will allow Los Angeles to keep its competitive edge as a world port serving the Pacific Rim.

Seven, establish and fund in Los Angeles a transportation research and development center to help build a new industry to replace the diminishing defense and aerospace industry. We hope that you have listened to us today and respect us as equal citizens of this nation, ready and actively working to improve the quality of life, not only for Latinos, but for all Americans we need your support. Thank you very much.

MR. GLICK. Thank you, Mr. Garcia.

CHAIRPERSON FLETCHER. I notice that you mentioned the Surface Transportation Act, but you left the Intermodal Transportation Act out. Did you—

MR. GARCIA. You are right. The Intermodal Transportation Act, yes.

CHAIRPERSON FLETCHER. You see, I was listening to you.

MR. GARCIA. Thank you very much.

MR. GLICK. Can we have Esther Lofton, please.

Testimony of Esther Lofton

MS. LOFTON. I, Esther Lofton, herein enter testimony relative to the administration of justice and how such lack thereof contributes greatly to the unrest in the inner-city community and limits its economic viability. It has been published several times that the riots of 1965 and the April 29, 1992, riots were the result of inept inner-city leaders, primarily interested in their own self-interests. This leadership feels no responsibility about making the system work, delegating this responsibility either to the Federal Government, the State government, other ethnics, including an immigrant population, and often even the victims.

As a result of this selfless ineptitude, people living within these jurisdictions are exposed to the full impact of others' decisions of all other peoples and groups without respite. To live in a democratic republic without representation is extremely dangerous, but the only options of life being either of the following: (A) the infliction of pains and penalties upon residents, or two, a silent sentence of death, both of which are prohibited by the Constitution of the United States, article one, section nine, paragraph Three, which is the original civil right. January the 2nd, 1993, was the 130th anniversary of the Emancipation Proclamation. Nevertheless, the institution of slavery still lives and thrives in the inner cities of America.

I am going to describe herein the anatomy of the destruction of inner-city families and families of this social—basic social structure of any society. Along with the description you will see the total capitulation of American institutions within the inner city, institutions primarily of the County of Los Angeles meant to destroy and annihilate one of the poorest, blackest families in this area. This family included a mother, a father, and eight children. To this date not one member of this family unit has a criminal record of any kind. This is all documented in the Superior Court of the State of California for the County of Los Angeles, case number 895188. Yet, the mother and father were convicted of violation of Education Code 12101, failure to send children to school, without the benefits of an attorney, a clear denial of due process and a sidestep of the decision of *Gittelson v. Florida*, which mandated that an attorney must also be competent. At the time of this arrest, the mother

who had put up a \$20 bail, was also clipped of that bail money by a traffic judge who had suspended the sentence for time given. Despite the fact that this was appropriately and specifically presented through petition to the Attorney General of the State of California, this \$20 still has not been refunded.

Enter the Probation Department, the County of Los Angeles. The court referred the above matter to a probation officer, who felt her only option regarding these parents was to place them on the probation, regardless of the fact that the due process laws—due process provisions was not respected. This probation officer issued—or recommended that the bench warrant be issued. But the parents refused to come to court to let her be their representative. She also later reenacted a bench warrant that was rescinded by the judge and tried to have these people arrested on the spot. This arrest was aborted by her supervisor Sam Toll. This family has endured many arrests of their children. Their family has been broken up by the social welfare department. And they have spent—the children have spent several years in jail. Infants have even been put on probation.

I am one of the parents in this family unit. I am the mother. And as you can see, I am still here and I am still surviving. I am still married to my husband, and he also survived. But the tragedy here, the great tragedy here, is that this man is an honorably discharged disabled combat American veteran of a foreign war. He has come back to this country disabled, protected institutions that has provided that neither he nor his posterity the protection for which he fought.

In closing, 895188 still pends, purely for the lack of representation by inner-city people who are fully aware of the impact. And it involves the right to work and the denial by an institution of the American people which sought to deprive each of these parents of the right to work, the most basic civil right in our land and without which you have no other rights.

MR. GLICK. Mrs. Lofton, I am afraid your time has expired.

MS. LOFTON. I have one more paragraph, very short.

MR. GLICK. Very quickly, then.

MS. LOFTON. I would like to just quote this last one. There are cases where an individual has been wrongly treated by his government. And about

the only way—unless the individual results to court that even in some cases the courts are not able to give proper relief—the only avenue open to the individual is through his representation. When you find a bona fide error has been made, I suggest that you make an effort to remedy this. This is the basic responsibility of all representation of all types. And this was published by Morris Udall, who was a United States Senator.

MR. GLICK. Thank you Mrs. Lofton. Mollie Bell, please.

Testimony of Mollie Bell

MS. BELL. I would like to address the U.S. Commission on Civil Rights. My name is Mollie Bell, and I am straight out of Compton. And I came here just to share with you some few things that we believe are discriminatory practices. I was going to speak about the banking, but I just decided while I was here just to say some things on the young men known as the LA Four Plus. On April 29, 1992, Los Angeles got angry, and there was a cosmic spontaneous explosion that rocked the world. And when that happened, a few people chose to find a few people to make to be the scapegoat. They are known as the LA Four Plus. Let me just say a few things about those young men known as the LA Four Plus. One of the LA Four Plus defendants is charged with attempted murder, and he may receive a life sentence for allegedly opening the door to Reginald Denny's truck. Another is charged with assault with a deadly weapon for kicking a motorist with a pair of Converse tennis shoes. One of the defendants is charged with attempted murder, torture, and of mayhem.

But the Rodney King defendants were merely charged with assault. The Reginald Denny defendants have been locked away in chains, releases, and maximum security. But the Rodney King defendants were never jailed. The highest bail for the Reginald Denny defendants is \$580,000. But the highest bail for the Rodney King defendants was \$30,000 for the State trial and it was only \$5,000 for their Federal trial.

And Soon Ja Du's bail was \$250,000 for murdering Latasha Harlins. What happened to use a gun, go to jail? Did you know that the total bail for the Reginald Denny defendants was over \$1 million? But the total bail for the Rodney King defendants was only \$95,000 for the State trial and \$20,000 for the Federal trial. The Reginald

Denny defendants were coerced into waiving their Miranda rights, and they did not have an attorney present when they were vigorously interrogated after the early morning raids the day of their arrest. The Reginald Denny defendants do not have extensive criminal records, as charged by the then-Chief Daryl Gates, the then District Attorney Ira Reiner, and the FBI. Did you know that—this is a just cause. The fifth amendment rights for reasonable bail were violated. Civil rights and human dignity violated. Justice and fairness was ignored.

We, the people, will not be lulled by propaganda while our rights are threatened and violated. We believe that on that day for 3 days the City of Los Angeles had no law. And when there is no law, how do you get lawbreakers? We believe that everything should be given amnesty because we were hurt and we were angry. And we will not accept the tranquilizing drug of gradualism any longer. We want you to know that racism—paraphrasing Martin Luther King, racism is on its deathbed. And it is up to you people as to how much this funeral is going to cost.

MR. GLICK. Thank you, Miss Bell. Ginn Doose, please.

Testimony of Ginn Doose

MS. DOOSE. I would like to thank the panel of the United States Commission on Civil Rights for allowing me to speak today. I have prepared a statement that I am going to read. My name is Ginn Doose. I live in Simi Valley, California. I am not affiliated with any special group. I will merely provide you with my point of view, based on facts and documentation I have in my possession. Civil rights is no longer just a racial issue. Today's civil rights issues are very complex, and they deal with a wide range of violations. I feel our Civil Rights Act was one of the single most important documents ever passed. Nothing is more important to we, the people, than preservation of our civil rights, unless it is administering and enforcing those rights. What is the point of having civil rights from our government, if our government won't enforce them?

During the hearings yesterday somebody pointed out that the government came into being to help the people do what they couldn't do themselves. Our government's job is to administer and enforce the Federal regulations and laws enacted by Congress. The language is there. It is spelled

out in the Federal regulations. We need only to start enforcing them. Under Title 44 C.F.R. chapter one, section 7.1, Federal regulations that govern the Civil Rights Act of 1964 state, "No person shall be deprived or denied benefits of any program that receives Federal assistance from FEMA, Federal Emergency Management Agency." FEMA is noncompliance to administer and enforce their own FEMA program within the FEMA flood plain, which has caused damages to my property and my family home.

I finally had to file a lawsuit against FEMA for the violation of the civil rights and the non-compliance to administer and enforce the Federal regulations. Due to the complexity of the situation, no one I spoke to wanted to take responsibility for what had happened. So the Federal courts delayed my case from going forward into court. Then I filed a waiver of fees. I was told I wasn't indigent enough and that my claim was frivolous even though I was below the poverty level and my handicapped sister was receiving SSI, who was living with me. The point I am getting to is FEMA dropped the ball. It was FEMA's responsibility to administer and enforce development within the FEMA flood plain under Title 44, chapter one, section 59 through 77. By not doing their job, my civil rights were violated, under FEMA's own provisions. My case was deliberately delayed and set aside for 10 months. The final outcome was we were thrown out of our home while under the protection of the RTC, a government agency.

Under the 14th amendment, it states, "Nor shall any State deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." In my particular case it is not just the fact that my family's civil rights were violated, but who violated them? When the United States Government won't administer and enforce the Federal regulations, thus violating these civil rights, who do you turn to?

Let's face it, nobody wants to take on the United States Government. So you are left to represent yourself. This situation regarding my family should never have taken place. When the Federal regulations were not enforced, we had no one to protect us. It is my concern, what if we as a nation don't start taking a stronger part in the voice of our government, we will never have equal rights for all. We will continue to see viola-

tions of the civil rights grow in Los Angeles area and other areas. We have the tool. The language is written within the laws and regulations. We simply need to repeat what part we expect our government to play.

I would like to see a stronger enforcement measure applied to the existing laws. And we need written instructions—excuse me. Written instructions handed out at State and Federal courts that explain where to find needed information for persons that must represent themselves. If pro per litigants understood what actions were to be taken in order to proceed, the pro per litigant wouldn't be considered wasting the court's time. The time—it is time to realize that we are all entitled to be heard in a court of law. How much money a person has should not be the deciding factor in a case, but rather was the law broken.

The way the court system is set up now it is impossible for the poor to have equal justice or protection under the law. To quote the United States Attorney General, Ms. Janet Reno, "Our court should be user friendly." I would ask this panel to take steps to assure all the people with rights to be heard in a court of law. If they can't afford an attorney and justice would be served, then provide one for them. We need to consider the needs of all the people. I strongly suggest that until we address the problems of administering and enforcing the laws we already have, the justice system will never be equal. In closing ask yourself, When did it become acceptable policy for the government to decide who will be allowed civil rights and protection under the law and who won't? Thank you.

MR. GLICK. Thank you, Ms. Doose. I call now Eddie Ball, Arturo Montez, Zeke Hernandez, and Joseph Auciello.

CHAIRPERSON FLETCHER. Please stand and raise your right hand.

[Whereupon, the witnesses were sworn.]

MR. GLICK. I will call Eddie Ball, please.

Testimony of Eddie Ball

MR. BALL. I want to thank you for allowing me, Mr. Chairman and the committee, permission for allowing me to appear for this Commission. I would like to add that I understand the role of this Commission is only to—it is utilized as an advisory board. You collect data, publish a report. Oftentimes your data is utilized. Oftentimes it is

ignored, as we have seen for the last 20 years. And I also realize that for the last 8 years with the Republican administration in office, there was a drive to dismantle this Commission altogether, which once again has no enforcement power, only just an advisory board. So it gives us reflection on where our government is going in that area. But in spite of that, there are people of goodwill, all of us Americans have endeavored to carry forth this mission, to bring civil rights to all its citizens. Unfortunately, one issue has not been addressed in the issue of civil rights. And that is the issue of corruption in the enforcement of civil rights, which the lady just spoke about briefly. We here in southern California have been dealing with that type of corruption in the enforcement of civil rights mainly by the EEOC and the Office of Contract Compliance against the aerospace industry. Why is that so?

Number one, most people may not realize this, but the aerospace industry is an industry which is protected by the government. That is, if I or a group of people file a complaint against the aerospace industry or a lawsuit, they don't care. Why? Because the expense of defending that lawsuit, they can charge it to the contract. That's why they tell us, file as many complaints as you wish to. We have seen that happen over the last 20 years.

In 1987 I appeared before the Education Labor Committee of the House. Prior to that I submitted data showing where the EEOC, after investigating a defense contractor in Los Angeles for a period of roughly 4 years, made a finding that that company had discriminated against blacks, Hispanics, Asians, all forms of discrimination against protected groups. That lawsuit was filed in 1978. Then in 1980, when Mr. Reagan took office—Mr. Reagan, by the way, appointed as a U.S. Attorney General the lawyer from the law firm which represent this particular company and his lawyer also, William French Smith. And guess what happened? That lawsuit was reduced from covering a class of people down to six people. If that wasn't corruption, people, tell me what is.

But along with that—that's the past. We find the same condition exists today. As a result of that I am requesting that the U.S. Civil Rights Commission request that the Senate Committee on Labor and Human Resources and the House Committee on Education Labor investigate the

enforcement of the civil rights laws against the aerospace industry in southern California by the EEOC and the Office of Federal Contract Compliance.

As an example, the EEOC investigated an AIDS bias complaint and found a pattern of discrimination against a major defense contractor—the number one in the nation, by the way—at its St. Louis division. At the same time, there was an open issue of AIDS discrimination against aircraft pilots at this contractor's Long Beach division. Now, my question is, How do you separate AIDS discrimination for a pilot against any other individual? Nevertheless, they did it. The question is, Why did the EEOC investigate the AIDS bias complaint in St. Louis and the Long Beach division and investigate the other civil rights complaint against this contractor? Next question is, How did the Office of Contract Compliance—well, the question is, Did the Office of Contract Compliance put the contractor in compliance in spite of the finding by the EEOC and the pattern of discrimination at St. Louis and the finding at the Long Beach division? And also there was another complaint against this contractor filed at EEOC.

MR. GLICK. Mr. Ball, I am afraid you have got about 10, 15 seconds.

MR. BALL. So I am submitting to you gentlemen, Mr. Fletcher, and in conclusion our complaints against this contractor. We are requesting that you request that the Senate Committee on Labor and Human Resources and the House Committee on Education Labor, the EEOC, and the Office of Federal Contracts Compliance investigate our complaints with the union along with those on file with the EEOC, along with this complaint. Thank you.

MR. GLICK. Thank you, Mr. Ball. Mr. Montez?

Testimony of Arturo Montez

MR. MONTEZ. Good evening. Thank you very much for staying up so late. My background is urban planning. I am with LULAC. I am a State director of urban affairs. I worked on reapportionment. And one of the things that we did find is the growth patterns, and that's what I would like to talk to you about tonight and where the Latino community is because there seems to be not only outside of the community, but even within the community a lot of ignorance due to that.

Primarily, let me give you a little bit of history. Most of us were located here in East LA area, basically around the brickyards and such, and down in Santa Ana around the packing-houses. What we have found is the Latino community has basically still stayed in the East LA area and has grown from Santa Ana up this way. As whites have fled, selling their homes, buying back up into the Chino Hills, Marino, and all those other areas, they have left this infrastructure back on our backs with the bonds and everything else. And now we are faced with it. So now, if you can look at it in a reverse triangle, Latinos right now represent in some of the school districts 60 percent, some of them 90 percent. Also the Latino community, half of it is under 18 years of age. So even under reapportionment we cannot get the voices out to get the voice heard.

What we need from the Civil Rights Commission in the area of Compton, we need the ability to be able to have immigrants to be able to vote in school districts. We cannot get policy set on reading when we cannot get any voice into those programs on gangs and those other issues. Gangs have been around in the Latino community for over 50 years, longer than they have probably been in any other communities of color. And it didn't become a problem until it became a problem in Beverly Hills. When the Uzis showed up there, then it was a problem.

But I would like you to also look at is the infrastructure as these areas have been vacated, we have been left with these bonds. It was nonminority contractors that have come in, and we are facing those long-term, 20-year bonds. Most of them are now going to 20-year and 30-year bonds. Now there is talk about an increase in sales tax. Who are the biggest consumer based people of color? Who spends that money? Us. Who uses it? Somebody else. Who sits on those boards? It is not us. On the airports, there is no Latinos. In the Port Authority, no Latinos. In this area here in the transportation boards, it is elected officials.

What we need is special districts, whether it be a mosquito district, a water district, or any district, that those districts be elected by people under the Voting Rights Act and that they be elected by district. I don't want to see what has happened like has happened in the South, the administration can take your testimony and then use it against me if they want to later. I do

not believe that once you move people in that are elected and then transfer those power bases to some other authority. It should stay with those people that are paying the taxes. That is why people are ticked off. That is why you have seen the rioting. They were able to calm it down in East LA while we saw the rest of the city go up in flames.

I have worked on the projects in this area for almost 10, 15 years. And it was amazing. I had some of my workers tell me, "Art, it took us"—we were down in Alamitos—and they said, "It took us almost 10 blocks to find a doughnut shop." But we saw these areas—and it wasn't the nice yuppie planners that were building these areas up. It was people taking money out of their pocket and taking a risk. They weren't looking for incentives. They were looking for hope and outlook.

It was the amnesty people that moved in and repopulated Compton. It is now 60 percent Latino. It is those people that are going to bring the future to these inner cities. They are not asking for police protection. And they are not asking for police that live in Simi Valley. They are not asking for judges that live in Beverly Hills. We need judges that are elected in those areas. If nothing else happens, gentleman, take it back to this administration. LULAC is going down the legal road like we did in Texas. We are going down the legal road, like we have done in education, for equity and—

MR. GLICK. Mr. Montez, just a couple more seconds, please.

MR. MONTEZ. Okay. What I would like to say is that the recommendations is that performance standards be tied in to all Federal funding, whether it be EPA or—that we be given the same consideration as a dogcatcher and any other secretary, that if he can come down here and protect the species, we, the people of color, should be protected from our own species.

MR. GLICK. Thank you, Mr. Montez.

MR. MONTEZ. Thank you very much. I call Mr. Auciello.

Testimony of Joseph Auciello

MR. AUCIELLO. My name is Joseph Auciello. I live in Simi Valley, but please don't hold that against me. I am here tonight as a professor, industry consultant, and an author. And I hear your concerns, and I feel your concerns deeply. Now, I can give you the logic and the strategy to get

those good jobs, those decent jobs. We are not going to get them just by asking for them. We are going to get those jobs by being prepared for them.

I am going to give you a formula right now. Here comes the test. No, just kidding. What it is, it starts with worker training. Worker training has to be part of every economic system. Our workers are somewhat deprived by the educational system. Worker training has to include skills training in machine shop, blueprint reading, mathematics, English, communication, and especially problem solving, employee empowerment. And this whole gestalt is called total quality management, the big three letters, TQM.

If we have TQM training and the workers are empowered, they create excellent products. Excellent products—guess what?—create their own market share. As market share expands, jobs are created. And people who are employed get raises and promotions. Nobody gives you anything in this world. You have to work for it. Worker training, TQM, extended markets.

Let me tell you a story. My speech tonight is short and hopefully emphatic. Here is the story of two unnamed companies that I have taught at. Company A had little worker training. The workers were robots on an assembly line. I saw alcoholism, absenteeism, the morale was dastardly bad. Productivity was poor. Everything was low in that company except absenteeism, which was very high. The company is closed. It is closed today. Some of my former students are now homeless. Company B needed a contract with a major supplier, was competing with a Pacific Rim company, got training funds, empowered the workers, taught them total quality management, taught them to think, to feel, to act, to be responsible. That company won a contract away from a Pacific Rim company for \$40 million. That company today is alive and vibrant and people are working and I am damned proud of it.

So my point to you is, if you want a stable society, we don't want unrest, we want homes, we want a lawn to mow and a car to wash. What I am telling you, training, market share, job creation, stable society, are all together. And I think that worker training should be emphasized, to make worker training part of every person's work life. Thank you.

MR. BALL. May I respond to his TQMS concept briefly?

MR. GLICK. Very briefly, very briefly, please.

MR. BALL. I disagree with this gentleman. Because I worked under the TQMS program with a major contractor. And in spite of that, discrimination again enters the picture. We were trained, etc. I myself am laid off now. I don't have any seniority. There are six people that I know of, less time than I, less training than I, who are still working. They happen to be Caucasian. So discrimination is a problem, sir.

MR. GLICK. Thank you. I would then call upon Mr. Zeke Hernandez.

Testimony of Zeke Hernandez

MR. Z. HERNANDEZ. Thank you, Mr. Chairman. Members of the Commission, Mr. Director, my name is Zeke Hernandez. I am the State director for LULAC, League of United Latin American Citizens, which was formed in 1929 in Texas. California was formed in 1946. It started as a result of some residents banding together because their children couldn't go to school. Their children couldn't go to school that was nearby around the corner because their children were forced to another school down the ways. And so they formed together and filed a lawsuit. And it was lost at the local level. It was lawsuit that was called eventually *Mendez v. the Boards of Education of Westminster and of Santa Ana*. The members gathered together and formed to file the lawsuit. It was upheld in the Ninth District Court of Appeals, 1947. Young man came back East, came to Santa Ana, did some research, interviewed a number of them, a number of LULAC members, went back—he learned well—and he filed another lawsuit in 1952. This young man later came to be the Honorable—and he was honorable at that time, too—Thurgood Marshall, a member of the U.S. Supreme Court. He filed the lawsuit in 1952 which declared segregation illegal throughout the land, for the 1946 case declared segregation legal in the County of Orange.

So he learned well. But we have learned from Thurgood Marshall. We think of him looking down at us. Bobby, John, and Martin Luther King are looking down at us and looking down at what we are doing in civil rights. I have some real concerns. And I just wanted to state them. But I don't think it should stop here where you go back to Washington, D.C. And you do your report and you might be going to Miami, and you might be going to one or two other cities. And

you will holding a hearing, and you may be listening and spending a majority of your time listening to people.

This is the big difference. I just look a look at this. This is a big difference here. You see that? Scheduled witnesses, you spent a lot of time with these witnesses. Unscheduled witnesses, handwritten. I do give you credit. Because I know we went through the sixties, and I know that some people walked out earlier, probably got tired after a long day. But there have to be some people to come back in. Because these people here, although their testimony has been emotional sometimes and you have not, probably not asked many questions, they are testimony from expert witnesses when we have not given them their due time to express their concerns, how they felt, probably condemned by violations of civil rights in this nation of ours.

Latinos are being ignored by the Civil Rights Commission also. Injustice is being carried out against Latino immigrants, Latino businesses, Latino families, and hopefully it hasn't been blessed, those injustices. But if we go back to Washington, D.C., and don't do anything, there has been some blessing of injustices. It is yet another wedge being pounded into the heart and soul of Latino empowerment by ignoring the testimony of Latinos who can testify firsthand, the ongoing violations of civil rights of Latinos in Los Angeles and in California also.

Civil Rights Commission has proven its inability to network in the Latino community by deemphasizing testimony by Latinos at the scheduled hearings. In fact, there were no Latino organizations and/or Latinos scheduled to speak on the local leadership from civil rights organizations as the Commission convened its hearing yesterday. Yet, other ethnic communities were represented. Not one Latino person was scheduled to speak under community and expert witnesses. Yet, there are many community nonleaders who are experts in police practices and abuses. We can tell you how we felt. We can tell you. And I am sure that you know those, you yourselves, those that stayed late. I know, you know how we feel.

It is hoped that Civil Rights Commission will soon schedule another meeting. If you are not able to, then delegate the State Advisory Committee to hold other meetings in California so that they can take back to you expert testimony.

I hope that you do so. I would like to say more. But I think that it has been a long day for you. I believe that—well, just say—just a few—just a short time ago there was something that happened in Oakland—

MR. GLICK. Just a few seconds, Mr.—

MR. Z. HERNANDEZ. Something happened in Oakland and the fire department responded to it. And they thought it was taken care of. Well, it wasn't taken care of. Because it burst out again. Those are the flames that whipped through Oakland. And let me tell you it is still smoldering. What happened in Los Angeles was not completely taken care of. It is still smoldering. We hope and we pray to God that it is not brothers and sisters against each other, blacks, Latinos, and Asians against each other.

MR. GLICK. Mr. Hernandez—

MR. Z. HERNANDEZ. And we hope it doesn't come to the time when it is we three get together against the whites. But we all should get together to take care of things so that we live in peace and harmony. That's what needs to be done. And if you were to take that message in nonexpert testimony, but—

MR. GLICK. Thank you, Mr. Hernandez.

MR. Z. HERNANDEZ.—but if you are going to take that testimony back, I am sure that you will come out with a report and will come out with some recommendations that we can look up. Thank you very much.

CHAIRPERSON FLETCHER. I am going to throw the ball back to you.

MR. Z. HERNANDEZ. Go ahead.

CHAIRPERSON FLETCHER. I have heard all of this criticism. And I can't resist firing back.

MR. Z. HERNANDEZ. Go right ahead.

CHAIRPERSON FLETCHER. The NAACP did not testify to have our budget increased. LULAC didn't testify to have our budget increased. Not a single civil rights organization that should have been behind us to get our budget increased, our staff enlarged, so we could do the kind of hearing that you have asked for. Not since I have been the Chairman have the national—what is the name of the—Leadership Conference, didn't have a word. They were all thinking that the Civil Rights Commission would go down the drain. It didn't go down the drain. And this year our budget is coming up. And at this moment I know of no civil rights organization that has been here tonight to criticize who has dared to call the Black Caucus

and say support the Civil Rights Commission, dared to call—dared to call the Women's Caucus and say support the Civil Rights Commission's budget. The Hispanic Caucus, support the Civil Rights Commission's budget. Not one.

Now, this thing goes two ways. I am prepared to do all I can possibly do to see to it that what you want to be done is done. But this works two ways. I can guarantee you that the Associated General Contractors works overnight, around the clock, to see to it that our budget doesn't increase. I can assure you that every major organization that doesn't want this Commission to unearth the facts and make something happen are making sure that our budget is not enlarged, our staff is not enlarged, and that we do not have the money to get into the field and do what you want to do. So if you want it done, let's play both ends of the field.

MR. Z. HERNANDEZ. I think somebody said that. This is the first conference in Washington, D.C. Let's extend this honeymoon. And I think we should work in partnership with the Civil Rights Commission in our community. Now we are a community. Let me say this. In November we elected somebody from the South. We elected people from south of the border, people from the deep South, elected somebody from the South to do some things. Not to pound on us, but to be with us. That southerner needs to do something. And we relay that message to you, our president will do what is necessary to do away with violations of civil rights. And Mr. Chairman, I am with you, our community is with you. Let's get together.

Because when I called yesterday and asked to be here, I was told, well, you can't do much, because everything has been taken care of in Washington, D.C. It is too far away. Thank you. I have enjoyed this partnership here with our community, as well as the Asian, as well as other communities that we want to bring together.

CHAIRPERSON FLETCHER. I want Bill Clinton to hear from your organization that you wanted us here. I want the NAACP people to hear that—I want Bill Clinton to hear from them, to know that you wanted us here. And I want you to also say through your mail that when we bring the report in with your recommendations, we want Bill Clinton and we also want the leadership of the House and the Senate to package our recommendations get them through the legislative

process, appropriate the money, hire the staff, get into the field, and get it enforced.

MR. Z. HERNANDEZ. You are a good person. And I will know you get things done.

MR. GLICK. I will call Charles Williams. Is Charles Williams here? Lisa McManagal. Martinez Hernandez. Lisa Hoyes. And Fannie Carol Broun.

CHAIRPERSON FLETCHER. All please stand.

MR. GLICK. Is Fannie Carol Broun here?

CHAIRPERSON FLETCHER. Raise your right hands.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please be seated.

MR. GLICK. Call Charles Williams first, please.

Testimony of Charles Williams

MR. WILLIAMS. I would like to thank most of all Mr. Fletcher for inviting me to testify on behalf of being an employee of the motion picture industry. I am a 23-year member of the motion picture industry. I don't have a prepared statement. But I can just tell you some facts as to the unfairness in which I have been given in that industry and other blacks and 40 years and older have been given.

The union in which we have now don't give us any representation at all. I presently have a lawsuit going against one of the major studios. They have more or less in the last 5 years blackballed me to a degree where my income has dropped from \$50,000 to \$15,000 a year. You would think that the having the amount of time in which I have in that industry, that the longevity would put you in a position to make money. But it has put me in a position to not make money.

I am the first black ever to obtain the title of construction coordinator for the industry. Since I gained that title, my work availability has dropped 50 percent. After filing the lawsuit, it dropped even more. As of today I am making my living by becoming, after getting the knowledge that I got in that 23 years, I became a general contractor. That's the way I am making my living now.

If by chance there is anything that the Commission can do to take the motion picture industry back to the process in which they had which was called the minority labor pool, I would appreciate it and all of the black and over-40 members in the

motion picture industry would appreciate that, too. I have a number of comembers of the union calling me up daily asking me what can they do to improve upon the work availability for them. I can't tell them anything, other than "Go to your union rep." The union rep sells you down the drain because the producers are controlling the union as of 1990, when they had a big process of hiring employees for being on the backlog at Universal Studios. They brought in a lot of outside people in which the union business agent stated that he was able to bring the union out of the red by making a million dollars. If you bring in 500 people at \$3,800 a shot, you are going to raise a million dollars with no problem. But that's not helping the overall membership.

And I would like to see the Commission investigate the union in this situation, and also if by chance it is possible go back to the minority labor pool situation in which they had in the 1970s when I got in the industry. Thank you.

MR. GLICK. Thank you, Mr. Williams. Mr. Martinez? Mr. Hernandez, I am sorry.

Testimony of Martinez Hernandez

MR. M. HERNANDEZ. Everybody does that, it's okay. Martinez Hernandez. My name is Martinez Hernandez. And I am a resident of East Los Angeles. I am also an organizer of a group called the Labor Community Strategy Center. We do work around policy decisions in Los Angeles. And one of the major focuses right now is on the issue of public transportation. In the 1940s, 1950s, and 1960s communities of color were decimated by freeways that serviced a lot of people in the urban areas. Right now here in LA we are having the same similar situation with the MTA, along with funds that are being spent on the rail system as opposed to the bus system out here in Los Angeles, which services mostly lower income people of color in our city.

People of color and poor people in Los Angeles depend on bus service. We just came from a hearing this afternoon at the MTA discussing the budget shortfall that they are having right now. And the first thing that they were talking about was cutting service in the buses. They were trying to find any way to fund a lot of the rail system. But the first thing that came out that they were planning on cutting was bus service. People in—there was a UCLA study about people regarding nutrition in Los Angeles and people in lower in-

come communities have very little access to grocery stores; they have very little access to a lot of things. And that's the first thing that they wanted to cut, one of the first things. People have inadequate transportation access, and unless—the gentleman that was here talking about Vons—they have a Vons every few blocks, very few of these people can have access to grocery stores where they can buy food affordably.

The study also found that as much—a family will spend as much as over \$400 more on groceries than someone who has access to a Vons market or a Ralph's or anything like that. They have no other access to lower priced food. So what we are worried about is the buses are getting very old and there is not enough local service in those particular areas. And also is there any way we can find some subsidies here, too.

And we are asking that the Commission investigate, maybe even try to halt any funding of the MTA, until there is an investigation about the inequity between funding subsidies for the bus service, which is very, very low in service for very low-income communities, and as far as the inequity in subsidies for the rail system, which is very, very high and seem to service more the suburban public, higher income group of people than the other areas. Thank you very much for coming down here. And I am going to be on the phone to Bill Clinton tomorrow.

MR. GLICK. Lisa Hoyes, please.

Testimony of Lisa Hoyes

MS. HOYES. Hi, I am Lisa Hoyes, and I work with Martinez at the Labor Community Strategy Center. I am our transportation organizer. And I want to just follow up on some of the things he said. Over the next 30 years LA County has \$160 billion to spend on transportation. The question is, In whose interest is that money going to be spent? We believe the transit needs in communities who have the highest level of transit use, the lowest level of access to quality mass transit, and the highest levels of transit overcrowding in the country should be the first priority of the agency.

Also, just in terms of addressing the question of transportation policy, we think the bus-centered mass transit system makes sense because for the same amount of resources committed, you can provide so much more necessary access, not only in the communities that need it most, but in all communities. The infrastructure is

there. We have got the buses. We have got the roads built. For every dollar you put into rail, you serve far, far fewer people than you could with a comprehensive mass transit system focusing on buses.

The problem is in terms of clout, political ability to influence decisionmaking, low-income people of color who have zilch or very little transit access now have a harder time influencing MTA because it is hard to make hearings during the day, because, we somehow don't speak as loud as developers with a lot of money, something. But that has to change.

And just to point out in a little more graphic terms how bad this inequity is, the 204 Vermont bus line has a subsidy of about 34 cents per passenger per ride. The Metrolink serving suburban outlying areas, \$58 per passenger per ride. The public sector subsidy per passenger on the Blue Line was over nine times that of the nine bus lines—nine bus lines combined servicing corridors. We can give you more complete figures. But we find this staggering and unacceptable. Also Metro Rail will serve only 1.5 percent of the commuters in this county. And what we are finding now is that just serving the deficit on the rail is eating up all our operating funds.

So in terms of things we ask for that hopefully you can help us with, is ITE, the Intermodal Transportation Efficiency Act, the section 9 funding, I believe it is, for operating costs isn't high enough at all. I had an opportunity to meet Federico Peña. And he said Congress didn't have much of an interest in allocating money for operating costs. And we are saying that somehow they have to find that interest because it is our firm belief that civil rights protections, equal access equal protection is being violated when you see these subsidies. So we are asking to ensure that the MTA be forced somehow to meet performance criteria in transportation. We can do more with buses, provide more service, more access. Make it incumbent on the agency to prove that is best to provide these golden tracks that aren't serving our communities.

Then in my last few seconds, I want to address something Michael Gage said, CALSTART, earlier. He said, you know, we have got a couple of internal projects at Cal State LA. CALSTART has got—\$6 billion?—\$6 million worth of public funds coming from the California and Federal Government out of an \$18 million budget. We

think that communities in South LA that have lost 50,000 manufacturing jobs in the last 20 years have to see more than just a little college intern program at Cal State LA. And when you talk about that, what about high wage, high paying jobs with benefits, what do they give back to the public for the tax dollars they take?

We have a publication that we will submit to you called *Reconstructing Los Angeles from the Bottom Up*. We challenge the Ueberroth economic strategy that invites capital into the communities on their terms, lowering departments and regulations, promising people low paid labor. Ueberroth actually said, quote, that high wage jobs provide dignity. Well, we think they provide—I didn't mean that. Minimum wage jobs provide dignity to the workers. And if it's for things like janitors, it provides poverty to the workers here. We need high wage jobs with benefits.

So we think that like these ideas in Federal enterprise zones that replicate conditions of poverty, we don't want to move in that direction. Like the gentleman from Vons was saying, "Make it easy for us to be here." We are saying, "No, no, you have a social responsibility if you are using our tax dollars to pay your property taxes." These companies are running around seeing who will give them the best deal. We want them to come back with an obligation to pay a decent minimum wage, a raised minimum wage.

And, lastly, if there is any way to put some pressure on the State government—I don't know if this is possible, too—to stop taking our property taxes to provide State services at the State level. We need that money in our local communities. There is some parks that are going to close if Wilson proceeds with his budget plan.

MR. GLICK. Thank you. Pauletta Oliver, please.

Testimony of Pauletta Oliver

MS. OLIVER. Good evening, Mr. Fletcher and the other members of the panel and those in the audience. My name is Pauletta Oliver. And I am the representative spokesperson for the Daryl Harts Justice Committee. Daryl Harts was an African American man who was murdered by the Los Angeles Police Department on April 5, 1993. Daryl Harts was an upcoming Federal witness in an upcoming trial scheduled for August of this year against the LAPD for the racially motivated and savage beating of another

African American man in Van Nuys. Since 1991 when the initial brutality case began, Daryl has been—has received many intimidating and very—made visits by the LAPD department that could be deemed and interpreted as being forms of harassment.

On April 5, 1993, Daryl received the most ultimate form of harassment that could be perpetrated by the police department on the community, and that is murder. Daryl was a recent graduate of Rio Hondo Police Academy. He graduated in the top 10 percent of his class academically. He was also noted best athlete. And he also received the distinction of the second-best marksman, thereby receiving the distinction of a sharpshooter.

Daryl had just arrived at his home on, I think it was, a Monday evening at approximately 7:30. And Daryl's life was taken by officers, white officers. And I think that record needs to reflect that because we have a history in this country of crimes perpetrated by law enforcement. And in many cases—in the Amnesty International report, the Christopher Commission report, and the Webster report all conclusively reported that the white officers in this community and this country have used the law enforcement institution to basically practice forms of genocide and white supremacy against our people and not just African American people, but Latino people.

I would like to read you something from the Amnesty International report that says that, there has been a disturbing number of cases in recent years in which law enforcement officials in LA have resorted to excessive force, sometimes amounting to torture or other cruel, inhuman, or degrading treatment. The use of excessive force has included physical brutality and use of lethal force, including firearms, in violation of international standards. Police dogs also appear to have been used to inflict unwarranted injury on suspects, particularly in black or Latino neighborhoods. Many cases, officers appear to have acted with impunity, such as these officers, officers Bruce Nelson and Brent Richards, and/or have received only minor disciplinary actions. The evidence suggests that racial minorities, especially blacks and Latinos, have been subjected to discriminatory treatment and/or disproportionately the victims of abuse.

In this particular case I would like to focus in again on Daryl Harts. Daryl was denied equal

protection under the Constitution. Daryl was denied due process under the Constitution. Daryl was denied the right to life, liberty, and the pursuit of happiness. The Los Angeles Police Department were coconspirators. It was a methodical and definitely deliberate act of murder, that there is corruption in the enforcement of human rights and civil rights, not only against Daryl, but against Michael J. Brian, I think his name is Oliver Beasley, John Daniels, and several other people that I, unfortunately I don't have this information before me. We are living under a system of apartheid without the formalities.

I grew up in South Central. I matriculated at the institutions in South Central. I have never left this city. And I have witnessed not only my father, but my brothers being brutalized by the police department. I thank God that He has allowed me this opportunity to fight and to stand up on behalf of Daryl Harts. But even when I came here today, Mr. Fletcher, I felt very intimidated. Even today just standing out in the hallway many of these officers—I am not sure if they are marshals or Federal agents—have had us under surveillance. I am not a criminal. I don't have a criminal activity. And I don't appreciate being intimidated. And I don't appreciate African American and people of color being intimidated and harassed for exercising not only civil rights but also our human rights.

I would like this Commission to take a decisive action against not only what happened to Daryl Harts but what happened to Michael J. Brian. If you look—I grew up, and I experienced the Watts rebellion. I experienced the rebellion of April 29, 1992. And in both rebellions the police has been at the core, have been the perpetrators, have precipitated the crimes against the community. And I want it to stop. Because I am tired of my people dying. I am tired of my people dying under the sanction of law. I know that I might be a little naive here. But I do know that this government has been actively involved in violating not only our civil rights, but our human rights. This—our Constitution reflects, has dehumanized the African American, not only Latino but most particularly the African American, when they made us three-fifths of a human being. And that practice and that mentality and that—that—that—

CHAIRPERSON FLETCHER. Perception

MS. OLIVER.—perception has permeated—thank you, sir—has permeated every aspect of human activity in this country.

MR. GLICK. Miss Oliver.

MS. OLIVER. And I think it is unfortunate that—I just need to—I want to close with this. I think it is unfortunate—I just beg your indulgence. I just think it is unfortunate that a man cannot even—Daryl Harts has committed no crime. His only crime was that he was naive in believing that he had human rights in this country, that he could stand up for justice. And he lost his life standing up for righteousness. Thank you.

MR. GLICK. Thank you. Fannie Carol Broun.

Testimony of Fannie Carol Broun

MS. BROUN. Yes, I am Fannie Carol Broun. I would like to address the statement that Mr. Fletcher proposed to the NAACP, the mission of the Civil Rights Commission. I would think and hope that the mission of the Civil Rights Commission would be to make injustice illegal. Injustice is not illegal. You cannot go to court and say, "Because this was something done, an injustice committed, therefore I have a redress."

The laws have been changed so over the past 20 years until the civil rights legislations throughout the country that existed during the 1970s no longer exist here in the 1990. One of the things that I would hope that the Civil Rights Commission could do is to go on computer, to have the civil rights legislations of all of the States of the United States on computer and have some type of legislation wherein any type a civil rights law is changed in any State it must be presented to the Civil Rights Commission before it is passed in whatever the local legislature.

For example, it was illegal for, say, the Los Angeles Unified School District to discriminate in the requirements placed on the various teachers. That was Education Code 44066, was incorporated in the Government Code 12940, which was unlawful discrimination. And the simple violation of that Education Code was evidence of discrimination. In 1984 that is amended, that was removed. So, therefore, now the Los Angeles Unified School District can have two teachers with the same qualifications, one making \$28,000 a year, one making \$100,000 a year. And you can't call it discrimination.

So we need to focus on laws that will make injustice illegal. And I have another example.

Prior to the creation—the laws which created the EEOC Commission and the Fair Housing and Employment Commission, one could go to court. You had a case. You go to court. Now a person cannot go to court without first getting permission. You must go and get permission from the EEOC to go to Federal Court. You must get permission from the State Fair Housing to go to the Superior Court. If they choose not to give you that permission, then you can't go to court. That needs to be changed. The laws say that the EEOC and the Fair Employment/Housing are supposed to do investigations. They choose what cases they will investigate and what cases they will not. And in the communities they will not investigate cases against the rulers of whatever the local communities.

So we must recognize that the changes that have taken place and how in most of the world the people are moving from totalitarian rule toward democracy; in America we are moving from the potential of democracy towards totalitarian rule. And California is supreme—the supreme example of that. We need to take that into consideration regarding the economics, the DPSS, Department of Public Social Service, and SSI.

Those people in those offices utilize the laws arbitrarily because the laws give them that right to make that arbitrary decision. So an Anglo American on SSI, basic SSI, will get \$700 a month. A black American on SSI may get \$400 a month. They will get a notice about them, a notice that is saying, "You are living with somebody and we have decided that your cost of living that is being given to you is \$166 or \$150." And they arbitrarily cut those salaries.

And so we need to look forward to making laws that will make injustice illegal. I would like to refer the Commission to Superior Court Case BS 012717 and BC 037589. Those are personal experiences. Prior to 3 years ago I was a magna cum laude undergraduate at UCLA, conversant and fluent in four languages. And I had come up in the traditional methods where they said be prepared—

MR. GLICK. Miss Broun, I am going to have to ask you finish very quickly.

MS. BROUN. Okay, I shall finish very quickly. Three years ago I was exiled by the authoritarian rulers to the new world order caste that is beneath the underclass. And it is from there that I began to get this perspective of America and

these things. And if you read those cases, you will find out how that was done. And we need to know that these things happen, people are silent, attempted murder is being done, all in the name of the law with the people who are rulers of the law, and this political—

MR. GLICK. Mrs. Broun, if I could ask you just to submit any documents that you have—

MS. BROUN. Yes, I do have documents that I would like to submit.

MR. GLICK. Well, if you could pass those to our clerk, then we will be able to consider them for inclusion in the record. Thank you very much, all of the witnesses.

CHAIRPERSON FLETCHER. Mrs. Broun, is that your name, Mrs. Broun?

MS. BROUN. Yes.

CHAIRPERSON FLETCHER. If I take your statement, which I think I plan to do, how many members in the House of Representatives does Los Angeles have?

MS. BROUN. I don't know how many members.

CHAIRPERSON FLETCHER. Okay, let me do it another way. How many black members does Los Angeles have?

MS. BROUN. I don't know. I know of—

CHAIRPERSON FLETCHER. I beg your pardon?

MS. BROUN. —Maxine Waters.

CHAIRPERSON FLETCHER. Who else? I am making a point. I am making a point. The purpose—you know, the purpose of electing those people to Congress is so they can get on the committees that oversee the agencies that control the budgets that make sure the things you want to happen happen. So let me say it one more time. I am going to take your statement to the black congressional delegation from Los Angeles. For your information there is four of them. And I am going to say, "This is what one of your constituents told me in my committee at an open hearing, and they elected you to do something about that." And I am going to suggest to them, if you put your phone number on it, that they call you—hold on it for a minute—that they call you and find out precisely what you want done.

With reference to the things you spell out, they have more power than we do. All we can do is make sophisticated recommendations. Well, we didn't vote for none of them. But you did. They are supposed to be there representing you. Among other things, I am going to take your statement to your congressional delegation. We

have got 39 of them in there now. It is not the two or three that it used to be when we first we got legislation on the books. We have got 39 of them in there now. We have got 19 Hispanics. 43 women—that's a total of 90-some votes in the House. Let me say that again. That's a total of 90-some votes. Now, if you really want to have an impact, then you better start using the people that you elected to represent you. We make recommendations and do all we can to say, this is what they told us in a fit of rage and everything else. But we didn't elect you. They did.

MS. BROUN. Well, sir, if you could get me an appointment with one of those people—

CHAIRPERSON FLETCHER. But you voted for them. They ought to be glad to hear from you.

MS. BROUN. No, but you must understand that they are put in positions by the rulers of this area whose purpose is to manipulate racism. So I would be very grateful to you if you would get me an appointment with either one of them.

CHAIRPERSON FLETCHER. I am going to do that. I will do my best.

MS. BROUN. Thank you very much.

CHAIRPERSON FLETCHER. You are welcome.

MR. GLICK. Mr. Chairman, that was the last group of witnesses for this evening. So we can recess now at any time.

CHAIRPERSON FLETCHER. The meeting is adjourned.

[Whereupon, at 9:58 p.m., the proceedings were recessed until the following morning.]

Proceedings

June 17, 1993

Policy Directions for Los Angeles—Private Sector Perspectives

CHAIRPERSON FLETCHER. I call this hearing back into session. Would you call the witnesses to the panel, Mr. Glick?

MR. GLICK. I will, Mr. Chairman. Our first witnesses for this morning are Mr. Robert Taylor—he is a principal of McKinsey and Company, management consultants—and Mr. Errol Smith, chairman of the New Vision Business Council of Southern California. Gentlemen, will you come forward, please?

CHAIRPERSON FLETCHER. Since we have made it a practice to start each of these sessions with a prayer, I am going to ask that we stand and pray silently to ourselves and then proceed with the meeting, please.

[Silent prayer.]

CHAIRPERSON FLETCHER. Will you remain standing, my friends, and raise your right hand, please, and respond in the affirmative.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you. Counsel, please proceed.

Testimony of Robert D. Taylor, Principal, McKinsey and Company, Inc.

MR. GLICK. Thank you, Mr. Chairman. I would like to start with Mr. Taylor. Mr. Taylor, I know that you have been involved in economic planning and advising RLA with respect to the central city. Yesterday we heard testimony from two academicians, both well respected and both from UCLA, and they had different concepts of what was needed for redevelopment, regrowth, and rebuilding in the central city of Los Angeles.

One's concept was that there needed to be a large economic unit located first that would be the sun around which the planets or the small businesses would develop. They would accrete into an economically viable central job-creating circumstance. And the other gentleman's views were that what was needed was to promote local small businesses of both the retail and service variety but small industrial operations, and that was the way to create a viable economy. I would be very interested in hearing your view on those two dif-

ferent prospects and whatever your own views would be on what the best approach would be.

MR. TAYLOR. Let me begin by saying first it is an honor to have an opportunity to testify before the Commission on economic development. I think the insights that can be drawn from the perspective of the Civil Rights Commission will be an important contribution to our collective understanding of what is required. With that in mind, let me explain the basis for my comments this morning.

General Counsel Glick has explained that we as a firm, McKinsey and Company, have been assisting RLA with strategic planning over the course of the last year. For a background, McKinsey and Company primarily deals in the private sector with Fortune 500 clients around the world dealing with general issues of strategy, operations, organizations, primarily working with CEOs and CEOs' direct reports. From time to time in the cities where we work, we also do *pro bono* work, when there is an opportunity to apply the same set of skills that we use in the private sector in a public setting for charitable organizations, philanthropic organizations, or the government, and this is the basis upon which we work with RLA.

It has given us a chance not only to look here in Los Angeles, but also to go around the country in several other cities and take a look at successful economic development programs. And from that, we have drawn a perspective on what is required to do economic development. In addition, growing out of those efforts, I personally have been involved in several community efforts to do economic development in the inner city as an outgrowth of last year's riots. With that in mind, I will try to be clear when I am speaking from the perspective of this fact base that we have developed for RLA versus things that come from my personal experience.

Let me now respond directly to the question based primarily on this research that we have done for RLA. I think both of your speakers are correct. I think the work that we have conducted suggests that there is no single answer. There is no magic bullet. At the same time, I don't think

either proposal goes far enough, if your objective is to revitalize urban areas particularly targeted at helping to uplift the economic status of minority people who live in those areas.

Overall, our perspective is that it requires action of four different strategic thrusts, if in fact you are going to accomplish the broad mode of economic development in the way that I have just described. One is job creation, and this is the element that is spoken to by both of those proposals, either enhancing small business or creating what I refer to as a "cluster," this notion of having a large sort of sun with satellites growing out of that—both of those are viable economic theories. And there are additional ways that one can think about creating jobs. But there are three other elements that are important if you are going to have a comprehensive program. The second is work force development. There are two elements to that. Let me enumerate them and then come back. The third is the business climate generally. None of this happens in a vacuum. And, finally, the point that one of your speakers made yesterday, the notion of local ownership, is also a critical point.

In job creation, again, this use of cluster-type arrangements has been successful and is a way a number of cities around the country have stimulated jobs. If you are going to be successful at creating one of those clusters, it is important that you think about how that is designed such that it takes advantage of the strengths that the particular location has, strengths in terms of inherent capabilities.

For example, here we might take advantage of the knowledge and the skills that have evolved out of the aerospace industry. Secondly, there are other aspects of strength such as location. The fact that we have the largest port area in the country and that there is so much import-export suggests that that is another area to create industry clusters. But, thirdly, to get more directly to the point, if you are trying to target the sort of revitalization efforts to a certain population, you have to think about creating these clusters such that they take advantage of the current labor force skills and build those labor force skills over time, particularly in light of the growing global competition in the labor market, which takes me then to the second point, the work force development.

It is critical in thinking about either of these approaches, whether it be supporting the existence of small businesses or creating clusters or the combination of those approaches, that we think about the work force's skills. Again, in a global labor market, one that we are in fact going to, jobs will move around the world depending on who has the lowest costs for the required skills. And if the targeted populations aren't skilled enough to take advantage of the opportunities that are being presented, you may create a cluster and have a work force that is sort of commuting to that cluster.

The second element, though, of work force development is not simply making sure that the work force has the skills to be globally competitive, but also making sure that they in fact have access to the opportunities. And this has impacts on issues such as transportation policy, day care issues, and things like that.

One of the things we have seen here in Los Angeles is that in areas which are traditionally populated by minorities over the last 20 years, we have seen a flight of what are typically referred to as "good" jobs out to suburban areas. In fact, if you take a look at the sort of manufacturing in the Los Angeles general area, you will find that we have lost a lot of it. But if you look specifically at the inner cities, they have lost a tremendous portion of that. And as we think about the investment we are making in the transportation infrastructure, we have to think about not only creating jobs via supporting small businesses or clusters but also to the extent that if we can't bring jobs to the people, we have to move people to the jobs. So that must be considered in our transportation policies.

The third element that I mentioned was the business climate. Again, the key factor in economic development for any region—be that an inner city, a city, a State, or a subportion of a State—is that that region be competitive, that is, is able to compete for economic activity. When the private sector—when a company is thinking about making an investment, it looks at a number of factors, a couple that we talked about—we talked about the work force, for example—but also the regulatory environment. How easy is it to do business, what is the quality in the infrastructure, etc.? So it is important in thinking about economic development not simply to land a large plant or not simply to focus on manufac-

turing or not simply to build a work force, but also to think comprehensively about the business climate and make the proper tradeoff between what is very important, valued regulation and regulation that can't sort of be created from market forces, and the importance of having a baseline level of economic activity.

Finally, local ownership is key to a strategy which is intended to uplift the economic status of targeted populations, specifically when we are talking about minority people. The simple facts are that minority employers, minority business owners employ more minorities by a very wide margin.

MR. GLICK. In previous discussions with myself and other staff members, you have indicated that you thought there had to be a two-stage job development. And I think you indicated that the first stage would have to be the lower skilled and concomitantly lower paying jobs to prepare people, and then a second phase of higher skilled and, of course, higher paying jobs developed into the area in order to utilize the labor force and to develop the labor force.

MR. TAYLOR. Yes, that is correct. Again, if you think about economic development, the two strategies of job creation and work force skills need to be married sort of hand in glove. If you are trying to help a targeted population, then you want to bring in jobs that the population can take advantage of. The word "phase" may be a little misleading, so don't think that it necessarily—"phase" seems to suggest an extended period of time.

An ideal sort of model situation is one where you are able to employ people with the current skills that they have today and over time build those skills to be globally competitive. An illustration would be initially starting with a manufacturing concern but doing sort of assembly work, and then working from assembly work to the more technical aspects of that, to the component manufacturer, for example, and over time moving the work force from being assemblers to being technicians involved in the component design. As you think about that model, it has implications for how you think about incentive programs that you set up for the private sector under headings such as enterprise zones or others. But the notion is moving the work force to being globally competitive as quickly as possible, but not starting at so

high a level that you have excluded it from participating in the economic development.

And, again, we see examples of this taking place around the country. This is what in fact is going on in South Carolina when you look at the investment that is taking place. Thereby, in certain firms, the State is providing immediate up-scaling of a work force through its community college system. So it doesn't say that you are creating low skill jobs only and then it is expecting the next year to create manufacturing jobs. But, in fact, you are beginning with some notion of the higher value-added work being the end product and thinking about what can be accomplished for that work force today, training them in parallel to accomplish something more complex in the longer term.

MR. GLICK. There is one thing that I have been thinking about in the last few days, Mr. Taylor, while we have been hearing about economic development, and it is something that concerns me. And that is, if the hopes for economic development in the central city are realized, there is going to be a successful entrepreneurial class developed, and there is going to be a successful skilled worker class developed. And those people who are going to be successful and take advantage of the economic development are not going to stay in those communities unless the quality of life for themselves and their families meets their expectations, and I am thinking in terms of the quality of education, cultural establishments, parks, all the amenities of urban life. The people who are successful are going to leave, and you are again going to wind up with a population less successful and less able to cope. Would you have any view on what would have to be done in order to make that an attractive place for successful people to stay in?

MR. TAYLOR. Let me put sort of my personal hat on to respond to this question. It is informed by the work that we have done. If you take a look at sort of a business dynamic of what is taking place in the inner cities, you have a sort of vicious cycle, job loss to reduction in tax base, reduction in investment infrastructure, becoming a less attractive environment for businesses to conduct themselves in, causing flight of the able—which is the point that you are making—which takes us back to job loss.

It is not clear where in that cycle you intervene. In other words, it is not clear what is

driving what. I guess the baseline notion—again, speculating here—the baseline notion is that if you can in some way intervene in a large enough way such that you can either create an economic base that creates the tax base that allows for investment in parks, recs., the public schools, the rest of the cycle will, the linkages will turn the other way, such that you have an attractive environment, you have continued business, in fact, investments, you have sort of an infusion of the able so the cycle turns the other way. But, again, that is a conceptual model.

MR. GLICK. Thank you. Mr. Chair, I have no questions at this moment.

CHAIRPERSON FLETCHER. All right. Thank you very much. I am going to yield to other members of the panel for a moment and see if you have some questions.

COMMISSIONER REDENBAUGH. I have one. Mr. Taylor, in this cycle of urban downward spiral, which we know all too well, particularly those of us who live in the middle of cities, what role do changes in tax rates play? You didn't mention that in your cycle. In my city of Philadelphia, each movement out is always preceded by and then followed by an increase in the marginal tax rates.

MR. TAYLOR. Yes, I think that is right. I didn't elaborate on this loss to the tax base. One of the implications is you have a city that has a certain appetite, shall we say, for public consumption, and once the tax base shrinks, it must increase the marginal tax or increase user fees or what have you. That contributes to a less attractive business climate. So, again, it is not clear which of those factors, in fact, by itself is a magic bullet. And based on what we have otherwise studied, we would suggest that none would be a single magic bullet. You have got to get the whole thing turned around.

I think the important notion, though, in thinking about the marginal tax rate and thinking about using those types of things as incentives is that they are designed to reinforce some economic development strategy that takes advantage of the four levers that we talked about earlier and, secondarily, that they are large enough so that they influence business decisionmaking. The third point, then, would be that they also connect specifically to the targeted populations or areas that you are trying to improve.

COMMISSIONER REDENBAUGH. Again, are you aware of any instances where those have either

been very successful or the clear absence of those has contributed unquestionably to a failure?

MR. TAYLOR. I am not aware of either situation existing. Again, the perspective that we have is that there is a need for a number of actions to take place sort of simultaneously in order to create enough development. Tax incentives alone are not enough. In certain ways, if we look at enterprise zones as they have been conducted and tax incentives as they have been provided at the State level, they have had limited impact, particularly on distressed areas.

COMMISSIONER REDENBAUGH. And is it your opinion that in those States where they have in fact been tried, because the Federal component of taxation is so large, the State incentive for an enterprise zone is very modest?

MR. TAYLOR. That is right. And this is the point, that it has to be large enough to swing businesses' decisionmaking. The sort of relief that a State level can provide is rather small relative to other business costs, so there are other factors that ultimately—at least, based on everything we have conducted and the literature we read—there are other factors that are, in fact, driving the location decision.

COMMISSIONER REDENBAUGH. We have had a lot of testimony in the last 2 days from business people—both small businesses, a bakery, and larger businesses—and none of them seem to feel that their business environment for their particular business would be improved by raising taxes. Have you found any instances of any communities where raising taxes, in your opinion, contributed to the business climate?

MR. TAYLOR. We have not taken a look at that specific question, so I am not aware of any situations like that.

COMMISSIONER REDENBAUGH. Do you have any specific policy recommendations for us with respect to economic development in LA County with respect to what this Commission might recommend?

MR. TAYLOR. As a matter of policy, I think that it is important that, when we think about economic development, we are sure that actions we are taking at the sort of tax level, like setting tax rates, etc., are reinforcing a specific strategy that affects one of the four levers. I think, second, at the policy level, we should be focusing on full economic participation. To the earlier question about the flight of the able, the—

COMMISSIONER REDENBAUGH. Yes. You mean the flight of the mobile?

MR. TAYLOR. Well, I would prefer to characterize it as the "flight of the able." There are lots of folks who live, for example, in South Central who are mobile and choose to stay there and certainly are accomplished, economically speaking. So I prefer to call it the "flight of the able," if that's all right.

COMMISSIONER REDENBAUGH. It is your choice, of course. It has a different meaning for me, but as you wish.

MR. TAYLOR. But with that in mind, though—

COMMISSIONER REDENBAUGH. Actually, let me make a point, because I think that there are many people in depressed urban areas that are very able—

MR. TAYLOR. I agree with that.

COMMISSIONER REDENBAUGH. —that are not working, but are not working not because of an inability or a disability for working, but because we haven't given them the opportunity. In fact, maybe we have policies that deny them opportunities.

MR. TAYLOR. I think that is correct. I am not sure how one wants to deal with the semantics. As I think about "able," it is a combination of skills, opportunity, and mobility. And some of that is as you described, these people that we both recognize. Some of those factors are missing that prevent them from—

COMMISSIONER REDENBAUGH. Please carry on.

MR. TAYLOR. I think that the point that we are both getting to, though, is that there is a notion of full economic participation that as a policy we need to have in mind. And that, again, rolls down to the more strategic initiative. As we are thinking, for example, about transportation policies here in Los Angeles to your point where we have loss of economic opportunities in the areas outside of South Central, for example, we should be ensuring that transportation policy decisions—we are laying all this rail and constructing all of these facilities—are enabling people to move to jobs if we cannot bring the jobs to the people.

I guess, thirdly, I would reinforce, I guess, a policy notion that I think is listed in the current administration, and that is the notion of up-scaling the work force. We have had a global capital market for some time. We are right now

really getting to the point where we are having global labor markets, and we are not just talking about low skilled jobs. The global labor markets are also affecting higher skilled jobs and jobs that we, in fact, should be able to compete for and people within what some folks here call the neglected areas should be able to compete for, but it requires an investment in skills and a continuous investment in skills to create this globally competitive labor force.

COMMISSIONER REDENBAUGH. Let me pursue a little different question, then. There are basically probably two development models that one reads about. One is a development model of build the infrastructure, sort of the *Field of Dreams* model: "If you build the infrastructure, they will come." The other one is the model that if you remove sufficient obstacles to initiative and commerce, remove obstacles to work and reward, economic activity will happen. And then from that surplus, people will in fact build the infrastructure that they need—some of it will be public and some private—and that is a mixed decision. It can best be sorted out at the end. Which of these development models or neither do you prefer for Los Angeles?

MR. TAYLOR. I think both are required. I think that there is clearly a need for continued investment in infrastructure. We can cite many examples where need for infrastructure development has led to—

COMMISSIONER REDENBAUGH. Again, you are talking about the industrial infrastructure that because of externalizes [phonetic] are best provided—like public transportation?

MR. TAYLOR. We are talking about those things that develop the public goods. We should be talking about things like this notion of the information highway. If you take a look at what happened over in Dublin, they in fact created an information cluster, if you will, where they now process most of the U.S. health care claims over in Ireland. With technology and telecommunications, they are able to do that. They invested in advanced telecommunications that would allow them to take advantage of the skill that happened to be resident to their population. So not just highways, but I would think broadly about the infrastructure. But, again, I think both are required.

The best example I think that we can all resonate with is this notion of putting a man on

the moon. That is an investment that the private sector could not make. No matter how you syndicate that kind of risk, you are not going to get enough money to fund that. But, ultimately, that has spun off a lot of what has driven this particular economy over a couple of decades. I think about it as need, infrastructure investment in those broad terms.

Secondly, because of the scale of the problem and because I don't think there is anyone who has a clear understanding of how this cycle links together, I think both of those particular actions are required, the lead development as well as the removal of obstacles.

COMMISSIONER REDENBAUGH. I understand and accept what you say. I want to come back to one thing you said, though. Are you suggesting that the electronic superhighway is of such a scale that that cannot be done by the private sector and should be done by the Federal Government? It is in the league with the Apollo program?

MR. TAYLOR. I personally don't have the facts on that. I think of it by analogy, but I guess the point is the government in Ireland did do that, yes, to some extent. Since I have not studied it, I don't know what the scale is here in the U.S. There seem to be incentives to do that. You see in the press over the last couple of weeks the sort of affiliations between the telecommunication companies and some of the—

COMMISSIONER REDENBAUGH. Yes. It does appear that it is happening without any government involvement.

MR. TAYLOR. Right. One of the things, if you want to think about the question, though, is how far that goes and whether that in fact will be of sufficient scale to do the same type of thing as the Apollo Program did in terms of economic development. The second aspect of that that I want to raise for consideration is if you think specifically about the stressed areas of cities, improvements in the general economy don't necessarily translate to the improvement of the folks who live in those areas. So I think it is necessary to make sure that happens, and that is an important role that can be played by the government.

COMMISSIONER REDENBAUGH. You were thinking of targeted programs, targeted incentives, both?

MR. TAYLOR. If the government takes a lead role in some form of infrastructure development like an information highway, ensuring that

there is sort of access to or station outputs, or whatever you describe it as, that are accessible in an economic development sense to people who live in the inner cities, it would be an important contribution and it would be in great demand for uplifting the cities.

COMMISSIONER REDENBAUGH. Thank you very much.

CHAIRPERSON FLETCHER. Cruz?

COMMISSIONER REYNOSO. I have a question having to do with the role of government in a broader sense. It used to be said that one of the reasons that aerospace and other high tech industries came to California was because California had a good educational system that already had the workers prepared, if you will, for that. Indeed, my recollection is that when I was growing up, we were often number one in terms of expenditure for education, etc., etc. It may be coincidence, but the suffering of California economically over the last 4 years seems to be concomitant with the passage of Prop. 13 and less money going into education, with the services going to parks and so on going down, so that the traditional role of government in California has been ignored or diminished, let's put it that way, the last few years.

And I just wonder what the relationship of that is to economic development. We normally talk about economic development in a narrower sense, how you get money into communities. But I wonder if you would comment on that part of it. When you hear about people leaving California companies or coming to California, they will talk not just about those matters, but they will talk about other things, the poor schools, high housing costs in Los Angeles.

I work with the University of California at Los Angeles. One of the hardest elements of recruiting professors of note is our high housing cost. And at the same time when the housing costs were going up, everybody referred to that as a good thing economically. Then 10 years later it becomes a bad thing. So, I just wonder if you would comment on what some folks consider noneconomic matters of a community here, all of California or the Los Angeles area, as it relates to economic development.

MR. TAYLOR. That is a very good question, and I hope my comments have not been taken in that narrow vein. It is very clear the government plays an important role in economic develop-

ment. And the case that you just made, the connection between the educational system in California and California's economic growth, I think, is one that is well accepted. And, in fact, we may be even a bit shortsighted in the decisions that we are making currently relative to our funding of schools. Well, if the government plays an important role in economic development, this notion of having economic development sort of grounded in the market is an important one, and, I think, a central design feature. At the same time, this sort of invisible hand does not operate in a vacuum. The government affects everything from our trade policies now and therefore what we are competing with nationally, globally, as well as the skills of our work force, as I have discussed earlier. Work force skill is a key element to how businesses think about making their decisions, and the primary source of skilling is the public school system and our investments in public schools.

Similarly, the infrastructure, the point that we were discussing just a moment ago, falls in this category of public goods that only government can make a decision about. I think, though, it is important to recognize, for all of us to recognize, that the government is us. The California voters passed Proposition 13. And, actually, if I can put my personal speculation hat on, it represents a bit of intergenerational warfare, housing prices going up in part driven by the fact that property taxes weren't increasing at such a rapid rate, driven by the fact that we were having a pretty nice economic time and the people who were pleased by that were people in homes and people who did not have to worry about the lull of public services because, for example, they no longer had children in school.

Proposition 13 may have made a lot of sense at the time it was passed in 1978 because the government's budget was basically in balance with the public spending. But if you have basically price growth in excess of the cap that Proposition 13 allows you to grow property taxes, you come up with this huge gap in funds available to the government to invest in areas that stimulate economic development. You can try to close that a number of ways increasing the marginal tax rates as we discussed, but that increases the cost of doing business. You can increase user fees. And those are two things that we have done here in LA and two things you will

hear the business community cite as reasons for not wanting to do business here. You can cut back on investment in public schools, a third reason businesses will cite and individuals will cite for not coming here.

So the government plays an important role in kind of deciding what the business climate—that was that third factor I talked about—what the business climate will look like here in California or anywhere, an important role in deciding what the work force skills will be. Again, the point is the government is us, and we are making short term decisions that are going to affect our collective standard of living in the very near future.

COMMISSIONER REYNOSO. I just wonder whether sometimes the short term solutions don't look toward the long term economic health of the State, if we are cutting down on some of those essential services that provide for a better economic atmosphere, if you will. So that is why I have asked the question. I have a somewhat different question. We have heard, I would describe it as, categorically different conclusions on some matters, and I want to see how you come out on it. We have the phenomenon in Los Angeles in the areas that have apparently 20 percent and above poverty levels in families a different phenomenon in the African American community and the Latino community in this way. The African American community has a large percentage of unemployment, plain unemployment. They just don't have the jobs there. In the Latino community, apparently the participation in the work force is in the high 90s, and the problem there is underemployment. These are folk who get up and go to work at 7:00 or 8:00 in the morning, work until 5:00 or 6:00 at night, but still at the end of the year have an average income per family actually less than African Americans even though the disparities in employment patterns are those.

We have had testimony suggesting—for example, the minimum wage, I think was characterized as the unemployment statute of America for young black males—i.e., it forces unemployment because employers can't hire particularly the youth. That seems to be one view, and I may be mischaracterizing it. The other view by another economist was that what is needed is an elevated minimum wage, particularly for the Latinos who are employed but underemployed, and that that would be one of the factors that would help the

economy of southern California. And the second economist suggested, too, that unionization, governmental policies providing for unionization, would also increase the level of earnings of those folks who are already earning.

I can't help but share with you a nonurban example: the farmworkers. I happened to grow up as a farmworker. The economy of California has gone up and down. We have profited or not profited, but the farmworkers have never profited. One of the economists said, "During the 1980s we all profited, poor or rich." Not true of the farmworkers. Fifty years I have watched the role of the farmworkers. They have always suffered, suffered, I think, because somehow economic and governmental policies haven't been put together in such a way as to help the farmworkers. All the surveys indicate the American public is willing to pay an extra half cent a head of lettuce or whatever it would take to have farmworkers live decently. But we have never had the will, the political will in this State to do something about that. How does all of that relate now to the inner city and economic development?

MR. TAYLOR. Let me begin with your last point. I think that the last point, the farmworkers not benefiting from this economic uplift that we experienced in the 1980s, I think we could say the same about inner cities. Again, programs would need to be targeted. All the boats don't rise at the same rate as some would have us believe. So there are exact parallels there. This is one of the reasons why we come down pretty strongly on the notion that a lot of the economic development needs to be market based in thinking fundamentally about what it takes to be competitive and making sure that the folks that we are trying to help do that are in fact competitive. Because to rely on the political process, you are subject to the vicissitudes of the political process. If folks want to invest in a job-training program, then that is fine. If they want to invest in a summer youth employment program, that is great. But as we have seen just in the last few weeks, that is not what folks want to do. So we are stuck. In the political arena, there are still—again, I guess, this reinforces this notion of thinking about it from a market base perspective.

We did not study this issue of minimum wage or unionization, so I cannot comment from a rigorous perspective on the impact of that. We did

do enough of a demographic analysis to understand that there is a difference in the sort of nature of poverty in the black community versus the Latino community, where you have a working poor versus hard core unemployed, and those require different policy actions to address. It is not clear, though, for example, that a minimum wage is necessarily an unemployment act for black youth.

I guess a major point I would like to make here is that this is sort of an apple and orange comparison. I will answer the question I think in the spirit it was intended, but sometimes these discussions can become counterproductive in terms of talking about different ethnic groups, particularly in this city, Latinos and blacks kind of side by side, because their situations are different. And the fact that their factual situations are different, the policy actions required would be different.

But let me just illustrate this notion. A fellow by the name of Jack Miles wrote an article in the *Atlantic Monthly* called "Black versus Brown." I am not sure if you all had a chance to see that. But in there he acknowledges, "that at least to Anglos, Latinos even when they are foreign seem native and safe, while blacks who are natives seem foreign and dangerous," and therefore they are not employed in a variety of ways that we are quite comfortable with employing Latinos. That may be, in fact, why you see a higher labor participation rate. The jobs that we are talking about that he is quoting in his passage are sort of domestic work, probably a lot of people not getting social security insurance. These are not great jobs. But the notion is people—this happens to be Pasadena—people in Pasadena are far more comfortable allowing this influx of day workers who are brown rather than black.

So it is not clear—again, with my personal hat on—that the minimum wage in fact drives hard core unemployment or a fact that we as black people are still experiencing the history of this country and the stereotyping that has resulted. It is a very different challenge for the Latino community, particularly the immigrant population.

COMMISSIONER REYNOSO. Thank you.

CHAIRPERSON FLETCHER. Next? Charles? Robert?

COMMISSIONER GEORGE. No.

CHAIRPERSON FLETCHER. I have to do this, and I hope it is not embarrassing, but I want to

tell you, young man, if Martin was here this morning, Mary McLeod Bethune, A. Philip Randolph, and the others that put the civil rights legislation in place, they would be so proud of you they wouldn't know what to do.

MR. TAYLOR. Thank you.

CHAIRPERSON FLETCHER. You are exactly what we battled to get this legislation in place for.

COMMISSIONER REYNOSO. Let the record show that the witness is blushing.

MR. TAYLOR. As best I can.

CHAIRPERSON FLETCHER. Most of us who have been in this struggle for a while believed you could do that. We believed that you could sit here and make the case without a lot of emotional rage and disconnected thoughts and bitterness. We believed that in time we would raise a generation that could make the case just the way you did this morning. And I cannot even tell you what that does for me. You made the struggle worthwhile. And I am sure there are more of you, but you made it worthwhile.

I want to ask you one question. If you had a chance now to sit down before the Congress and they asked you to tell them your vision of the year 2010—it takes a while to put anything in place—what would America look like with respect to the economic development of what I call third world neighborhoods—using your prospects of job creation, work force, economic development, and local ownership? What would it look like?

MR. TAYLOR. Well, I think our third world neighborhoods would look like everywhere else. You would be able to drive through South Central and believe you were in Chatsworth. It would be reflected most in the quality of the goods and services that are immediately available that currently aren't. It would be reflected in broader economic participation. It would be reflected in the absence of the tensions that currently exist between the different ethnicities who occupy South Central. It would be reflected in the absence of this notion of intergenerational warfare. We would be making the right investments in public goods that benefit us all. We would recognize that there is this notion of providing for the common good, and that it is not an issue of supplicants versus value-adding participants in the market, but, in fact, we are making investments in ourselves.

I think that the four items that we talked about—the job creation, the business climate, the skills, and the local ownership—they would not be thought of as strategies that were specifically designed to assist the third world communities, but, in fact, things that as cities we thought, as states we thought, and as a country we thought were things we had to keep at the top of our minds when thinking about policy decisions.

CHAIRPERSON FLETCHER. There is this assumption—with respect to economic development, there is the assumption that if African Americans and Hispanic Americans were to own the business enterprises in depressed neighborhoods, the minute they could keep the payment up on their line of payment, they would move to the suburbs and leave the areas where their businesses are to fend for themselves. I have problems with that. I have been a businessman myself, and your interest is where your security is, and your security is in keeping the doors open in that business. So it seems to me that even though the business person may or may not live in that neighborhood because he generates or she generates a living from there, when it is time to go before the city council, to go before the school board and any other entity that is disbursing public services, it seems to me that the ownership of those businesses would be interested in those neighborhoods whether they lived there or not. Could you respond to that?

MR. TAYLOR. I think it is a very important point of view. They, in fact, would be interested in those neighborhoods whether they lived there or not because their employees live there and their customers live there, and those are the two elements that they are vitally dependent on.

To the first half of your statement, I guess I have a little trouble with people who find that concerning, particularly when they focus on black people and Latino people who are simply doing what all people do when they sort of get ahead. They buy a nicer house. And I guess the problem I have with that is, Why should that be any different from anyone else? Why should they not enjoy the fruits of their labor? It does not mean that they are less committed to those areas than they were previously. And, in fact, again, we see here in LA a number of people who remain kind of where they started.

So, I guess the third point I would make there is that it is also a bit distressing that people in

thinking about this complex cycle of events that lead to economic neglect think that on the backs of a few successful, whether it be blacks or Latinos, should reside the responsibility for ameliorating the entire condition, when in fact the factors that created that condition are broader than those folks, and, in thinking specifically about the black community, I think that the case is blown out of the proportion. When you look at the resources that are in fact available to the highly touted black middle class and you look at actually the figures of the net worth of that group, the net worth of that group in terms of financial net worth is zero. So, in fact, the larger population is trying to shift onto the shoulders of folks who don't have the resources the responsibility for this huge social problem which has a lot of its roots in that larger population.

CHAIRPERSON FLETCHER. I agree with that 100 percent. In fact, I usually say the definition of middle class is 3 paydays away from bankruptcy. Thank you very much.

MR. TAYLOR. Thank you.

CHAIRPERSON FLETCHER. Counselor?

Testimony of Errol Smith, Chairman, New Vision Business Council of Southern California

MR. GLICK. I would like, then, to ask Mr. Smith, chairman of the New Vision Business Council of Southern California. Could you explain to us, Mr. Smith, what the New Vision Council is attempting to do and what is its goal?

MR. SMITH. Yes. First of all, let me say good morning to all of you and thank you for having me, giving me the opportunity to share my ideas with you. The New Vision Business Council is an organization of concerned business people here in this city. It is a very multiethnic group comprised of Hispanics, Asians, Anglos, African Americans, etc. And the common denominator is that we believe that the focus that we have seen on the retrenchment taking place in the aerospace industry is exaggerated, is to a degree misguided, and that as opposed to this region being in a steep decline that should cause most of us to feel hopeless, that, in fact, what we are really seeing is a major transition taking place, a shift in the economy away from large dinosaurs and more towards flexible firms, small and medium sized businesses.

We believe that those businesses are predominant or are in a large way evolving to be

ethnic businesses—Asian, again, Hispanic, African American—and that a tremendous amount of opportunity is being missed because of the balkanized nature of this city. So a couple of things we are looking to do: (A) is to educate the general public, policymakers, to the fact that there is a new economy emerging here, that this is a reason for optimism; secondly, it is to target and identify, contrary to popular belief, that this new economy is comprised of small and medium sized ethnic businesses who have the capacity to do quite well and to provide a very solid industrial base for the region; and, then, finally, to try to facilitate and promote more interethnic business, more cross-pollination of ideas into markets that are not being tapped.

I think, for instance, of the reality that most minorities tend to do business within their minorities—blacks do business with blacks, Hispanics do business with Hispanics, etc., etc. I will only reference my own experience and say that as a business owner I can tell you that had I limited my business dealings to just the African American community, that there is no way that we would have achieved what we have managed to achieve in 10 years. Currently, our client base is broadly represented—maybe 40 percent Hispanic, another 30 or 40 percent Asian, and then the rest divided between the other various ethnic groups. So we think that that is a vital ideal that needs to be communicated, fostered, and developed.

We also feel that because of our proximity to the Pacific Rim, that there are unique advantages that we have. And in order to tap those unique advantages, again we need to be able to break down some of the barriers to trade that seem to exist between various ethnic groups right here in this city. So to those ends, New Vision was created and is working on a daily basis.

MR. GLICK. Do you see any role for government, Federal on down through State and local, in fostering the development of these small, medium sized businesses in changing the business climate that would open up new avenues for them? How would you see government interacting?

MR. SMITH. Let me approach your question this way, if I may. I think that one of the very first things that we have to ask anyone who is generally concerned with economic development in the inner cities is, What can the government do for people in businesses in the inner cities,

and, conversely, what must we expect people in the inner cities to do for ourselves? I think that is a vital question.

So let me approach it that way. In terms of things that government can do, I have itemized at least three or four things that I think are very important. The first has to do with a paradigm shift. And what I mean by that simply is that I think it is important for government to change the way—legislators and policymakers and urban thinkers—to change the way that they look at people who live in the urban environment.

There has been a supposition that people in the inner cities are necessarily not talented or have no resources, are not resourceful, are not capable of doing frankly a lot that we in the inner cities are quite capable of doing. I think because of the old paradigm, the existing paradigm, that what we have encountered is an entire generation now that has been conditioned to believe that it is not capable of doing for itself, it is not capable of solving certain problems that exist within the inner cities.

So I think that one of the first things that must be done is that we have to begin to look at people in the inner cities differently. By doing that, I think that there are a couple of questions that should be posed, almost a litmus test I would say, of any policies that are directed at the inner cities. One should be, Does this policy promote self reliance? The second should be, Does this policy prepare and encourage people in the inner city to be equipped to compete in a global economy? I think those are two key questions. Once that is done, I think then that we move on to more substantive and more tangible steps the government can take, among those, access to markets. I think that the second most important civil right that we as Americans have is the right to access to the market, to get into the marketplace and compete.

What has become very clear to me as a business person and as a person who represents and works with over 300 business people on a regular basis, I find that access to the market has been limited by regulations that in many ways are monopolistic, that in many ways are repressive to small business activity. I give you or cite what I consider to be the most egregious example. In New York City, for instance, in order to drive a taxicab, to own a taxicab and to be self-employed in that arena, one has to have somewhere in the area of \$140,000 to buy a little

metallic medallion to put on your car. I don't understand how these metallic medallions could be quite so expensive, but evidently there is some magic going on in New York City that most of us don't understand. So what we end up with then is a vehicle for upward mobility that should be easily accessible to anyone. All you should have to be able to do is get a car, get some insurance, and you should be able to get into the marketplace and compete. But that opportunity is foreclosed because of that restrictive policy.

I give you a local example. Recently, because of what has been going on with the workers' compensation quagmire here in the city, in order to participate in business here, you now have to have workers' comp. Workers' comp has always been the law, but you have to provide a certificate of workers' compensation, and it requires \$2,500 to get this certificate. Now, fine, fair enough. The problem is because there is so much fear of employees working with businesses that do not have workers' compensation, even businesses that do not have employees now have to go and get certificates of workers' compensation just so that they can be acceptable, just so that they can get into the market and compete. Again, we are seeing a restrictive covenant that restricts access to the marketplace. Based on my study, I have discovered that some 90 cities across the nation have restrictive covenants of one sort or another. So I think that one of the most immediate things that government can do, where government can be extremely effective, is in clearing the way so that people who want to have hot dog stands and shoe-shine parlors and all of these entry level kinds of entrepreneurial activities can get into them and engage and use them as the traditional stepping-stones they have been.

Next, I move on to the idea of stemming black flight. I have heard a number of people mention that so far this morning, and I think that it is a very vital and critical issue. According to my research, some 90,000 African Americans have fled the inner city of Los Angeles over the last 10 years. Most of them have left for the same reasons that other people, whites, etc., have left—crime, gang violence, drugs, affordable housing, education. By the way, when they leave, as Mr. Taylor, I think, very accurately pointed out, it is an incredible brain drain. Some of the most talented, resourceful, and affluent people within the community are leaving, taking role models, watching

institutions break down because of their flight. So I think that one of the most important things that can be done is that government can get involved there with effective community policing, by overhauling the educational system, and by doing what it can to ensure access to affordable housing. Again, those are the areas where I feel the government can be most effective.

Now, moving on to what people in the inner cities must be expected to do for self, I think most people are aware of the fact that during the 1980s, some 3.5 million jobs were cut by Fortune 500 companies. And, of course, the 18 million plus jobs that were created were by and large created by small and medium sized businesses. What many people may not be aware of, though, which I think is an interesting phenomenon, is that as far back as 1969, Caribbean Americans who lived in this country had a family median income that was 94 percent that of whites. At the same time that that was taking place, native black Americans had a median income that was 62 percent that of whites.

When I first discovered that, I was fascinated. What was going on there? This is generally pre-civil rights. Certainly, the kinds of barriers that existed then are significantly higher than the barriers that exist today. What made the difference? And I spent a considerable amount of time trying to understand it. What became clear is that there are significant cultural differences between Caribbean blacks and native American blacks. Now I think it is really important—and I want to make sure that I qualify this point because at times when I have brought this point up there have been people who have attempted to interpret that as saying that one group is better than the other. It has nothing to do with that whatsoever. The point is that it becomes clear that cultural differences relate to the issue or question of economic development.

I think that, Mr. Glick, you were raising that question earlier. I think also the gentleman second from the right there, when he was talking about the Hispanic community and the black community and the differences there, what you both were actually hitting on is the relationship between culture and economics. It is a vital question. The reality is that less than 4 percent of African Americans today are in business for themselves. It happens to be the lowest of any other minority group in this country. There is a direct

relationship between that and the businesses that are developed in the inner cities and the jobs that can be provided by minority businesses to other minorities in the inner city. Therefore, I think that we see that a paradigm shift is also necessary from the inside, within and among the group of people who are in the inner cities looking to do something about it, a focus on entrepreneurship, a focus on pooling resources.

I would like to cite another rather fascinating statistic. In the *Wall Street Journal*, they have an annual report done that they do of black entrepreneurship, and in conjunction with the Roper Poll, they discovered that a survey of 500 businesses, established black entrepreneurs that they surveyed, indicated that—59 percent indicated that they believed that there are economic opportunities that exist in the inner cities that are not currently being explored by black businesses, that by and large those opportunities are being left to others.

The question of course then becomes, Why? What we have often heard is that the reason why this occurs is because of the lack of access to capital. Certainly, on its face, it sounds like a relatively reasonable argument. But it begins to break down when one begins to do a little study and discovers that prior to, again, the civil rights movement, in fact, as far back at 1910, we see that black businesses were thriving in a place called Tulsa, Oklahoma. They had hotels and restaurants—and there were doctors and attorneys—and theaters and you name it. The whole panorama of business enterprise was represented in Tulsa. I think it is significant to note that this kind of robust business activity was taking place prior to blacks having access to white capital.

So, when you look at that, again, it seems to me like the argument becomes a bit untenable. I think that a gentleman by the name of—let me quote him properly here for the record—I don't have his name available, so I will have to skip that—but he raised an interesting point in an opinion piece that he was writing for the *Houston Post*. He said that what has really occurred is that we have failed in our community to acknowledge the fact that we don't trust each other, and that because we do not trust each other, we have not been able to pool our resources in an effective way to create economic development. I think that that fact is demon-

strated or supported by some of the data that came out of the *Wall Street Journal* report that I mentioned earlier. According to that report, it was evidenced that 95 percent of black businesses are sole proprietorships. It also indicated that less than 2 percent raised capital from partnerships or from getting money or—are in partnerships or getting money from friends or relatives. What I saw, how I interpreted that statistic, is that the tremendous lack of collaboration and trust has tremendously impacted upon economic development.

And, again, I don't think that that is something the government can do anything about. I think that that is something that has to occur from the inside out. And I think that unless we begin to speak more about that and unless this concept and this reality is presented and promoted within the community, then without regard to whether we spend another \$3 or \$4 trillion on attempting to abate poverty in the inner cities, we are still going to find ourselves in the year 2010 sitting in the same boat.

CHAIRPERSON FLETCHER. Counsel? Do you have any questions?

MR. GLICK. I have no further questions, Mr. Fletcher.

CHAIRPERSON FLETCHER. My remarks with reference to your colleague apply to you, too, young man. I appreciate what you have done.

MR. SMITH. Thank you, sir.

CHAIRPERSON FLETCHER. Let me make a couple of observations. In studying the comparison between Caribbeans of African descent and black Americans of African descent, let me suggest that you take a look at the States of Oklahoma—you named Tulsa—Kansas, Nebraska, Iowa, and Indiana, and to even a degree, Illinois, and compare the achievements of black Americans who were born and raised in those areas and their cultural values alongside those from the Caribbean. And what you will find is that their wage-earning capacity, their professional achievements, etc., easily compare with the Caribbeans as well as whites. I can speak with some authority on it because that is where I was born and raised. And I know about Tulsa. I might add that the whole Tulsa downtown area was burned out over an alleged rape. But at any rate they destroyed what was one of the most economically viable several block areas of the whole city of Tulsa. Tulsa was written about because of that

incident, but the same applied to Oklahoma City, likewise Kansas City, likewise Omaha, Nebraska, and various other places. They are beginning to tell the whole history of black America in this country. And as they do, they are finding out, as you see the cowboy picture that is coming along now, we went out here, too, owned farms, owned huge productive farms, and various other things.

I guess the point I want to make is that even as the slaves escaped from the South, it is beginning to become very evident now that we were involved in the building of the West, and we were involved in it not only as employees but as employers. And I urge that you get a look at that, and you will get a better picture. It doesn't refute what you are saying with reference to family values. The family values were there. I can't think of the number, but I know we have at least four members of Congress from this area who are African Americans and a significant number who are Hispanics. I am curious, though. Have any of those individuals asked you to talk with them about what you are both doing?

MR. SMITH. Do you want me to be honest?

CHAIRPERSON FLETCHER. Please, please.

MR. SMITH. Let's say that I am not very politically correct.

CHAIRPERSON FLETCHER. No, I hear you.

MR. SMITH. The viewpoint—which, frankly, I think is very sad. Because what I have found is that behind closed doors, most of the very successful, accomplished African American business people that I know will attest to many of the ideas that I shared here today. However, it is not safe. It is not acceptable. It is not encouraged to express these ideas in most public, especially African American, forums. So you don't hear this. Consequently, no, I have not routinely been invited by the vocal political establishment to share my ideas.

CHAIRPERSON FLETCHER. Does the same apply to you, young man?

MR. TAYLOR. As of yet, that is correct. I have been asked to prepare a paper for a couple—

CHAIRPERSON FLETCHER. You have been asked to prepare a paper?

MR. TAYLOR. Just recently, yes. Not by the Congress, by actually the Secretary of Commerce.

CHAIRPERSON FLETCHER. The reason I am asking that is because we elected them, put them in Congress, and we have them on the

right committees to be able to influence the legislation that comes out of there. I have had an opportunity to appear before the Congress on two or three occasions, and at one of them a member of the Black Caucus was just in front of me and one was just behind me. We were sitting before a committee that could make economic policy, not social policy, economic policy. And in both cases, they had a great social agenda, but they were talking to the wrong committee.

Yet when I get out into the field, I find young people like yourselves who are right on top of the economic issues, are practicing economic development, and have some solid ideas. But your thoughts and your experiences don't end up in the transcripts of the information put before those committees to fashion legislation which would lead many of the members of the Congress and many of my right wing friends to assume that all we want is handouts. That's all you hear. When you keep getting that kind of testimony into the record, it kind of validates the suggestion that we are depending on social programs to solve an economic problem.

And here both of you this morning make it very clear that you have a handle on how to go about solving the economic problem or at least managing it to the point that you lessen its impact from a significant point of view. And I am just wondering why hasn't the Black Caucus, the Hispanic Caucus, and the Women's Caucus with all of these votes—they have got 90 some of them now—called upon you to tell you, "Come and tell us what is going on so we can make sure we are getting the right stuff into the legislation"—what you have said here this morning.

My other colleagues have asked all the questions I was going to ask, so I am just fascinated and concerned about the lack of opportunity. I know a little bit about McKinsey. I ran into them in Europe a couple of times when I was doing some consulting work over there. And, also, I just came back from Japan, for your information, and I ran into a McKinsey person over there. So I know about their around-the-world activities. But I have never yet known whether any of these committees who are making all of these policies are talking to you people who are doing it where the rubber meets the road. So one of the things I am going to do, I might tell you, is suggest that somebody get a hold of you before they

write another sentence of legislation to find out what you have to say.

MR. SMITH. If I may, sir, I would like to add to that that one of the things that I find most encouraging is the fact that there is a new generation of young black Americans coming up today who grew up in an age of possibilities. They grew up seeing black mayors, they grew up seeing black police chiefs, they grew up seeing the top television talk show host being a black woman—they grew up seeing, again, a field of possibilities. And I think one of the reasons why we find that many in our community are disenchanted with politics is because they in many ways are ahead. They are at the vanguard. They are ahead of the shift that we need to move toward. And that is that they are seeing that economic development is, in fact, the vehicle for upward mobility, and they are just jumping in. I meet 18 years olds, 22 year olds, 25 year olds, and I am amazed by the kind of business savvy that they have and how they are applying it. So that is very encouraging. And I think that once we as a community and as a nation begin to shift and acknowledge their contributions and acknowledge what they are doing, we are going to see that we already have a new entrepreneurial class, a merchant class of young black men and women who are coming up, and they are very dynamic people.

CHAIRPERSON FLETCHER. I appreciate that. But don't assume now that you don't need to have that impact on the political arena. The things you are doing now is because my generation said, "We are going to change the political"—

MR. SMITH. I concede.

CHAIRPERSON FLETCHER. I yield to anyone else.

COMMISSIONER REDENBAUGH. Mr. Smith, let me ask then a question whose answer I can already anticipate.

COMMISSIONER REYNOSO. It is a rhetorical question?

COMMISSIONER REDENBAUGH. I don't know that. Let me begin with a statement first. There were a group of us who tried, obviously without success, to have the capital gains tax and taxes on labor reduced in the poorest neighborhoods in the country. We wanted to have the capital gains tax completely eliminated for anybody who would invest there and taxes on labor reduced.

And that initiative was not well-received anywhere in Washington. We were told that there would be a real problem with eliminating the capital gains tax in these areas because of the loss of revenues. I wasn't aware that a lot of capital gains were being recognized in these poorest of neighborhoods. Would you support such an initiative, does it make sense, and why in your opinion have the political establishments of both parties been so opposed to doing that?

MR. SMITH. A complex question. I will not claim to be an authority in that area, but I will take my best informed stab at that: (A) I would and did support the idea. I do, however, think that it has to be part of a comprehensive strategy towards dealing with trying to facilitate business development in the inner cities. I agree with Robert Taylor in that regard. I don't think it is either this or that. I think it is this and that and some of this and some of the other thing as well. From my perspective, a sheer capital gains reduction or reducing the taxes of anyone operating in the inner cities—that is not a sufficient incentive to attract most business people to the inner cities.

I think that when one begins to look at the considerations regarding crime and all of the implications attached to that, that there is a much greater disincentive to not invest there and instead to search for a more safe and supportive environment for business. So I just don't think that that kind of legislation in and of itself is going to be sufficient. But in conjunction with a more comprehensive strategy, I can support it, yes.

COMMISSIONER REDENBAUGH. Any speculation as to why it is a rather unpopular idea?

MR. SMITH. Well, I think we have a couple of things working here. I think, one, there is at least the alleged issue of fairness, and why should people within this zone derive benefits that others will not? I think there is also the question of whether or not you will simply find savvy business people who will find a way to take advantage of it, go into the inner cities, take advantages of the tax breaks but not really either keep the investment or the capital or something there, that they will basically bleed the resources of the inner cities and then get a benefit for doing so. That is my suspicion and speculation as to why there is a lot of resistance to that or has been resistance to that.

COMMISSIONER REDENBAUGH. Thank you. I don't have any more questions. I would comment as the Chair that I have very been impressed with your presentation and with the freshness—it is not quite what you said, Art—with the freshness of your thinking and the light which both of you have shed on what admittedly is a very complex and serious problem. So I thank you, and I yield to my colleagues.

MR. SMITH. Thank you, sir.

CHAIRPERSON FLETCHER. Any other members of the panel?

COMMISSIONER GEORGE. Mr. Smith, I do join my colleague, Russ Redenbaugh, in stating my admiration for the freshness of your thinking, and I want to ask you about the problem of political incorrectness. I also admire your courage of speaking out in an environment, in a milieu where it is not always comfortable to do so for ideas that run against prevailing orthodoxies or what you call paradigms. But one of my colleagues on the Commission made a point to me that struck me as very sound, and I wonder if you could comment on it, because I don't know completely what the explanation for it is. And I am going to make some assumptions that not all of my colleagues will share, but if you do share them, can you help to tell me why this is the case?

My colleague said, "People with progressive conservative answers to social problems have very little or no credibility to the people who are the victims of these problems. People who have a great deal of credibility with the victims of the problems have very little in the way of progressive answers, conservative answers to these things." Why is there so much resistance to the kind of thinking that you represent within the communities that regularly send to Congress people who are opposed to your way of thinking?

MR. SMITH. Well, let me approach the question this way. I host a radio talk show here in Los Angeles 5 days a week. And on Tuesday we dedicate the show to the diversity of African American thought. We started our first issue or edition of that program this Tuesday. And I had on the program Bernard Kinsey from Rebuild LA. I had Forescee Hogan-Rowles who I understand was here. I also had a man by the name of Asadullah Samad. He is a journalist. He writes for a number of African American papers around the country. He is a member of the Nation of Islam. And what I basically attempted to do was to get a broad

cross section of the diversity of thought within our community, and we addressed this very question. Part of what came out of that discussion was confirmation of a reality that has been very real or appeared to be, and that is that there is a very high level of intolerance within our community for opposing views. If I were to try to suppose why that is, I would say it has a lot to do with the fact that we have had a generation of African Americans who have been taught and conditioned to believe that the ideal of unity is more important and superior to the ideal of truth and what is effective and what is right.

Therefore, there have been those who have been willing to subordinate what was clearly right, what was clearly true, what was clearly accurate, for the sake of providing a unified front. I would submit that as my explanation for the reason why so many people were shocked to find that the black community was not monolithic during the Clarence Thomas hearings. People were surprised. I was surprised that people were surprised that all black people don't think alike. That, I would think, would be obvious. But, again, I believe that the reason it was not so obvious is because we have worked very hard at presenting that unified front. And anyone who has ventured beyond that has normally done so at their own risk.

There is an old Asian proverb, I am told, that says, "Secure an independent income, and then practice virtue." And I wish I could say that I am extraordinarily courageous. The truth of the matter is I have had the wisdom to build my business in a very mainstream way. Again, I have explained to you that my clients are Asian, Hispanic, Indian, Korean—it goes on and on. So I am really not subject to any single group of people saying, "I don't like what you are saying, so I am going to take away your paycheck." But a lot of people are. Many people—in fact, the vast majority, again, of black businesses—rely heavily on being able to do business exclusively within the black community. If that ability is compromised, then their livelihood is compromised, and I think that this more than anything else speaks to why we have seen this sort of apparent monolith within the community.

COMMISSIONER GEORGE. I want to move on to the very interesting issue of culture and the relationship of culture to economy that you raised. And I wonder to what extent you can speak from

personal experience about the problem I want to talk about. Do you or Mr. Taylor happen to have children?

MR. SMITH. I do not.

COMMISSIONER GEORGE. Mr. Taylor?

MR. TAYLOR. No, I do not.

COMMISSIONER GEORGE. Well, I am sure you know many young people. What is your principal concern? What are the principal dangers? I am a parent, and I know what mine are for the children that I have in the milieu in which they live, in which I live. In the milieu in which both of you live—I would like to hear from both of you on this—what are the particular dangers that if you had children would keep you from sleeping at night the way I don't sleep at night?

MR. SMITH. Let me begin by saying that, as most people probably know, we are living in an age now where I understand some 60 percent of children that are born in the black community are born to single mothers. I recall being 18 and getting married. I got married for the first time at age 18. Again, I was born in New York. I was born in Harlem. I was raised in some of the most notorious centers of poverty in that city. I lived in Bedford Stuyvesant. I lived in the South Bronx. When I was coming up, however, I could not wait to get married. And the reason I couldn't wait to get married is because I had been taught to believe that that was the ultimate rite of passage. You are now a man when you have taken a wife. And I recall coming home on the afternoon of our wedding laying on the bed and looking at that marriage license and thinking to myself, "I am a man now," and I felt good about that.

I don't necessarily see in a broad-based way that value inculcated in many of today's young men. It seems to be more an interest in notches on a belt in conquest. I think it is reflected in a lot of the music that refers in very derogatory ways to women. I know that there are a lot of people who probably think this is not really significant, but I disagree, because I work with and talk with a lot of these young men, and it is very clear it is in a large way because we in the black mainstream have failed to put viable solutions in front of them for their future. They have embarked upon a quest to derive their own. And I don't necessarily know that I like what they are coming up with. Therefore, they are taking a lot of their cues and their values from popular cul-

ture. All you have to do to understand the profound impact of that is to go into the inner city and look at that narrow segment of the inner city that is being dominated by the values of that counterculture to know that it is extremely destructive. That would be my greatest concern. How would I balance allowing my child the freedom to explore and to develop his or her own sense of values and at the same time avoid them being caught up in what to me are clearly a set of counterproductive and undermining values?

COMMISSIONER GEORGE. Mr. Taylor, would you like to comment?

MR. TAYLOR. Yes. Let me respond on two levels. First, I guess, for my own children, I would be concerned about, frankly, violence most of all. My commitment personally is to remain a part of the communities that I came from. And I think that the notions of random violence are quite frightening and the fact that homicide is the leading cause of death for black males under 32, 35, whatever the statistic is, is frightening to me personally and would be frightening, like I said, for my children. My second concern, in fact, would be the one of cultural confusion or surprise. I have a sense of confidence in my own set of family values. I think we can, my wife and I, provide the grounding that will allow them to explore and come out in the right direction in an eclectic fashion.

But I do think that there is still racism in this nation that they will inadvertently or undoubtedly run into. My children will believe that they can achieve anything, and, in fact, they will have the capability to achieve anything. But having had my own experiences coming through the private sector and participating in board meetings of Fortune 500 companies where I am the only black person there, looking at it 20 years from now, I don't see much difference in that. I remember when I started to hit that wall personally and what an experience that was for me personally. Broadly speaking though, I think they will be okay. I worry broadly though about children generally in the same fashion that Mr. Smith does. I worry about them in this sense. I think, in fact, these notions of what seem to be the prevailing media culture, whether that is generated out of our community or the one that is propagated nightly on the news profile, menacing black figures on TV, is very frightening,

and it creates an environment in which our children, quality [phonetic] speaking, are at risk.

I guess the last thing is in terms of thinking broadly about children. I am concerned that this is our last chance. This generation represents our last chance to turn us around. And I say that from an economic point of view because we see a rapidly accelerating divide between the have and have-nots. We see a rapidly globalizing economy, and the world does not care about our social problems—the commercial world. They are concerned with the highest quality, the most features at the lowest cost. And “You fix your society.” This is our last opportunity to do that. It is especially crucial for us in the black community to recognize that. And to Mr. Smith's earlier point, I think that is why we see a sort of paradigm shift where folks in our generation are focused on economic development.

And to the Chairman's point—I support wholeheartedly—we are deeply indebted to those who have gone before us. And, in fact, I would not suggest pulling back from the old paradigm because that would be sort of like unilateral disarmament. At the same time, the value added going forward and how we can sort of save this generation at this what I think is our last opportunity is by becoming owners, if you will, as opposed to employees, and full participants in the broader economy, not simply across ethnic lines here in Los Angeles but in that global economy. We need to be able to compete in that global economy. That is the kind of mindset that my children will have, and I am concerned, broadly speaking, in the black community whether that mindset is there. And certainly all the cultural points made by Mr. Smith affect the strength of that mindset but are not the only factors.

And to the Chairman's earlier point, I think there is actually a very strong underlying set of family values that exist in the black community. I am very familiar with that area as well. But, in fact, it is threatened by this notion of single-headed households, teenage pregnancies, the low high school completion rate, the declining enrollment of black males in college, etc., etc. As a group, again, I believe it is our last chance, and I believe we have to get about the business of economic development if we are going to be successful at this last chance.

COMMISSIONER GEORGE. Thank you very much. Mr. Chairman?

CHAIRPERSON FLETCHER. Carl?

COMMISSIONER ANDERSON. Mr. Chairman, I had a number of questions but many of them have been asked. So I would just like to make a statement, and perhaps you would like to comment on it. I share what a number of the other members of the panel have said about how appreciative they are of your testimony. To me, what I found to be beneficial to myself is the fact that, as I recall, you are the first panel who have talked about the linkage between values and economic success. You are the first ones who have raised the question of popular culture, morality, have raised the impact of crime on business, and particularly the question about the issue of considering any particular racial or ethnic community as monolithic.

The Commission recently has published a report on the civil rights problems of Asian Americans. And I think one of our most helpful findings and recommendations in that report was the fact that it is wrong to look at the Asian American community as a monolithic community. There is tremendous diversity there. So I think what you said about the African American community is very helpful to us. I think what impressed me the most, and perhaps it is the fact that you are testifying at the end of our long testimony on economic development, is the fact that—and this is part of the design, I guess, of our hearing—we have so many witnesses and so many public commentators on these questions come in and look at one narrow aspect—the problem is racism; the problem is government regulation; the problem is crime; the problem is family values—what I found most impressive about what you have said this morning is the fact that you have in a sense touched on so many of these. You have provided a synthesis for us in a lot of ways. And so I think that perhaps this is one of the most valuable panels we have had. So I would like to thank you for that.

CHAIRPERSON FLETCHER. Mr. Wang?

VICE CHAIRPERSON WANG. I can't help but to add a couple of words of my admiration for both of you. Particularly, Mr. Smith, when I took on my first job as a social worker, I traveled many miles of where you have been, from Harlem to those other neighborhoods. When you used the proverb, that really intrigued me. I know our Chair would have responded because our Chair, if you don't know, is a long-time student of Chi-

nese philosophy. He is really an egregious [phonetic] sort of man. The proverb I would use is different from your version in terms of the way you put it. I think Confucius one time said, "One would only know—from honor to disgrace is when one has enough food and clothing for one's body." I think it is very close to what you are saying, and it gets the gist of it. Thank you.

MR. SMITH. Thank you.

CHAIRPERSON FLETCHER. Well, if there are no further comments or observations or questions from the panel, let me say again, and it has been said by my colleagues, that you have made a valuable contribution here this morning. And as far as I am concerned, you have fulfilled my spiritual tank. I can run another mile now. In terms of the proverbs, the other part of it is, "When you are not going to be wealthy and you are aware of it, then you put on a clergyman's collar and do it anyway. Be comfortable in your poverty, and do it anyway." Thank you so much.

MR. SMITH. Thank you.

MR. TAYLOR. Thank you.

CHAIRPERSON FLETCHER. Call the next panel.

MR. GLICK. Mr. Chairman, our next witness is Mr. Terree Bowers, who is the United States Attorney for the Central District of California.

CHAIRPERSON FLETCHER. Is that all?

MR. GLICK. Yes. Mr. Bowers appears by himself, and Staff Attorney Susan Muskett will carry on the questioning of the witness.

CHAIRPERSON FLETCHER. Will you stand for a moment, please, and let me ask you to raise your right hand.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you very much. Proceed, counsel.

Testimony of Terree Bowers, United States Attorney, Central District of California

MS. MUSKETT. Mr. Bowers, would you please state for the record your position and how long you have held that position?

MR. BOWERS. Yes. I am currently serving as the United States Attorney in the Central District of California. I am a court-appointed United States attorney serving in an interim capacity. I assumed my initial position as the interim U.S. attorney in September of last year. And before that, I served as the first assistant United States attorney in the office, and before that I headed the Major Fraud Section.

MS. MUSKETT. How long have you been with the U.S. Attorney's Office for the Central District of California?

MR. BOWERS. I have been with the office since April of 1982.

MS. MUSKETT. How many police departments are under the jurisdiction of the U.S. Attorney's Office for the Central District of California?

MR. BOWERS. I don't have that figure off the top of my head, but I can put it into context. The Central District of California is the largest Federal district in the United States. It encompasses seven different counties stretching from San Luis Obispo County down to Riverside, Orange, and San Bernardino Counties. In those counties, we have approximately 16 million people. We probably have close to 70 or 80 different local law enforcement agencies. And, of course, we have a district attorney's office and police department in each of the counties as well. So it is a very diverse Federal district and, as I said, it is absolutely the most populous in the United States and includes some of the fastest growing counties in the United States.

MS. MUSKETT. Mr. Bowers, the Commission heard testimony on Tuesday to the effect that there was a lack of a Federal presence in Los Angeles with respect to police misconduct in the years prior to the Rodney King beating. Would you please respond to this assertion as well as the fact that there had been no Federal prosecutions for police misconduct by the U.S. Attorney's Office for the Central District of California between the years of 1985 and 1991?

MR. BOWERS. That is sort of a rather broad question. I will respond to it on a number of levels. First of all, you have to understand that I had not really become intimately involved with these issues and these types of prosecutions until really I became the first assistant. It is an area that has always interested me, and I took on a certain amount of responsibility from the time I became first assistant in looking at these cases and analyzing how they are handled and that sort of thing. And, then, of course, I had the privilege to serve as a United States attorney during the Rodney King trial itself. So I have garnered some information, but I do have limitations because before I became first assistant, my focus was exclusively in the white collar crime area.

MS. MUSKETT. And what year was that that you became the first assistant?

MR. BOWERS. That would have been 1991, I believe, late 1991. But I know that our office has always viewed these types of cases as very important, high priority cases. In fact, one of the cases I recall as a young assistant being tried in the office was the *Gwaltney* case, which involved a CHP [California Highway Patrol] officer who had assaulted and then murdered a woman on the way to Las Vegas. That particular case had been tried twice in a district attorney's office to hung juries, and then we brought it over to our office. And I remember as a young assistant looking at that as a very important case. I know the prosecutor in the case went on and obtained the prosecution and received a Marshal Award from the Department of Justice, so I think it has always been the type of case that people in the office are interested in. They feel that these cases are priority cases.

One of the things that I can point you to in this period that you point out, and really it stretches back to 1979, is occasionally we have had to contend with hiring phases and cutbacks in our resources. From a parochial view, this really hurts us. Historically, our district has kind of lagged behind in staffing, and our staffing has not kept pace with the boom in the population and the increasing demands on our time on a variety of fronts. Our district probably has the greatest variety of prosecutions in civil activity of any other district in the United States. You name the law enforcement priority area, and we have it in abundance in this particular district. So, we are always facing a struggle to allocate our resources so that we can project Federal presence into all of these different areas, from violence to white collar crime to defense contracting—just a whole myriad of areas. So that has been a struggle over the years whenever we are faced with budget cuts. And, of course, now we are in an 18-month hiring freeze with a mandated 9 percent staff reduction, and that makes it very difficult to service all the various areas that we are charged to meet.

I can tell you that one thing I have done since I became the United States attorney to try and get a better handle on the inventories of our civil rights cases and to really at least put in an institutional methodology so we can keep track of these cases in a more expedient fashion is I mandated that our entire inventory be computerized so that we could compare it vis-à-vis the

files with the FBI and the files with the Civil Rights Division. And I would just point out to you that in analyzing any specific statistics from our office, you have to remember we occupy kind of a unique niche between the district attorney's office and the Civil Rights Division at the Department of Justice. So, at any given time, you are not going to see all of the civil rights prosecutions coming out of our office. Ideally, you should see a good mix of cases coming both from the local district attorney's office and from our office and, hopefully, in the larger districts, collaborative efforts with the Civil Rights Division from the Department of Justice itself.

MS. MUSKETT. Now, the *Gwaltney* case, that was in 1984; is that right?

MR. BOWERS. Let's see. The indictment was in November of 1983, so the case would have been tried in 1984.

MS. MUSKETT. And then subsequent to that until 1991, were there any prosecutions in that time period?

MR. BOWERS. In going back through the computer run that I asked our people to run, I see between 1979 and 1988 seven other defendants charged, and then, of course, I think Linda Davis in her testimony before the Commission mentioned the six defendants in the *Miller* case in 1990 and in the *Hansen* case in 1991.

MS. MUSKETT. So between the *Gwaltney* and the *Miller* case, there were how many?

MR. BOWERS. I believe six additional others, not including the *Miller* case and the *Hansen* case that Linda Davis has previously testified to. It would probably be a total, including *Gwaltney*, of approximately 14. Now, that does not include other types of civil rights cases that we do which I would also like to emphasize just to keep this in context. We do hate crimes, cross burning, interference with housing both on a criminal and civil level, and we have been very innovative in the cases that we have brought. For example, we are the first district to ever use the racketeering statute in connection with a civil rights prosecution. We had a situation where in a flower ranch up north of here, Indians from Mexico had been brought in and really kept in what amounted to the fact of servitude. And we were able to put that case together with the cooperation of the Mexican Government and obtain convictions. And that is the first time we have ever been able to use racketeering charges against individuals

and corporations to pursue what are, in essence, civil rights violations. So I think that may be a trend for the future in these types of cases.

MS. MUSKETT. So you are saying you did bring indictments subsequent to the *Gwaltney* case and before the *Miller* case?

MR. BOWERS. Yes. I have a computer printout, and I can provide you with that. I have not had an opportunity to go through these cases in detail. I was in Washington, D.C., for the past 3 days, and I just recently got this printout.

MS. MUSKETT. And these are police misconduct cases?

MR. BOWERS. They are listed as section 241 and 242 violations, so I would assume they would be police violation cases. But I can sit down with you after the session and track down the detailed information on each of these.

MS. MUSKETT. Does your office have a civil rights enforcement unit and, if not, why not?

MR. BOWERS. Our office is set up to handle civil rights cases through what is known as our complaint section, which is a section composed of attorneys that have just finished their initial training and their initial work on the trial line and are trained to handle reactionary cases and intake cases. The deputy chief of that section acts as the person who is the focal point and is the clearinghouse for all of the cases that come into the office. She makes sure that they are computerized, that she meets up with the FBI and with the Civil Rights Division to make sure that everyone is on the same page and nothing falls through the cracks. When our office is going to undertake an investigation with the FBI, then the case is assigned to either an attorney in our Public Corruption Government Fraud Unit or our Major Crime Section. And the reason we use those two sections is the Public Corruption Section is used to handling cases with public officials, and so their expertise in that area is very valuable in analyzing and developing any type of police brutality case. The Major Crime Section is responsible for the more complicated violent crimes in the district. And their expertise with handling those types of assaults and homicides on military reservations and the accompanying issues gives them expertise to work on these cases as well. We also have the ability in a particularly complex case to combine assistance from each of these sections. But we do not have a single civil rights division.

MS. MUSKETT. Can you give me any kind of description of the cases that were brought subsequent to the *Gwaltney* case in the years prior to the King beating?

MR. BOWERS. Not off the top of my head. We could sit down and go through a more detailed analysis going through our records, if you would like, but there is a wide variety of different types of cases.

MS. MUSKETT. I meant in terms of police misconduct.

MR. BOWERS. Again, I wouldn't want to do this off the top of my head. If you are looking for any general categories, then I think we would want to approach that in a systematic fashion and marshal the types of complaints that we have received and the cases opened, and then evaluate them according to category, if, in fact, any specific types of categories exist.

MS. MUSKETT. Right. My question is addressing the cases that were actually prosecuted during those years. Let me explain my concern. I know the Justice Department considers itself a backstop to the discipline imposed by the local authorities. And the Christopher and Kolts reports document the lack and the inadequate discipline which was imposed by the LAPD and the Los Angeles County Sheriff's Department. So in that light and in light of the fact that according to the Kolts report, the district attorney's office had only prosecuted one shooting in a decade out of 382 referrals for possible prosecution, we are trying to determine whether from the U.S. attorney's office there might have been, based upon the Christopher and Kolts reports, suggestion to your office that there had been inadequate local prosecution and inadequate discipline imposed by the local authorities, and perhaps the Federal Government could have played a greater role in that respect.

MR. BOWERS. Since I wasn't really involved at that period of time, I don't really think I am the person to speak to that. I am certainly not qualified to comment on the internal procedures of the district attorney's office or the police department. As far as the future, I can reassure you that I know the new district attorney has expressed a willingness and desire to work in close cooperation with the United States attorney's office, not only in these types of cases but across the board. And I think that is what is absolutely critical, so that at any given time, you have a comprehensive

overview of the cases that are in the system, how they are being handled on both the administrative disciplinary level, the local prosecution level, and the Federal level, both at the United States attorney's office and the Department of Justice, because I think what needs to be done is a more coordinated approach to decide where these cases are best brought, if there is a determination made to pursue them. And, traditionally, we do defer to the local authorities.

In California we do that for a number of reasons. One, it is usually easier to pursue these types of cases using assault statutes or manslaughter statutes as opposed to the civil rights statutes. The other problem in California is there is what is known as a statutory double jeopardy bar, which as part of the penal code precludes the State from going back in and pursuing a prosecution if another sovereign or entity has pursued that same situation or set of facts in a parallel or additional proceeding. So, in the civil rights area, if we went first and we were somehow unable to obtain the verdict in any given case, the State would not be able to come in and pick it up and analyze what went wrong and come back in with a prosecution. However, as you know from the Rodney King case, it does not work that way when the State receives it initially and then the Federal Government comes in.

Also, the third thing is I think there is a great deal to be gained from having local district attorney offices or State attorney generals participate in this process. It generates confidence in those entities from the citizenry. It gets them used to handling these cases. Face it. We are all undergoing severe budget cutbacks, and on all fronts we have to be able to marshal our limited resources to have the most effective impact. And anytime you can get other partners working with you, I think that is important.

MS. MUSKETT. Am I to understand you, that you felt that the Federal Government could have played a larger role if it didn't have these impediments that you were referring to?

MR. BOWERS. No, I don't think I said that. Back in that time period, without a more indepth analysis of what occurred at that time, I just don't feel comfortable about putting any spin on it or giving you my personal opinion, since I was not personally involved at that period of time.

MS. MUSKETT. Based upon the experience that you have had to date, what additional statutory or

practical impediments has your office encountered in prosecuting official misconduct cases against local law enforcement officials?

MR. BOWERS. I am not sure there are any statutory impediments. I think 241 and 242 are good vehicles for pursuing these types of cases. Again, just speaking from a parochial standpoint, it would be easier for my office to handle these cases if we had more resources. We are spreading these cases out amongst maybe a dozen different attorneys who are carrying other caseloads as well, and everyone is working extremely hard. So the enhancement of resources, I think, would play a key role. I think what I pointed to as far as better liaison and communication amongst the locals and the Department of Justice, which is evolving now, is going to be a key element to being more effective. And I don't think that is in the nature of a statutory fix. We have had a very positive relationship with the Civil Rights Division in Washington, D.C., and perhaps our experience in the Rodney King case can be used as a model to get other U.S. attorney's offices throughout the country involved in building up the cadre of experienced prosecutors who can develop these cases as well as experienced investigators and agents. So I view it more as a resource problem.

Just with a caution. It is dangerous to approach these cases from a numerical, quantitative standpoint. You are never going to see the same types of numbers that you would see in the S&L [savings and loans] prosecutions that we were tasked to pursue by Congress. I think with increased sleuthing of these cases, maybe at the local level assisting the Civil Rights Division, you might be able to put together some additional cases that you would not have been able to put together in the past when we had limited resources. And that is both at the prosecutorial level and the agency level, because that is extremely critical, that you have enough agents. But other than that, I wouldn't see any major change in the number of cases coming in.

MS. MUSKETT. Why has your office not been given the additional resources? The staffing for the Department of Justice overall increased between 1981 and 1992 by 55 percent.

MR. BOWERS. Well, our office has been fortunate over the past 3 years. In fact, we've probably doubled our size. But it's just that we were so far behind in the population boom that it's a struggle

to keep up, and it's a very complicated process. The Department of Justice only has so many allocated positions to disperse throughout the country, and they do their best to allocate those positions efficiently. There are many priorities that are established, not only through the Department of Justice, but through Congress itself; and as an example of that, I would point you to the S&L crisis. When Congress sets aside an appropriation for hiring X number of prosecutors throughout the country and that money goes to the Department of Justice, that translates into positions that go out into the field. We don't have the discretion to take those positions and have those people do civil rights cases. The positions funded in our office for S&L fraud work, financial institution fraud work—those attorneys have to do those types of cases. So a lot of our increase in staffing came as a result of the S&L crisis. But they're tied to specific topic areas.

MS. MUSKETT. Would you recommend an appropriation for Department of Justice for civil rights prosecutors?

MR. BOWERS. It's something I think that would be good to discuss with the Civil Rights Division. Again, I think our experience in the Rodney King case was a very positive one because I think you brought the strengths of both the local U.S. attorney's office and the Civil Rights Division to bear on a single case, and that's very important because the local prosecutors are familiar with the courts, the judges, the jury system there, any idiosyncrasies of the particular judge drawn or the system itself. The local prosecutors tend to have had trial work in other areas as well. So you get this cross-pollination of ideas and approaches. I think you just have a better team approach. So I think if additional appropriations could be made to the field, particularly in the larger metropolitan areas, the staff, local civil rights division that would work in conjunction with the Civil Rights Division of the Department of Justice, that would probably be of great assistance. I don't know what the Civil Rights Division position is on that. I certainly wouldn't want to preempt that, but I think it's worthy of looking at to see whether or not that's a viable option.

MS. MUSKETT. One final thing. If you would please submit for the record the information regarding the cases that were brought between

1985 and 1991, a description of them, that would be appreciated.

MR. BOWERS. Absolutely. I'll provide you with whatever additional information you would like.

MS. MUSKETT. Thank you. No further questions.

VICE CHAIRPERSON WANG. Thank you, counsel. Commissioner Reynoso.

COMMISSIONER REYNOSO. A quick question. We have testimony suggesting that despite the double jeopardy issue of the State, there's so few, relatively few police malpractice or felony cases of fraud that there ought to be a change in the law to permit the Federal Government to go first, if you will. Does the government have the right to do that? I'm not just talking about civil rights, but it was suggested that the standard be not a violation of civil rights but simply the use of unreasonable force.

MR. BOWERS. We have the ability to do that. There's no legal impediment to that whatsoever. It's more a matter of policy and working out with the local district attorney's office what their position is. One thing we want to be careful of is if they are up in an investigation and pursuing it vigorously, it's very wasteful for us to mount a redundant investigation, and it could be catastrophic if we move in with our case beforehand because that will definitely ice them out of any efforts that they would have.

COMMISSIONER REYNOSO. There was some further concern expressed with respect to what's called a pattern or practice of police departments, suggested that if the Justice Department sees in any community—we're speaking nationally, of course—a pattern or practice of the use of undue force, that there should be the ability on the part of the Federal Government of preventing such an action, perhaps seeking injunctive relief, that sort of thing. Can the Justice Department do that now? Would that require statutory changes? What's the situation on that?

MR. BOWERS. I know this has been raised several times in Congress. I'm really not sure what the status of that is at this point.

COMMISSIONER REYNOSO. Since it's been raised in Congress, I take it it would take a statutory change to give you the authority to do that?

MR. BOWERS. My assumption is that since it got to that level, there is at least a feeling for—to have any effect in this area, there needs to be some statutory implementation. This obviously

would be something that the Department of Justice—a policy matter that could be brought up with the new Attorney General and pursued there. We also have—in fact, this is where I was the past 3 days. There is an advisory committee to the Attorney General comprised of the United States attorneys. So there are a number of vehicles to put this on the table and discuss it and see whether it is viable.

COMMISSIONER REYNOSO. Very good. Thank you.

VICE CHAIRPERSON WANG. Commissioner Anderson.

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. We have had testimony from the panelists about the question or on the issue of the element of specific intent for a prosecution in this civil rights area, excessive force area. Would you comment on that? Obviously, it is a difficult element of the offense to have to prove, but we'd like to hear your opinion. The necessity for that, whether it's necessary as an element of the offenses, or whether it should be eliminated.

MR. BOWERS. I think it's at times a difficult element to shoulder, but that's true of many of our prosecutions, and our system is set up on that type of an approach where the State and government must shoulder that burden. But I think a properly prepared case, a properly investigated case can meet that burden and explain to the jurors the circumstantial evidence or the direct evidence supporting that intent element of the crime. So I don't view it as improper or an unnecessary impediment. I think it's part of our criminal justice system when you approach from trials. I also think it's important to have the intent element because what you do is you allow both supervisors, administrators, local district attorneys, and Federal prosecutors to address a range of conduct that may occur with police officers and other law enforcement officials. There may be situations where someone is just totally negligent and panics for one reason or another and it's absolutely inappropriate conduct and must be dealt with. But how you deal with that type of conduct as contrasted with an individual who comes in with racial animus and is intentionally doing something because of a person's skin color, I think you need to distinguish between those scenarios and have different mechanisms to address that type of improper and inappropriate conduct.

VICE CHAIRPERSON WANG. One final question for me, Mr. Bowers. We heard much testimony before and those, I think—one concern that Commissioner Reynoso addressed is somewhat the timing of the Federal involvement. Given the, like you said, limitation in resources and everything else, if from the arrest made at a point where—like in New York City right now, the arresting officer can determine it is a bias-related crime or not, if it is classified at that very moment as a bias-related crime, would you say that the Justice Department intervene immediately or just to wait until after it is over and come back again?

MR. BOWERS. This is a very difficult area because all prosecutors, all investigators want to get into the investigation as quickly as possible because everything is fresh. But I do think there is an appropriate time period there for the local authorities to make up their minds whether they're going to pursue the cases or not. I think what's critical is that that's a very limited amount of time so that the Federal authorities know very quickly in the early stages of the investigation what the position is going to be from the local prosecutor and the State attorney general so that we can make our decision. We don't want parallel investigations going because that would be disastrous. Two sets of agents out there and investigators interviewing the same witnesses could create conflicting testimony and all kinds of messy problems. So that's not a solution.

I can say that in both the Walton case and the Rodney King case, even though we initially initiated a Federal investigation just to get an overview and had to wait maybe months before we came back in with a Federal investigation, in both of those investigations we uncovered significant new evidence—in the Walton case, both medical and forensic and scientific evidence as well as additional witnesses. And then, of course, in Rodney King you saw that, with the additional time we had, we were able to introduce a lot more variety of evidence in that particular case. So it doesn't necessarily destroy our ability to put together a good case.

VICE CHAIRPERSON WANG. In that instance, do you sense that you have the full cooperation from the local law enforcement now?

MR. BOWERS. Yes, I do. I think with Chief Williams coming on board the LAPD and Gil Garcetti, the local district attorney, and the

other district attorneys in the district, I think there is a lot of cooperation. I think that there is increased focus on these types of cases, and I am very optimistic. And I think you will see very efficient and effective handling of these cases over the course of time.

VICE CHAIRPERSON WANG. We had an expert panel the day before yesterday consisting of a former commissioner of New York City, Pat Murphy, and a couple of others. They have actually suggested that there should hopefully be a national kind of coordination of all the law enforcement. Right now the whole structure is so fragmented and so, shall we say, suffering to the extent each has his own jurisdiction and so forth, very little interaction among all of the different law enforcements throughout the country. What's your view on that?

MR. BOWERS. One of the things that I try to do with establishing this computerized system is to make sure that we did have the linkage with both the FBI, the local DA's offices and the Civil Rights Division. I think the Civil Rights Division strives to do that on a national level with all of the Federal prosecutions and investigations in the system. It's more difficult when you get down to any local cases that may not be getting into the Federal system, and maybe there's a way to better capture those. There's probably even things such as national training conferences and things of that nature where you can train local prosecutors as well as Federal prosecutors to try these cases effectively because they are actually some of the most difficult cases to prosecute, and I think training is really beneficial. And I know that the Civil Rights Division puts on training. Maybe we need to go to a more national level and include a lot of the local people as well.

VICE CHAIRPERSON WANG. I think it will work better. Apparently, to give you an example, not only recently, but we have heard so many times that one medical doctor was outlawed in one State and can move to another State and establish his or her office again and practice is continued until he got caught again for misconduct. Then, he moved to another State because there's no information sharing by different States to kind of really make sure that this similar individual would not be harmful to the citizens or the patients anymore. So I hope that your computer system would be very, very helpful in that

respect. Thank you very much. Any further questions from anyone?

MR. BOWERS. I want to thank the Commission for rescheduling my hearing. That was very helpful. Thank you very much.

Media—Overview

VICE CHAIRPERSON WANG. Now let's move on to the next panel, and we're going to start part III of our hearing, focus on the media.

MR. GLICK. Mr. Vice Chairman, before we proceed, I have a statement on behalf of the Commission that I would like to read into the record which relates to the next section of our hearing.

VICE CHAIRPERSON WANG. Sure.

MR. GLICK. With your permission.

VICE CHAIRPERSON WANG. Yes.

MR. GLICK. The focus of the next three panels of our hearing is on the role that local news media organizations play in helping to keep the public informed about important social, economic, and political developments affecting the communities that they serve. As counsel to the Commission, I will state that this Commission recognizes, as it consistently has, that a free press, able to decide what is news and report that news independently, is as essential to the functioning of a democracy today as it has been for the past 200 years of our nation's history. Indeed, the success of this Commission's work depends in large part on a free press being able to report on civil wrongs so that policies designed to ensure civil rights can be demanded and implemented.

These news panels will address a range of issues linked to local news coverage of various minorities in the Los Angeles area. Our primary purpose is to assess the nature of such coverage, including its accuracy, completeness, and balance, and to identify factors that may account for such coverage. I wish to make it clear as part of the record of this hearing that nothing in the questioning of witnesses on these panels or that is included in the Commission's report on this hearing that we submit to the President and Congress will infringe upon or suggest any interference with the news media's right to independently report, edit, and publish the news. Thank you, Mr. Chairman.

VICE CHAIRPERSON WANG. Thank you, Mr. General Counsel. Will you call the first panel.

MR. GLICK. Yes. Our first panel will consist of Miss Sandra Evers-Manly, the president of the

Hollywood branch of the NAACP; Ms. Esther Renteria, president of the National Hispanic Media Coalition; Kapson Yim Lee, senior editor of the English edition of *The Korea Times*; and Mr. Dennis Prager, a writer and radio commentator for KABC radio. I will ask Miss Barbara Brooks, the press officer, to undertake the questioning of the panel.

VICE CHAIRPERSON WANG. Before we do that, can I ask the panelists to stand up and raise your right hands.

[Whereupon, the witnesses were sworn.]

MR. GLICK. Mr. Vice Chair, may I call Mr. Dennis Prager again, please. Mr. Dennis Prager.

VICE CHAIRPERSON WANG. Can someone call him?

MR. GLICK. I believe he is here, Mr. Vice Chairperson.

VICE CHAIRPERSON WANG. He is here?

MR. GLICK. Apparently not. He apparently is not here.

VICE CHAIRPERSON WANG. Ms. Brooks, would you proceed.

Testimony of Sandra Evers-Manly, President, Beverly Hills-Hollywood Branch, NAACP

MS. BROOKS. Thank you, Commissioner. I'd like to direct my first question to Ms. Sandra Evers-Manly, president of Hollywood branch, NAACP. Ms. Evers-Manly, what do you feel are the most salient issues today regarding the employment and portrayal of minorities by mainstream Los Angeles television news media?

MS. EVERS-MANLY. I think it is very clear both in front of and behind the camera that the diversity of the society of this city is not being reflected, nor are the portrayals of images. There was a recent report put out by the Screen Actors Guild and AAFTRA which shows a 10-year portrayal of women, people of color on television, and I think it's clearly been shown that the portrayals of people of color are as criminals. African Americans, for example, have been shown as criminals twice as much as any other group. The images, positive images you do not see in news reporting. The recent local Emmy awards, 65 percent of those awards given were given for riot coverage, are given for such things as racial tension in the community. I think, clearly, the diversity of our society, the diversity of images are not being reflected in front of or behind the camera.

MS. BROOKS. Concerning your response about the 65 percent of the Emmys being given to newscasts for coverage of the disturbances, in your experiences as president of the Hollywood branch of NAACP—and I understand you do reside in the South Central area of Los Angeles—can you tell the Commission of any personal experiences or incidents that you witnessed during the coverage of these disturbances and how or what images were portrayed, although you may have witnessed other such images during the disturbances?

MS. EVERS-MANLY. Absolutely. I can tell you about the night of April 29, 1992. I happen to live across from the University of Southern California, and on the corner of Vermont and 36th Street, there was a liquor store. That store was being looted. It was being looted by a number of the students who happen to have been Caucasian males from USC. There were a series of newscasters out on that corner. There was a group of black and Hispanic residents who lived in that area—I being one of those individuals—who sat on the corner until the fire department came, cornered many of those individuals after leaving the store. The police came and ended up searching the trunks of those cars.

The news media took its cameras and instead of focusing on that incident, they focused on the residents who were sitting there waiting for the fire trucks, waiting for the police to arrive to deal with the situation. Following that, there was a house two doors down from mine which was burned. I watched the news media who came early in the morning time and set up their cameras, interviewed residents about "Why do you think this happened? Would you talk to me?" No kind of sensitivity for the community, no sensitivity for what many of the residents were doing at the time, trying to keep the fires in check, trying to deal with the chaos that was existing in our city.

In addition to that and long before the civil unrest, whenever I go to the movies, I go to a theater called the Baldwin Hills Theater, and it never fails that when there are movies dealing with African Americans, especially those centered with gang activity, before we can get into the line of the theater, the news cameras are there. The reporters are there. You don't see that in other communities, and we see it time and time again in our community.

MS. BROOKS. Thank you, Ms. Manly. I'd like to get back to your response concerning the diversity issue. Why do you feel or do you feel that—why do you feel the diversity is not being reflected in the media, and what factors do you feel explain what we see?

MS. EVERS-MANLY. First of all, I think if we look in southern California, for example, we have basically two black anchors in this city, none on any of the major networks. We have very few reporters, African American reporters and other reporters of the community of color. When we have reporting done of our community, most of them were very insensitive. One station centered on tagging, baby gangster. Those are the types of images that we continually see. There is just such insensitivity among many of the newscasters that exists.

But more importantly, I think, when we look around and turn the camera and look at what's happening among the executive and managerial ranks, we don't see ourselves visibly there. We're not a part of the planning and assignment desk who give those stories out, who decide what's going to be shown. In addition to that, I think when we have black reporters and newscasters, they're not able to give their points of view. As soon as they raise an issue or question, "Maybe I would like to go out" or "Why wasn't I sent out to cover this particular story if I've got expertise?"—the first thing that we tend to see is that those black newscasters are out the door, or Hispanic newscasters. I think time and time again we see that because we don't see a number of individuals of color in the creative positions making the decisions or at least a part of the team to help bring a balance in what types of stories are being presented.

MS. BROOKS. Have you seen any improvement in the news coverage of the minority community since the disturbances of 1992? Have you, as president of this organization, constantly monitoring the media, participated in any kinds of meetings with the management of stations to discuss this issue, to recommend solutions or improvements in their coverage of these communities?

MS. EVERS-MANLY. Absolutely. We have even volunteered to take groups on tours of South Central LA and other areas where people of color live because there's more types of stories out there. We have sent stories, press releases over

to many of the stations. There's a school in South Central LA called Middle College High School which was set up by the Ford Foundation 4 years ago. This is a school where most of the students are either homeless, they come from areas where there's a series of gang activities. Ninety-seven percent of these students have gone on to college, have finished college. Four years this school has existed in southern California. There has not been one news story done on that school.

We have invited, we have sat down with the news directors and other key managers in the industry to talk about the images that they're portraying and how they're setting perceptions, how they're keeping our communities very separate. I believe that the images that we see as it relates to African American males have been deadly, just like the gun. And I think clearly those images continue to happen day in and day out when you turn the television on at 5:00 p.m. until you turn it off at 11:30. And it leaves a very disturbing and tragic picture.

MS. BROOKS. Can you tell us or can you share with us what you see might happen before we see improvement in terms of news coverage as well as in employment of minorities in the news industry, television news industry?

MS. EVERS-MANLY. I think one of the things that I have seen, that it's real frightening, when you talk to some of the black reporters here in southern California and other places, because clearly they cannot express their true feelings without them being put out the door. I think there's a major need to say that "If we've got diversity among our staff, let's hear from our staff." I think that's missing.

The other thing is, today in the *Hollywood Reporter*, I'll say that there was an article that talks about that the numbers have gone up as it relates to people of color. One of the things we've got to look at is where has it gone up, in what areas. I think the various news stations must look among the managerial ranks and fill those voids where there are people of color missing. The other thing is I think the FCC regulations must continue, and it's important that that happens and that community groups continue and the public continue to challenge the news media as far as their hiring practices. The other thing is I would say that there's a serious need for affirmative action;

there's a serious need for diversity training. And I think they go hand and hand.

Testimony of Esther Renteria, President, National Hispanic Media Coalition

MS. BROOKS. Thank you, Ms. Evers-Manly. I'd like to move on now to Ms. Esther Renteria who is the president of the National Hispanic Media Coalition. To begin with, Ms. Renteria, how do you feel the broadcast media treats images of minorities in general?

MS. RENTERIA. The news media in Los Angeles is not responsive to the communities of color. With my own experience as the national chair of the National Hispanic Media Coalition, I have monitored television very closely. We are not included in the day-to-day broadcasts as we should be. The reportage of the Hispanic community is even worse than the reportage of the black community because we are 40 percent of this population, 3.9 million of us in Los Angeles County, and the television stations don't ever seem to be able to find us.

MS. BROOKS. Can you discuss with us or expand on how you feel your community, namely, the Hispanic community, has been treated? Do you feel you've been ignored? Can you compare it more specifically to other minority communities?

MS. RENTERIA. Yes. I feel very strongly that we've been ignored. We have member groups who tell us that only one station ever covers their press conferences, the community issues are by and large ignored. During the civil disturbances last year, the elected Hispanic leadership called a press conference to encourage our community to stay calm, to stay peaceful, to work out the problems, and that press conference was ignored. I can give you a long list. The *Los Angeles Times* categorically ignores the Hispanic community. And they seem to have an organized way of doing it.

As an example, last week they did a supplement on Father's Day and there were only Anglo-Saxon fathers and African American fathers. There were no Hispanic fathers, no Asian fathers in this entire supplement. I think those kinds of things are inexcusable. They did the same thing with a story about Richard Riordan's team, transition team coming in. They had pictures of all of the major players except the two Hispanic Americans. And unfortunately for us, the *LA Times* being the oldest newspaper in the

city quite frequently sets the tone for what the news stations cover, the television and radio stations. They take their lead from that.

Another problem with the broadcasting industry is that you rise from the ranks. You come from the smaller market to a larger market to a larger market. Los Angeles is the number two market in English language television, the number one market in Spanish language. So you have a lot of people coming here, working the planning desk, the assignment desk, who are not from this area, who have no acquaintanceship with Hispanic Americans, and they routinely ignore the press conferences, ignore the elected public officials because they're not within their realm of experience.

MS. BROOKS. As a representative of your organization, have you had meetings with the local broadcast media regarding the issues of coverage and employment, and how would you just characterize these meetings?

MS. RENTERIA. We have had numerous meetings. It depends on the general manager what kind of results you get from these meetings. I would characterize most of the meetings as rather passionate. We have a very passionate board of directors who serve without any pay and generally without any thanks.

CHAIRPERSON FLETCHER. I know the feeling.

MS. RENTERIA. We have gone to the stations repeatedly. We have given them formulas for success. We have told them exactly who to contact, how to contact people in our community. We've provided them with lists of Hispanic American experts within the various academic fields, within leadership roles within the community, and updated their Rolodexes so that they can get some kind of feedback from the Hispanic community on important major issues. We have suggested that they call Antonia Hernandez of MALDEF when there's a big judicial appointment as there just was with the Supreme Court nominee.

We are totally ignored in those kinds of instances. They act like either we're made of glass and they don't see us or we just don't exist. And with reference to Ms. Manly's comments about them receiving Emmys for the riot coverage, they should all give them back because the riot coverage was lousy. And I realize that I'm under oath. It was terrible. What they broadcast was not the truth of the situation in any way, shape, or form. They ignored what the Hispanic Ameri-

can community was going through because the things that were happening, the fact that 50 to 60 percent of the businesses that were destroyed were Hispanic owned, didn't fit in with their stereotypes of our community; therefore, they did not broadcast it. In their entertainment programming, they show us as gang-bangers. They show us as gardeners and maids. They never show us as entrepreneurs. They don't believe to this day the statistics that I have taken them that show that we own 300,000 businesses in LA County. They don't believe it. They believe the stereotypes that they broadcast on their entertainment programming, and they don't let the truth get in their way of what they're reporting about our community.

MS. BROOKS. To what do you attribute this, I'll say "reluctance" to provide, here again, quote unquote fair coverage, to increase their employment picture of minorities? Why do you feel that the local TV news media may be reluctant to cooperate in this endeavor?

MS. RENTERIA. I think in some instances they're just afraid of diversity. I really strongly feel when we push them to the wall, when we come in and demand that they change, then they reluctantly hire two or three people. In the 395s that they just filed on June the 1st, which I am submitting to the Commission as part of my report, you will find that they are using the bare minimum set by the FCC of half parity of the work force population as the maximum, and when they reach half parity, they stop looking for people of color. And we are very strongly suggesting that the FCC needs to revisit that particular set of rules and regulations and go to full parity because that's the only thing that's going to change the poor reporting of communities of color.

Testimony of Kapson Yim Lee, Senior Editor, English Edition, *The Korea Times*

MS. BROOKS. Thank you Ms. Renteria. I will go on now to Ms. Kapson Yim Lee with the English edition of *The Korea Times*. Would Mr. Ki-Taek Chun please sit beside Ms. Lee to assist her if needed? Ms. Lee, how would you respond to local news media's portrayals of Asian Americans as the quote model minority end quote?

MS. YIM LEE. The Korean community is not a model minority. Our community has the same problems average Americans have. Aside from the problem in the language because they are

immigrants, they have difficulty in adjusting in this country. They suffer economic problems, unemployment, underemployment, and juvenile delinquency and all other problems. But we are portrayed as a model minority. It's a myth created by the media.

MS. BROOKS. Do you feel, then, that the local news media view Asian Americans as a monolithic group?

MS. YIM LEE. Yes, they view the Asians as a monolithic group.

MS. BROOKS. Can you expand on that, cite some examples?

MS. YIM LEE. Yes. Asians: Chinese, Japanese, Koreans, Filipinos—they are as different as Italians, Germans, and Swedes are. Our languages are all different and our customs are all different, but they treat us same group of language or culture. During the riot last April, for instance, about the problem of Korean merchants who lost businesses during the riots, ABC-TV, I remember, solicited opinion about the rehabilitation problem from a Chinese community leader. He did okay, but they didn't—around the issue brought from the core of the problem. It happens all the time. All the time.

MS. BROOKS. Can you address what I would call generally the quality of television news coverage here in Los Angeles? Specifically, how would you rate the local news coverage of last year's disturbances, particularly when it concerns the Korean-black issues?

MS. YIM LEE. I give the local media, television and newspapers, a failing grade, an F. During the riots, Koreans were targeted for major destruction. They lost about half of the total businesses lost by the city. It cost about \$500 million. I think this was due to irresponsible and inaccurate and superficial coverage of the news media, television and the newspapers. When it comes to the reporting of the ethnic community, it seems to me that the television doesn't seem to have their own policy. I agree with the copanelists that they follow what *Los Angeles Times* reports, and the *Los Angeles Times* coverage of the race relations between, especially between blacks and Koreans, has been very, very inflammatory and embarrassing. I believe that the so-called black-Korean tension is the product of these news media. *Los Angeles Times*, generally speaking, is a paper with a good international reputation, but

their coverage of this issue fell far short of what one can expect from this paper.

About 1 year before the riots, what millions of Americans heard about, just like the Rodney King case, was the Soon Ja Du case in which grocer Soon Ja Du killed a customer, Latasha Harlins. They made this case—this case is—I read all the court documents and the transcripts of the trial of this case. Never did I find a word that means racial motivation, but *Los Angeles Times* and the television made this case into a very high profile case and thereby pitting Koreans against blacks and engendered in fearing among blacks toward the Koreans. On this point I had a personal experience.

On the day after the riots, I was scared to death by a black motorist. I was standing in front of the street in front of our office building watching a fire a few blocks away. A black motorist slowed his car around the curb, waving his fist, yelled at me, "We're going to kill all of you. Kill all of you." That sent shivers down my spine. You know, I don't blame this young man. If I had been that young man watching the kinds of news reporting of television and reading those *Los Angeles Times* stories, I would feel the same rage and anger.

About this case, the *Los Angeles Times* assigned a reporter full time to cover the riot. I mean, this paper—this case. Their reporting was so one-sided that they didn't bring what caused this person to react or overreact, and still television and newspaper cite one short sentence from this case. I'm sure all of you are familiar. Quote: A Korean grocer, Soon Ja Du, killed a 15-year-old black girl, Latasha Harlins, over a \$1.79 bottle of orange juice.

This line is being still repeated. I hold those line and read that line—"The Asian citizens in this city were nervously preparing for the Rodney King civil rights trial and the anniversary of the riot." The Soon Ja Du case is not a racial case. It's one of the countless tragedies that's happening in this inner city between merchants and customers.

Excuse me. Let me ask Mr. Chun to translate for me on this. I thank you for the Civil Rights Commission to provide an interpreter, especially like Korean person, Dr. Ki-Taek Chun. Even though I have been using English through my 30-year-long profession, I feel still

inadequate in English, especially when I am put on the spot to speak.

MS. BROOKS. That's why Mr. Ki-Taek Chun is there to assist you and to help you get your points across.

INTERPRETER. If you study the court records, which are public, one cannot escape coming to the conclusion that the case of Soon Ja Du is not a racially motivated, bias-motivated case at all. Yet, the mainstream media continue to play it up as if it were a case, manslaughter case, which is motivated by race and bias.

MS. BROOKS. Let me ask this question of you, Ms. Lee, why do you feel, then, that the media chose to inflame racial tensions by reporting this as a racial case and not, as you say, something else?

MS. YIM LEE. I think it's very simple. The media doesn't have culturally and linguistically capable reporters. As of now, no local station has a Korean-speaking reporter. The *Los Angeles Times* also until late last summer after the riots didn't have a single reporter who had good command of the Korean language. And because of this ignorance and insensitivity on the part of the reporters and editors and managers and publishers, when such an issue as race relations come up, their stories always are one-sided. Perhaps leaders and community members, their presentation is very articulate because they're speaking English. Koreans, especially the merchants who are presented in the television and newspaper articles, they appear like idiots because they couldn't express in the language what they wanted to say. Do you send a reporter who doesn't speak English to interview an English-speaking merchant? Think for a moment, please, that when you go abroad where English doesn't get you far, don't you feel stupid? I mean, your frustration may be temporary, but the difficulties these immigrant groups suffer is lifelong suffering. The media doesn't recognize this fact.

MS. BROOKS. Ms. Lee, let me ask an additional question concerning not only your position as the senior English editor for *Korea Times*, but you're also a founding member of the Korean American Journalists Association. And as a member and an officer of that association, what have you done as a part of your group, what have you done to improve the employment picture for Asian Americans, Korean Americans, specifically in the TV news industry? Are you a

source of information? Are you a point of contact? Do you have any success stories to share with us? Just what has your organization's involvement been in this area?

MS. YIM LEE. We've been working with one goal, that is, encouraging young Korean Americans to enter the field of journalism. Korean immigrants, their prime concern is bread and butter issue. When their youngsters show interest in going into journalism, they discourage them because this field they consider is very competitive and financially it's not rewarding. So the best advice of Korean Americans, young Korean Americans choose to go into the fields of a lawyer, doctor, CPA, engineer, and so on. What we have been doing is to sensitize the community of the importance of having more Korean American reporters. And also we've been doing, to encourage them to get the job by providing them some contacts and also job opportunities and also writing recommendations and things like that. And we have a few young promising journalists working in our mainstream, but not in the television at all so far.

MS. BROOKS. Thank you, Ms. Yim Lee. I have no further questions at this time. I will now turn the questioning over to the Commissioners.

CHAIRPERSON FLETCHER. Thank you very much. Commissioner Anderson?

COMMISSIONER ANDERSON. Thank you. I'd like to begin by asking the panelists if, in their opinion, has news coverage of minority communities resulted in increased racial tensions in Los Angeles?

MS. RENTERIA. Yes.

MS. EVERS-MANLY. I would say absolutely. I think that at the center of the racial tension in southern California, the news media can be held accountable. We have had a series of meetings with groups of black and Korean young professionals, and we have not been able to get the media to cover one of those sessions. When we talk about what's happening with the gang truce in southern California, the media has spent a great deal of time covering gang activity in our community, but as soon as young men put their guns down and begin to deal with economic development, the type of news coverage has not been the same. In essence, it hasn't been at all.

The dialogues that have been taking place in the hopefully rebuilding—not rebuilding, but refocusing what's happening in our community,

the media's not there. They're not dealing with it. First of all, when you turn your television on after a long day's work at 5:00 p.m., and you see an image of an African American male or a Hispanic male carrying a gun, you then watch prime time television—and that's a story in itself where the images are all centered in common, or not at all—and you then see the same image, a negative image of a gun being held by a Hispanic male or by a black male, that's racial tension.

Because the first thing I will do if I have come from a city where I have never encountered an African American or a Hispanic, because of that image I have now seen on television, it will stay in my mind. It will create a perception to tell me that I can't talk to that person. In essence, I better get across the street and not even pass by them. Certainly, the media has not only focused on racial tension, but it has increased that tension by the types of images that it's putting out there. And the images are just not balanced. It is not showing the dialogue; it is not showing communication that is taking place.

COMMISSIONER ANDERSON. Anything else?

MS. RENTERIA. I would certainly agree with what Ms. Evers-Manly has said. In our experience again, so many of the TV news programs have become the police blotter kind of thing. They begin their newscast with five or six crime stories before they get to what's really going on in the community. Unfortunately, because of population and the numbers, this is a town which is 61 percent minority, the crimes that are shown are committed mostly by minority folks, and that is our image on television.

With regard to entertainment programming, again, we are portrayed as the gangsters. Hispanic Americans are three times more likely to be portrayed as bad guys when we are portrayed. Pitzer College did a study in a week in November of last year. There were 569 speaking parts on 56 different prime time shows. There were 9 Latinos of 569 portrayed, and they were all negative portrayals in which we were made to look powerless and stupid. The same thing happens with regards to the news programs. We again are made to look powerless and stupid. We are not covered, as we have said before, and the coverage of the riots very clearly inflamed ethnic and racial tensions. The riots were portrayed by the news media as a black-Korean problem. Our community was incensed because we felt we took

a lot of the hit. We took a lot of losses. Our community merchants lost everything in the rioting. They have since, because they can't pay their mortgages because the business is gone, they have lost their homes.

None of this has been reported despite the fact that we've gone to all of the TV stations, we've pointed out the shortcomings in their riot coverage last April and last May and their continuing lack of concern. Their response has been to provide simulcasts of the newscasts that they do now in Spanish on the secondary audio channel. We have advised them to save their money. Don't give us translations of programs which exclude us anyway. Use the money to provide a reporter and assign them to the Hispanic beat so that we get some balanced presentation of stories.

MS. YIM LEE. Yes, the media is perpetuating the tension especially with the familiar line from the prejudged cases. That line seems to me to have been totally extracted in the libraries of the television and newspapers as a prototype, a classic prototype of racial relations. Again, this is—I'd like to point to this one. They follow the long-accepted practice of journalism that when you report an incident, you don't identify the race of the participant unless it is a central issue of the case.

During the past decade, scores of Korean merchants were shot and killed during robberies in central LA. Reporting of those cases never mentioned race of the participants. I have two recent examples. Last March a black male was convicted of kidnapping and raping and killing a Korean lady who was going to church early in the morning in Korea town. Reporting of this case never mentioned about race of the participants. And also in the same month, a 13-year-old black boy killed a Korean bicycle store owner in Monrovia. The boy shot the shop owner into his head and killed him. Again, the *Los Angeles Times* and television stations turned the screens showing the face of those participants, but the *Los Angeles Times* still never mentioned the race of the people participating. Why is it that in one instance which is the case when the defendant is Korean and the victim is black, race is mentioned?

COMMISSIONER ANDERSON. Thank you. Let me ask each of you to talk about stereotyping of criminal activity, violence. I take it that your testimony is that it has a profound impact on

adults in these communities. Would any of you like to address the impact it has on children, young people?

MS. EVERS-MANLY. I was going to say it's not just adults, but it is children. And I think that's what the tragedy of all of this is, that the perceptions of our children are being set by the media. I'll give you a scenario of an event that recently happened at one of the news media stations. We took over 400 African American youths to a particular news station, and they participated in a program called ACCSO, which is an Olympics of the mind. The students competed in everything from biology, science to mathematics. We started the program at 8:00 a.m. in the morning. We ended at 5:00 p.m. We were on their lot. We couldn't get a news camera out to show these brilliant, talented African American students. We couldn't get a camera out until 4:50 p.m., when a young girl whose parents happened to work at that station didn't want to leave the competition until it was over, and the person came out and said, "Have we covered this?" And I said, "We have now gone to your newsroom 15 times, 15 times, and they have yet to show up." They showed up at 5:55 p.m. when the last student was there and most of the students were gone.

And that's the tragedy of all of this, is that the news media is not being responsible to our young people or to our society. And when students go to school—if I have seen an image of a young black gal—yes, I'm the first to say that the crime activity does exist. But just like I've just given you an example of those young brilliant minds, they do exist, too. But those images are not being shown.

So, if I go to my school and all I see are the types of images that are often, too often portrayed in the news media, I am not going to want to communicate to that person. And it gets worse when you get older and that black male or Hispanic young man goes into corporate America and there happens to be a white female as the recruiter. And if her only identification and perceptions have been set of what she's seen in the media, chances are, if you're applying to be an accountant, you won't get it because "The only thing I've seen that you can do, young, black male, is carry a gun to rob and steal." And I'm not dismissing that, but I'm just saying that the balance is not there, and that is what is killing our city, that's what's killing this country, and

that's why we have not been able to deal with the root cause of racism.

MS. RENTERIA. I, too, am very, very concerned about the images that our children see. For a couple of reasons. I think children need hope and I think to a large extent the riots last April or May were because people don't have hope anymore, and they don't feel that they have part of the action or that they are part of the country. Our children constantly see images on television which tell them that there is nothing for them at the end of going to school. They don't see Hispanic doctors and lawyers and judges. They don't see Hispanic school teachers. They don't see people on television who are Hispanic who are doing jobs which require even a high school diploma. And our representation in the media according to a study that was done by the Center for Public Affairs and Public Policy shows that we have 1 out of 50 roles, and that hasn't changed in 30 years. And we are in low status jobs, maids and gardeners, gang-bangers, dope dealers. None of those require a college education.

So, our children don't see the worth of finishing up going to school. They don't have that reinforcement from outside of the home. There are doctors, lawyers, judges. We even have a fleet admiral. We have some nuclear physicists. They got there because of strong family and because of other influences, certainly not because of what they see in the media. The stereotypes are killing our kids.

COMMISSIONER ANDERSON. Thank you. I'd like to have your impression as to how the problems you've been discussing are related to the substantial underemployment of minorities throughout all levels of the Los Angeles news media.

MS. RENTERIA. Well, if you had people there in the station every day providing input, people who felt free to comment on some of these issues and tell the manager, "Hey, we think you're missing the boat," these things would change. But, as it is now, it takes an outside group like ours to come in and speak for the reporters. I get a lot of confidential phone calls. I get calls from people on the inside who say, "Esther, you need to come and see us. You need to do this. The coalition has to come and help. Things are really bad here for Hispanic American reporters," and we respond to that. We go in and speak with news directors. We go in and deal with senior management staff at all of the stations, not only

here but also across the country. Our New York chapter has gotten a congressional hearing scheduled there for July 24 to look into the underemployment of Hispanic Americans in New York where the population is now [inaudible] percent Hispanic. We've got to attack this underemployment issue. That's the only way that we can solve this problem.

COMMISSIONER ANDERSON. Let me raise a slightly different concern. Critics have said that broadcast news formats are being too often driven by the demographics of marketing, and those marketing strategies or responses are looking to areas other than the inner city. Do you see that as having an effect on what we're talking about now?

MS. RENTERIA. Yes, I do, and I feel if they were really demographically driven, then particularly here in Los Angeles, they would change. Every general manager or TV station has mentioned to me that the leading radio station in this town now is a Spanish language station, and they've asked me many times, "Why is that?" Because they're meeting the needs of the 3.9 million people that live in LA County, and the TV stations are not. They haven't even started reporting this yet as part of the news process. I'm talking about balanced stories. I'm talking about stories about our business people, stories that give reaction to local stories by people of color. They're not even doing that. And then they wonder why we turn them off. And the fellow panelists, I'm sure, will verify for you that the same is going on with their communities.

COMMISSIONER ANDERSON. Thank you very much.

MS. EVERS-MANLY. I just wanted to say, I have done some informal discussions with a number of individuals behind the scenes and I just want to share with you sort of a formula that has been set up and how the news media decides how it will cover communities of color, in particular African Americans. The first decision that they make when they hear about it, is this: Was it a violent act or did a tragedy occur? That's the first thing that they look at if they're going to come out.

Number two: Is this a controversy between various ethnic groups? The Korean-black racial conflicts that are existing.

Number three: Is there a sports or entertainment figure, a prominent entertainer involved? That's the third thing that they look at.

Number four they look at: Is there a political conflict among some of the politicians, black politicians in our community? If there's a positive activity, that's number five on their list. But, again, what's got to be attached to it is if there's a prominent sports figure, if there's an entertainer. They do not take the time out to come into our community to cover those positive programs, those outreach things that are happening in our community. Long before Rebuild LA there were such things going on in our communities and that are going on in our communities that the media has yet to show, and a lot of those things are centered around children. It wasn't until the *Wall Street Journal* did an article on a woman, who after her son was killed, that she set up a literacy program—it wasn't until that program had to go all the way to Washington, D.C., to be covered that all of a sudden local media got involved in it.

One of the other things that I think is that after the 1965 riots there were a number of reports that came out about what the media should not do and should do, and unfortunately the media still has not taken that particular report, analyzed it, and made the changes based on that report.

COMMISSIONER ANDERSON. Thank you very much.

VICE CHAIRPERSON WANG. May I ask, Ms. Lee, are you aware in Chicago there is a program recently instituted by United Way of Chicago hiring a black person to actually just walk around the community, helping to bridge the gap between merchants and the customers in the Korean community?

MS. YIM LEE. I'm not.

VICE CHAIRPERSON WANG. It's probably in the *New York Times*. You have no—

MS. YIM LEE. No. No.

VICE CHAIRPERSON WANG. Maybe I'll get the information to you.

CHAIRPERSON FLETCHER. Commissioner George.

COMMISSIONER GEORGE. Thank you, Mr. Chairman. Panelists, thank you very much for your testimony. I'm sure that you didn't come here expecting or even hoping simply to get softball questions. So I want to raise questions that I

think frankly are hard questions. They do not come from any particular defensiveness about the media on my part. Much of what you say certainly resonates with my own experience. I've become interested in trying to collect data on the treatment and depiction of evangelical Christians and Orthodox Jews by the media. I'm not a member of either of those communities, but I have become interested in their plight, and I certainly find the tendency toward stereotyping and exclusion that I've heard you talk about with respect to the communities of which you are members and leaders. So I'm not at all surprised to find that this is true. However, I think that the media in some respects has a very, very difficult job in touching on matters of racial tension. And please excuse this question if it gives any offense. I don't mean it to, but I think we have to face these tough questions.

We heard testimony, Ms. Lee, 2 days ago that in some cases racist attitudes toward black Americans, African Americans are picked up by people in Korea before those people immigrate to this country. I don't want simply to single out Koreans. We all know within our ethnic communities there are problems with the hatred or animosity toward other peoples' communities. We know about the phenomenon of anti-Semitism among some blacks, for example—not just blacks, obviously, but whites and everybody else. But just to take that example so I'm not just singling out the problem of racism between blacks and Koreans. If the testimony we heard is true, that is an interesting and important news story. If a news organization, however, wished to investigate that and to report the facts on that, they would certainly be in a difficult position because by doing that reporting they would certainly run a very substantial risk of stereotyping Koreans and promoting among blacks the idea that Koreans are racist; they drink it with their mother's milk even back in Korea.

What is the responsible media organization to do in that situation? I think that they have a difficult—I don't know how I would handle that. Would I say, "Let's not run that story because it's going to stir up more racial tension and animosity towards Koreans," or do I say, "We have to run this story because this is an important story about racism towards blacks being imported," as if we don't have enough to begin

with. Do you see the problem I'm trying to confront you with?

MS. YIM LEE. Yes, I do. Let me answer in my first language and with help from Dr. Chun.

COMMISSIONER GEORGE. Thank you.

INTERPRETER. With due respect, Commissioner, I do not think it's accurate to say that those Koreans who immigrate to this country, who are called Korean Americans, have picked up this element of antiblack sentiment before they arrive or prior to their arrival. I do not know where that information comes from, but I do not think that is the case. It is often alleged in the mass media, the alleged rudeness to customers and discourtesy alleged of Korean merchants towards their black clients. These are, of course, tied together as a context to the antiblack bias that's supposed to take place prior to their arrival. Now, I'm aware of that. If the mainstream media is to do an extensive indepth reporting on that case, on that issue, I personally welcome that.

MS. YIM LEE. Under one condition. That they give full humanity to the stories.

INTERPRETER. I would welcome such an investigation of reporting, with one provision. I think it ought to be said that any such attempt should be predicated upon impeccable balance of diverse viewpoints and indepth coverage in terms of cases in context because there's a great danger there. Having said that, though, I should add this, Commissioner, so that we have a common understanding: That it is racially true that people of Korea, they are monolithic as a race, and as such, I am the first one to say that in a larger context, in a larger perspective, Koreans are said to be or one could say that they may have less than full understanding about other races. That does not necessarily refer to blacks only. I think it refers to other races as well. And that much can be said, and I will be the first one to say that. But that does not lead to the conclusion that they are necessarily against blacks.

MS. YIM LEE. They have no experience with dealing with different races.

INTERPRETER. That is to say that they have not had constructive opportunities of interactive exchange.

MS. YIM LEE. Their experience of other races does not only apply to blacks, but to Caucasians and others. It's the same. Rather, I can point to this fact: That Korean immigrants, they know one thing clearly, that the opportunities they

have here as a minority are deeply inactive [phonetic] to the civil rights struggle of the black people. In that sense, Koreans feel more closer affinity with blacks than any other race, and Koreans have a lot of common denominations they can share with blacks in terms of their history of suffering and many other things. So the mainstream media—

INTERPRETER. If there's such a coverage, this hypothetical coverage could encompass the full range of human experience, with due respect to humanity as a whole, and then also contemplate the proper historical perspective and understanding in a global context, I think that would be a huge contribution toward easing the tension, existing tensions, and will be a significant contribution toward improving the mutual understanding between race groups.

COMMISSIONER GEORGE. Ms. Lee, thank you for your full, frank and thoughtful reply to my question. I want to give the other panelists an opportunity to reply to it as well.

MS. EVERS-MANLY. I think that's what's so deadly about what's happening when we talk about images of people of color. These images don't stay in Los Angeles. They don't stay in the United States. They go throughout the world. I had a friend recently go over to Spain, and he happened to wear a baseball cap on his head. And he was stopped seven times. In that seven times he was asked basically the same questions. "Are you a rapper? Are you an athlete? Are you a gang-banger?" Those were the three questions that were presented to him each time. Why? Because those images that we continue to see on a day-in day-out basis in this city and in this country are not staying here, and we don't see the types of images like your Chairman of this Commission going outside of the United States. That is what is so deadly about this is that the media, long before there was black-Korean tension or a problem, we have a race problem and we refuse to get to the root cause of that race problem. And one of the root causes is the media because the media does not sit still.

I happen to live in South Central LA, and I can tell you that at night the helicopters—I can tell you about the news media trucks that go in and go out. I can tell you about people being paid to call up "if there's a story that you think we would be interested in." I can tell you about sitting at some of the local news stations and

hearing, "The news is too soft. Well, give me a camera and let me go to South Central LA." That's what we're dealing with. And once that happens, it leaves LA It goes to New York and it ends up in Korea and in other places. So, yes, when someone comes here to America, they've got some preconceived perceptions.

I took a year when I was a student at the University of Southern California, and I lived in the international dorms and I talked to students from Lebanon, from all over the place. And they told me what they thought of African Americans, in particular African American males. And I asked them had they ever met any before they came here. They said, "No, but I sure saw the media. I sure saw the films." And that's what we're dealing with. So we cannot ignore that those perceptions—the media not only sets the perceptions, but a lot of times it dictates protocol. And that protocol may be racism and oftentimes is.

COMMISSIONER GEORGE. Ms. Evers-Manly, I want to press upon you the hard part of my question because I really do want to know what you think about it. What does the media do in a situation where it really does have to make a tough call? And if you want another example, let me give you one.

MS. EVERS-MANLY. You don't have to. Let me say this: In fact, I am the first to say that the news media has to report the news. The problem is with what they have defined as news, and to them negative is news. Print what happens in the community. And, yes, you're going to get those negative stories. Yes, the reporting may not be what we want to hear, but anytime you're slapped every day with the same type of reporting, there lies the problem. And I guess the word I have for you is balance. There is not a balance. There is not a balance and that's why we have the problem. I have no problem. I have sat down with many news directors and reporters and said, "Print the story, but at the same time don't just leave our community."

You ought to have seen on April 29. They were like rodents transcending into South Central LA to cover the riots. Now that you've got people sitting down and talking and you're talking about some real tough issues of how do we now live—as Rodney King said, "Can't we all get along?"—nobody wants to hear about that. Nobody wants to hear about how we're going to come together and build. So the question is let's

continue to pound on the negative. And all I'm saying is give a balance. What happens is they take a loaded gun through the sweeps period when they are now being rated, and they put everything out there that is negative. And they tend to think that in order to get the best ratings, "I can't worry about balance. I can't worry about positive. I've got to worry about what's going to get the most attention quickly."

COMMISSIONER GEORGE. Thank you. Miss Renteria, if you'd like to add anything.

MS. RENTERIA. I would just add, again, that if the news media wants to do such a story, that's all right. I would hope that they were going to balance it, however, and instead of always focusing on the negative—the racial tensions in this country, the problems between one ethnic group and another, could be largely lessened by the news media showing us and portraying us, how we are more similar than we are different instead of constantly accenting the negative. If they would remember that we are all part of the human family, things would get better. It goes back to what I said before. We need hope.

MS. YIM LEE. Can I add a few suggestions to the mainstream media? First, I'd like television and newspapers to stop using the familiar sentence from the Soon Ja Du case. To the editors, reporters, managers, publishers, that single line may sound like a very handy catch line, but to me and to all Koreans, it sounds like an invitation to hurt all Koreans, not unlike the death threat I received from the young black motorist. Second, I want them to make an effort to recruit and train Korean bicultural and bilingual reporters. And, third, when they don't have a qualified reporter in covering this community, I recommend them to use interpreters. By using interpreters, the Korean voices are heard fully. Today in this Commission hearing, I think I am fully heard thanks to the help of Dr. Chun here. Use interpreter, please, and have the voices of Koreans heard fully, please.

COMMISSIONER GEORGE. Thank you. I'll try to make this questioning to begin more quickly because I know we are pressed for time. During an earlier panel today, Mr. Errol Smith called attention to the rich diversity of perspectives and opinions within the African American community. I know that also could be the Hispanic, Korean communities. Human beings don't all rush to the same political or moral or economic judg-

ments because of the color of their skin or their land of ancestry. There is diversity and disagreement. I wonder, however, if there's a problem in the media when it comes to spokesmen for particular communities and the assumption that, well, we can get a Hispanic point of view, a black point of view, a Korean point of view by putting "a" Hispanic, "a" black, or "a" Korean in front of the camera. No one would call me to speak for white people. Reporters would know that wouldn't make any sense because there's too much diversity of opinion among white people. Why should they do that with Hispanics or blacks or Koreans?

MS. RENTERIA. That's a question that I've asked very frequently. Why do they expect one Hispanic to speak for 3.9 million people living in LA County? It's ridiculous. Your point is absolutely correct. They would not expect that of an Anglo-Saxon person. And, again, we need diversity. And if the news media wants to interview me about my opinions on how the media is handling the Hispanic community, I encourage them to go and speak with somebody else who may differ with me. That stimulates thought and that gets the process going and gets things moving.

MS. EVERS-MANLY. I would say that there lies one of the major problems that we have when we even discuss diversity. I have never stood up before to say that I am representing the African American points of view. I happen to be the president of the Beverly Hills-Hollywood NAACP. My point of view is very different probably than our national office, which most people in southern California know. However, I think there lies the problem, is that "We'll give you your one reporter," at the same time. Okay. "We'll give you your one anchor," or two that we have here, "And be satisfied." So I think we've got to really look at how that works, and it works in a way in which at the same time, "Everybody in the media, that your one spokesman is this person. So be happy that you got Pat Harvey. Be happy that you've got this person."

But the issue is that there's diversity in our community, and I think that's what ends up happening because of the media is that the media tends to—when they say there's great things going on in Los Angeles, they tend to focus on one great thing or one person, and I think that is a major problem. I think that's one of the problems we have here in Hollywood is that that's why so

many people—black producers, directors, and writers—are being left out. Because they'll say, "We'll give you your one and he'll create all the images that you want."

MS. YIM LEE. I need Dr. Chun's help.

INTERPRETER. If I were to respond to your questions using the 1992 tragedy as a reference point, Commissioner, it is very common sense, though, that if you want to cover the tragedy and mostly damage afflicted the subgroup is Korean merchants in the area, any sensible person would go and talk to the merchants. Yet what do the mainstream reporters do? They went and sought and talked to English-speaking second-generation youth. I have no objection whatsoever about somebody speaking to the reporters, but as a person who understands the Korean American community of the Los Angeles area very intimately, I was pained to realize how superficial the responses were; that is, their responses really did not touch the core of the problems. The plain solution to an association like that would be that of using a qualified, sensitive interpreter. Obviously, they did not use them. Whether it was laziness, lack of funds—I have little clue as to what the reasons are. But it is a tragedy, a disgrace that they play so superficial.

COMMISSIONER GEORGE. Thank you very much, Mr. Chairman. Ms. Lee, were you finished? I don't mean to cut you off. On the other hand, I understood and appreciate your comments.

MS. YIM LEE. I really would like to add this point. I just got lost. But let me think about it.

CHAIRPERSON FLETCHER. Anyone else? I only have two statements. One's an observation. One's a question. I'll ask the question first with a preface. This most recent uprising, although it didn't necessarily center in Watts, I refer to it as Watts 2. I recently read or reread one more time the Kerner report, and I remembered the rage we felt with the way the press covered Watts 1 and all of the followup events that would run across the country. And we felt the need then to sit down with the press—I can't think of the name of the foundation, but they provided the money for a group of us, and I happened to be with one team, to go across the country and hold some workshops and seminars with the media, television and print, and let them educate us on how they go about defining the news and the process they use to cover it. Our job was then to

help them understand why their definition of news and their process was not how it was perceived and accepted in the minority community as a whole, in the sense that first series of riots years ago was predominantly the black community, how we interpreted the way they defined news. We think there was a modicum of improvement as a result of that. I'm not so sure.

But my question is, Has anything like that happened since your event here? Has the media asked you to sit down with them and let them, for want of another term, educate you on how they go about defining the news and covering it? Have they given you a chance to a workshop or a seminar situation and to give them some feedback as to where they're hitting the mark and where they're missing it? Has that opportunity arrived?

MS. EVERS-MANLY. No. We've never been contacted by the media. Basically, we initiate the dialogue. We have gone over and raised concerns and issues. We continue to feed in through press releases. Groups like the Urban League and other groups in southern California have gone over and met with news directors, but it has not been at the initiation of the media. There has been a series of forums that has taken place after the civil unrest, but what tends to happen and what's real unfortunate is that we tend to see a lot of reports that come out, we tend to see a lot of headlines that come out, but there's never any type of action plans and an evaluation of those action plans that takes place. Anytime you go in to see the media or the news directors, oftentimes they think it's in an adversarial role or they tend to say, "Oh, here they come again." That's kind of my middle name, "Here she comes again."

CHAIRPERSON FLETCHER. I've heard about you.

MS. EVERS-MANLY. But it's just the need to sit down and have dialogue because we're not just dealing with the media and us; we're dealing with our city. It has not happened. I don't think from my perception as president of the Beverly Hills-Hollywood branch, there has not been one news director since I've been president, and that's been 4 years, that has called me up, said, "Let's come over. Let's sit down and have a talk. What do you think? How are we doing?" That has not happened.

But have we done that? Absolutely. We continue to do it to the point now that we have felt the burden to put together stories on some of the

programs that are going on, some of the people in the community. We've sent PSAs [public service announcements] over to them, "Here's some unsung heroes and she-roes in the community that maybe for some reason you've failed to cover. Here's an article on a particular person." We have that kind of activity going on. But we don't even get a thanks for that.

CHAIRPERSON FLETCHER. Anyone else?

MS. RENTERIA. Our experience has been very similar to hers. We have not been called. We didn't wait to be called. We made appointments to see them. Unlike Ms. Manly, my first name has been changed and now I am known as "Oh, God, it's Esther Renteria on the phone. What did we do now?" There have been no formal workshops. I'm familiar with what you're talking about from the post-Watts riot era. There has not been that kind of response this time. It's been up to the organizations of color to do as much retraining as we can.

CHAIRPERSON FLETCHER. Did you notice any instances of delayed improvement as a result of those events years ago?

MS. RENTERIA. Years ago, yes, but those people had rather short-lived careers in the media; and I think most of them were gone except for one of your panelists, Joe Dyer, that you're going to have later. Most of those folks have left the profession or retired.

CHAIRPERSON FLETCHER. Ms. Lee.

MS. YIM LEE. Yes. I would like to share a very interesting experience I had. It was during last March and April. I had presented a similar viewpoint at the USCA Conference, and a *Los Angeles Times* article printed two paragraphs quoting me. You know what happened? The following day I received about a half a dozen calls from other news organizations asking me to interview with them. I couldn't return their call immediately because I was so busy and so on other issues at the time. I returned their calls about a week later, and my call was answered by a recorded message and I left my number and message "I returned your call," and no return call to my return call. This also points to the point I was lost to when I talked to you.

This media, they don't care to have ongoing relationships, ongoing continuing relationships with the community and with our people. For instance, only when an unfortunate incident happens, they come to us. Or only when they

cover very sensational line or paragraph about Koreans, they come to me. And then they just disappear until when the next unfortunate instance or sensational information comes up about the community. That's how it has been. So I really urge that the mainstream media, if they want to cover the Korean community responsibly and completely, they should have an ongoing relationship with us, with the community.

CHAIRPERSON FLETCHER. In reference to those problems we had after Watts 1, they consisted of the deans of schools of journalism, advertisers, and owners and editors of newspapers. We tried to get them all in one room so that the newspapers couldn't say it was the advertisers and the advertisers couldn't say it was someone else. I think it might have had a modicum of an impact in terms of opening the schools of journalism to an audience, but I don't know on what. I think there's a need for that again, and I'm citing it because I want to get it on the report.

My final observation for you, Ms. Manly, and the rest of you, know the Commission doesn't have any money to send the Chairman or anyone else abroad to find out what the industry image is. We just barely had enough to get out here to hold this hearing. But it has been so bad, I'm coming to a point now, particularly where our military troops are concerned, that for the last 2 years, your organization, the NAACP, raised enough money for me to come alone to see what was happening to our troops in Germany, minority and Hispanic troops in Germany, because of the bad image that is presented through the media.

So I went to Germany to find out and had some modicum of an impact. As a result of that, a group in Japan raised enough money for me to come this past March. I got there at the time the Malcolm X movie was going real big, and I had the cap on. What I found was there's a real market for Malcolm X caps in Japan, but when I talked to—understand, I had a chance to talk to the trade ministry, I had a chance to talk to the foreign press club, and I had a chance to speak to some educators there, and the theme of my talk was "the rest of the story." What they knew about was—and my colleagues have heard this before—they knew about the unwed mothers; they knew about the public housing projects; they knew about the projects. They knew that Michael Jordan can shoot a basketball, that Michael Jackson can dance, but the rest of it they

do not. So when I began to tell them the rest of the story and handed them the directory of black organizations—you're probably familiar with them—some 480 of them representing million people and showed them that we had national organizations of black accountants, national organizations of black dentists, black doctors, just right on through the professions, the impact was such that when I got back to the U.S., one of the leading Japanese news magazines sent a reporter to cover our Commission meeting and spent a week in Washington picking up information about the rest of the story. And I've since been told that they're fascinated by the fact that we have, for example, 15,000 doctors. They had no idea. Shocked that we had that many lawyers. When I explained to them the reason for the change, that until civil rights legislation, as you well know, blacks could only go to two medical schools. One was in Memphis, Tennessee. The other one was in Washington, D.C. But since the civil rights legislation passed, we've been able to go to any and all medical schools; and as a result, you get this quantum leap in less than two generations from less than 3,000 doctors to almost 15,000 thousand.

I found that the Japanese—and I might add the Koreans now are asking me to come to Korea to explain the rest of the story because the Korean leadership in terms of the government and the Japanese leadership are interested in looking for strategies and ways to begin again, look at the rest of the story. What's the real story about minorities in America. They understand—even though we don't seem to understand we're a diversified society, they understand. We're beginning to set the stage to look for strategies, marketing strategies and ways to build a better relationship.

So that's the hope side. We have a long ways to go, but I find that the leadership from overseas understand our need to find a common ground, to some degree better than we do. I hope that amounts to a modicum of hope of some kind. But that's the point I wanted to make. We thank you for coming, and you've helped us. We're waiting for the media now, to get your speech.

MS. YIM LEE. The recent testimony, can I submit it to you now?

CHAIRPERSON FLETCHER. Please do. Incidentally, the record is open for 30 days, and if you have any additional information that you would

like to get into the record, we would like to have it. Thank you very much.

MS. YIM LEE. Thank you.

Local Television News Management

MR. GLICK. Mr. Chairman, our next panel of witnesses are concerned with local television news management, and we will have Mr. Jose Rios, news director of KTTV; Mr. Joseph Dyer, the director of community affairs for KCBS; and Celeste Durant, assistant news director and executive producer of news for KCOP. Will the witnesses please come forward?

CHAIRPERSON FLETCHER. Stand up for a moment and I'll issue the oath.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please be seated. Counsel.

Testimony of Jose Rios, News Director, KTTV-TV

MS. BROOKS. Thank you very much, Mr. Chairman. You have before you today three individuals representing news management, TV news management here in Los Angeles, who are in unique positions. Not only are they one of a kind in their positions, they also have the responsibilities of decision making. And I would like to start my questioning with our news director, Mr. Jose Rios of KTTV-TV. And my first question, Mr. Rios, is a very obvious and general one, and I'd like to ask you, As the only minority news director in LA's mainstream TV media, are there any special pressures inherent in that position and please describe those pressures, please?

MR. RIOS. I think I better be good. There are some pressures. I think a lot of them are self-generated because I want to do very well. I don't think there's so much—I've never felt pressure from any organization that I've worked for to do well, other than the pressure that they exert on everybody who wants to do well both in a business and a community sense. But I also want to try and define my position in new and different ways, and that sometimes is something that takes a little doing, a little experience.

MS. BROOKS. Can you expand on that, those new and different ways that you want to define your position?

MR. RIOS. Principally in Los Angeles, I think—referring back to a couple of the panels that spoke earlier. One of the things I think you have a lot of

in Los Angeles is you have a lot of coverage. And by coverage, what I mean is you have news organizations that are being reactive. In some cases they're being reactive to the *LA Times*. In some cases they're being reactive to what I call the nets. Sometimes I liken news gathering to fishing. Different news organizations throw out different nets. The largest net I think that is thrown out is by far the police-fire emergency service net. And in doing that, that net brings you back certain information. And many of the stories that come back that way are stories that are less than positive, that are sometimes violent. And I think that's something that news management has to pay particular attention to because you can wind up having—if that's the only net you throw out and if you're not careful about making sure that you're looking to get other information into your broadcast, I think you do wind up creating what I call a preponderance of violence in your broadcast, which I think becomes deadly for an audience and disheartening.

MS. BROOKS. Mr. Rios, what responsibility do you feel that news organizations, TV news organizations have to the various minority communities in Los Angeles?

MR. RIOS. I think they have a responsibility to cover them fairly and in a balanced manner. I was listening to some of the earlier testimony, again, and in one way it strikes me that in some sense the media is also being stereotyped. The fact is it is not monolithic. You have a lot of different organizations, and I think that you see a lot of different responses from those organizations. I think there is, though, a responsibility, no matter who it is, to cover in a fair and balanced manner all the communities that exist within their coverage area. The phrase that I often use in my newsroom is there is—a poet once said there's lint in one ear but a song in the other, and I think that sometimes the song does get forgotten. So let's keep an eye on that.

MS. BROOKS. While the focus of this hearing is not on any one particular TV station, I would like to ask you as the news director at a major TV station here just how your organization decides the lead news stories on any given day. What role do ratings or demographics play in this decisionmaking?

MR. RIOS. Ratings and demographics don't play in any decision as far as what gets covered. I think ratings play a role in the success of news

directors, but I don't think that as far as the daily coverage of ongoing events or news stories around town that the ratings are a determining factor. The way the process works in the shops that I've worked at, is, essentially, in the morning is a gathering of news management, reporters, others, and what are discussed are all the possible stories that anyone has seen that have come up from that morning. They look at stories that have been enterprised by the organization, that they know they can do that day. And then, you know, they cover breaking news as it develops. I mean, that's really the way it gets done. I was just going to add, I've never seen a list, as was previously mentioned, in any of my incarnations in news, and I think anyone who suggested a list like that would be thrown out of the newsroom.

MS. BROOKS. You're referring to the five points as described by Ms. Sandra Evers-Manly?

MR. RIOS. Yes.

MS. BROOKS. In your view, how important is it to have minorities represented in news management? If this is an issue, is this just an issue of employment opportunities for minorities or, more importantly, does it affect the way that the news is defined and framed?

MR. RIOS. I'm going to address your question in a voice. It doesn't so much define the way the news is addressed and framed as far as—that, to me, sounds like, "Okay. I'm going to take the news and I'm going to mold it and manage it so that I reflect the world the way I want it to be." The way it does make a difference is that there are associations, there's knowledge, and there's input now from really a different place, and those associations and that knowledge can result in a difference in coverage.

MS. BROOKS. Can you respond to what the former panelists said concerning contacts with the media and the fact that the media has not initiated the contacts with the various organizations, that the organizations have, in fact, initiated the contact? And whatever dialogue is currently ongoing, it's been because of these organizations' activists?

MR. RIOS. Generally, I don't think the local media has a great record in that regard. Most stations do have community affairs departments, which Joe can speak to better than I can, but as far as news departments, I think it's—you can see varying records. Some places do it very well and other places it can be a mess.

MS. BROOKS. Let me ask you a question concerning TV news anchors. Testimony will be forthcoming concerning the few or the lack of minority TV news anchors in the Los Angeles County area. Statistics even show that there are few minority TV news anchors in this area. What would you recommend be done to improve the numbers, to improve this picture?

MR. RIOS. I think they should watch Fox Television. We have quite a few minority anchors on our station, and the fact is that we're starting a morning show and we're proud to say we just hired a male Hispanic and a male black to broadcast as anchors.

To answer it the way you intended it to be answered, I think it's going to take work on news management's part. I mean, the fact is I'm very happy with the two people that I found for the shows that we're putting on, but it took a lot of work. It wasn't something that came easily, and I looked at more tapes than any one person would have to or should have to. So I think part of it has to be that there has to be an effort on the management level to make that happen. You know, it won't happen of and by itself unless somebody of extraordinary talent that has some writing to this order.

MS. BROOKS. I'd like now to address the questions concerning portrayals. Local news portrayals of minorities have been described as unbalanced, one dimensional, and stereotypical. Would you agree? Can you respond to this? Just what causes this perception if, in fact, it is one?

MR. RIOS. There are a couple of things that I would say to that, and one thing is it's not so much true for us at this point. We have a 10 o'clock show and so we are not quite under the same time pressures. But I think there is pressure when you're in an organization that has a large number of broadcasts that happen one after another. I mean, you don't have the luxury of time that you might have otherwise, and so things happen very quickly. I think another concern is that there's been downsizing in this industry over the course of I'd say the last 5 to 7 years. And so, at a time when the world at the very least feels more complex, most organizations are doing it with fewer people. Oftentimes they've let, you know, senior staff go, and they've replaced them with much younger and sometimes—oftentimes less expensive personnel. And so you have people who are—at a time when you

need the most informed reportage possible, you have fewer people to do it and oftentimes a staff that's much, much younger.

MS. BROOKS. What would be your view of the quality of local television news coverage here in the Los Angeles area?

MR. RIOS. I think there's some things it does very well. I think there are other things that certainly need work. I'd come back to balance and fairness. I think there are a number of things that have been done locally and that can be pointed to by stations that they can be proud of. I think there have been a number of town halls that have been held, that were held just with the intent of communication being established and dialogue being moved. We just did an oral debate where our sponsors were *La Opinión* and the Southwest Voters Registration Project. And one of the goals in that was to turn out as much publicity as possible. A plea was made to that effect.

I think there are some things being done, and it always makes me crazy when you think "Oh, my God, nobody's watching," because some good things are being done, but they're not getting recognized. At the same time, I think that any news organization would have to concede that they don't do enough that looks at the positive. I think there has to be more attention paid to that. And if you like, I would tell you that there's been even a—there's work that has to go on in that regard in regards to newsrooms themselves. Newsrooms all have their own particular mindset, and by way of these anecdotes, I hope this will explain what I mean.

Several years ago I went out and talked to a lot of community groups. I heard essentially the same thing that I heard earlier. So I decided, okay, you know what, I'll focus a segment in the newscast at 5 o'clock. We'll call it "Someone You Should Know," and what it will be is people who are kind of unsung heroes who are doing something in their community. Let's do it. Monday, Wednesday, Friday, we'll do it at 5 o'clock. The first Monday came and I was their news director at the time and I tasked some people with that. And what happened is I said, "Okay, where's the 'Someone You Should Know'?" They said, "Oh, well, there was a fire. There was a fire. We had to pull that reporter to cover that." All right. All right. That happens. So Wednesday came and I said, "All right. Where's the 'Someone You Should Know'?" It's like, "Well, we had a hostage thing

and it was"—and so it wasn't until I said, "Okay. Monday, Wednesday, Friday, end of the 5 o'clock show must be a 'Someone You Should Know'."

What happened at that point was somehow suddenly the newsroom understood this was part of your job, too, and the stories they did were very good. I would add that when I left, that segment got killed by my replacement. So it was relatively short lived. But I bring it up by way of illustration. And in that it's not just an issue of news matters; it's also an issue of people in newsrooms knowing that it's okay and that the news that they do doesn't have to just be one particular way, that there's room for a broad variety of news, that they're not going to be viewed as derelict in their duties if that happens.

MS. BROOKS. One additional question, Mr. Rios. I'd like to get back to the question of employment again as a followup. Can you address why managers have been slow to make an effort to recruit minority talent?

MR. RIOS. I don't think that's true anymore. I think, at least of the two organizations that I've worked for, Fox and CBS, I think there was a concerted effort to recruit minorities. I think at this point, particularly in the City of Los Angeles, any organization that isn't looking to recruit minority talent is crazy because having those people on staff helps plug you into the community. I mean, they bring all of their knowledge, associations, family ties to bear, hopefully, on what your news product is, and oftentimes some of the better stories you might get come that way. So I think it's important.

Again, just by way of example, once when Rajiv Gandhi got killed, an Indian, we did a local story on the Indian community that day. And I was watching that night to see who else did it, and nobody else did it. I couldn't figure out why and then I realized, well, they don't know there's an Indian community here. And a couple of them caught up and at 11 o'clock they did it. And one of the reasons that we knew was because several of the people who were working on our staff were Indian, and so they were completely plugged in and were able to help get us out and get that story done. So it is a benefit. It's a big benefit. And I think that's something that every news organization needs to require.

MS. BROOKS. You did say that the picture has improved and that there is an effort being made?

MR. RIOS. I think so, yes.

MS. BROOKS. Getting back to your position, why then is there only one minority news director today in the Los Angeles television news broadcast industry?

MR. RIOS. I think there should be more.

MS. BROOKS. Especially given the demographics here.

MR. RIOS. I think there should be more. I think those organizations would have to answer to that.

MS. BROOKS. But from your standpoint as a manager, can you lend some insight as to what may not be known by those on the outside looking in, what the problems may be?

MR. RIOS. As far as minorities becoming news directors?

MS. BROOKS. Exactly. Or in any managerial positions within the industry in this area.

MR. RIOS. I think the one consideration that's made by top management is, in fact—one of their concerns is, How is this going to run? How is this individual going to perform as a business? I think there is that concern. However, I think people are more willing to take that chance quite honestly and they see it as a chance. Maybe that says something. I mean, the fact is I think there should be more in the city of LA.

MS. BROOKS. Mr. Rios, one final question to you at this time. Do you have any recommendations to make to this Commission concerning the employment of more minorities in the diverse makeup of this community?

MR. RIOS. Well, I mean, as I said, I think it's not just a goal any organization has. I think it's something that they need to achieve. As far as getting access to jobs—and certainly if there are job training programs, that helps. But I think there are people that are followed by coming in under regular job positions and can come up through the ranks that way. I don't think that, you know, that it only has to be through a minority planning program. I think there are a lot of great people out there who can come in the newsroom. There are also a lot of skilled people in other areas that are writers or assignment editors or producers who also are up to the work. It's not a problem of talent.

Testimony of Joseph Dyer, Community Affairs Director, KCBS-TV

MS. BROOKS. Thank you, Mr. Rios. I'd like to now move on to question Mr. Dyer, Mr. Joseph Dyer, who is the community affairs director at

KCBS-TV. Dr. Dyer, as the community affairs director at your station, you have a special position, I understand, in decisionmaking at that station and I'd like for you to share not only that position, but also I'd like for you to share with us how your participation in your station's decisionmaking process on the news side has positive effects on how your coverage decisions are made as well as your hiring decisions are made.

MR. DYER. Certainly. Let me just explain perhaps briefly the totality of my job at KCBS-TV. In addition to being director of community affairs/station services, I also serve as the community affairs liaison to our community, specifically attending the news meetings every morning, the news production meetings, as well as giving recommendations for the stories that emanate from the various communities during the week. These stories go in basically during the week on paperwork. It's usually followed up in the morning sessions by yours truly by basically talking to those stories and hopefully provide some balance to our news broadcast, which I think is very important.

The recommendations come from different sources. As an example, part of my job—and I should say I have allegiances to basically two constituencies. I have an allegiance to the constituency officers of the company, but I also have an allegiance to the various communities out there who expect that I would take their recommendations and share their concerns with the members of the panel, too. In news meetings, there are various concerns that may emanate from a community, as you heard from the earlier panel, that there was concern after the 1992 uprising that the Hispanic community, the Latino community started lawsuits. Well, number one, it was quite well communicated to us through the Mexican American Grocers Association that they sustained substantial losses that were not necessarily reflected by the media. One of the things that was recommended to our newsroom, that we go back and do some insight into that particular concern. And that was done obviously.

That is a constant array of those kinds of recommendations, and specifically I'm looking for something that hopefully will provide greater balance to some of the concerns you have had expressed here this morning by community groups. And I do concede your point. Along the same line also, there needs to be reflected behind

the scenes the same type of look that typifies the Los Angeles marketplace. So, in my meetings with the various managers, specifically the general manager and the CEO, that same type of concern is shared because one of the things that my department does is to provide stewardship in terms of compliance for EEO. We do process the license renewal process for Channel 2.

So, in addition to serving the traditional role of community affairs, in the innovation in the league of a lot of community groups, we go to the morning meetings and provide input, looking for positive stories, if you will, in accomplished communities. And just a word in that respect. One of the things since being—the complaints that have been shared with you earlier by the previous panel, that there needs to be more input from the various communities. We have instituted or constituted a crowd and media workshop, and what that does is to integrate with groups of 50 or 60 community persons, trying to orient them, to help them better access our news, our public affairs program, our PSA respecting the editorial area as well. And it's proving very successful for us, and we continue to do that as a funneling process from the various communities.

MS. BROOKS. Has this process or your relationship with these organizations improved the employment picture at your station, or are you aware of any improvement in the employment picture at other stations?

MR. DYER. Let me first speak to Channel 2. I think it has certainly improved the employment process at Channel 2 because it has given us an additional resource bank from which to choose. As a matter of fact, in meeting with various groups, one of the things the general manager has done, just to back up, is that as a mandate there is a memorandum issued to every news department head that says very specifically, "Before you tender a job hire"—it would first be bounced off of me before the job offer is made. The reason for that is to ensure that among the five candidates, that there is included among that listing women and minorities and to ensure that the persons on that list all represent a potential hire. In other words, he may not want you at number one. He may put you down at number four. Indeed, that is his prerogative. Very recently one department submitted a list and he was ready to make a hire, and the gen-

eral manager said basically, "Extend the search." And that search is continuing at this moment.

We have a group called the Hispanic Business Media Coalition and various other pressure groups who share with us. We have a meeting coming up with John Mack at Urban League. He's very concerned about the lack of minority anchors in this business, and that's something that John contends for a number of years. Those kinds of feedback given to the management of the station is certainly something they can respond to. And I think Channel 2 is doing a fairly good job. I think that the news directors that we've had in the last 8 or 9 years—we've had an African American male. We've had obviously a Latino male, and we've had an African American female who at one time served as the managing editor. The station just hired the first—well, not the first—the second African American female who will become the medical director of Channel 2, and that announcement is being made this afternoon.

MS. BROOKS. Mr. Dyer, I'd like for you, if you can, to comment on why are there so few minorities in news management positions in the business today. I'm speaking of assignment editors, executive producers, and so on, at the major stations. Why are those figures so alarmingly low?

MR. DYER. I think one of the—and this is my opinion and this is overall. I think one of the reasons that it is the case, and that perhaps a very important solution is that there need be to more minorities placed in the pipeline. As an example, unless you have a pool from which to choose from, it's going to be very difficult to place people in those positions that you just articulated. And I think that pipeline may be the ultimate answer to target people to ensure that that work force looks like the community that we serve. Too often there is a tendency—someone calls it racism. I say sometimes it can be a case of the comfort zone. People tend to hire people whom they know with confidence; either it is friends or others within the organization that perhaps they feel more comfortable with, quite frankly. So what you have amounts to an imbalance in terms of positions that are held by any particular organization. I think that's beginning to change as more persons of color, if you will, fill those jobs. They, too, become referral sources for other job candidates across the country, specifically here in the city of Los Angeles.

MS. BROOKS. That was going to be my next question concerning the comfort zone, and for you to describe it to us, and thank you very much for doing so. I'd like to ask you in terms of ethnicity, although you talk about your station's previous hires and current hires in terms of TV news anchors, what is your assessment of the Monday through Friday prime time TV news reporting picture in terms of minorities in those positions, in anchor positions?

MR. DYER. I think in LA that that's an area that obviously has to be improved as well. And I think if you look across the country in other key markets, they're a little more reflective in terms of ethnicity, in terms of the look that typifies the marketplace itself. I think obviously we've had some successes, and I hope there will be more. But I think that's an area that quite frankly has had perhaps a bit more enthusiasm than in the past. As this community continues to grow demographically, I think that the time is perhaps for our past, that that balance is not reflected in terms of the daily anchors. I don't mean necessarily the weekend anchors. I'm specifically talking about Monday through Friday.

I think that there would be a number of ways. One would be to provide a extension strength whereby persons who may start the weekend eventually, as availability may occur, move to that daily Monday through Friday. I think that one of the concerns explained earlier, John Mack at Urban League said for years that a city the size and as diverse as Los Angeles does not have a number of minority interests all across the city, and I think that's a valid point. That's something that we certainly have talked about at Channel 2, and hopefully we'll be moving to address that.

MS. BROOKS. I think you said earlier that the pool is low or it's too low, the pool of available minority journalists for these positions. Do you have any recommendations as to how you may increase or how we may increase the available pool of journalists?

MR. DYER. Out here in Los Angeles there's an organization called the California Chicano Media Association. Years ago we brought it a computer by which the organization could form a job bank. And in this instance, Latino candidates who were out of school and coming to the marketplace could feed into that particular organization, from which the media could draw from it a pool of persons

with experience and who can certainly be prepared for the jobs. There is an organization called the NABJ, National Association of Black Journalists, who also have a job bank in terms of African American reporters from which I think the media can certainly plug into. There's another organization called the Asian-American Journalists Association. The banks are there and I think it's important for us at the media level to take advantage of that. I think what's going to happen—in the last decade most of the major news organization do send representatives who recruit at those major conferences.

Now, the question is, What happens when you get the information? Where do you bring it back and how is that followed through? I think that's something that right now remains in question. Certainly the candidates are there. I think that the media now has gotten to a point with specification where it's no longer what it was when I came to the media 28 years ago, when the percentage was very small. I think right now there are a lot of persons out there rather competent that may be available. Our job is to go out and aggressively seek them. It's not a media problem, as far as in terms of Monday through Friday—if there's a position in the state of readiness—but when those vacancies do occur, when those opportunities do occur, that we have someone from which to look for, four or five. And I think that's beginning to happen somewhat. Not to the extent that I like it or perhaps a lot of the community persons would like, but—there is always refining, continues to be—where are we, Monday through Friday in terms of the PSA positions?

MS. BROOKS. Can you comment on—I understand that you do on occasion broadcast editorials to lend some balance to what may have been viewed as a particularly biased story. Can you comment on just how that came about and what this editorializing on your part as the community affairs director is all about?

MR. DYER. Well, under the circumstances, one time that we aired something in the newsroom, and those of us who've been in this community an awful long time realized that perhaps in terms of background that there was more to that story that resulted in the result that was manufactured on the broadcast. In discussing it with management, we figured that editorially we can perhaps provide additional insight to that story by letting the public know that there was a

long-standing background to the story, and even though the result, with respect to when we did the initial news, had to be entwined with the entire story itself. So we did an editorial report setting forth the other side of the story.

But many times something may happen in the newsroom that we feel provides additional insight editorially. We'll go back and make a recommendation to management and say, "Hey, look. The Mexican American Grocers Association is having a very innovative program. We've covered the news, but perhaps you should make a comment from the station's point of view," and we draft an editorial, give it to the general manager, and ask him to approve it. So we have a system of checks and balances there, and that's one of the positions I enjoy. Where sometimes we feel, for whatever reason it may be, that we ought not to cover the story, if we feel strong enough about it, we will make a recommendation to do an editorial, and that editorial is usually done.

MS. BROOKS. Finally, Mr. Dyer, one question, Just how would you rate the local television news coverage here in the Los Angeles area? If you had to rate it on a scale of 1 to 10, how would you rate it?

MR. DYER. I would say, with a qualifier, right now about a good 6½. And I say 6½ because one of the concerns I have, and we have discussed this, and we have just a job—not a job bank—a directory of Channel 2 on this specific issue. And it was alluded to in the previous panel. Someone said, "If you close your ears, if you will, and you see a person on the broadcast, you would invariably know that the Hispanic, the African American is talking about poverty, welfare, gang shooting, drive-by shootings, etc., and if you saw a nonminority on the broadcast, chances are you're talking about Wall Street, ecology, global warming, etc."

So the point is there are minority members out there who can also talk about Wall Street, who can also talk about global warming, who can also talk about more universal issues. So when someone says "news balance," it is not necessarily always going out and getting the stories that show the nice side of the event, but promoting those persons out there of different ethnicities who can speak about more universal issues other than the traditional issues, the stereotypical-type issues, whether it's a minority talking about poverty or welfare, etc. I think what the communities are saying, "Hey, look. Give us an-

other side of who we are. We have the role models over here as well as the negatives over here." And I think that's a point we have to concede.

What we have done at Channel 2—I think Jose Rios and I were members of a panel about 2 years on a community relations commission that addressed the issue of whether or not the media was the problem. And one of the things that came out of it was a need to develop directories at each station whereby when something comes down, the newsroom could go back and look at that directory and say, "Look, this person wants to talk about the"—let's say the Middle East. "Here's a person over here who is of Hispanic ancestry who is a very well-known expert in those areas." I think that kind of showcase provides what a lot of community people are saying—too much of the stereotype, too much of the stereotype and not enough of the positive.

Finally, after 1992—the uprising, a lot of communities were concerned that they were not properly covered. During the Rodney King deliberations the second time, what we did is to commission three resource consultants, one from the Hispanic community, one from the Asian community, one from the African American community. What we did is say, "Look, you're a consultant. We're going to pay you. The minute the Rodney King verdict comes in, we want you to begin to monitor us. We want you to monitor our coverage until the next 48 hours, and we'll tell you to go beyond that point. You tell us what, indeed, your recommendations were, whether we did a pretty good job or if we did a lousy job. What are your recommendations," etc.

Dr. David A. Bautista of the Hispanic community, Dr. Helen Bayer of the African American community, and Dr. Don Konishi—I think Konishi is from the Asian community—they all filed very lengthy reports, some of which were very direct, some were very complimentary and some that were filled with recommendations. But it did give us the latitude, "Let's don't guess as to how well a job we did. Let's find out from persons in the community who are so-called experts and various entities what we did right and what we did wrong."

The same persons came in December to do seminars with the entire station's management and the station's staff, specifically news, saying, "Look, let me tell you who we are and so there's no mistake about your covering us and our cul-

ture." We feel it has been very helpful. So far we think that we are perhaps the only station in town that has gone that far with a 2-hour seminar with the various cultures. I'll be behind it to be sure we're not assuming anything.

You say, "Do you always have us in the ratings?" Perhaps not. The general manager said recently it's a three-pronged process. Number one, first process deals with morally, ethically, and then hopefully the byproduct of all of that will be down the road in increased ratings. But, basically, I think the efforts behind the scenes have been certainly aggressive. Again, the communities will hold me responsible for not taking back to the station what they're concerned about and hope that the station is holding me responsible for not telling them what quite frankly they need to hear. That's my job.

MS. BROOKS. Thank you, Mr. Dyer. Now I'll move on to Ms. Celeste Durant who is the assistant news director—

CHAIRPERSON FLETCHER. Excuse me a minute, please. I have to swear her in.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you very much.

Testimony of Celeste Durant, Assistant News Director and Executive News Producer, KCOP-TV

MS. BROOKS. Thank you, Mr. Chairman. Ms. Durant, to our knowledge and through our initial investigation, you are the only minority person and only female who bears two titles, assistant news director and executive producer of the news. And in those capacities, in holding both hats, would you please comment on the views that have been expressed thus far that local TV news portrayals of minorities are unbalanced, one dimensional, and stereotypical and that the news reflects only quote unquote Anglo values?

MS. DURANT. I think that the basic issue is one of balance. I think that if one looks at TV news coverage as a whole, I think it is very unbalanced, but I do think that if you look at specific stations at specific times, you will see very positive stories about things that are going on in our community. As I said, I think it's just an issue of balance. I don't think it typically reflects only Anglo values. I think the three people here will tell you that at their stations we have a great deal of influence in

who is covered and how it is covered. Therefore, there is a different value there.

Also, since I've worked—and I've looked at management at two stations in the city—I've been under great pressure from upper management to find minorities in all levels. Therefore, most of the placements and the hires that I've made have tried to reflect the communities in which I work. So that when the media has a story discussion at KCOP, and before that at KCET, I was getting input from communities other than my own to influence how to cover events and what events we will cover.

MS. BROOKS. Can you share with us how your station may decide the lead news stories on any given day and what roles the ratings and demographics may play in those decisions?

MS. DURANT. Just as was mentioned, ratings and demographics don't really influence how we choose the top story for the day. Throughout the day, there are a number of meetings. It starts out with a 7:00 a.m. conference call that I attend where we discuss what, how, and why—what happened during the night, what were the stories that we had previously that need to be followed up. And we discuss that, given our camera availability and number of reporters. And at my station in particular, which is the smallest of the stations that are represented here, for us a big issue is number of crews and number of reporters that we can have out in the field at any one time. So we are limited by staffing and availability.

So, one of the major considerations for us is, one, the importance of the story and whether we have the crews to cover that story. And those meetings—there's one at 7:00, one at 11:00, and another at 3:30, and another at 6:00. And during the day, the stories change. We add the breaking stories. We have what we call enterprise stories that we plan ahead of time, and that gives us a little bit more latitude in extending the coverage of substantive issues. But basically the hard news stories and what we talk about in terms of the most talked-about stories of the day get changed during the day.

MS. BROOKS. In terms of the charges made earlier concerning the media's being the cause of racial/ethnic tensions in this community, what is your response to that?

MS. DURANT. I think that certainly it is a contributing factor. I don't think it has quite the amount of influence that I think has been at-

tributed to it today. There are certain tensions that exist, and I think that it is the obligation of the news media to cover the news and what is going on in the community. I think it is dangerous to put the news media in the role of a censor or some kind of filter that decides what is good news and positive news and what is bad news and negative news and therefore not to be covered. I think the key is to cover all of the major stories and to have balance. And that means that while you cover the daily fire, murder, gang, whatever, that you also look for the issues that are important to the community. And I think if you look at issues as opposed to events and give them their due weight and look at the issues as they affect the communities out in your geographic area, you'll begin to have some balance in your coverage. I think it is increased when you have a staff that has more minority because then you have input from various communities in your newsroom. So I think that while some of the panelists, I think, have gone overboard in the amount of weight they give to the news media's influence on increasing racial tensions, I do think there is a plausibility to the claim.

MS. BROOKS. Thank you, Ms. Durant. In essence, to save time, I will now turn the questioning over to our Commissioners.

CHAIRPERSON FLETCHER. Mr. George.

COMMISSIONER GEORGE. Thank you, Mr. Chairman. A panelist a moment ago—Deputy Director Brooks made reference to the concept of Anglo values. She put the term in quotation marks. And since coming to Los Angeles, I have learned about the working concept of the Anglo community in connection with the issues that we're investigating here, but I'm not still quite sure what to make of the concept as it functions in your deliberations. Would the Anglo community be members of—who do not fall into any of the other categories that we treat for minority communities? Is it the sort of, you know, default reserve? So people who aren't members of the Hispanic community, the black community, the Asian community, would then be considered part of the Anglo community? Italian Americans, for example, or Lebanese Americans, would they be considered part of the Anglo community?

MR. DYER. The Italian American would be an Anglo, but I'm not sure of the categorization of Lebanese. It may very well fall within that constraint. Basically, third world people would be

classified in a different classification than Anglos. Anglos are basically the general white population in this country as categorized in most EEO forms. Any other categorization beyond that would be one of your ethnicities—Hispanics, blacks, African Americans, Asian Pacific people, and all those listed as “other.” They’ve kind of broken that down somewhat now and kind of put Asian American people, if you will. But basically, clearly, as indicated in our terminology, if you are basically not one of those very well groupings basically in the country, you’re basically white Anglo.

COMMISSIONER GEORGE. Are there any different respects, salient respects in which Anglo values differ from the values of a minority community in a way that would be relevant to the work that you do and the decisions that you make?

MR. DYER. Let me keep going and I’ll defer in a second to Jose. If I were seated around a table and I saw a coverage of the 1992 uprising and I saw a manifestation from, let’s say, an Anglo that says, “The Rodney King verdict came down and this is it. We have an uprising because they were ticked off because of the King verdict.” As an African American, I would say that if you do that, you’re doing the superficial part of the story. You’re not really doing the story because the story goes back much further than that in terms of poor police-community relations, unemployment in the community is too high, imagery, lack of transportation, inadequate recreation. All that came to a boiling point. It was very convenient to say “Rodney King.”

The same thing was pointed out after the 1965 uprising when they said basically that the incident down there incited the ‘65 riots. And years earlier—I think it was John Buggs, the commissioner, kept saying, “There are seething causes down here. There are root causes. There is a cause of police-community relations, there is a cause of unemployment, a cause of lack of transportation, a cause of lack of recreational activities. There’s not even one movie theater down here.” It was not that one incident.

So as an African American, I would sit here and say, “No. No. No. No. Sure, there was an eruption that August night, but that eruption was only a trigger because the causes were loaded in the gun years earlier.” I can say that because I lived in that community. So, you may not be able to say that, respectfully, if you were

from Malibu—and I don’t say that negatively—because you don’t have the same background of the story. So if you say what is the difference in my values and other values, it’s that there are long-standing differences that I know that have been borne for years. I’m not saying you can’t do the story as well, but I’m just saying we bring different things to the table. And to this incident, I bring history. You may have brought just what happened that particular August afternoon is what I’m trying to tell you.

COMMISSIONER GEORGE. It sounds like to me you’re using the term values in a very broad sense having to do with perspective or background or information.

MR. DYER. I think that’s important, yes.

COMMISSIONER GEORGE. I don’t doubt that it’s important, but I’m just wondering about the use of the term values here.

MR. DYER. I think—

COMMISSIONER GEORGE. Values would normally refer to what we consider to be important, desirable, worthwhile in life, worth having, worth striving for.

MR. DYER. I think there’s no question that humankind has a set of values that are very common. We all want a decent lifestyle. We all want to feel safe in our homes. We all want to feel safe in the streets. We all want to have the feeling that our kids are going to be properly educated. Those are human values. There’s no dissimilarities in those values whether you’re Anglo or whatever. What we’re talking about is a different value of concepts when you come to the table. There are certain things I may bring that you quite frankly innocently could not bring. I understand that. This is very difficult. In terms of human values, there is nothing that says your value or your quest for the good life is any dissimilar than mine is. We all want the same things.

COMMISSIONER GEORGE. Are there aspects, though—and we’re speaking of values now—of what is considered important, worthwhile, worth having, worth struggling for—beyond those certain values that we share, are there differences between the Anglo and minority communities or just among the minority communities precisely of “values?”

MR. DYER. My opinion is that basically—I don’t think—if you talk to the average African American parent and you talk to the average, let’s say, Anglo parent and you cut the lights off and

you begin to say, "What do you want for your child? What do you want for your child?" Basically, the ultimate quest is for the same things I just pointed out in terms of values. If you were to say to that same group, "What do you think you want the media to do in terms of showcase, then the African American may very well say, 'I want to see more positive role models on the tube, so that my child can aspire to something.'" This other person over here may say something totally unrelated. And I think that's where you may tend to draw the line in terms of the similarities and variances because of the background.

COMMISSIONER GEORGE. So the perceptions of what is needed might very well differ in part because of the background, to achieve the values that are held in common. The means might—our differences in background might lead us to different conclusions about the means necessary to achieve a common goal.

MR. DYER. Well, certainly some of the factors that maybe have played in my life may not have played in your life. Some restrictions may not have been placed on you, but they may very well have been placed on me.

COMMISSIONER GEORGE. Do other members of the panel want to talk to that?

MS. DURANT. I think he's described it fairly accurately. The only thing I'd like to add, it is my understanding as to the use of the term Anglo, was that generally most Hispanics consider themselves Caucasian. Most Hispanics consider themselves Caucasian. So it was to distinguish between Spanish surnames and non-Spanish surnames.

COMMISSIONER GEORGE. We had testimony earlier about the difficulty of finding a term that would be a common term for people with Spanish-language background and so forth, whether Latino is preferable to Hispanic and the same as to the Asian. Mr. Rios, do you have anything to add?

MR. RIOS. I generally agree with what Joe said. I think there are a lot of shared values. I think most of the people believe in the same things for their children, for their family. I do think, though, that we have some differences in perspective. When I say that, they are in terms not only of ethnicity but I think also in terms of economic status, that is, rich or poor.

COMMISSIONER GEORGE. The other question that I want to raise—and Barbara Brooks did an excellent and comprehensive job. I don't want to

hold you long—has to do with the tough case that—

MR. RIOS. I just wanted to say it's too late.

COMMISSIONER GEORGE. —the tough case that I raised with the previous panel, the situation in which the honest reporting of a problem within a community having to do with attitudes towards other communities would create the danger of stirring up animosity toward the community being reported on. It is now well-known that one of the most bizarre manifestations of the apparently universal phenomenon of anti-Semitism is that anti-Semitism has a strong base in, of all places, Japan, where there are obviously very few Jews. In fact, there is a market for anti-Semitic literature, and so forth, which causes great alarm and consternation. This is, of course, not to say that anything approaching the majority of Japanese in Japan or in America are anti-Semitic. Obviously, that's not true. But it's alarming that there is a market in Japan for this sort of literature and material.

Now, if you decide that that story is one that ought to be reported on—perhaps representatives of the Jewish community would like you to report on this phenomenon and call it to the attention of all Americans, you do run the risk of stirring up hostility, prejudice towards Japanese Americans who might be tarred with the brush of being anti-Semitic. You might do your best to provide balance and keep pointing out "This is not everybody." But isn't this a risk that you run—and I sympathize with you. I don't know how I would make that decision. How do you go about making that decision?

MR. RIOS. One thing I would say that you touched upon context, and I think that is important from the Japanese perspective. My other thought on that is that I think these things are better exposed rather than not. I think if you show people's hatreds or their ill wills and get those out. I think if there's conflict between communities, okay, then let's address that. Let's get that out, because I think, "If it's not addressed, it just goes away," I don't think is true. And I also think that the audience isn't stupid. They can see it for what it is. And in so doing, I think that neutralizes it.

MS. DURANT. We've actually run stories very typical to the scenario that you just described before this uprising. We had stories about the tensions between the Korean community and the

black community, and we did a story that made people angry in the Korean community. But we went to a Korean meeting, a community meeting that were upset about the Latasha Harlins incident. Basically, some of the businessmen admitted that they had antiblack feelings. They were very concerned about it. It was something they were discussing in the context of their meeting and how they were going to proceed from that. They felt it was important to talk about it, and we felt it was important to run as a story. And I think you have to run those kinds of stories because you need to have it aired as a business and you need to have community discussions so that both sides know that there are problems within all the groups and they're all dealing with the issues that confront them. And that's the only way you get a sense of movement in the community.

MR. DYER. I think that it was the Kerner Commission's report that made this case very well by saying that if the media had pointed out the ills prior to 1965, perhaps the bureaucracy could have dealt with the problems. So, in response to your question, I would say if you don't point it out, it manifests itself later on as a problem that could have been resolved had it been called to the proper authorities attention earlier. So while we in the media have a responsibility to point out the bad, we also have a responsibility to point out the good. I think the thing is we have the responsibility to raise those kinds of stories, hopefully that someone's going to step in and try to provide some kind of resolution to it. The Kerner Commission report was very direct on that by saying by ignoring the problem we, in turn, create the problem, a greater problem. So I think as bad as those decisions are, we are not obliged to ignore the bad, as well as not citing the good.

COMMISSIONER GEORGE. If I understand the panel correctly—and I think we agree—I also take it you're agreeing with the previous panel when it comes to this particular case, the answer—and please correct me, though, if I'm putting words in your mouth—is to run the story, but to do so in a balanced way and alongside stories that also point out the achievement of what's going on and good and positive attitudes among Japanese people, Japanese Americans, just to stick with my example now for a moment, and that the balance is the key to avoiding the bad side effects of running the true but nevertheless damaging story? If I put words in your mouth—

MS. DURANT. No. I think you've accurately assessed it. I think the balance—I think the perception that people have that the media speaks with one mind and it's all very negative is just not true. The fact is, though, that that's the perception because it isn't balanced. I think if you watch any of our stations or any station in town, you will see some good stories about what's going on, positive stories about various communities. But it is not in proportion to the amount of stories that you see about crime, about racism, and all the other things that go on in any urban community, and I think that that is what we are working on is at least trying to get more balance, trying to deal with more issues as opposed to just sticking with events, and trying to spend more time on background. At the same time, what Jose said earlier was correct, and that is these are times that are tough economic times for stations where we don't have the staff to do a lot of that background material.

The earlier panel talked about providing translators to go out into the community. That is a very worthwhile goal, but I don't know how practical that would be given financial considerations and also just given the kind of fast turnaround of events that we face on a day-to-day basis. In addition, there's so many language groups in Los Angeles today, where do you begin or end? I mean, we've been to schools where they have 52 languages in one school. So who do you translate for? How many do you have? How do you assess what that need is?

MR. RIOS. If I could just say, you also have to be fair. You can't be unfair to any particular group for two reasons. Number one, just as far as being a news organization, and if you're unfair to somebody, what happens, that whole period of time they say, "You are not fair. You do not represent us in any way that we believe to be accurate." And so you will lose—ultimately, you lose access. And the other thing is that it's part of your consideration as a journalist that you have to be fair. And, again, fair makes it stronger; it doesn't make the story weaker.

COMMISSIONER GEORGE. As my friend Bobby Doctor pointed out, it's wrong not to be fair. Yes. Did you want to say anything?

MR. DYER. Just that I agree.

COMMISSIONER GEORGE. Mr. Chairman, thank you.

CHAIRPERSON FLETCHER. Just a couple. One, I came to LA—I was actually supposed to be down in Australia at the world conference on human rights when the decision—Austria—I was supposed to be there to expound on American human relations at the time the King decision came down, and I didn't want to be there to explain what happened just in case it didn't go the way I wanted it to. So rather than to go there, I thought I'd come here and be on hand, and I roamed around the streets in working clothes in Watts and various other places in the community. Then I put on a three-piece suit and went to the suburbs.

Now, the thing that concerned me was people were saying it was the news' responsibility—I read that people had purchased about 500,000 guns in this area. When I talked to the brothers and sisters and Latinos in other places, they weren't about to get involved in any kind of gunfire confrontation with the police. Yet when I went out into the suburban areas, people were buying guns and saying that the next time "they" come what they were going to do. And they seemed to say to me when I asked them, "Why are you buying guns?" most indicated that they had seen the television shows, in particular where women were being taught how to shoot guns. The news is responsible for it, particularly the television news. What is your response to that?

MR. RIOS. There were certainly stories like that. I recall seeing a lot of things on either gun sales or more people buying guns or women buying guns. And I'm not sure how much of that is chicken, how much of that is egg. I think part of what happens is there are some gun sales. The media then reports on it. Well, in reporting on it, I think it makes it worse. Somebody who sees that now is going to take that and say, "All right. Well, someone else is doing it, maybe I should." And so I think if you're at all honest you have to say that you can exacerbate something like that if you report on it.

Again, I think we shouldn't be in the business of censoring ourselves. I think we should tell people what's going on. I think they depend upon us to us to tell them what we know, and then they can make decisions whichever way they want to. Nobody said, "Hey, you've got to go and buy a gun," but somebody can do a story and say some people are going out and buying guns and

then figuring out the problem. Well, I think that's a valid story.

The only other comment I have on the King case is that I was very proud of our station during the first King trial because we televised the entire trial live, and the station did that at considerable economic sacrifice. That doesn't happen often. Again, part of the reason it was done was that so people could make up their own minds and not have to rely on a 2-minute news report.

CHAIRPERSON FLETCHER. In terms of balance, did you do other stories about folks not buying guns?

MR. RIOS. Sure. Should be in the same piece.

MS. DURANT. It's a difficult assessment. We do stories about people who don't rob banks. We do stories about occurrences. And so I agree with Jose. I think that's a valid story because it tells you that at least some segment of your community feels at risk and to arm themselves. And it's not telling you to do that, but it's telling you that there is obviously this concern by some people. And you talk to some of those people in the gun stores and you find out what their concerns are. Hopefully, at the same time, you know at another time you will be doing a story about how people are turning in their guns because they feel it's a bad example and a risk for their children to have guns in their home. So if you run both stories, you'll have—

CHAIRPERSON FLETCHER. Both stories at the same time?

MS. DURANT. No. Different times. I don't think those two stories will occur at the same time, you see. The response of the guns are due to a crisis or whatever they felt was going on in their community. Another time there will be people who are turning in their guns saying they don't want to have guns anymore.

CHAIRPERSON FLETCHER. Not necessarily talking about turning in their guns, but I was distressed because no one was doing interviews to suggest that there are other people who are not that alarmed. If it had just been people in the LA area buying guns, it would be another color. But where I was in Denver, folks saw what the people, the LA residents, were doing. All of a sudden gun sales went up in Denver. As I checked across the country, they were going up in suburban Washington, D.C., without any story of any kind to suggest that, Aren't we getting off in overreacting and aren't we getting alarmed in a way that—I'm

just saying, Is that the type of balance in the news? It would appear that something like that is driving a behavior pattern.

MS. DURANT. One concern would be that you would run the risk of having news managed. I think that the difficulty is deciding what I think is balance for that might not be an accurate reflection of that.

CHAIRPERSON FLETCHER. One other question. If you didn't see the story, you probably can't respond. Along about that time—I think just before or just after the decision—*USA Today* ran a story about some youngsters who were going to do a picture thing about turning in their guns for jobs, and then the writer of the story discovered that when this topic got back to wherever the decisions were made, lo and behold, what the gangs had been told was going to happen was a different story altogether. Using your net scenario, did your net pick that one up, and what did you do with that?

MR. RIOS. We did that story, but not as picking up the story the way *USA Today* did. Because there was a lot of outrage immediately about that particular story. The story was more about the reaction to the *USA Today* story rather than the story that they put out. I know that was a story that we did a couple of days on the fact that people were outraged that they kind of set this up.

CHAIRPERSON FLETCHER. I have a couple more and then I'll yield to another one of my colleagues. I'm interested in knowing your job description, and I'd like to know if it is possible, Mr. Dyer, for you to submit for the record not only your position description, but do you do an annual report on—do you take those seminars into the community? That's what you said you do, right?

MR. DYER. Right.

CHAIRPERSON FLETCHER. What kind of annual report have you documented to show the impact of those?

MR. DYER. There is not an annual report per se. That may not be a bad idea, but we simply don't do any reports per se like that. Many of these things are included in our filings for license renewal in the EEO section, and that's there. On the part of the Commission, if you will, I could provide that for you.

CHAIRPERSON FLETCHER. Would you do that for the record for this?

MR. DYER. No problem.

CHAIRPERSON FLETCHER. One other question. I heard you mention town hall meetings in the past. One, how do you make a decision to do one of those, and what are your expectations in terms of information and educating the community? The reason I ask that is the station in Denver where I live, the station decided to do one of those things and it blew up on them. In the instance I have in mind, the moderator focused on the wrong guy. So instead of focusing on what I thought was the good idea of this program, they got locked in on—the moderator never got beyond it, and the whole show exploded. At the time this was happening, if you recall, the KKK and Skinheads pulled up to a Martin Luther King event there in Denver. So this station decided they ought to have a town hall meeting and try to help people understand what was going on. But what are your expectations? How do you decide to do one of those?

MR. RIOS. I think you decide to do one when you believe there's a genuine need for communications to take place that just doesn't exist and isn't being serviced in any other forum. There's no guarantee. It can blow up in your face. I think there is considerable work and care that has to be exercised and a lot of groundwork that has to be done.

CHAIRPERSON FLETCHER. How much lead time?

MR. RIOS. Well, you can actually set it up very quickly. I think if you do it well, you want to give yourself some time to not only line up people from various communities so that you feel comfortable with the representation that you have at the town hall, and then the other thing is you also have to block out the time in the schedule because that's not something that you can do really in an hour. You have to get considerable time. And I'll tell you what, it really blows up when you get 500 people from the community and you only get 6 on. Then it's not a happy bunch because they all have something to say. So not only do you have to organize it in terms of community involvement, you have to organize it in terms of the broadcast, clearing that particular time, and then you have to order an adjustment of pure production sense. That's not an easy production as far as cameras, microphones, etc., because comments may be coming from anyplace. So you've got to get that part right, too, as far as the pure television production part?

CHAIRPERSON FLETCHER. My reason for asking that, as Chairman of this Commission, I have real problems that our reports, although they're being well-read now, I think there would be more reason to understand—I was wondering, couldn't some of our reports be a basis of holding a town hall meeting to discuss—take this here 6 months from now, whenever the report comes down. I'm wondering if a document like this could be disseminated among the public as a whole and people do their assessment and evaluation. Could that be a basis for such a thing?

MR. RIOS. Yes.

CHAIRPERSON FLETCHER. Anyone else want to—

MS. DURANT. I think it would make a good basis for discussion. It depends what each station, how many resources they have to devote to putting together something like that. So they would need a lot of lead time to do that.

MR. DYER. Considering the diversity here in LA, I think it would be very much warranted in a city like LA because a lot of persons are focusing on the media. I think obviously it would be a good platform to entertain further discussions and recommendations and concerns being aired. I think it's a good idea.

CHAIRPERSON FLETCHER. We've issued a report on Asians and this is one on Hispanics, and then we'll have this one. Between those two documents plus the outcome of this one, it seems to me we have great material that should generate some widespread public interest. Mr. Redenbaugh.

COMMISSIONER REDENBAUGH. Mr. Rios, the question for you—actually it's a comment and then if you would comment on what I've said. There does seem to be operating sort of a regression of law of news, and negative news stories drive out positive news stories. But I don't think we should be very surprised by that. I think that I would argue it's the nature of the news media on purpose to report anomalies. I'm a fairly serious consumer of financial news, and I do expect them to report the news on the days when the stock market declines as well as when it advances. So to what extent do you think you're being, when criticized for not having enough happy talk stories, held to the wrong standards?

MR. RIOS. I don't think the issue is happy talk. I don't think you've heard from anybody, at least that I've heard this morning, the earlier panel or

before on this panel, that they felt that doing something that wasn't a negative news story was something that would fall under the category of happy talk. I just think what the people want from stories is balance, and if you come back to fairness, I think those are the two things. As Joe said earlier about having minority viewpoints reflected in what were otherwise traditional—what used to be traditional roles, whether they be as professionals in news stories, that base has to be broadened out by news organizations. I also think that there's nothing wrong with positive—I referred earlier to that segment that we did on unsung heroes. The fact is I remember that at the end of one particular week, the next week, Monday, when we came back, I said, "Okay. We did a whole week's news last week. Who remembers what?" Most of the staff couldn't remember the stories that we did, but what we did remember was that Jamaican woman who teaches kids how to read and literally wrestles some kids to keep them in class, and by the time they got out of her school, they knew how to read. And I guess my point is just that—

COMMISSIONER REDENBAUGH. But the segment was discontinued.

MR. RIOS. After I left. Change in philosophy there.

COMMISSIONER REDENBAUGH. Do either of the other panelists want to comment?

MS. DURANT. I agree with Jose. I think that the issue is not happy talk. I think it is—I really think that what a lot of news misses is these issue discussions. I think we are very compelled by events and actions, but we're not very—it's very difficult and very time consuming to do a story on how the State budget cutbacks are going to affect schools.

COMMISSIONER REDENBAUGH. Is there a market for that?

MS. DURANT. I think there is. I think one of our duties is to inform the public about the issues that most affect their lives. And if the schools are not getting enough funds to give a proper education, then I think it's our responsibility to say that.

COMMISSIONER REDENBAUGH. Do people watch news? I mean, C-Span has a 2 percent share.

MS. DURANT. I think that one of the duties of a producer is to make it a program that people will watch. I mean, we deal in visuals and that's our job, and so we can do it in such a way so that

people—they won't enjoy more than we all enjoy watching a comedy show, you know, in prime time. But they will be able to watch it. It will be understandable and it will give information. I think that that is one of the things that needs to be added to most coverage. We need to be able to discuss more community-based issues and how they affect your life and really serve as interpreters for some of the complex issues that really do hit people's homes. That's not very sexy, but it also is quite important.

MR. DYER. I think, Commissioner, again I'm going to just go with my colleagues and say that I don't think the community is saying per se stop doing those stories that appear to be negative. What they are saying is provide the other side. That certainly provides a balance to the negative. Many third world people in particular say, "Why is it when you see me, I always have on a black hat? I'd like to have the white hat and ride the white horse sometimes." And that does not seem to be the case. In many instances the community will tell us—I wouldn't characterize it as "happy talk" either—I think what they're saying, "Give us the other side so that we can truly say, 'Well, we have the negative; but, my God, that's been counterbalanced by some allocation for the positive as well.'" I think we all agree on that.

COMMISSIONER REDENBAUGH. Thank you. Mr. Chairman.

CHAIRPERSON FLETCHER. Thank you. Anyone else? Let me say what I said to the panel previously. Continue each of you doing what you're doing with the professionalism that you're doing it. Martin, Adam Powell, Thurgood, some of those, if they were here today, they would give live testimony to what the struggle has been all about. To see you doing the job that you're doing is the vision we had back in the late 1940s and late 1950s. Thank you for being here and thank you or doing the job and giving your testimony.

COMMISSIONER REYNOSO. General counsel, would you call the next panel, please.

MR. GLICK. I will, Mr. Reynoso, but first, with your permission, I would like to introduce some documents into the record. We heard the testimony this morning from Mr. Terree Bowers, the United States attorney, and subsequently I received a telefax letter from him in which he attempts to direct and clarify some of his testimony. With your permission, I would like to introduce this letter from him in the record because it's go-

ing to be somewhat important to try to clarify his testimony. I don't think it fully does, but I think we need to have it.

COMMISSIONER REYNOSO. By all means.

Getting the News

MR. GLICK. I would then next call for the hearing Mr. Larry Carroll, reporter and anchorman for KCAL-TV; Mr. Fernando Lopez, news director of KVEA-TV; and Mr. Seung-Sang Lee, reporter/manager of Korean Television Enterprises, Inc. And I believe Dr. Ki-Taek Chun will be assisting Mr. Lee. And the questioning will be done by Mr. Charles Rivera, our chief press officer.

COMMISSIONER REYNOSO. Please stand and be sworn.

[Whereupon, the witnesses were sworn.]

Testimony of Larry Carroll, Reporter and Anchor, KCAL-TV

MR. RIVERA. Mr. Carroll, you're one of the longest serving African American broadcast journalists in the Los Angeles area and your reputation is very well known. What I'd like to begin with is if you can describe some of the changes that you've been witness to in the reporting on minorities in the Los Angeles area by local news organizations during that period of time.

MR. CARROLL. My assessment of progress in that area has to yield the conclusion that the changes have been marginal where they have been present. When I began in television news in this city in 1972, I began in an atmosphere where there was a perception among broadcasters that there was a power base within the minority communities of Los Angeles, and indeed of this country, to which they needed to respond. That, to a certain degree, resulted in my entry into this industry. At the point where that perception diminished, the attention that was given to the issues and concerns, indeed the events of those minority communities, diminished with it. The attention, the focus, the direction of coverage moved precipitously away from minority community concerns, issues, and events, interrupted only by periods where crisis dictated that a refocusing was necessary.

It is shocking that in 1972 when I began, there were actually more African Americans on the air in Los Angeles than there are today. It is shocking that the issues and concerns which resulted in the

uprising in 1992 came as a shock to most of the media established in this marketplace. It is of great concern that there seems to be little, relatively little movement toward righting that situation in the city of Los Angeles in the major media even today. And so I have to say in conclusion that there's been little change in quality or in the quantity of coverage.

MR. RIVERA. Can you comment briefly on why you think that is so?

MR. CARROLL. I think it goes, sir, to the issue of why media believe they exist and the way in which that comes into conflict with their actual reason for existing within the context of a free and open democratic society in which citizens are required to participate with as full and as perfect a body of information as possible. During the Bush years, we talked about the "vision thing" in journalism. I think what has been lost sight of in the context of television news today is the "service thing." It has been replaced almost completely by the "greed thing," by the "money thing," by the "competition thing," by the "rating thing," by the perception of what the marketplace wants. That is a misperception, I believe, and I think it has been demonstrated rather dramatically, particularly in the last years where in 1979, 1980, the three free broadcast television networks and their news operations enjoyed market share in the upper 90 percent range.

Today that market share is somewhere in the mid to lower 60s and falling rapidly. We lived in a time at that point and prior where the esteem in which journalists, broadcast journalists included, were held was relatively high. They were people who could be trusted. They were people who were relied upon to provide truth in an atmosphere that was frequently confusing. Today the public perception, according to a number of published studies of journalists, and quite notably television journalists, has plummeted to the 30, 35 and, in some areas, lower percentile area. People do not trust this profession because this profession does not serve them.

I believe personally that if television news, particularly local television news, undertook the responsibility to redefine itself in the context of what the need is today, it would discover that service would result in an increase in that market share. If people believed that by watching television news they would be more effective in making the important decisions that affect their

lives and communities, they would watch. It is interesting, as I have reported on virtually every community in Los Angeles, every community of interest, every ethnic community, that almost each and every one of them feels that they are sorely undeserved by the media. Whether I speak to African Americans, Korean Americans, Japanese Americans, Filipinos, East Indians, South Americans—I remember covering the Falklands War from Los Angeles—certainly Africans from the continent of Africa, Croatians, people from Lithuania, Latvia, Estonia, they all respond in great shock that I would even show up to any of their events, that we would have the slightest bit of interest, because there is no reason for them to believe, there is no track record to suggest that there is any relationship between them and those people who present what we call the news on television.

I submit to this Commission, and indeed to the industry, that if we redefine our existence in the context of society in terms of service, then the commercial thing would follow. But it is difficult to find that vision thing, if you will, in this industry. The African American community, with which I have a particular relationship, has been so separated from these public media which are supposed to serve it that the vast majority of individuals of community-based organizations and leadership have ceased to really actively consider the media as an option in terms of their ability to communicate either intramurally within their own community or intermurally throughout communities within Los Angeles. It's no longer an option. We talk about third world communities not being media savvy. What's to be media savvy about if those options are not even available or useful? That is the context in which the media exists at frequently cross-purposes with the communities they are supposed to serve.

MR. RIVERA. Can you respond to an observation that has been shared with us as we did interviews in preparation for this panel, that the FCC [Federal Communications Commission] does have some responsibilities over broadcast stations and that employment, minority employment at stations, is something that the FCC looks at in terms of renewal of licenses. Why are there not more minority journalists working in the Los Angeles area?

MR. CARROLL. Primarily, in my view, because broadcasters see no need to go any farther in

providing that kind of diversity on their staffs than the letter, and I mean the strict letter, of the law suggests. Does it make sense that if Los Angeles is 61 percent other than white that there would be 6 to 9 out of 49 television anchors in Los Angeles who are of minority backgrounds? That does not make sense. It kind of redefines what we mean by minorities. Certainly in this context, the minority is the majority and the majority is the minority.

So why do those standards exist? It's because broadcasters have discovered that they can get away with it, that they can do essentially what they want to do, that they can proceed with impunity to follow a star that has little frequently to do with their primary reason for being and flout, if you will, the spirit of the laws which are on the books today. The FCC, in terms of what its responsibility in my view is, is to ensure that the public air waves, held in trust by broadcasters, are used in the service of the public. That is why news exists. We are there to give people the information they need to run their lives and communities, to participate in this democracy. If we're not doing that, then we're not living up to our reason for being, and the FCC is supposed to monitor that.

The fact that we as an industry do not employ people who represent this community in numbers that reflect their presence in the community is only symptomatic of the fact that we're not serving those communities. If our intent was truly to serve them, we'd be automatically hiring those people because it would be important for us to do that to have that kind of relationship. Relationship. Relationship. Relationship does not exist in any significant degree between broadcasters and the communities they serve. It's as though we're in a separate kind of a universe, each looking at the other through walls that can't be penetrated, walking around as though we were one of the children that we so frequently hear about, so susceptible to infection that we have to walk around in a glass or a plastic bubble in order to survive, but never really come in contact with each other, never really touch and feel each other long enough to be able to interpret, translate, and help one another. That, to me, is the reason for us being here in this stage of history.

There was a time when profit was not a part of the dynamic of this business, when the net-

works decided that they needed to put television news on even though it was a loss leader. Somewhere around 1968, 1970 it was discovered that if they slightly altered the character of the television news format, they could use it as a profit center. And, in fact, most stations across the country thereafter discovered that their principal source of income was from their local news. And I heard the term happy talk used, and that's when that term was invented because it was discovered if we can create a relationship through the screen between an anchorperson and the person sitting in their living room, that that person sitting in the living room would return night after night to watch that person with whom they had a relationship because he was a human being, because he talked like a human being, and he acted like he cared.

Since then, because of the growth that took place as a result of that change, more Americans get their information from television news than from any other source. And that's a shame because television news has grown up like an adolescent whose physical strength has outdistanced its understanding and sense of responsibility. And so we now live in a confirmed media age where television plays a large part in all of our lives because it's on all the time and it's in all of our homes and it's for many the principal source of recreation and entertainment. Yet, it has not built along with that invasion into our lifestyle the sense of responsibility that goes with it.

MR. RIVERA. As a working journalist, could you comment on the charge made sometimes by critics of the news media, especially minority critics of the news media, that what's referred to as news values primarily reflects Anglo or white news values? Can you give us some sense of how you respond to that?

MR. CARROLL. I think that that's essentially the case. We've talked about, Is there discrimination in media? And I think that certainly if you're looking for where the bodies are buried with respect to that question, I think you can say that they're buried in plain sight. They're buried above ground. It is clear, simply by the makeup of your last panel, where the decisions are being made and who is making them. They're making them in essentially an information vacuum because there is not that relationship with those communities. There is not the representation from the diverse communities that make up the

metropolis of Los Angeles for anyone to even think or even imagine that this insular group of individuals would have a grasp of the issues and concerns that confront people on a day-to-day basis out there in the provinces, if you will. News decisions are being made in a skewed universe so frequently, and it remains for those of us who have contact and represent those communities and who maintain relationship with those communities to struggle to bring those issues and concerns to bear on the editorial process. And it is a constant struggle. I'm not sure; have I answered your question?

MR. RIVERA. Yes, you have. Can you make any recommendations, any suggestions concerning how to change what you've described as the current situation? Improve the numbers, improve the coverage of minority communities in Los Angeles by local news organizations?

MR. CARROLL. I believe that there's a great deal of responsibility that rests with this body. I believe there's a great deal of responsibility that rests with the Federal Communications Commission because of their unique position within the industry. The question is—and we wonder on election night why people are not moved to go to the polls, why people feel separated from those individuals, elected or appointed, who run this society. And a lot of that lies at the feet of the information that they receive and how they are able to rely on that information. That goes to the core of the effectiveness of how this democracy operates.

I was told very early in my career by the man who hired me at ABC that, "This is not a job. This is a mission. This is a holy mission in the context of the survival of the society. Not simply the African American community or the Korean community or any of the many disparate communities that make up the society, but in terms of this experiment called America, this is a holy mission." And so it is incumbent upon agencies like the U.S. Civil Rights Commission to take seriously what is happening and what is not happening in that most important conduit of information that links us all together, and I'm talking about the news media, and particularly the broadcast news media.

We are playing games as long as we continue to operate this series of media the way we are operating it. We are playing games with the future of this country. We are playing games with

each and every community under the sound of our voices and under the sight of the screens that we appear on because we are not serving them effectively. I believe that this agency, the Federal Communications Commission, and any other relevant agency needs to make it a priority that this industry operate according to the commission it has been given under the Constitution of the United States.

American news media—and I've done a little bit of traveling—are unique in all of the world. And they are unique for the same reason that America is unique. If we ignore the power and the influence and the importance of free media in this country, of media that are an integral part of the participation of the citizens of this nation, then we are throwing away the uniqueness of America. It is absolutely necessary that there be individuals of minority backgrounds in news management, in broadcast management throughout this industry. It is absolutely necessary that the weekends not be the ghetto for minority broadcasters. And believe me, gentlemen, they are. I've lived in that ghetto for years. I have just been expelled from it.

MR. RIVERA. Can you share with us, again based on your experience, any incentives that were offered you at any time as a minority journalist to cover minority communities or to cover other issues based on your insights into the politics, the economics, the culture of those particular minorities?

MR. CARROLL. I don't know about incentives other than simply keeping my job. I know of a number of occasions where there have been issues, events, concerns, what have you, that have occurred in the minority communities of Los Angeles where because of my long background and extensive relationships and contacts, my black look has been called upon. "Who do we call? Who do we talk to? What do we talk about? What do we ask them? What's their background," etc.

There have been a number of occasions when I have managed to cover stories that relate to our larger community, which I have covered rather in spite of disincentives. I speak of at least two occasions about stories that I covered about the country of Africa. I was the first journalist in Los Angeles to bring back pictures of the African famine in 1984. That was a story that I covered while in the employ of KABC-TV, Channel 7, and for which I spent my own money,

hired my own crew, and went under the auspices of a nonprofit private volunteer organization to go into Africa to bring back those pictures. That happened on two occasions, both in June of that year and in December of that year when I went into Ethiopia and again brought back the first local coverage of that rather catastrophic event. Was I offered incentives? I don't think that that would really apply to that circumstance.

There have been other occasions when there have been significant stories of commercial value but not also news value where I have had opportunities to bring those stories to air. I think in one instance, having gotten a telephone call at 3 o'clock in the morning from Michael Jackson, who at that time was in Germany on tour and was about to go into what at that time was the largest concert event ever held in the continent of Europe. He was returning to the home of the Beatles, Liverpool, where he had just purchased the entire Lennon-McCartney catalog and was about to play his concert before the largest crowd. He had granted exclusives for backstage coverage and *carte blanche* to two news organizations, *Life Magazine* and me.

I took that story to news management expecting that it would immediately be snapped up. I mean, even majority media will respond to a story about Michael Jackson the same as they will respond to a story about Magic Johnson or Mike Tyson or any of the ball bouncers and doo-whoppers who have comprised our principal public image around the world thanks to the American news media. So I knew for a fact that I was on my way to Liverpool.

My news director told me that that was not news. Flat out, not news. "We're not interested. We're not going to cover it." And I asked him, "Well, do you mind if I just take a couple of days off and march on over to Liverpool on my own because I think this is worth seeing." I went to Liverpool and spent 3 days with Michael Jackson touring up and down the English countryside, two or three concerts that weekend, and came back to discover that the lead story on the Sunday night news on the station that I worked for was Michael Jackson's concert in Liverpool. It was not news that previous Thursday, but it was the lead story Sunday night. And the only pictures they had were from a helicopter and I was backstage. That struck me as strange.

It struck me as strange in 1988 when after having been part of a two-man political unit that covered the Democratic and Republican National Conventions and after being probably the only man in America who has worked in the press offices of both Jesse Jackson and Richard Nixon, I made myself available a year in advance to be on the political unit for 1988 because I knew it was going to be a catalytic year in American politics, and I had established and cultivated many, many contacts in California politics and covered a lot of California politics in the preceding period, but was entirely ignored for that assignment. And, again, I spent my money to go to Atlanta because I thought it was an important place to be that year.

MR. RIVERA. Mr. Carroll, can you wind this one up?

MR. CARROLL. Certainly. I can go on for quite a while as I'm sure you can see.

MR. RIVERA. I'm sorry.

MR. CARROLL. The point being that there have been more disincentives that it has been necessary for me to work around than there have been incentives to encourage achievement. At this point I'm at a crucial turning point in my career. After having achieved to the best of my ability in areas where we have traditionally been unable to achieve—and when I say "we," I speak of African Americans—I find myself having bumped my head once again on a glass ceiling. I am facing the imminent termination of my contractual arrangements with my current employer, not through any desires of my own. But it is an unaccustomed position for me in the last years, and I'm wondering what that says about the efficacy, the value, the viability of black expertise in this industry, of black investment, career investment in this industry, about the concept of service in this industry.

It, for me personally, certainly is a discouraging event; but I think broader than that, it speaks to the issues that you are here to confront. I am, for reasons other than my own judgment, I believe, a unique individual, certainly in this market, having been on television as long as I have, having had the experiences that I have had; yet that uniqueness which I might ordinarily think might result in career success has resulted somewhat, at least at this point, in the opposite.

MR. RIVERA. Thank you very much, Mr. Carroll.

COMMISSIONER REYNOSO. I'm sorry. I understand that our rules don't permit applause by the audience even though we might all want to join.

Testimony of Fernando Lopez, News Director, KVEA-TV

MR. RIVERA. I'd like to go on to the next witness, Mr. Fernando Lopez. Can you begin, please, by giving us your sense of the role that Telemundo plays in news coverage for a particular minority here in the Los Angeles area? What is Telemundo and what role does it play?

MR. LOPEZ. The role it plays, Telemundo, we're one of the two networks, Spanish-language network, basically to provide information to a growing Hispanic community whose only main language is Spanish. The information we try to give is the same information as any other station; the only thing we do is do it in Spanish. I think doing it here in the United States and in southern California particularly is a little bit tougher because not everybody who is in the information service speaks Spanish. We not only have to have the same principles of journalism, but we also have to do it in a way that the audience understands that information. Our audience has the same problems as anybody else. They're concerned about education, safety. They're concerned about economics, the future. So we try to provide that type of information, and that's what Telemundo, Channel 52, and the other network, Univisión, try to do for our community.

MR. RIVERA. Can you give us some idea of the viewership that you have, that Telemundo has? What size audience are we talking about?

MR. LOPEZ. You're talking about an audience between 1 to 3 million people, and it's growing. One of the things about our audience is a lot of the audience are immigrants, recent immigrants. On top of that, you have a lot of people who came illegally to this country, who are not—there's no census about those numbers. You're talking about a potential of about 4 million people. That audience needs information regardless of where they came from, and that's what we're here to provide. Another point is that audience is not only of Mexican descent. People come from El Salvador, Guatemala, Central America, South America, and a good percentage of them come from Mexico. We

try to give as much information as we can so they can survive in this community.

MR. RIVERA. Can you comment briefly concerning the special challenges that Telemundo faces—you're a news director there—in adequately covering what you've described is a diverse Spanish language for the community?

MR. LOPEZ. Basically, one of the main concerns is that our community is diverse, culturally diverse, even though we all speak Spanish. So you have to have a little more understanding of the culture. A person from Mexico is somewhat different than someone from El Salvador. Same situation for somebody from South America. The way we try to do news is we look at what's important for our community. One of the advantages we have that the mainstream media doesn't have is we know our audience a little more. Most of the people that work there are people who are immigrants or people who care about the community. So we tend to view a lot of the stories, looking at what's important to them. The top story for us may not be the top story for mainstream media.

There's other stories that happen, though, that we bring up at the beginning. And when we have it, then the mainstream media come into play. An example right now that I can think of is that the assembly just passed in the State Assembly a bill of trying not to give illegal immigrants the right to have a driver's license and a ID. For us, that's a very important issue. We did some stories. We did an editorial against that. It's making the notion again that we're trying to divide people who are part of this community. We, like it or not, they're part of this community. That's one of the things that we try to do.

We are somewhat more active in our community than a lot of times people perceive us because we know what we want to give to our community because they depend on us for information and we have to continue providing them the right information so they'll be able to survive in this community. Spanish is the main language to a lot of these people. Television is the main communication for them. So if we don't take care of them, who else is going to do that? That's basically our principal force that gives us, especially Spanish television, to our community.

MR. RIVERA. Can you cite any examples of the difference in the coverage that one could expect to find on Telemundo and the coverage of the

Latino community or of issues that would be of interest to the Latino community on English-language channels?

MR. LOPEZ. There's one that was a major one. There was a tragedy in Westlake, the tragedy about a fire that wiped almost two families, and everybody was there. And it was a sad tragedy because there was a lot of other issues that came into play. Number one was safety, how a lot of people live in conditions that don't have enough safety, fire safety, which was known later on. But we took it one more step after that. Not only at the human side, but we took personal care with people. There were two families. In both families the fathers were the only people surviving from those two families. After the whole fire, after the different stories, 2 days, 3 days, it seemed like everybody forgot about those two fathers. What happened, they lost their wives and their kids and nobody really took care of them.

What we did as a station is we raised the money to be able to help them take the bodies back to their countries. And that, we did it because we care about our community. And that's the difference because we actually are active within that situation. We took it upon ourselves to do that. They came to our station and I'll never forget this. When we gave them the money, it was a situation that we didn't do it because we were going to get ratings out of that. We did it because we care about them. And a lot of people—the first thing I said is, “No camera. We're not going to do a story about this. We're just going to do it because we care.” And that's the difference that we do as a Spanish station is that we do it because we care about it. A lot of times we're not afraid to say that we're active in that situation. Again, it goes back to, Who else is going to do that for them?

MR. RIVERA. Can you comment concerning Telemundo's coverage of the Los Angeles riot following the first King verdict?

MR. LOPEZ. The first one.

MR. RIVERA. And in contrast, if you have any example to coverage of the specific comparable event that occurred during that time by mainstream media?

MR. LOPEZ. Actually, there's three things that I wanted to say, and they were mentioned in the panel before. I'm an immigrant. I was born in Tijuana, but I grew up in the East Side. The time it happened, the first trial, I was in Houston, Texas.

I was news director for a station there. I remember when the verdict came out as innocent, the first thing I did is I called my mom and tell her “stay home” because I knew there was something there in the street; there was a lot of anger in the street. Not because of that situation, because of everything else that was going on. The lack of service, misinformation. I knew that. I also called the news director at my station here at 52 and told him, “Be prepared. Something is going to happen. I know so because I live in this community and I understand how people are angry against what's going on around them.” Sure enough, it happened almost 2 hours later. Not only it happened in South Central, but it happened in other areas, Pico-Union, that was predominantly immigrant. One of the things that happened during the riot is that a high percentage of the people who were involved in those riots were from Spanish descent or were immigrants.

But there was not enough information as to why they were involved in those situations. I think that's criticism that I made, that even though there was an issue about African Americans angry about the situation plus other things, there was not much reporting about why Hispanics were involved in this situation. What happened is that they were also angry about what's going on. And they're still angry right now. There's still a lot of people who lost the jobs, who lost the industries during those riots. We're still not doing enough about them.

Right now we've been following the merchants in Pico-Union. What are they doing for them? And it seems like a lot of those people are not even getting applications for loans. Why not? Is there some discrimination here? That's what we're there for, to do that.

MR. RIVERA. If Telemundo is serving special focus for the Spanish-language-oriented Latino community, can't English-language broadcast media be excused from paying that much attention to that community?

MR. LOPEZ. No. No. Never. It cannot be excused because those people are part of this community. I think it's a lack of understanding of the cultures. It's a lack of understanding of where these people are from. And that's where I think a lot of times the communication is not there. A lot of people think Hispanics are Mexican and they're all Mexican. Just because you have a last name that's Hispanic means you're

Hispanic. There's a lot of difference in cultures. It's the understanding of the cultures and of the people that are in this community to be able to understand. That is a major issue right now. You have a community of El Salvadorans who came to this country during the civil war in El Salvador. Right now they have an extension to stay in this country, but if the extension is a continuing situation, they're going to be asked to leave this country. You're asking for about 1000,000 people to ultimately uproot themselves and go back to a country that probably they don't know. It's a situation that's out there right now. Nobody else is making notice of that.

MR. RIVERA. Mr. Lopez, how are news decisions made at Telemundo concerning what is news and what's going to be covered that day?

MR. LOPEZ. What is news? I guess basically it goes to the same line as everybody else. We get together in the morning, but what we do is what's important for our community, the Hispanic community, what's important for our community that speaks Spanish. And a lot of the time it's not the top stories of the day. It's not some other issue. It's an issue that is very important. Talking immigration, talking about the latest information concerning education, safety. Because that's what people usually—our community is a lot of people who are hard-working people, and they want to be able to provide security for their families. That's our culture. And in that sense, they want to be able to know if I'm going to have a job tomorrow, am I going to be safe in the streets, are my kids okay in school? That's what they want to know. A lot of times we do get calls from people because they ask us those kinds of questions. I think it's our job responsibility to give that information.

MR. RIVERA. Would you have any recommendations to make to the mainstream media, the English-language media in the Los Angeles area, concerning how they could better cover the Latino community—well, both—the English language and Spanish language?

MR. LOPEZ. I think what I would recommend is a little better understanding about the culture. A little understanding about the people they serve here in southern California. An understanding where they came from. Not to generalize. A lot of times we tend to generalize one group with that one group only. Within that group we have different people from different parts of the country, from other parts of the

country, and we have to understand that. We have to understand that we're not all equally from Mexico or we're not all illegal aliens or we're not gang-bangers. We have to understand what everybody in that community needs, and we have to better understand that to be able to better serve them.

Testimony of Seung-Sang Lee, Reporter and Manager, Korean Television Enterprises, Inc.

MR. RIVERA. Thank you, Mr. Lopez. I'd like to move on to Mr. Lee. Mr. Lee, can we begin with your response to the coverage, ongoing coverage of the Korean community, Korean American community or immigrants, recent immigrants from Korea, and how you assess that coverage by mainstream media?

MR. LEE. Let me introduce myself. My name is Seung Lee, 51 years old. I'm a legalized U.S. citizen. I came to the United States years ago from Korea. Still I'm comfortable speaking the Korean language. If I speak the Korean language, I could speak as much as Mr. Carroll speaking English. Anyway, it's okay for me. I'll try my best so that you can understand what I'll try to say. Now, I work as a news television anchorman and reporter at Channel 18, the Korean television station, which covers the whole southern California area to reach all Korean-speaking Americans. By what he calls, so to speak, 500,000 people—we can reach Korean-speaking Americans in southern California area. I am proud of working in that position. Also, I feel and heavily responsible to do something to Korean Americans who lack English communication skills. Today I am pleased to be here to express my view regarding the civil rights issue for the Korean Americans.

MR. RIVERA. Thank you very much, Mr. Lee. Will you please feel free anytime to respond in Korean and we'll have Dr. Ki-Taek Chun translate.

MR. LEE. That's why I'm so comfortable. First of all I would like to express my philosophy as a news anchorman and journalist, particular the other journalists with me right now, I feel quite comfortable. But we have to take a heavy responsibility—

MS. YOUNGBLOOD. Mr. Lee, if I might interrupt. If you would like to submit a written statement for the record, that would be fine; however, please respond to the questions.

MR. LEE. Well, that's a part of the answer because it's important I have of my view, what I see of the news media is important for my role for the city. We, the citizens or the residents of the City of Los Angeles, we have to think about we ride the same boat. Whoever the different racial background—Caucasian, Anglo, Hispanic, Korean, Japanese—whoever, we're—you know, the ethnic backgrounds, we are riding the same boat. If we fight with each other on a racial basis, that means we stretch the body of our boat, hull of our boat. If we continue to do that, somewhere in the future the boat will soon have a hole, and then it is going to sink down deep into the sea and ruin all of our destiny.

So in order to—the first way, instead of deteriorating the city of Los Angeles, we have to still have responsibility of our media people. So that what is the best way the people think is positive way instead of a negative way. What I mean is if we continue to cover in negative way or—I mean, cover the tension between the racial group and the people's way of thinking—you know, the way—in that way. If we cover continually in the positive way, in the good thing instead of negative thing, people could prevent that way. So we have to share on that kind of philosophy so that we have to do something for the city of Los Angeles. That's before taking answer, I would like to express my way or view to the media, particularly mainstream media.

MR. RIVERA. Can you give us any example of a very important story in your opinion as a working journalist that your news organization covered very carefully that the mainstream media did not cover very much or at all?

MR. LEE. The portrait of Asian community, particularly the Korean community, by the mainstream media very misconceptive or misconceived, I think. For instance, in the wake of the LA riot last year, mainstream media has portrayed the tension between the Korean community and African American community as if it was the cause of the riot, which is totally not true. And, as you know, the main cause of the riot was the economy or social inequality. It's been proved. But, you know, the mainstream media, continually they try to portray the reason of the riot is the racial tension between the Korean American and African American. Like such as they keep continue to the Soon Ja Du case, bringing up to the public so that they lead to look like it's cause of

the riot, the main reason is because the racial tension between the two communities. That's what I don't like, the attitude of mainstream media to coverage on that issue.

MR. RIVERA. Is your coverage, your station's coverage of news that's of interest to Koreans or about Korean Americans, is that picked up by Korean broadcast stations in Korea, or is it—

MR. LEE. We keep the news as far as which is interested by Korean-speaking—Korean Americans in this country, whether it is news heard from Korea or this country or in the community. So it's very broad choice we have to rely on. So we have to be very careful to choose the news items for the Korean American here.

MR. RIVERA. I meant also—I appreciate your pointing that out. I meant also the news that you report here, is it used by stations in Korea?

MR. LEE. Not—let me introduce my station here. Every day 3 hours we have a program 8:00 to 11:00 in the evening hour. So 8 o'clock to—about 20 minutes of local news we have. And 30 minutes, 9:00 to 9:30, we—daily basis we receive by satellite the Korean news programs so that we can broadcast to our viewer. And the rest of them we just use to provide a program from Korea, the soap opera program or the interesting program. There are many different kind of programs we broadcast to our viewers. Local news we have about [20] minutes on a daily basis, and we have to pick the news so that it's only for service for the Korean people here in the United States.

MR. RIVERA. Did you want to comment further on that?

MR. LEE. We do not send the program to Korea anyway.

MR. RIVERA. Fine. Thank you very much. I have no further questions of this witness at this time. I'd like to turn it over to the Commissioners at this time.

COMMISSIONER REYNOSO. My fellow Commissioners? I just have a question to ask for each of you. Mr. Carroll, you commented about your own experience with the media, and it seemed very well received by the Commission. You didn't comment—I'd like to ask you to state your own observations, as some of the other panelists shared with us, pertaining to the news coverage on the April 29 incident last year of the riots. What was your reaction to the media coverage of the riots?

MR. CARROLL. I think there are a number of people that previously expressed the coverage was primarily to that which could be seen immediately. There was a fair amount of narrowness to the approach that was taken. Certainly, the observations that were made with respect to the coverage in the Latino, Hispanic communities, those criticisms are well taken. Certainly, the criticisms that have been made with respect to providing insight to the concerns of the Korean and Asian Pacific community criticisms are also well taken. Certainly, the analysis of what took place on those evenings and what preceded the events of those evenings was, I believe, sorely lacking and continues to be. I have been very, very disappointed looking as a whole at coverage post-riot at what the media in general of Los Angeles has provided with respect to insights to the very problems that preexisted the uprising, as well as to those activities taking place through rebuild.

COMMISSIONER REYNOSO. I'm going to ask Mr. Lopez a related question, but I want to proceed with you. Why do you think that is? Is it because it was felt that the Anglo Americans don't have an interest in the reasons behind the riots?

MR. CARROLL. I think—and this is as much conjecture as observation on my part—that covering issues in Los Angeles to the depth it is necessary, I believe, at this stage in our history, requires a reorientation of resources, an investment in professional capital of the sort that television stations particularly are unused to. They are unused to spending long periods of time trying to gather information necessary to provide analysis. They are unused to doing the kinds of followup reporting and monitoring of situations that is necessary. There are a number of questions that I can't even answer. I remember that I proposed a series at Channel 9 called "Who's Rebuilding LA?" and it was proposed as a 2-week series of reports looking at, on the one hand, individuals, community-based organizations, and corporations which had provided role models during and post-uprising that demonstrated heroism and the spirit of reconciliation in rebuilding Los Angeles. The other was taking a very close, critical look, in some instances, at what was or was not going on specific to what was being rebuilt. What institutions and infrastructures have been laid into place with rest the

issue of rebuilding? I got no response from management on that proposal whatsoever, and I can't tell you why.

COMMISSIONER REYNOSO. Mr. Lopez, I wonder if you might comment with respect to Mr. Carroll's response. You've seen the examples that I'm about to give you to agree with my example. I listen to both English- and Spanish-speaking television news, and I was interested that when Cesar Chavez died that Spanish-language television had a quite indepth discussion about his background, the issues involved and all that, but I noticed that the English-speaking television stations had between a 2- and 3-second report. Why the difference? I think it's probably obvious in your previous answer; but, again, why should your television reporting be so different than the English-speaking television reporting on what seems to be a relatively important story like that?

MR. LOPEZ. It shouldn't have been different. Actually, Cesar Chavez ties to a lot of people, not only Spanish, but I think everybody else, by his commitment to the betterment of the farmworker. When Cesar Chavez died, we felt that someone who was as important as he was, we needed to make sure that people understood what he stood for. We needed people to understand that—what he tried to do, we can do it also. And that's one of the things that also as part of the media and part of the news organization, it's important for us to be able to give hope to our people. Doing that, it shows that a single person can do a lot. So anybody else can do that. That was the reason why we did a half-hour special within 2 days. We did live coverage of the ceremony. We were the only organization allowed with the family when he died, to be with his family. And the reason why is because we care and we have concerns with our audience. And I think our audience understood that because we received so many letters and calls saying that, "You gave us hope and you made us understand a little bit more someone like Cesar Chavez."

COMMISSIONER REYNOSO. Mr. Lee, I take it as a premise that it's the interest and at least the responsibility of the English-speaking media to report on happenings throughout the community, including, of course, the Korean American community. If you had your druthers, what would you advise the English-speaking televi-

sion media to do in terms of better responding to the newsworthiness of what happens in the Korean American community, not just for the Korean American community, but for the community in general?

MR. LEE. Yes. I think the way of seeing what the position of, I think is quite different to see something. Their position is different than ours. But, anyway, what we hope for them to do—for example, a lot of good things happened, you know, in South Central LA with some of the Korean shop owners. For example, we know some of the Korean shop owners in South Central LA trying to solve on the tension between two communities, you know, sometimes they provided to talk with the clients, the customers around their residence, and that kind of event and they—just a lot of that kind of events was going on in the South Central LA. They also informed the mainstream media, not only the television, but also some of the news media—the paper media, too, but they reluctant to cover and that kind of good thing would happen. They like to cover always some kind of tension, crime between two communities and, you know, the bad thing, they tried to dig them out, to bring them up to some kind of big thing happened or big tension happened, like amusement with that kind of—you know, the incident.

Well, in my position, if they cover in a positive way some kind of the Korean, the shop owner make a barbecue pot with the customer, how nice it is, how try to solve and contributing to defuse the tension between two communities. Why they not try to effort in that kind of positive way instead of negative way?

COMMISSIONER REYNOÑO. Thank you very much. Commissioner Redenbaugh has a question.

COMMISSIONER REDENBAUGH. Thank you. Mr. Carroll, I want to go back to something that you mentioned when you said that the TV news is sort of like an adolescent that hasn't yet understood its youth and strength, and I'm struck with the notion that the technology of broadcasts has changed a lot in the last 30 or 40 years and that the job that the media is doing perhaps hasn't kept pace with the requirements both in a technological and in a sociological way. I'm not quite sure how to focus this question, if you'd bear with me for a moment. Do you see any parallels between the death of the general interest weekly news magazines of the 1950s and 1960s, the

Look and *Life* kinds of magazines, and the changing requirements for broadcast journalists and at the same time the emergence of some very special interest channels that serve a narrow market very effectively?

MR. CARROLL. Mr. Commissioner, you bring up a very cogent area. And all of it, I believe, speaks to initial competition. I know certainly growing up as a child I was very much attracted to the *Look* and *Life* magazines because they, perhaps more than any other publication in existence in that era, broadened the pictures of my world, brought me full color representations of things that I'd never seen before. And certainly—and I think anyone in the publishing side of media would affirm that television stole much of that area of responsibility from the print media because television was so much more capable technologically of bringing us the pictures of our world. And so television, for lack of a better phrase, competed those businesses essentially out of competition or out of the industry. Likewise, those narrowcast efforts such as, for example, financial channels and sports channels and others, Korean television, Telemundo, and others are focused on a community that they understand, whose demand for information they can supply uniquely and in depth.

So to that extent, they, too, have stolen, if you will—and I don't mean that in a pejorative way—but have competed free broadcast media as we have known them in the past out of that business. They have taken that audience away. And they have done so quite successfully and quite legitimately, I think, in the statements that have been made by my colleagues here next to me. I think you can understand the difference in approach between a broadcaster who understands his marketplace and has a relationship with it and a broadcaster who does not and the kind of broadcaster most of us are familiar with that we call mainstream broadcasters.

That goes to another issue of what I believe leads to a solution to some of these problems. I talked a little bit about what role the U.S. Civil Rights Commission might play and what role the Federal Communications Commission might play; but competition, I think, in terms of the private sector paradigm is one that also cannot be ignored. It is necessary to provide the atmosphere in which competition can exist. Because in a situation, in a market situation where such a

broad section of the marketplace is testifying that it is undeserved, there is opportunity, according to that private sector paradigm, for someone to come in and fulfill those needs. And I think that one of the things that needs to happen is there needs to be, whether statutory or regulatory, incentives enacted in order to broaden the opportunities for competition in this industry, whether it is in broadcast television or whether it is in nonbroadcast, over cable or satellite television. But I think that the issue that you bring up relates to that issue of competition, and I think you're right.

COMMISSIONER REDENBAUGH. Absolutely. The broadcast industry operates in a rather special and unusual position and without full competition. What recommendations do you have? Because one of the things we've found in other industries is competition does, in fact, address the complaints of substantial market sectors.

MR. CARROLL. Absolutely. There is a technological challenge on the horizon that relates very directly to this whole issue of competition, the whole area of interactivity of video on demand, of the possibility of receiving as many as 500 channels available to a household at any given time related to whatever it is you want to view or know about or consume. Those issues are going to have to play a very large role in how government now responds to the issue of service in a community. There is going to have to be some very careful consideration of how the private sector—in particular, advertisers—will play a role in that. At this point, for example, I can't imagine how in a commercial environment 500 channels, 24 hours' worth of material, can be supported. I don't see the dollars out there. The dollars are diminishing for doing what little we are able to do today in a normative sense.

Those of the kinds of issues of vision that are going to take some of the best minds among us to try and flesh out and make sense of. If things were to remain simply as they are today and there were no technological advances to grapple with, our task would certainly be easier if we could say, "We need to regulate or legislate a level of service to our overall community whether it's in a narrowcast or a broadcast environment that puts people in touch with each other, that puts them in touch with their communities and the society and the operation of the

government and entertains them and educates them" and so forth.

I think that government has turned its back over the—well, for the period of time at least that I've been in television—on that issue, and I believe that the private sector certainly has not seen it to be worth the investment to be involved in that process. And so things have been allowed to continue and grow and develop, somewhat like Topsy, on their own. Thank you.

VICE CHAIRPERSON WANG. Again, a reminder that the record stays open for 30 days. We have 3 or 4 minutes. It's not a lot of time, but I wonder if there's a question you need to ask.

MR. DOCTOR. Yes, Mr. Chairman. I have one quick question I would like to pose, if I may. I have been particularly impressed with the candor and the tell-it-like-it-is attitude that has obviously been displayed by all three of you. I guess my question is, Has that been problematic for you in terms of your beliefs?

MR. CARROLL. I anticipate that it might be.

MR. DOCTOR. Well, I hasten to add that it should be noted for the record that you have all been subpoenaed. And if it becomes problematic—that is, your attendance at this meeting and your anticipation—then we certainly need to hear about it. Thank you.

VICE CHAIRPERSON WANG. Very well. Again, thank you all very much for coming.

CHAIRPERSON FLETCHER. Let me just stress a little harder that if there is any effort on the part of anyone to retaliate because you came here, let the Civil Rights Commission know quick, fast, and in a hurry, will you please?

MR. CARROLL. Thank you.

CHAIRPERSON FLETCHER. Counselor, will you call up the next panel, please.

Network Entertainment Television—Overview

MR. GLICK. We are now going to be entering the world of network entertainment television, Mr. Chairman. And we will call the people to give us an overview of the production industry. And I'm going to ask for Dr. Gordon Berry, professor of educational psychology and communication studies in the Department of Education, UCLA. Dr. Berry, come up, please. Mr. Michael Medved, television host on PBS "Sneak Previews" and a recognized expert on movie and TV

images and their effects on families and communities; and I would also call Dr. John Noriega, assistant professor of critical studies, School of Theater, Film, and Television, UCLA; Marla Gibbs, who is an actress and an educator; and Mr. Edward James Olmos, actor, scriptwriter, and director. Will the witnesses please come forward and take their seats?

MR. GLICK. Is Dr. Noriega here?

VOICE. He will be here in a minute.

MR. GLICK. Thank you. Well, perhaps you could swear in the witnesses who are here.

CHAIRPERSON FLETCHER. Will those who are presently seated, stand and raise your right hand, please, and answer in the affirmative, if you will.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you very much. Please be seated. Counsel?

Testimony of Gordon Berry, Professor of Psychology and Communication Studies, Department of Education, University of California, Los Angeles

MR. RIVERA. Dr. Berry, how would you characterize the portrayal of minorities today on prime time entertainment series television? And do you think such portrayals matter, both in terms of children's social development, which is one of your areas of interest, and in terms of race relations?

DR. BERRY. I thank you. Well, I think that it's crucially important for us to understand that the portrayals on television and, indeed, in other media, those portrayals are very important, certainly in terms of the social development of children. One of the things that we do know from the research, for example, is that children tend to learn from models. Television is a terribly important vehicle for the way which children go about learning about themselves, certainly about other people. And in that regard, just the sheer ubiquity of this kind of media means that they spend a great deal of time gaining from it either positive or negative attitudes, values. And sometimes for some children, this certainly translates into behaviors.

MR. RIVERA. Thank you, Dr. Berry. You've noted that there's an interplay between how minorities are presented on television news and how they're presented on television fiction, essentially entertainment programming, that has an impact on how particular minorities are

viewed. Can you explain how you see this connection and how it looks?

DR. BERRY. Well, I think that one of the things that so often happens is that news programs are in many ways not different in terms of the selectivity of the way in which people of color are particularly portrayed and, indeed, women, also, because the root of those portrayals, the type of the way in which the selection process takes place happens to be embedded, I think, in the way in which we historically have seen both people of color and women in American society. Historically, in order to put people in certain categories—in many cases, negative categories—we have built a whole system of laws and social customs around stereotypes of the way people are or the way they're supposed to be.

Significantly, even in 1993, while we would have thought that many of these perceptions about people and their culture would have long since vanished, I'm prepared to argue that whether it's news or the other creative process of writing, directing, or producing, that many times even some people of good will reach back into their own socializing experiences about what has been said about people who are different, what they believe about people who are different. And frequently those kinds of roots of those kinds of portrayals are the things that make the stories and news to be selected in a certain way and, indeed, it causes certain characters to be portrayed in a certain way. And many of those things are rooted, as I indicated, in very early socializing experiences that we have about people who are different and, indeed, sometimes similar to us.

MR. RIVERA. Can you comment briefly on why you might think that African Americans have increased in terms of the roles that have been available over the last 10 years for African Americans, but they have not increased substantially, if at all, for Latinos and Asian Americans and Native Americans.

DR. BERRY. Well, I am essentially a psychologist who focuses on children. And I'll take the second part of that first. Many of us who look at the whole issue of how young people respond to television tend to suggest that we all know that television is a very powerful and important medium. If you are not, for example, seen on television, one might hypothesize, for example, that children looking at television, not seeing people

like themselves, would assume that this very important medium does not think that their particular group happens to be important. This is particularly true with those groups that are virtually invisible on television.

By the same token, if you do see people who are similar to yourself, it's terribly important to understand how they are portrayed because it is not only the presence of various groups, particularly African Americans, where there is some visibility. It's not simply the presence of African Americans on the medium of television, but also the quality and the way in which they are portrayed with that presence. So the issue turns not only on the question of quantity, but it also turns on the question of the quality in terms of those representations and the kind of cultural and historical nuances that you bring to certain characters in terms of the way they speak, in terms of the way they respond, in terms of dealing with issues, in terms of the cognizant processes they use to solve problems; that is, working them out in a civil way as opposed to resorting to violence. Many of those issues all have to be taken into consideration when we talk about not only the quantity but quality of portrayals.

**Testimony of Michael Medved,
Host, "Sneak Previews," and
Expert, TV and Hollywood Images**

MR. RIVERA. Thank you, Dr. Berry. We have a pretty full panel, and so there are a number of other questions that I think the Commissioners may want to ask when we go through the panel. But I'd like to go to our next witness, Mr. Medved, and ask, if I could, whether the attention that you've given to the erosion of traditional values, the amount of television and movie violence that's portrayed, whether there's any connection between those kinds of concerns that you have and how minorities are portrayed on television.

I'll give you just one example of my meaning here. The violence that one sees on television, have you detected anything of significance concerning who are the perpetrators of the violence, who are the victims of the violence, or is that something that you have not paid that much attention to?

MR. MEDVED. Well, it's something I've paid attention to. I've had to rely to some extent upon various exhaustive studies that have been done by other people, particularly Robert Lichter and

Stanley Rothman, who have analyzed sources of violence on television rather encyclopedically, most recently in a book called *Watching America*, about the TV industry. And I think the problem when you're talking about the erosion of traditional values, the first question everybody asks invariably is what the traditional value is. Somebody's traditional value may not be someone else's. The one value, it seems to me, that is the most essential in this whole discussion, has to do with deferred gratification, the idea that it is a tremendously destructive message to send to small children that you get everything that you want immediately, and if you don't, you shoot somebody in order to get it.

And that, it seems, perhaps in an overly simplified and overly dramatized form, is precisely the message that people are being sent by the popular culture in general, particularly by television, not only in the entertainment programming, but in the news programming and the so-called reality-based programming and to some extent, the commercials; the idea that if you don't get what you want immediately, you're being gyped, you're being ripped off.

There's something terribly wrong. And the solution to every problem invariably in our popular culture and increasingly even in popular music today is violence. Violence is described as the absolute standard of masculinity, of attractiveness, of personal authority. Now, it seems to me that given the fact that the average American child will spend more time watching television before the age of 6 than that child will spend speaking to his or father in a lifetime, then this is a very serious matter, indeed, for all Americans and especially in minority communities.

MR. RIVERA. Why especially in minority communities?

MR. MEDVED. Because, first of all, there's some reason to believe that in economically disadvantaged communities, specifically minority communities, television watching is even heavier than it is in America at large. The average American—and I'm sure Dr. Berry would have more up-to-date figures. But the average American watches 28½ hours a week of television. Now, there's reason to believe, according to many studies, that that's even higher in minority communities. Partially, that is a problem because normally you have compensating institutions—family, parents, neighborhood, extended

family, church, institutions with authority that can, if you will, counterbalance some of the more destructive messages, in other words, toxic messages of popular culture, particularly in dysfunctional homes, particularly in one-parent families where the one parent will be very busy simply trying to make a living. I think you have great difficulties in counterbalancing the popular culture and television, in particular, as the main source of information about the world.

One thing that is of great concern to me is that today when so many American families, the majority of American families, are comprised of two-income families where both husbands and wives, both males and females, are working in the work force, what that means is that for many small children the greatest amount of time they actually spend with adults is with adults they see on television. And the question becomes, What are the modeling behaviors that they see from those adults on the television screen?

MR. RIVERA. In your view, Mr. Medved, what role could entertainment television play in reducing racial and ethnic tensions, apart from your comment, which I take it to lead to the idea that maybe there should be less violence?

MR. MEDVED. Well, certainly, it seems to me that violence at the moment is acknowledged to be a crisis in the popular culture. And it clearly is. And in terms of what television can do, about what mass media can do in general, there's no question that the levels of violence have to be reduced. One of the defenses that Hollywood always makes whenever anybody talks about it is, "Well, we live in a violent society," or "We have to portray things as they are."

The fact is there is no ghetto in American life that is more violent than the ghetto of prime time TV, and whereas you have rates of violence in different communities that grow in different directions over the years. In fact, there's even some indication that for some years in the mid-1980s, because of demographic factors, because of the smaller number of people in the youthful age group that have been perpetrators of violence, that number of people being reduced, that you have some decline in crime rates. That, of course, is never reflected on television.

What you have is a steady escalation of the rate of violence. And the difficulty for me is that the essential role that television has is that it defines normal behavior. You can see this in so

many areas, in expressions people use, in the way they dress, in the way they dress one another. TV describes and defines what's normal in America. And when violence is defined as normal, that, it seems to me, is extremely dangerous.

I'm also very concerned, as I know a number of other speakers and witnesses have been at this panel, with the profound, deep-seated association of minority communities with violence. One of the things I ask in my writing and in my book and elsewhere is, What would a Martian think? What would a Martian's judgment be of various aspects of American life if that Martian's only source of information were some particularly strong satellite dish which he receives American TV on? Now, not to put too fine a point on it, but particularly for many members of the so-called white Anglo community, they're Martians, to an extent, when it comes to minority communities because there's very little contact. We live in a society that, in many regards, remains still heavily segregated as people talked about here. So their information about what's going on in minority communities remains very unidimensional. The main information they may get is from feature films, from television, from news reports.

And, you know, I happen to be a big fan of—there's a new movie out there. It's a powerful new movie called *Menace to Society*, a movie made by two very gifted young African American filmmakers, each of whom is 20 years old. They play brothers, the Hughes brothers. The difficulty is not that film, which is hyperviolent. It's the fact that there are so few alternative visions to indicate other things that are going on in the African American community.

One of my particular concerns is the Gallup Poll done in March that showed that 32 percent of all Americans described themselves as born-again Christians. Fifty-two percent of African Americans described themselves as born-again Christians. When was the last time that anyone has seen that reality, the reality of the very strong and vibrant and important black church portrayed in mainstream Hollywood media?

MR. RIVERA. Are there any other issues connected with the lack of diversity? I'm thinking especially of racial and ethnic diversity. You're suggesting that there's a need for more diversity of the kind that includes traditional families,

religious affiliation, and religious belief. Would you also say that there's a need for more racial and ethnic diversity?

MR. MEDVED. Absolutely. But just as Dr. Berry was saying—and I think he said it very well—it's not only the question of the quantity of people of color that you see on television and in motion pictures, but it's what you see those people doing. There's more need for a diversity of portrayals of role models among people of color. This is even more acutely a problem, it seems to me, in the Latino community and the portrayals of Latinos where basically you had a number of big ambitious Latino films recently that have emphasized gang life.

If you ask, again, that Martian who was getting broadcast signals about what was going on in the Latino communities, if he didn't have a good memory, he might not remember Jaime Escalante because that very fine film, very outstanding film, *Stand and Deliver* was several years ago. But there would be great awareness of Latino gangs. And the difficulty here is the impression that is conveyed that this is the only thing that's going on: It's only dysfunction; it's only horror; it's only darkness. You see, here you run into a very big problem, and creative people of Hollywood talk about this all the time. Leo Tolstoy famously said that, "All happy families are the same. But all unhappy families are unhappy in their own unique and fascinating way."

The fact is that it's true. Anybody working in the creative field knows that. It's more exciting to talk about murder and gangs and family dysfunction than to talk about people who are struggling to get ahead, to realize the American dream, who are paying their taxes and going to church and improving their communities. And, yet, it seems to me, particularly on the sensitive area of the portrayal of the minority communities, we, in the industry, the Hollywood industry, have to strive for greater balance.

There are 27,000 screenplays registered every year with the Writers Guild of America. And that's a lot of screenplays. But the nightmare of the trade is trying to read them all. But of those, in terms of feature films, maybe 600 of them get made in any form. The point that I would make is that when people decide what screenplays they're going to support and which they're not going to support, you not only consider artistic quality, you not only consider commercial pros-

pects, but particularly when it comes to the issue of minority portrayals in society that has been so racked by racial misunderstanding, it's essential that you also consider what are the underlying messages that this material is going to send.

It seems to me that we are asking all corporations, when it comes to the pollution of our air and water, to take a more responsible attitude. It seems to me that it's entirely appropriate for Americans to demand that these big entertainment conglomerates take a more responsible attitude toward their pollution of the cultural atmosphere that we all breathe.

MR. RIVERA. Thank you, Mr. Medved.

CHAIRPERSON FLETCHER. Order, order.

**Testimony of John Noriega,
Assistant Professor of Critical Studies,
School of Theater, Film and Television,
University of California, Los Angeles**

MR. RIVERA. All right. I would like to go on to the next witness. Dr. Noriega, much of your research, as I understand it, has centered on images of Latinos created over the past quarter-century for movies and television programming, series programming. Can you comment briefly on what some of your conclusions are that you reached?

CHAIRPERSON FLETCHER. Doctor, before you respond, would you please stand so I can swear you in.

DR. NORIEGA. Okay.

CHAIRPERSON FLETCHER. Thank you. Raise your right hand.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you. Please proceed.

DR. NORIEGA. Thank you. That was slightly quicker than my marriage. I didn't realize how quick it is until you're through it.

CHAIRPERSON FLETCHER. I noticed the startled look on your face.

DR. NORIEGA. Well, I would like to answer the question in two ways and to begin by explaining a little bit of an overview, a kind of a historical overview, that would apply to all racial minorities and to women also, but to a greater extent, racial minorities. And in a sense, I think it's important to keep these things in mind, that basically since the last time there was a major report undertaken by the U.S. Commission on Civil Rights back in 1979, the update of *Window Dressing on the Set*, there have been three major

developments in the industry that need to be considered for their impacts on minorities and on civil rights. The first is that since the report, the networks have had to compete with cable systems, pay TV, and home video within a shrinking national economy. And basically, the one first thing that I want to bring across is that the nature of the media has expanded beyond that of the networks. The other thing is that the conventional wisdom holds that these economic factors are responsible for the subsequent failure of the industry to diversify prime time content and format. What I would like to show at some point is that this is a misleading rationale.

The second thing that happened since the report is that the FCC, Federal Communications Commission, has supported deregulation of the television industry, and that the result, seldom, if ever, has a station lost its license on the basis of equal employment opportunity violations. Now, given these two factors, unfortunately when you look back over this report and compare it with what I have been prepared to say, I came to the conclusion that the findings and recommendations for 1979 still apply today, 15 years later. And I would suggest rather than go through all of those, to just enter the report into the record.

There are a number of recommendations directed at the FCC and also at the networks. And I would just like to highlight three that relate to the FCC. The first was that, "The FCC should conduct an inquiry and propose a ruling in which it would investigate the relationship between the network programming decisionmaking process, the resulting portrayal of minorities and women, and the impact of these portrayals on viewers."

CHAIRPERSON FLETCHER. That's a direct quote.

DR. NORIEGA. This proposal was framed in a way that was very sensitive to issues of freedom of expression, as well as the procedures that one has to follow and that the FCC has to follow. The second is that, "The FCC should seek authorization from Congress to regulate equal employment opportunity, and the networks and among all owners of more than one broadcast facility." Again, that's also a direct quote. As it is now, it is only the affiliates or individual stations that can be regulated. And the third, and I think one of the most crucial and perhaps the easiest to actually undertake, would be that the "FCC revise its Form 395, the form for affirmative action

employment opportunity, in order to facilitate a thorough utilization analysis." As it is now, it's really hard to tell what these numbers mean, or a manager could easily be a manager of a janitorial staff or programming.

Now, there's a third development that I would like to come to, that I don't think can really be taken up today, but I think as far as concept why this is such a crucial period for looking at the media. We are currently at the onset of the next major structural change in television industry, with new communications technology, such as fiber optics, predicted to supplant cable and over-the-air broadcast. Now, these changes raise fundamental issues about public, educational, and governmental access. In a recent report for National Video Resources in New York, researchers concluded that a brief window of opportunity of no more than 4 years exists in order to, I quote, "assert the public interest; reframe the debate in terms of democratic and social consequences; and involve legislators and the public in deciding the key questions of public policy." And I think this report, as well, should be entered into the record. While its focus is entirely on independence, I think it is extremely applicable to minorities insofar as the vast majority of minority producers and directors are unfortunately put in a position of being independent of the studios and networks.

Now, as I said, I think these vast and uncertain changes taking place really suggest a need for a major investigation of the media in order to ensure that civil rights and equal opportunity of employment are part of the communications superhighway of the 21st century. And the "superhighway" phrase has been put forth by a number of people including Vice President Al Gore. And I think it's important to point out that this is not being called a "superfreeway." And I think a lot of the potential shifts that will take place will actually undermine the existing laws; in particular, the Communications Act of 1934 and all that it provides for in terms of guaranteeing the public interest in the dominant mass media of the time, initially, radio, and then television.

I think also there's an equal—and I think this is the second point of the question, is that there's a similar need to examine the Latino population as a whole with media being one of the components, portrayals, and also employment. For a number of reasons, Latinos have become the largest minority group in the same time period.

And I think, more importantly, once you look at the numbers that are being presented, that will be presented throughout the rest of the day, it becomes readily apparent that Latinos as a group have yet to be integrated into the public consciousness, let alone the historical record. And by historical record, I would refer both to print and the media. In the last decade there have been perhaps a dozen documentary series, books, movies on the 1960s. It's a kind of a crucial decade in American society. Not one of them even has passing reference to Latinos, to the Chicano movement, to the efforts of the Puerto Ricans to secure civil rights in that era, to their cultural achievements, and to their educational and other societal needs of that population. Shall I continue with the second part, or do you want to jog my memory?

MR. RIVERA. I think I would like to, in interest, again, of time, maybe one or another of the Commissioners may want to come back to this issue here that raised the concern of changing technology.

DR. NORIEGA. All right.

MR. RIVERA. But I want to focus, if we can, on prime time. Can I ask you what your assessment is of prime time entertainment television series today, and how minorities, people of color, are reflected, especially Latinos, Asian Americans, and Native Americans, but paying attention also to African Americans.

DR. NORIEGA. Okay. I have three very big points. And I'll get to at least part of the discussion afterwards. First, I would like to continue with what's been raised by the first few speakers and to bring up the point about this issue of television violence which has been the focus of Senate hearings in the recent 1990 Television Violence Act. And, again, it was a study done by the American Psychological Association which was pivotal in establishing the correlation between viewing violence and aggressive behavior.

In fact, I'm surprised that this has not been put on the agenda because we have been dealing with violence in the abstract. And that has to do with the conclusion that women, elderly individuals, and minorities are disproportionately cast as victims of television violence. If you tie that in with the other conclusion that children and adults who watch a large number of aggressive programs also tend to hold attitudes and various favored use of aggression to solve con-

flicts, I think you see the direct relationship of that issue to the current one.

The second has to do with the relationship between minority portrayals and employment. And I would like to give figures that are calculated from *Window Dressing on the Set* and also the current figures for Hispanic characters in continuing roles on prime time television. Between 1969 and 1977, that was 0.7 percent. As of 1992, the figure was 0.8 percent. Now what happened in that two-decade period is that the Latino population doubled in size. So it is not like this number is staying constant. It's actually diminishing. And that would be true of all of the other figures that I could present.

Instead, what I'll do is summarize the different areas and recommend that the recent reports that have come out by the Screen Actors Guild and the American Federation of Television and Radio Artists, the Director's Guild of America, and also another report by the Writers Guild of America, West be placed on the record. But to summarize what I would like to point out is that the areas of employment for actors, for directors, for writers, and for people in decisionmaking positions, the executive producer or the producer or executives within the networks or production studio, that the numbers have basically stayed constant over the last 20 years, never really pushing beyond the 2 percent mark for Latinos and, in some cases, the 2 percent mark for all minorities. And, again, in this—I think it's so crucial in this two-decade period, the percentage of minorities with relation to the national population has increased. And in some instances, groups like Latinos have doubled. So the numbers really haven't stayed constant. They have declined by half at the very least.

The final thing I want to bring up has to do with one of the major rationales that I mentioned earlier, which is misleading in terms of why you have a low level or declining level of minority involvement, either at the level of portrayals or employment. And that has to do with this notion of universal appeal and the fact that, after all, prime time entertainment is a business and has to generate a profit. The point made is very simple and that has to do with the failure rate for new television series in their first year. And that failure rate is between 70 and 75 percent. In other words, following the most conventional of formats and most tested of actors and

content of story lines, the industry fails to have a universal appeal three out of four times. And yet these are the types of stories, of the series, of the roles, that get to go up to bat.

Now, consider what's happened with a minority producer or writer or actor, and this would apply to Hollywood as well: You will get to go up to bat once. Now, if this were to be equitable, you would get to go up to bat at least four times, and if one of those times you scored, you would be doing as well as the industry itself. I think it's so crucial to take that into account when the profit motive or business imperative is brought up as a reason for continuing this incredible low level of representation in employment. And I think you will only have a change in content, not just quantity but in quality, when you have more substantive representation at all levels in the process from actors, technicians, up through the executive positions and the creative positions as well.

Testimony of Marla Gibbs, Actress

MR. RIVERA. Thank you very much, Dr. Noriega. I would like to move on to Marla Gibbs if I can, and perhaps some of the Commissioners will come back to you. Ms. Gibbs, you have on many occasions shared your views about the advances that have been made by African Americans on prime time entertainment television. Can you share your views right now, your assessment of how significant those gains have been in terms of portrayals of African Americans on prime time entertainment television?

MS. GIBBS. I feel they have been inaccurate, insensitive, and we are more or less told who we are rather than asked. I think part of the process—and we don't seem to have the same access to the finances that come from our pockets as other people, whether we're talking about financing a film, access to bank capital, there's redlining. You name it, that's what happens. When you look at the processes, if I were a writer, writing about my experiences and where I grew up in Chicago, my neighborhood would be black; the people in it would be black; and there would be very few individuals of other colors in there unless I made a concerted effort to put them in there. I think efforts are being made to put us in film without really being sensitive to how we fit in the film or whether it's relevant for us to be put in the film or actually how we feel

about being put in the film. Once you do that, it's a problem. It's called, "You ought to be happy that you're in the film," you know. And, unfortunately, a lot of people fall prey to "the name of the game," they say, or "That's how it is." Well, this is what we continue to do. And young people in our community continue to see this as a viable way for them to get in. They don't want to study the craft; they just want to be on television, or they just want to be in the film.

So many films are made about our community, which is a problem. As a community activist and as a business person in the community and in the restaurant business, too, we are affected by the violence that is shown on television. A young man knows, or a young female knows, that if they're controversial or they're violent, they're certain to get a contract. They're certainly going to get news coverage. They're certainly going to be exploited, and they're going to be the hero. And they're going to be the hero for the people and for the young people in their community that they know. This is a problem for us because the older people, there's no point in listening to them because, of course, they're not successful; they're not on television.

We are now labeled as "South Central." I want to know where South Central is. There is no South Central. There is Watts, there is Compton, and there is Carson. And each one has its own particular achievements that are overlooked. We now have one big blanket that says we're South Central. When we protest, we're ignored. I feel that the news coverage has become totally irresponsible. They will take your words completely out of context and ignore you. I, myself, was victimized at a conference when I said that, in reply to a question, that, "When the Jewish people started their business, they did it to be successful from their perspective. And had we been doing that, we would have done the same thing." That turned into, "When the Jewish people started their business, well, they didn't have us in mind. So, therefore, we have a problem. They're trying to keep us out of Hollywood."

The writer called me up and said, "Ms. Gibbs, I am so sorry." I saw this, and I said, "This is not what I turned in." I turned in my report, and it got edited. Well, I tried to get a retraction. But that news coverage went from city to city, and it's still following me. I don't particularly care that I lost for our nonprofit organization sup-

porters because of it, because it wasn't about finance. It was about the fact that I would never advocate that someone else is responsible for my community. We are capable of doing it ourselves if we have the same advantages, if we have access to the things that other people have access to for our dollars. So, you know, I'm completely in concert with Mr. Noriega. Now, when we put our dollars in, we should have an opportunity. And you really need to look at this in the industry. If I sold a show to television and I'm going to be executive producer, 9 times out of 10, I can't. But if I could, I have to take a network approved—what do you call it—a network show runner which is, of course, the executive producer. I don't mind that because, of course, I need that expertise. But he also needs my expertise about my story.

So, therefore, what he should do is come along and give me his expertise so that I learn from him and he also learns from me; he or she also learns from me. Then we get a better product; we get an actual product. But when we're told, "We're not interested in messages," but we don't mind giving education on how to break into a car within X amount of time, how to supersede any security system, we learn—they learn all that from television. And then we all become the victims. When I watch a woman who is a Ku Klux Klan person in the lion's den looking at the perpetrator who is constantly ridiculing them for what she feels is their sensitive feelings about their community and their children, and I look at her and I feel empathy for her because she says, "Well, why are we wrong? We don't want drugs coming in our neighborhood. We don't want guns and violence and rapists coming in." That's all she sees.

She has been taught that. So the conflict between the races has been escalating on a constant level by what is shown on television and what is shown on the media, and they do not care. We are all South Central, and no one knows where it is. So the entire restaurant industry, the convention—there is suffering. No one wants to come to California because they don't know where the hell South Central is. We certainly don't know where it is. They don't know where the drive-bys are occurring. They only know there's a big place called "South Central" somewhere. And, "If we don't go to California, we don't have to worry about it. So we are not coming." So my little restaurant—you

know definitely if the Bonaventure and those people are suffering, you know I'm suffering. The young people who I've spoken with and have gone to college and saved their money and they'll have a Caucasian person say, "I'll give you a shot. You can buy this." So then they go to the bank to be told it's not going to happen. It's not going to happen.

There's a lot of monitoring that needs to be done. There is a lot of fair play. In this country, we have become greedy. We've become greedy and insensitive and it's about, "I've got mine; so I'm okay until they knock me out. Then I'm going to complain." We better start complaining. Now, we're only as strong as our weakest link. And if the African American community is considered the weakest link, then I suggest that America isn't going anywhere until we show it up. And we're suggesting that we can show up our own community if we have the opportunity, if people stop trying to put blankets on us, coming in and talking to our children. We've protested we are not South Central. I know that this is a better story, and no one seems to be interested.

Police are the same victims on a daily basis. If they feel they're dealing with a rapist or a violent individual, they go out there trying to protect their lives. Now, some of them perpetrate their violence. But on the other hand, some of them are victims of the same violent reaction when they try to do something. I just looked at a movie that showed two young people who wanted to go out on the street and deal with the community, walking, that they might be able to help that community. What they did was kill them; kill them so that the other person would say, "That was certainly a bad idea," you know. So this is what continues to happen that we see on a daily basis in the community.

As a television personality, I certainly can never say, "Jewish people or anybody else tried to keep me out of television." I was on weekly for 16 years. How could I ever say that? Why would the media find it necessary to do that? So we also have to have some kind of rules that deal with what you do, what you can do with a story, what you can do with my words.

MR. RIVERA. Ms. Gibbs, could you comment briefly on why you think that the overwhelming number of roles available to African Americans on prime time are in comedic series?

MS. GIBBS. Because we were provincial entertainers. No one knows we were the first people. No one knows how much they learned from us. If they did that, we could all interrelate and interreact a little better. But we are seen as people who evolve from slavery. This is our beginning. We are absent in the history book. No African American child goes in on a daily basis and learns anything about his achievements or who he was other than the inventor of the peanut, George Washington Carver, which was certainly a wonderful accomplishment. But, you know, we don't know our contributions. So if we don't know them, certainly no one else knows them.

We are not seen because we don't use our economic viability collectively. If we did that, a lot of money would be lost at the box office so people would pay a little more attention. That's something we're going to have to learn to do. I can't say that's anyone else's responsibility. But certainly because of the way we are educated and trained, this is something that we are not aware of. And I think we are being programmed. And our young people certainly feel like, "Live Today." I think there was a film—I'm only 37; I heard this—there was a film about, *Knock on Any Door*. And it's true. It's definitely what you should believe. So that's not a misstatement. But *Knock on Any Door*, there was a story about live fast, die young, and have a good looking corpse. And it was sort of glamorized.

Well, our young people are at that live fast, die young, and have a good looking corpse because there is no tomorrow. They don't believe there is a tomorrow because they haven't seen one. We want our children back. If we have to turn off the TV and stop going to the movies, that's what we're going to have to do. We're going to have to take that responsibility. But in the meantime, if there are rules and regulations that apply to us as individuals who collectively pay our taxes and put our money in, we want that because then maybe we don't have to do the other.

Testimony of Edward James Olmos, Actor, Scriptwriter, and Director

MR. RIVERA. Thank you, Ms. Gibbs. I would like to move on, if I can, to Mr. Olmos. You have addressed a number of audiences on the general question of Latinos in movies and television, and you speak on what you call the impact of the audiovisual event on the subconscious mind. Can

you just comment briefly on what you mean by that? And then we'll pick up right from there.

MR. OLMOS. Basically, the subconscious mind, as we have learned through thousands of years of trying to understand the human mind, is the most misunderstood and not known of our structure. Of the conscious mind, is used, maybe 4 to 6 percent of the brain's usage is in the conscious mind. I think Einstein used 9 percent. But basically, the rest of it is in the subconscious. And the images that we are seeing that go into the subconscious mind, go in with no sense of values or any kind of way of stopping the images that go in there. It's like a huge computer. We all know that. So, I mean, every play is replayed. There's no sense of value. It's just replayed like a computer.

So that subconscious mind ends up being—working 24 hours a day since the time, I guess, of the creation of the human species occurs inside the womb and starts the whole mechanism flowing. I would have to say that we all know that basic fundamental. And when we talk about it, we don't really understand what images do once they're placed in there. All we know is that the conscious mind can say that this actor or this actress or this story is a story, and basically it's not real. And we will in our conscious mind be able to understand and to be able to value the merits of it. But the subconscious mind just records it. That's why when we go to sleep and we have dreams, we end up dreaming about the images that we have no control over. And they just kind of pop up, and we have nightmares when we go see things negative. And we have wonderful thoughts if we put wonderful images in there before we go to sleep or during our lifetime. That's basic.

I would like to say to this Commission: What everyone is saying up here, it really gets down to the basic fundamental of intent. What is our intent as people, human beings? The one statement that I loved that Marla said was that maybe we have to turn around and turn off the television set, you know. And I think that to try to say that it's the media's fault or it's money that's driving it, which does, is to cut short the understanding, that it's we as a collective human body. Our real responsibility is to understand what we do with our lives. And to say that we have to put restrictions on something is we have to put restrictions on ourselves. If we are really going to put restrictions

on, why don't we put restrictions on television? Every 15 minutes or so, you put a situation that says, "Television watching could be hazardous to your health," like they put on cigarette packages, you know, if that would be the case. But really, that isn't the case. The case is as basic as we ourselves as human beings must take responsibility of our children, of our own actions, of our own representation.

And, yes, you can turn around and say, "Well, these boxes are in our homes." Then take them out of your home. Get rid of it, and see what happens. If you say, "Well, I can't really do that because I really need to know what's happening in the world," then it's your responsibility as a human being to be able to know that there's going to be soon, like Michael said, an optic situation that's going to cause us to have maybe 90 to 180 channels. How many channels will we have? Five hundred channels we will be able to look at with all different programming and everybody being able to have their own channel. So basically, what we are going to end up with is the ability to, you know, dominate and whoever can actually get the most money behind it.

MR. RIVERA. Do you think, Mr. Olmos, that if that comes to pass, that's going to change, meaning, increase the number of Latino images that are on what we now call television, whatever we call it?

MR. OLMOS. Prime time? Are you talking about prime time?

MR. RIVERA. Let's talk about prime time, and then, also, in that future form that television takes.

MR. OLMOS. No. You will not see Latinos; you will not see an abundance of people of color, just like you will not see in your books anywhere that Jesus Christ was not blond haired and blue eyed.

MR. RIVERA. Why do you think that it won't happen, that change in somehow having this entertainment media reflect more adequately the demographics of American society? Why do you think this?

MR. OLMOS. Because it's not a viable commercial situation. It's not economically viable. We do not—really, we make dollars; we do not make sense.

MR. RIVERA. And why is it that it doesn't make sense from a business point of view for television to more adequately reflect the composition of American society?

MR. OLMOS. Because of the unbelievable value system that we have put upon ourselves as human beings. Not only have people propagated it, but it's been the ruler based on—capitalism was based on the structure of which white people came here, you know. And inevitably, we must go back to the roots, as Marla said, and understand the contribution of the human species. And we must start with Africa being the homeland of all human civilization. Once you do that and you watch the migration, then people will get into perspective the pain that we have felt as a human species. Then we will value ourselves more, and we will put more value into understanding that it's better for all of us if we make sense instead of dollars.

But to blame television or to blame the media or to blame entertainment and not blame ourselves first, you know, you're off. Everyone is off. You know, we're trying to blame it on the tube? And, yes, it enhances it, and it propagates it. I totally agree with everyone that has spoken anything about that. The responsibility of the people and the networks and the commercialization and people who put the money up for these things, it's all of it. It's everybody. But let's get back to what really drives them. What is the intent? The intent is to make money, not sense.

MR. RIVERA. If I can ask you a question, based on your experience and the roles you've played on television and in movies, why is it that you continue in this industry trying to do something very creative if it's stacked against you that much?

MR. OLMOS. Well, again, we must understand that just because it's stacked against us, it doesn't mean that the art form isn't one of the most beautiful and the most powerful art forms ever created in the history of human existence. The audiovisual event is the most powerful medium ever created bar none. It encompasses all aspects of society. You have writers; you have technicians; you have custodians; you have doctors; you have nurses; you have people, accountants, lawyers; you have every aspect; police; that help you in creating this medium from all aspects. So, therefore, it's a very powerful medium. And it attacks the subconscious mind in a way that is unprecedented, much more so than if I grabbed a chair and hit Marla over the head with it here, it would not have as much as an effect as if I had done it on the big screen.

On the big screen, you sit there eating your popcorn saying to yourself, "Well, I know I'm going to sit down here," in your conscious mind. Okay. Four to 6 percent of the brain is working. That's right. And your conscious is saying to yourself, "Okay. Well, I'm going to sit and watch actors, you know, kill each other and decapitation of the head." And you go, "Jesus, look at that. Did you see that, Marla? His head just popped out. My God. Now, his head is rolling, rolling, rolling. It's rolled down the steps. And my goodness." And we sit there eating the popcorn and saying to yourself, consciously, "Well, you know, it's good special effects." *Jurassic Park*, wonderful special effects. Kids that go see that movie are freaking out. It's a very difficult movie for children. For adults, it's a very difficult movie, you know.

What I'm saying is that, basically, the subconscious mind then takes the images and feeds them back to you at its will, not at your will, at its will. The subconscious mind is like a gigantic computer that is constantly ongoing 24 hours a day, and it feeds you this information. You could be driving down the street one day and turn around and have an argument with your boy, 5 years old. And your son or daughter is sitting next to you, and you could have an argument with them, and you want to just slap him upside the head with a chair or baseball bat. And all of a sudden, you say to yourself, "Man, I must be going crazy." No. Those images were put into your brain by way of somebody who put it up on the screen sometime. And it works that way.

So basically, we say this: The images which we see, the power of those images is overwhelming. And for us not to take the responsibility as viewers, this Commission should be propagating that everyone in this country understand their responsibility to know that these images may be harmful to your health, mental health. And that's your responsibility. We have told you over and over again that this is what's going on here. And that it is a problem. A report came out I think about 4 years ago, the impact of television, after years of study. And it will be that way.

MR. RIVERA. Thank you, Mr. Olmos. I have no further questions at this time, and I would like to turn over the questioning to the Commissioners.

CHAIRPERSON FLETCHER. Thank you very much. You have been very informative. I just

have one question that I want to ask. Then I'm going to yield. I noticed that, Ms. Gibbs, you say you're an actress and an educator, but you left out business.

MS. GIBBS. I said business; I said restaurant.

CHAIRPERSON FLETCHER. Okay. But you left out theater. And I have a quick question that I'm going to ask with reference to a film that I thought was quite successful. And they ran it one time, or at least they put it on that tape one time, and then they didn't do it anymore. I think I heard someone else give me the answer. But I thought *Sounder* was a positive film which showed positive black families struggling to make it. Cicely, I guess, came real close to the Academy Award on it. And all of a sudden, we don't see those kinds of films anymore. What happened?

MS. GIBBS. It was a wonderful film, but it also portrayed us as victims. Every time we see ourselves, we are victims. If we're not victims, we are not—we are not seen as black people, for the black males especially. The woman is portrayed—generally, when I was the lead actress on the show, and they want to give me the strong—you have to give the statement. You. I said, "No. But as an African American woman, my husband would do that." So I would give the line to him and, you know, we had quite a bit of conversation.

But I would always make a point in asking why we continue to do these films. There have been contributions that I have been able to make; "227" was based on not just black people but most middle-class people or struggling people who are not economically secure. My husband and I had to live in an apartment building because we couldn't afford our own home like a lot of the masses of Americans no matter what color they are. Our child went to public school because we could not afford to put her in private school. He was a subcontractor trying to finally get his own business off the ground. And we dealt with all the situations that other people deal with in this building.

My fight was to keep that man relevant in that television series. We see them have to eat bugs or do other stupid things, but they're never seen as viable supporters of their families, you know. They're generally absent, or they're drinking or whatever. And it bothers us that it continues to work in this fashion.

Sounder was a wonderful film, a wonderful experience, but we never get to see when we're

not victims. We never get to see ourselves as just people having the same experiences that other people have. And even with all of our complaints, I would have to say the Native American who was here in this country when we came in is never portrayed, period.

And none of us seem to feel anything about that other than to mention, Where are the Native Americans? We don't come to each other's rescue. And if we don't do it, tomorrow there goes I. So we all have to work together, whether it's the Hispanic community with its diversity, the African American community with its diversity because we are diverse as well. There's the Jamaicans, and there's the Haitians, and different parts of Africa. And people need to know us. And with the Asians, we put a lot there because there's the Cambodians, you know, there's the Vietnamese, all of that. And we have more similarities than we have differences, where we are never able to focus on them so that we can come together and make wonderful contributions to this great country and to continue for this country to be a leader as it was meant to be.

We are now imitating television and film. It is not about life. We are imitating whatever we see there which has become a problem for us. And we need to stop and desist. And a very good point about when you point the finger, whoever sees it or whoever has the problem has the responsibility to do something about it. I have been able to parlay what I did on television into what I felt needed to be in my community which meant I had to spend my own dollars. We are constantly educated certainly to never spend your own money. Well, I suggest that if you spend somebody else's money, you better look out because it belongs to them, and you won't be there very long.

So this is what I respond. I constantly say that it is our responsibility to decide what is best for our children. If someone else isn't doing it, we don't need to waste all that time telling them what they should or should not do. We need to not spend our money on it. We spend more money fighting "Beulah Land," and we let "Palmer's Town" go off the air without a whisper. Not only did we not know what time it was on, but Alex Haley, it was the next thing after Africa. It showed how we got into the baseball field, how we got into business. It showed how we evolved and progressed out of slavery. But we were more in-

terested in why they were showing "Beulah Land." It was given so much publicity that everybody had to turn it on to see what in the world we were complaining about. They couldn't afford not to show it. So we all have to not only know what we don't want, but what we do want. And we have to talk about what it is we do want.

CHAIRPERSON FLETCHER. Thank you very much. Mr. George?

COMMISSIONER GEORGE. Thank you very much, Mr. Chairman. Professor Berry, like you, I come from the academic world where I'm a bit of an outsider because I consider myself a strong believer in traditional values. But I was struck by the report that you have that media does transmit values. I've always believed that. But many people tell me that that's not the case, that media reflects values, it doesn't transmit values. And I think that many of my colleagues in the academy would say that TV and other media ought not to try to transmit values, even good values, because we can't agree on what a good value is. Mr. Medved said, "What is a traditional value?" That's something people dispute. I think some of our colleagues would say in light of our moral quarrels in this country, television should aspire to new travel [phonetic] and not to promoting values because to promote values is to promote somebody's values that somebody else has. Can you respond to that?

DR. BERRY. Well, I think like it or not, ready or not, television does reflect and promote values. One of the things that I think is very clear about that is that it does both because once you decide that you're going to tell a story, and if that story is about a particular group, the minute that you decide you're going to tell the story and you began to craft that story in a certain way as to how the male in a household will react, how the female or the mother in the household will react, where that setting will be, then you are now beginning to make some decisions based on not only the creative process to entertain, but when you craft that story, the selection of the choices that you make and the story line that you use will, in fact, most reflect and promote the kind of values that you think that particular family might indeed—the way that that particular family might indeed act or react to their own life's situation.

Let me cite an example. When you're looking at African Americans, and I must say people of

color—and there are a lot of social class issues in here, also. The minute that you decide that you're going to portray a family that's people of color and the decision is made that this person will come from a single-parent home, you have now decided that you are going to take that story line where it's going. Let's craft it quickly. One might argue that a single-parent mother could be a very effective, fully functioning person who, in fact, is doing the best that she can and, in fact, might be doing a marvelous job. You add to that another image that you might have that the person is from a community of people of color and that community is weak. If that image is in your mind, the next thing that is really easy to add is, Why is it weak? Well, it's weak because the male-female relationship, a woman emasculates the males with whom she associates. And then you add a drug pusher, and then you add a community that seems to perpetuate and, indeed, embrace drug pushers instead of talking about the resiliency of that single parent, talking about the resiliency of Ms. Brown or Ms. Lopez down the street, instead of talking about the resiliency of Ms. Wong. The reason we suddenly build out of this image certain kinds of things that both tend to reflect lives, lives; the story about this particular community and the people that it portrays as well as beginning to establish what their values are.

And indeed what we miss so often, I think, is that television is a marvelous medium properly used. And there's a lot of responsibility that does go to the home. But the minute that we begin to craft the images, the minute that we begin to lay out a story line, we are buying into certain values. And some of those values come to us in some interesting ways.

One of the reasons why, for example, that we have the whole notion of the emasculation of the African American male by women is because there was a very supposedly scholarly report that came out about the destructive nature of the African American household. Everybody bought into that. Public policy was made based on that. And as a matter of fact, part of that reflection continued to be perpetuated. That was a more recent contemporary example. But if we only knew that even during the period of slavery, there were major struggles of African American people to keep the family together in the face of some very difficult situations. And one of the characteristics that

describes the African American culture is the way in which African American women have supported African American men. But we miss the bigger-than-life picture.

So when we decide what we are going to portray, so often we portray it based on what is reflecting and driving the values. And finally on this point, one of the things that we know from the research is that people who are frequently isolated from others who are not similar to them—someone made this point—people that they do not see and who are different, you are more likely to believe the kind of portrayals that are perpetuated if you're isolated from this group as opposed to if you know them.

And many people know other people by television—the way they walk, the way they talk, the way they dress. This is particularly in terms of children. And I must say that, finally, that it's also the responsibility, I think, for all of us who are adults to make certain that we know what young people are seeing. As well as for those who are decisionmakers in the industry, to understand the dynamics of what they're doing.

COMMISSIONER GEORGE. Just if I may continue with my devil's advocate role as the moral rebel to this, How would you respond to someone who said that, "Well look, that's all very well. But the fact of the matter is 60 to 65 percent of black children were born to women without husbands. All we're trying to do is reflect that reality. We shouldn't paint a rosier picture than what's there. We shouldn't be trying to promote the idea of intact families. Hey, who is to say the intact family is better than the situation is? We should just be showing the way it is. It is not up to us to include your morals."

DR. BERRY. One of the things that I think so often happens is that you always do have to look at the data and what the data shows. If we, in fact, continue to show that only the side of a particular group represents the side of children born out of wedlock, then we get into what I probably write about, what I call, "Media cultural loading." And that cultural loading seems to go like this: that while there are some realities that people in any group must recognize and indeed sometimes face up to, but at the same time, the reflection that the media has is over and over and over to highlight that kind of situation representing a community and, in fact, not to show the bigger-than-life characters that might be next door to

persons who are making those same kinds of statistics. So the point I'm suggesting is the selection and the focus of that becomes a very important way in which we drive the opinion and reinforce, because television does something else. Television reinforces the negative kinds of data that generally are associated with groups. It's a reinforcer. And it reinforces it by simply telling stories that seem to highlight those kinds of data as opposed to looking at the implications of the data, what it means and so forth.

But, you know, the thing that makes it so interesting is that if you look at some media and—I mean, I'm talking about all media now—one would only assume that the only people having children out of wedlock happens to be people of color and African Americans, in particular, and people of color, in general. That becomes a very interesting figure. When we begin to look at the real data, for example, we understand that for some people and for some social classes, those data are not reported, and, indeed, there are some groups who should never have children out of wedlock because if you have enough wherewithal, you send them to Aunt Mary, and they go to Aunt Mary's, and they have their child, and they give it to an agency. And particularly, since there's such a high interest in certain children, particularly Anglo children, they're immediately snapped up. And who goes into the reporting system? The children of color go into the reporting system while other children do not go into the reporting system. So what we have working here is a class function as well as a certain kind of image function.

COMMISSIONER GEORGE. Ms. Gibbs, would you like to comment on that?

MS. GIBBS. Yes. I pretty much feel the same way. It's unfortunate that it's propagated what people want to feel about us as opposed to what is real. We are not the most on welfare. But every time you say "welfare," you flash "black." If you say "unemployed," you flash "black." If you say "drugs," you flash "black." If you say "violence," you flash "black." So that child cannot get away from that image. That child can't walk up to help anyone without that person running and screaming. It becomes very difficult. That child, in fact, begins to feel that he isn't worthy of anything. He can't leave his community. He doesn't really feel that he can go out and get a

job because he's being told on a daily basis that there are no jobs for him.

You know, until recently the SAT tests were given in such a way as not to allow him to pass them. It was structured that way with certain kinds of questions. And then that was changed. So there were so many things that we've discovered that really hurt the entire society, not just that black child, but especially hurts the black child. The young black male doesn't feel he has a chance to stand and raise a family. What is he going to do? How is he going to take it? He's scared to death. If we start to deal with some of the truths, that child would find some of the ways in which he could deal with some of the situations he's in.

Strong black females have been perpetrated on television constantly. I was one single strong black female. "Good Times," she was one. They took her husband out of the family, went off. And then she was supposed to have let her child just taken over. She went off and left—she protested, of course. It made no difference because then they just took her off the show. They will do with you what they will because they're paying for it. But it shouldn't be that way. You know, I wouldn't do that with someone else's culture.

Another case in point, a wonderful film, *Crossing Delancey Street*, I looked at that movie. It was about nothing except the culture. It was about a pickle maker. And I enjoyed every facet, and we always say, "Why aren't there stories like that about us?" But the one thing I resented was, Why were there two African American overweight females sitting in the sun and talking graphically about private parts and sex? Why did that need to be in that film? Just to have someone black in the film? It said it constantly perpetrates that we are immoral, that we have no values, that we're animals. And these kinds of things in a film like that is more prevalent to me because I loved the film until I got to that point. And then I cringed because that's about us. Why do we need those two females in that film?

COMMISSIONER GEORGE. And if they were to be in that film, what were they doing talking about the subject matter they were talking about?

MS. GIBBS. Yes.

COMMISSIONER GEORGE. They could have been talking about a zillion—

MS. GIBBS. They could have been talking about any number of things. As a matter of fact, they

could've gone out and bought some pickles from the pickle maker and developed a relationship.

COMMISSIONER GEORGE. The American filmmaker wanted to do something—

MS. GIBBS. He wanted some comedy. And, of course, everybody knows we're comical. We sing, we tap dance, and we tell jokes. Well, we entertain. That's all we're ever allowed to do is be the entertainers. No one sees us as viable moral human beings who make contributions, immense contributions, to this society. We're not seen as mothers and fathers. We're seen as people who used to be slaves, and now they're out, and this is how they act. And, see, didn't I tell you? You know.

COMMISSIONER GEORGE. You mentioned the power of television to define normal behavior and talked about violence. You just raised the question of sex and stereotypes of African Americans regarding sex. Do you believe that television and film promotes the myth of the black male as a sexual savage?

MS. GIBBS. Yes. And the female. Both of us.

COMMISSIONER GEORGE. Mr. Medved also mentioned the percentage of African Americans who defined themselves as born-again Christians. The percentage is a bit high, much higher than even the high rate of 32 percent—was that number the general population, Mr. Medved?

MR. MEDVED. Yes.

COMMISSIONER GEORGE. And then 52 percent of African Americans. Do you draw the conclusion from the fact that African Americans or, for that matter, anyone else is very rarely, if ever, depicted in television or in movies as framed or attending church, engaging in religious activities?

MS. GIBBS. Is that for me?

COMMISSIONER GEORGE. Yes.

MS. GIBBS. When we are, we are extremely emotional. We're either shouting and falling out, or we're overzealous about it. We are not depicted as Christian people who have moral values and who are giving and sharing people. It's religion seems to be—it's almost entertainment, also, when we do it. I would think that as many people in this country go to church and deal with God on some level, they should not be outlawed on television unless they are exploiting sensationalism or thievery or crooks.

COMMISSIONER GEORGE. Yes. Mr. Medved, I would like to turn to you. Do you want to comment on that?

MR. MEDVED. I would like to comment on the point that Ms. Gibbs made which I very strongly agree. We all know that, as defined by the media, our great national sacrament is the Superbowl. This year we had very great ratings for the Superbowl as we have had every year. One hundred and six million people watched the Superbowl on television. That same Sunday, Superbowl Sunday, more Americans shared another experience. They even watched the Superbowl. They went to church. And more Americans go to church and synagogues every week than watch the Superbowl that one Sunday a year. According to every survey—CNN, Gallup, Newsweek, Bar and Research Associates—between 40 and 50 percent of all Americans go to church and synagogues every week. That is a reality that is never depicted. Every week, more than five times as many people go to more kinds of religious services as go to the movies, even when *Jurassic Park* and *Last Action Hero* are opening.

COMMISSIONER GEORGE. You mentioned earlier, Mr. Medved, that the Lichter and Rothman studies have been conducted over a period of several years. And some of those studies have to do with the attitudes and opinions of media figures in all aspects of the media. If I understand the studies correctly, they do show that there are very significant differences in attitudes and opinions among media, at least, and the general population. Media, at least, tends to be much more highly secular, much less likely to have traditional views about moral issues, much more likely to be politically liberal rather than conservative, and so forth. People, of course, tend to see the world that they see. I mean, if I'm associating with people who all think the same way, I'm likely to think that's the way people think. Do you suspect that the depiction of religion in the African American community and beyond on television, or the failure to depict it, whether depicting of it in comical or insulting ways, has to do with the absence of the difference in attitudes and beliefs among those people who are responsible for putting together these programs and these movies?

MR. MEDVED. I think it does to some extent. I think that what you're dealing with here is a situation where the overwhelming majority of

Americans of every ethnic background share a commitment to the family. That is something that is fundamental for Americans, however one chooses to define family. There are many families that are quite fundamental. That is a sensitivity I don't think that is respected or shared by the people who create popular culture. Ms. Gibbs responded about the portrayal of African Americans so often as sexual savages, particularly African American males. I believe that's a very severe problem. I think it's a problem with a lot of young African American artists, particularly in the popular music industry, who contribute to those attitudes. The problem is these are the artists that are being put forward, some of them very successfully, some not very successfully. And those are attitudes that I think have a deleterious effect on the attempts that the parents have to pass on more traditional values to their own children.

You know, wherever I go, and I speak on these issues a lot around the country, the concerns are not limited to any ethnic community. Everywhere in the country, people are worried about the impact of popular culture. And, you know, what it is at the very bottom, it seems to me, is every parent, every parent wants fundamentally more than anything else the ability to pass on some of himself or herself and our heritage to our children. And there's a sense that the impact of popular culture is interfering with that. I will never forget a presentation I gave a couple of years ago where a woman stood up in tears and said, "The reason I'm so upset is they're trying to kidnap our kids." That is very similar to what Ms. Gibbs was saying here, and it's very similar to what Mr. Olmos has been saying.

And if I can bring this around, I do want to put one thing on the record here. I think that Edward James Olmos is recognized and should be recognized in Hollywood as not only one of the artistic heroes of this industry, but one of its moral heroes as someone who has spoken not only about the capabilities of this great medium of artistry, but has spoken very eloquently about its responsibilities. He does raise a very important point, which is it is inappropriate for people to blame the mass media for all of the problems that we see in our societies, particularly for the huge flood of violence that is engulfing so many of our communities. You can't blame television for that. You can't blame movies for that. But by the same token, you

can't deny their responsibility as a contributing factor in this area. And that's why, it seems to me, we have an opportunity in the entertainment industry to take the lead on dealing with the problem of violence. If you talk about ending poverty in America, that's a big job. That's not going to happen easily. If you talk about improving education, that's a huge job. If you talk about generally increasing the transmission of values, big job. You know what? Compared to that, reducing the level of violence on TV is easy. That's something that can be done fairly quickly. And it's something that should be done by an industry that cannot be part of the problem, not just be part of the problem. It has an opportunity to become part of the solution and play a leading role in finding the solution.

COMMISSIONER GEORGE. Mr. Medved, this morning we were overwhelmed on this Commission by the testimony of two powerfully articulate and accomplished young African American males, Robert D. Taylor and Errol Smith. I don't know if any of you were here for that testimony. It was extremely impressive. And toward the end of their testimony, both of them spoke of the damaging influences of popular culture. I wonder if you would speak to that issue, Mr. Medved, and to anyone else that would like to comment on it in light of the theory that part of what is necessary to protect young people from the bad influences of popular culture, such as it has evolved are strong-meaning institutions: families, churches, neighborhood associations, things to which one belongs. Mr. Medved or anybody else?

MR. MEDVED. I think if you talk about the impact of popular culture, the one most corrosive, perhaps crucially undermining, influence that it has is promoting the level of fear in a society, the level of fear among groups for one another, and the level of sheer fear for our physical safety. In other words, if you ask of all the studies of the number of Americans who have actually personally experienced or witnessed acts of violence, it's really quite small. It's not high. If you ask the number of Americans who have ever witnessed a murder or attempted murder, it's less than 1 percent. That's rare. On television, you see it every night. And, you know, part of the problem here is this fear, in itself, contributes to the rising tide of foreign brutality that we have around us. Professor James C. Wilson at UCLA has done a brilliant analysis of this. He notes a phenomenon that you see sociologically

that streets with broken windows and graffiti always have higher crime rates. Why? What is it about broken windows and pieces of graffiti that raises the crime rate?

What it is, is it creates a fearful atmosphere. It gives people the impression that order has broken down, that this street belongs to bad elements. It makes people stay away. Television has become a great broken window. It's sending a message to everybody that our whole world is broken windows and graffiti and disorder and dysfunction. And that overrepresentation of horror creates levels of fear, of reluctance to get involved, or reluctance to work with one another. That has had a very, very damaging impact on our society.

And here, in terms of what you asked about, the mediating influences, there is no message that this Commission can send that's more important than the message that Mr. Olmos touched upon, which is the need for people to reduce the levels of television watching. I doubt that the networks are going to be eager to put all kinds of warnings that we talked about. I'm not suggesting that Congress should require them to do so. But if we can communicate the message, particularly for children, it's enormously healthy and enormously important for parents to discourage television watching, to cut it down, to limit it.

You know, the fact is it's an ordinary and very simple thing. Everybody gets a TV guide in the mail or in the newspaper. All newspapers give the TV listings for the week. If families would sit together, parents and children, or couples with one another, and simply outline those television shows that they actually thought were worth watching, I guarantee that they wouldn't find 28 hours a week.

But, also, you post that on the refrigerator. Limit it. Try to cut it down. Because the amazing thing is if you do the arithmetic, the average American life expectancy now is 76 years. That means that the average person in this society when he or she goes on to the next world will have spent an uninterrupted 13 years of 24-hour days, 7-day weeks, 30-day months watching television. Now, I don't know if anybody wants on your tombstone, "I devoted 13 years of my flesh and life on this planet watching TV." With that in mind, we have to be careful not only with what we've been talking about so far about the

impact of television as it exists, but also we have to be much more willing to put forward that message that one of the most constructive things you can do is simply to cut it back and have alternative means of communication and ways of spending one's time.

COMMISSIONER GEORGE. Mr. Olmos, would you comment on the same thing.

MR. OLMOS. I think that what Michael is saying—and, of course, what Dr. Berry and Dr. Noriega and Marla have been talking about and you, yourself, put it in very, very specific terms and we always do—is percentages. In fact, you posed a question. You said 65 percent of the time this is the situation. And that's exactly what I would pose back to the system that really uses and understands this medium, whether you be one of the commercial buyers or whether you be one of the networks or whether you be one of the viewers, and that is balance. If we were even in balance to the ratio that you put up, which as you said, Bob, that 65 percent, if we got 65 percent only of that image and then 35 percent of the other image, we'd be in balance.

So the basic fundamental, then, becomes the words intent and balance, because, see, what you're doing by the usage of this is you're attacking the soul of the human spirit. And the soul is basic. It's our story teller, and we are telling our children stories by way of television. We don't talk anymore. We don't have our elders telling our youngsters the stories. We have TV telling the stories. So now our television has become our story teller, and it's violence galore. When we do a *Stand and Deliver*, it's a miracle. And what's sad is that *Stand and Deliver* was not successful. That's the sadness.

Oh, yes, now after 5, 6 years, everybody in the country has seen it. But it's taken that amount of time when *Poltergeist* or *Halloween 59* or comes out, or you have, you know, any story that exploits or romanticizes or glamorizes a story, you will have the impact to be told to the community that watches that medium. So the balance is off. I put the same situation and time into a product that doesn't have those virtues of exploitation. I make movies, and I don't make those movies to make dollars. And what happens? I don't get to make very many movies, which is okay. I would rather be poor and have my integrity than to be rich and have none. And the bottom line is the value system that we have

perpetuated on the human planet and on this situation. All you have to do is realize that we're so off balance that the earth itself is telling us we have damaged it.

If we were to look at the earth in a different perspective, we would understand that we are killing ourselves. What other animal—I mean, we just saw it in the ocean. I mean, nobody even looks at it. I mean, when the whales and the sharks get together and round up all the fish, and the billions of fish that they round up and then they take turns eating them because they're being eaten out of house and home. And they are going to say, "Well, if we are going to go, we're going to go in our own way." And they're already doing that. And when you see diseases strike up human existence, and we don't even—we don't even zero in on it. We have a disease right now that has attacked the indigenous people, and it's spreading now to non-indigenous people. It just happened to start in Arizona, and now it's in Colorado, and now it's in Utah, and now it's in northern California and in San Diego, and it's in different parts of the country. And we don't even know what it is. And people are dying within 24 hours.

That situation is not propagated or understood. Yet, we have the ability to do that, and we do it very out of balance. Our whole system is out of balance. It comes going all the way back to the decisions that we have. There's not a woman on this panel, on the Commission. We are off balance.

COMMISSIONER GEORGE. We tried. They wouldn't come.

MR. OLMOS. They wouldn't be on the Commission?

COMMISSIONER GEORGE. It was their choice.

MR. OLMOS. Again, if everything that Dr. Berry and Dr. Noriega said and Michael, they are specialists, and they are masterful. Listen to what they say. They have brilliance in understanding this. They have devoted their lives to understanding this problem, and they are saying this very calmly and very eloquently. I get emotional. You know, I can't take it because we're off balance. You'd think I've never seen it. You know, I was given the opportunity—get a load of this—in 1982 to propagate the first American hero of Latino ancestry in the history of film on the big screen, ever, Gregorio Cortez. That was in 1982. And when they told me this, I didn't

even know. You know, to be given that opportunity is a ridiculous, ridiculous situation. But yet, again, you know, the balance is off. And you gentlemen and all of the people here are trying desperately hard to find out. But try to put—as soon as you—hey, look. It's like fighting the NRA. Impossible. Impossible. Why fight them?

COMMISSIONER GEORGE. I'm assuming you mean the National Recovery Association.

MR. OLMOS. You're trying to buck the element, the most important element that we have in this country. We export entertainment more than any other exportational group of things that we sell and buy and make. This is it. Entertainment is the biggest moneymaker we have. And if this country is capitalistic, we must understand that our values, then, must be not to chase the dollar, but to have the dollar chase us. And as soon as you can say "No" to the dollar, then you have understood where the future lies. And you must say—get a load of this. You must say no to the dollar before you have it because once you have it, you ain't got enough.

Tell me one person in this room that is making enough money. When you got \$1, you need \$10. When you got \$10, you need \$50. When you got \$50, you need \$1 million. When you got \$1 million, you need \$10 million until you reevaluate and tell yourself, "Wait a minute. That isn't true. I make a nice living. And that's enough for me. I don't have to be tempted by the dollar to do things that are beneath my value system." But yet every single day, we have actors and actresses and people that commit themselves to doing that. Eventually, what's going to happen is people are going to stop watching, and values will switch. It's a pendulum. It will swing back.

COMMISSIONER GEORGE. It is very difficult to see how we can place too much blame as via the media, as you pointed out, before Pan produced this stuff. Dr. Noriega, I think you had your hand up.

DR. NORIEGA. Yes. I'd like to respond to that, if I can. I realize that time is very short, and I would like to pose a few, I suppose, rhetorical questions in terms of what is, as what Edward Olmos has pointed out, the underlying intent is, and also I think to provide this one thing involving the banning of this, this consensus concept that seems to be very vague and out of balance. I'd like to provide a little counterbalance. First, I want to point out that we are currently

in a city that is, in some parts, the home of the industry we're looking at, Hollywood television, in which the largest single group, period, would be Latinos at about 40 percent. When, after some soul searching, after the riots last year, the media went out and actually found South Central. They found it, and they found that it was 60 percent Central American.

Now, I have to ask, What's at stake? It's a very difficult question to ask. But I have to ask, What is at stake in making the black experience the *lingua franca* of these investigations? Now, I know that's not the intent up here on the panel or any of the speakers, but I think it's become a kind of default occurrence. I think it does a disservice to the particularity of the black experience. And I think that it also does a disservice to the other groups that do not get examined in their own particular scene.

Now, I have mentioned that Latinos are the most underrepresented group among all of the underrepresented groups. And the underrepresentation is severe across the board. Now, in the history of Hollywood cinema, you have perhaps 50,000 or 60,000 feature films made. Twenty of those are about Latinos. Half of those were produced and in some cases distributed independent outside of the studios. Now, in the DGA reports, Directors Guild of America, over the last 10 years, there have been some 300,000 working days available for directors. Female Hispanic directors have worked 27 of those days. That is 1/10,000 of a percent.

Now, my first rhetorical question is, Do we need to establish the disparity between the image and the reality? Do we need to establish the underrepresentation of some group? Do we need to establish the underemployment of all racial minorities? Now, when I was talking to one media professional, he rather cynically warned me, and he said, "We have been playing the numbers game for 30 years, and nothing has changed." Why do we need to establish the numbers? We should be focusing on what to do. Now, I want to take up—I want to contradict, actually, something that's going to come up which is the focus on the responsibility of the individual. I don't want to deny that. But I think, first of all, we have to be very aware of why, in looking at investigation issues such as this, we always look for one determining element as though it can stand out and exist in a vacuum.

And I think people have been speaking and, right, you cannot take the media and say it alone is to blame. But you can't take the individual and say that the individual alone is to blame. And why should we hold the individual responsible if we are not also going to hold the media responsible? And what is that responsibility? And, again, it goes back to, Do we really need to establish this? As the law of the land, the 1934 Communication Act, the television industry and the radio industry are established so that networks and stations can make money provided they serve the public interest, convenience, and necessity. This is not just a business.

Now, I'll get to my next rhetorical question. Given that, Why should the emphasis be on establishing something that we've established over the last 30 years of study? When Paul Simon first began looking at the studies on violence, he found 3,000 studies. But why should we do more? It seems like we've pretty much established something here.

Now, given that we then turn and focus on the individual, I have to ask: Why should racial minorities have to do something that no other group in this country has to do, which is to spend our way to civil rights and equal opportunity? Why should a group of 65 million people in this country have to somehow get together and spend their money in such a way that it's going to correct something that the government, through its laws, has been set up to regulate? That was a rhetorical question.

I would hope that the Commission, in reviewing the hearing today and in looking over the reports that will be submitted, will very seriously take up this issue of what is the responsibility of television under the 1934 Communication Act with also the 1948 Paramount Act which provided, for the first time, the fact that television and film were not just a business, pure and simple, but also a note of expressions [phonetic], and, therefore, guarantee the rights of free expression.

Within that conflict of contradiction, nonetheless, there must be something that our government can do in order to guarantee civil rights and equal opportunities. Otherwise, really, what are we supposed to do if there is no place to turn within the structures of our society, our government, the industry for due process? And why should an industry that's making money be al-

lowed freedom of expression and others such as Edward James Olmos, such as Cheech Marin, who's out in the audience, such as any number of female minority filmmakers be denied the access to that mode of expression? So somewhere in-between the public interest and freedom of expression, there has to be something that can come out of this Commission to make some recommendations directed at the appropriate and preexisting sectors of our government that can hold this rather unique industry accountable. Thank you.

MS. GIBBS. I would just like to say that as individuals, there is no way we can do it. \$4.25, \$4.50 minimum wage has not kept up with the economic rise in this country of deficit. Young people, everything is being marketed to the young as if no one else exists. They are being romanticized and they're reacting, they're reacting in time. We see entirely in this industry when all of the people with the expertise and seniority or senior citizens, or not even senior citizens, but any age at all, are removed from the industry and replaced by younger people who have no idea of what the industry was built on and have no allegiance to any group in particular. And this is not to say all young people are doing it. But the way they romance and glamorize them, they are put in with the understanding that, "This is the way you do it, or you won't be here," and we see this constantly.

If you get any tenure or any seniority in the business where you have some ideas that are not along with what they want you to do, rather than taking your advice, you're removed. And someone else who is happy to get the position and feels, you know, glamorized and powerful because they have been selected, they jump in and do the bidding. And the young people on the street are glamorized, whatever they do. I mean, the whole marketing is to the young people. They are the ones who buy everything. Those boxes, their parents buy to baby-sit them because they can't afford the baby-sitters. So television industry is actually raising our children. So as parents, we are not going to be able to say, "Shut off the TV," because we are not home to say it. But I think in the educational system, there has to be some extension of education to keep those children in a format where they can continue to do their work and learn and be safe and not have to worry about being killed on the way home or be out on the street or home alone.

MR. MEDVED. I want to get something on the record very briefly. I agree with almost everything that most of the panelists said, particularly with Dr. Noriega, except with one implication of what he said where I feel it's necessary to get it said on the record, which is that I'm one of those people who believe that whenever you begin talking about using the force of government, using governmental or quasi-governmental authority to regulate the entertainment industry, it is probably counterproductive. I have seen absolutely no evidence that that could be done effectively. I have seen great evidence that whenever you talk about that, you provoke intense resistance from the entertainment industry and polarize discussions as discussed between would-be censors and would-be government regulators as opposed to the advocates of free speech.

I think it's important that we address all of these issues, but let's address them not employing the power of government but employing the power of an aroused public. There are all kinds of means that are available for the 65 million people that Dr. Noriega referred to, means of trying to organize economic power and public pressure and relying upon something that I know that Marla Gibbs and Edward James Olmos know very well, which is that most people in the industry want desperately not just to make a profit. They want to be well thought of. They want to be respected. That's why you have Sally Field on Oscar night who so famously said, "Oh, you like me. You really, really like me." And here is this woman making millions of dollars per film, one of the most successful women in America, who needs the reassurance of an Oscar to be told that she's well-liked. People in the industry want desperately to be important. They don't want to be criticized.

I think all of the things that you have seen, the Spirit awards, the Image awards, and the awards that are given out for positive portrayals can be very useful. That's not the answer in and of itself. What you need is enlarging that effort to try to educate, shame if necessary; and, if necessary, use economic pressure for boycotts. Influence the industry that way. What you need fundamentally is a cultural environmental movement. But I don't think that movement can rely upon governmental authority.

MR. RIVERA. I would like very much to keep this to two very short 60 second maximum re-

sponses. But to get on to the record, one question if, Marla Gibbs, you can respond to this: How important in your view is nontraditional casting to people of color in terms of the portrayals that we have?

MS. GIBBS. It's very important. You can't blame it on the writer. He's writing from his experience. The producer has to be able to look at that project and see how he can interject people of other races intelligently in parts. For example, it's not the neatest [phonetic] family. Or the person's story about the doctor, it could be whatever. It can be whatever.

MR. RIVERA. Thank you. And one more last question, Eddie Olmos, if you can take a shot at this: How important is the scriptwriter to this whole process that we've been discussing?

MR. OLMOS. The most important. The script and the writing is the most essential aspect of our industry. There's where the story germinates, and that is what exactly we work off of. It's the template. And I must tell you that that template is definitely one that can be strict, that artist's total concept. It's going to be manipulative in term. But it definitely is true. May I just say this: I want to put this on the record. Duarte High School, yesterday, graduated 272 students. Eight years ago, they graduated less than 125. Eight years ago, they were 59 percent dropout rate at Duarte High School. Yesterday, there was a 2 percent dropout rate in the class of 1993. That choice was made. And I asked them, I said, "How did you do it? In eight years, how did you change from being the worst in the country to the best in the country?" And they said, "Next year, we'll probably have a zero dropout rate." I said, "How?" They said, "Because the kids decided to do it, and then we supported them." It will come to pass that kids will decide to do it. And it will come to pass.

MR. RIVERA. Thank you very much, Mr. Olmos. Mr. Chairman?

CHAIRPERSON FLETCHER. Let me say this: The kids decided to do it. As I wrap this up, you should know that the reason you're paneled to sit here and the reason that the media and the entertainment industry is a part of this hearing is because of the House. They decided that we ought to hold this here. When I first became Chairman in February 1990, the first group I met with was the entertainment organization to talk about the manner in which minorities and

women are portrayed in the industry from the media side, just reporting the news, to the entertainment side. You need to know that one hell of a fight was put on to keep us from holding this hearing. Now, let me say that again: Because of the voluminous amount of cash—it's not just the entertainment industry—this is probably the biggest cash base in the country, and folks don't like for you to tackle with the cash. So we put this hearing in. We asked for a supplemental hearing to get it done. And at one moment we thought we would get a supplemental hearing to come out here just to hear about the media and the entertainment industry. And each time it got sabotaged. This time, we merged it in with the trip out here to do the panel that we're doing on poverty, discrimination, and inequality. And we used some sleight of hand, if you will, and said, "Since we're going and since this is a group that wanted us to come a long time ago just to look at them alone, look at the industry alone, we merged you into this." But the House is responsible for getting us on the agenda to begin with. And they stayed with us, I might just add that, in terms of the civil rights groups and civil rights organizations to help us with our budget to expand our capacity so we could do more of this. Let me just say to you right now that Members of the Congress, both sides of the House, both parts, were not at all tickled one bit that the Civil Rights Commission was going around the country unearthing this particular problem. They didn't like it. So I'm saying to you that this has not been an easy trip. But I can assure you that I can understand why they didn't want you to testify. You have had a tremendous impact. We appreciate it. And you need to know that you're going to need to continue to support us if you want us to do the right thing and tell the naked truth. And the naked truth is what we intend to put on the table. Thank you for helping us do that.

MS. GIBBS. If I may, I just want to add one thing to that. We would like the world to know that we did not have a riot. We had a revolt. The Boston Tea Party was a revolt. Somalia is a revolt. We're not rioters. We had a rebellion. Thank you.

CHAIRPERSON FLETCHER. Let's have the next panel. Call the next panel, please.

Minority Involvement in Creative Aspects of the Industry

MR. GLICK. Mr. Chairman, we are now going to move into the area specifically dealing with minority involvement and the creative aspects of the industry.

CHAIRPERSON FLETCHER. All right.

MR. GLICK. I would like to call Mr. Tim Orsatti, national executive director of the Screen Actors Guild; Mr. Earl Saunders, who was formerly the human resources director of the Writers Guild, West; and Ms. Susan Fales, a writer and the coexecutive producer of the production, "A Different World." Will Mr. Orsatti, Mr. Saunders, and Ms. Fales please come forward.

VICE CHAIRPERSON WANG. Before we can proceed, can I ask that you stand up raising your right hand, and I will swear you in.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. You may be seated now. We're going to continue with the testimony. We ask that you be cooperative. If you have to talk, you have to leave the room. I'm sorry. Counsel, proceed please.

MR. GLICK. Assistant General Counsel Jeffrey O'Connell will question the witnesses.

Testimony of Ken Orsatti, National Executive Director, Screen Actors Guild

MR. O'CONNELL. Mr. Orsatti, I believe that you have some documents that you would like to place into the record?

MR. ORSATTI. Yes, I do. I have copies of the Screen Actors Guild collective bargaining agreements covering features and television. I also have the statement that you requested, and I have a copy of the studies that were released on Tuesday by the Annenberg School for Communication, University of Pennsylvania, entitled *Women and Minorities in Television: A Study on Casting and Fate*. It was commissioned by the Screen Actors Guild and the American Federation of Television and Radio Artists, and I would like to place that in the record. Regrettably, since it was only Tuesday that the study was released, any comments that I can make on the study will be of a very general nature because we have just had a cursory opportunity to look at the study and not all of the specific tables. But certainly, if there's no objection, I would like it to be placed into the record.

MR. O'CONNELL. Mr. Orsatti, I would like to have, to the extent that it is possible, your views on the implications of the Annenberg study.

MR. ORSATTI. Again, in a very general way, we commissioned the study in 1979 from, again, the University of Pennsylvania, the Annenberg School for Communication. Essentially, at least at first look, at first blush, comparing that study with the study that was released on Tuesday, indicates that there was very little change in the overall employment patterns from 1979 to 1993 for the four protected groups. So in general terms, in looking at the improvement, there was very little. Now, that is somewhat misleading because the types of portrayals, again, in a very general way in just looking very quickly at it in a general way, portrayals, for example, of African American males have changed fairly dramatically in the study when you're looking at the television portion of that study for dramatic programming.

And what I mean by that, the good news is that for the African American male in 1979, the majority of African male employment, African American male employment in dramatic programs, cast that individual as the villain, as the crook, as someone who was committing a crime. The study today indicates that for that same type of programming, you more likely would see the African American male cast as the judge, the police officer arresting the criminal. And that's the good news.

The bad news is that that has shifted now to the criminal being either the Hispanic Latino or the Asian American. So the problem has not gone away. But there is a dramatic shift, at least there is, on a positive side, for the African American male in dramatic television covered by the Screen Actors Guild.

MR. O'CONNELL. I would like you to give us a brief background as to the purposes of the Screen Actors Guild.

MR. ORSATTI. The Screen Actors Guild is a labor organization that was founded in Los Angeles in 1933. We currently have about 84,000 active members. They are located in 23 cities throughout the United States, the largest being in Hollywood, the second largest in New York City in terms of branches. The purpose of the guild is a union and to collectively bargain on behalf of its members. We bargain agreements on the television and in the theatrical side with the Alliance of Motion

Picture and Television Producers. And generally those agreements are negotiated every 3 years. So our primary function of the union is to negotiate collective bargaining agreements which cover minimums and working conditions and protection for all of our members.

MR. O'CONNELL. I see. Would you briefly describe the nondiscrimination provisions that do appear in your collective bargaining agreements?

MR. ORSATTI. Yes. The first language which I think is important to the protected groups appeared in 1977 in the 1977 negotiation. And in essence what it says is that the producers agree when they sign the collective bargaining agreements that they will portray the American scene realistically. In 1980 and the 1980 theatrical and television negotiations, we were able to negotiate a provision which required the producer to provide data to the guild so that we could monitor on an ongoing basis whether the American scene was being portrayed realistically on specific productions and on an industrywide basis. And essentially, the first EOC commission for the guild was formed in 1971.

So generally, in theatrical and television areas, I think that's a brief example. I could go on, if you wish, to elaborate that there is a mechanism set up within the affirmative action language that provides for meetings with the producers if there is a feeling on the part of the guild that the American scene is not being portrayed realistically by a studio or by a producer and then a series of steps whereby both the producer and the guild try to correct that situation. And if in the end it turns out that the guild is not satisfied that it is being corrected, the writer of the guild would go public with that information about that specific producer.

MR. O'CONNELL. Mr. Orsatti, what we would be concerned about is your assessment of how effective these provisions are.

MR. ORSATTI. I think, again, overall looking at it as an overall package, the statistics in terms of minority hiring and firing for all four of the protected groups has improved, though not greatly. But it has improved every year since we started collecting data in 1980. So I believe that it's working. It's working slowly. But I believe it is working. At least it's on a positive rise. And, again, I'm not certain if the Commission is aware that out of the 85,000 members that I mentioned, roughly, that the Screen Actors

Guild has, 75 percent of those in the entire membership earns under \$10,000 a year under the jurisdiction of the Screen Actors Guild. I think if you look at the protected groups, even though I don't have those numbers with me, that it would be somewhat less than that overall figure. So it is not really a rosy picture for anybody who decides to get into this business. As a matter of fact, I think if anybody had a child, you would try to keep them away from becoming a performer because it's very, very difficult to be successful and to make a living.

MR. O'CONNELL. With respect to the American scene language, has there been a problem in the way that language has been interpreted?

MR. ORSATTI. I don't believe that there has. We have never gone public. We have come very close, two or three times, with studios correcting a problem that we saw. And we were able to do that. So I believe that the mechanism is there to make that language effective. I think it's workable, and I think it's proven in the past.

MR. O'CONNELL. So what you're saying, then, is that it is either that it's flexible or that there is an area of possible disagreement between the guild and the producers?

MR. ORSATTI. If it comes to a point where there is still, after the steps I mentioned, then the guild then does have the right still to go public. And as I say, in my experience—that spans the entire time that this language has been in the agreement—we have been able to correct those problems that have gone to the brink. And we have done that in many, many different ways. We do have ongoing meetings with the Korean [phonetic] community on a one-on-one basis. And from time to time, we also have larger meetings with all of the creative people from, for example, a particular studio. And what we've learned is that there's a tremendous turnover in not just the middle level executives and creative people, but also at the top.

I'll give you an example of that: About 4 or 5 years ago, the Screen Actors Guild national board of directors requested that Rodney Mitchell, who is the affirmative action officer for the guild responsible for features and television, and myself hold meetings with all the chief CEOs of the major studios. We tried, you know, I guess the trickle up theory by meeting with the casting people. And we're still doing that on an ongoing basis. We decided to go right to the top to the CEOs and explain the problem that the

protected groups have in employment opportunities in the industry. And we did. We met with every CEO of every major studio. I don't think this was the reason for it, but within a month, four of those executives were gone. They were no longer at the studio.

So there is a tremendous turnover and what that has done with us is to try to continue to raise the consciousness of the people who we are dealing with who have the ability to look at non-descript roles and to think in nontraditional casting ways about the employment of people of color. And, again, the problem is that we have found that once we do that within a period of, say, 4 or 5 months after the meeting, there is a surge of employment for people of color and for the other protected groups. And then because of the, especially in television, the time crunch of casting, everything seems to start slipping back to the level it was before the meeting.

People are creatures of habit. People are more comfortable if they're in a situation where their job is in jeopardy and on the line of hiring people that they feel they know can get the job done, people they've hired before. And because of that, it's an ongoing process that we find that we have to continually try to raise that consciousness. It's not something we do once, and it's going to stay there. It won't.

MR. O'CONNELL. I would like to know more about the activities that you engaged in that would assist your minority members.

MR. ORSATTI. Early on, and as part of my statement, I have given you some of the EEO committee activities that the Screen Actors Guild on an ongoing basis include. We have with the American Federation of Television and Radio Artists, we have a career day. It's an all-day program that offers selected SAG and AFTRA members an opportunity for one-on-one casting interviews with casting directors for features, television, and commercials. In addition, we hold seminars, workshops, and panel discussions. Seven hundred SAG and AFTRA minority members participated in that program the last time we had it. We have had a four—

MR. O'CONNELL. Excuse me, Mr. Orsatti, since you were kind enough to put that into your statement, we will accept that as such since it already is in the record.

MR. ORSATTI. Yes. Well, also, there's seminars that the guild holds on a regular basis with,

again, studio personnel, the creative studio personnel, including line producers and including the rest of the people involved in the casting process. And since you do have the record—and I apologize. I just returned last night from Washington D.C., and I'm afraid that my mind is probably on Eastern time, and my mouth is going to be on Pacific time.

VICE CHAIRPERSON WANG. You're doing fine.

MR. ORSATTI. Thank you. But I think you will see, as part of the report that we gave, the various activities. And there are several. There's a couple of pages full that we do on an ongoing basis.

MR. O'CONNELL. What problems do you see that minority performers have that nonminority performers do not have?

MR. ORSATTI. Well, I think as I indicated for all performers who are members of the Screen Actors Guild, it is very, very difficult to earn a living. There is just not enough work to go around. That obviously is heightened by the lack of roles for people of color and for the other protected groups. It goes back, and I was very interested listening to the panel just prior to this discussion and the Commissioners' questions of where they thought the blame lies for that. Is it in the writer? Is it in the producer who puts up the money and decides, you know, what sort of projects that are going to be produced? It probably is, you know, it's probably all of the above. Edward James Olmos said, "Well, it's directly the writer." Well, it's obviously partially and a great part due to the writer, because if he didn't write it, it's not going to get produced, and it will not have that opportunity for employment of people of color. But I think, to try to specifically answer your question, I think it's the limited number of roles for all performers and even a more limited number of roles for people of color.

MR. O'CONNELL. One followup question with respect to your recently released report. Do you have information with respect to the leading roles for various ethnic groups over the time period involved?

MR. ORSATTI. I have not had an opportunity to look at that in any depth that I would feel comfortable with putting on the record yet.

MR. O'CONNELL. We have not had the time, unfortunately, to ask you all the questions that we would like. So we would appreciate it if you would be able to answer some of our questions in

the next week or two that we would put to you in writing.

MR. ORSATTI. I would be more than happy to.

MR. O'CONNELL. Okay, fine. Mr. Chairman, I would like to proceed to Mr. Saunders now.

VICE CHAIRPERSON WANG. Sure.

**Testimony of Earl Saunders,
Former Human Resources Director,
Writers Guild of America, West**

MR. O'CONNELL. Mr. Saunders, could you tell me something about your former position with the Writers Guild?

MR. SAUNDERS. I was director of human resources for the Writers Guild of America, West. In that capacity, I was responsible for human resources and personnel functions for approximately 100-plus staff members at the guild and also for the MBA [minimum basic agreement] freelance writers, provisions of the MBA, and also for affirmative action programs for the MBA, as well.

MR. O'CONNELL. How many writers are there in the guild?

MR. SAUNDERS. Well, there's approximately 7,900 last count in both, I believe, both East and West.

MR. O'CONNELL. And of that, how many would be minority writers?

MR. SAUNDERS. That's a floating question. The answer is pretty difficult to put your finger on because our numbers aren't as hard as we would like them to be. I think the last number—and I'm really not the person that can give you those figures straight because the report just came out after I left the Guild. But my last recollection was the category of Afro-American, Latinos, and Asian American, Native American writers as a minority, I would say they have got to be something like 3 to 4 percent of the guild as a group, if it's that high.

MR. O'CONNELL. You have had the opportunity to take a look at the Hollywood writers report that was just issued?

MR. SAUNDERS. That's correct.

MR. O'CONNELL. Okay. Could you give us your view of the implications of that report?

MR. SAUNDERS. It's almost like what Dr. Noriega said. I mean, we're sitting here going over and playing this numbers game. If you look at the last two reports that preceded this one, you could see some really minuscule incremental

advances in certain areas for certain groups. But, overall, because of the passage of time and especially for Latinos, the increase in their base numbers in the population, you would have to say that the static nature of the numbers means that in absolute terms, there has been a regression. I believe in the median income earnings gap between Anglo or white writers and minority writers, you will see actually an increase in that gap. What that means is that African American writer actually is earning less on the dollar today than he did 3 years ago compared to an Anglo writer.

MR. O'CONNELL. As compared with the Screen Actors Guild, the Writers Guild also has affirmative action provisions. How effective are these provisions?

MR. SAUNDERS. The provisions really are—it's an honor system. It's, "Let's try to do something, guys. And if we can agree on this, we'll do something." But no one is really going to make a big issue out of this, primarily because there's no real enforcement mechanism in what we call article 38. They have a training program that, unfortunately, is just based in the episodic television area because it's manageable; it's controllable. They have another area inserted in article 38 that will allow or encourage the companies to seek and create unique and customized training programs geared to afford access and training to what was called, from a legal term, protected classes. By that, I mean women, over-40 writers, African Americans, of course, and the usual subjects which we know as Asian Americans and those folks. So in this business, by the way, of their program together is based on that provision allowing it to get special dispensation from the guild to train those classes of writers.

With respect to enforcement provisions, there's virtually none. If the producer cast an all-white production company, ALA, Woody Allen—why he would make a film in New York and not see a black person ever—I mean he works at that. And I don't know how that happens, but it does. And I know that people have talked to Woody about that. I know there is a group, there is a gentleman that I've heard of on all the shoots in New York who constantly—I guess he arranges all his shootings. He attempts to have a meaningful dialogue with him, and Woody has yet to budge. But there's nothing the guild can do about it because there's no real hard enforce-

able mechanism. No penalty, in other words. You know, "Go back, pass go, and go to jail because you didn't hire enough blacks or women." Although I will say this: There is a freelance requirement for episodic television for the producers and TV where they're required to use non-staff writers on a graduated scale depending on how many orders they get in a given television season. And we do our best to enforce that.

One of the nice things that we discovered a couple years ago, when they were putting together some numbers, was that most of those enforcement levels were being met by the producers without any real push by the Guild with the kind of a behavior with respect to freelance writers. And by definition in a de facto manner, most of the minority writers will be freelancers. Very few staff positions will be given to minority writers. And so, therefore, like I said before, minority writers will be freelancers. So hopefully, since they are meeting those freelance levels anyway, a good portion of those freelance writers will be minority. But we don't know that.

MR. O'CONNELL. How successful has the guild been in working with the networks and producers? This, of course, assumes that it's essential for there to be some commonality with the networks and producers for any progress to occur.

MR. SAUNDERS. If you want to define success in terms of quantitative American value, you would have to say they have not been a success at all. If you want to say that the Writers Guild has as its mission, its goal, its stated purpose, to do that, out of the three unions, this is the most comprehensive plan in my opinion. Of course, I'm prejudiced. But I think it does. I know certainly that the executive director and plenty of representing members of its board of directors are committed to that and have committed time and energy to doing that. But as I said, while I was there, this was not new. Dr. Noriega eloquently addressed it. Whatever we have been doing in the last 12, 15, 20, 30 years ain't working.

MR. O'CONNELL. Could you briefly describe the training programs that exist today for writers and the level of success for those programs?

MR. SAUNDERS. There are as many training programs in Hollywood as there are hustlers and loan sharks on the corner of Hollywood boulevard at any given night on Friday. I mean, every day I open the trades, and somebody else has got a training program. Somebody else has a school.

Somebody else has the magic ticket into fame and fortune by writing. Disney has got an extremely well organized now, extremely well organized and expansive program. Warner Brothers has a writers workshop that they had for years. Universal has a hands-on working relationship with—I can't remember the name of the program, but—Chesterfield, I think it is. They have a writers program. Paramount has something called the Eddie Murphy Scholarship Fund, where they take minority writers, put them in front of a PC, and say, "Now you're a writer," and pay them \$1,000 a month to do that. Disney also is working with several institutions as well as Roger's Minority Writers Workshop, being funded by Disney, from what I hear. There are any number of programs. Those are just a few that I can remember right off the top of my head.

MR. O'CONNELL. Let's address it from a different perspective. What about the level of success? How would you characterize the success in the training programs?

MR. SAUNDERS. Well, you know, depending, once again, on what you mean by success. If you mean that these guys and women who actually go into these programs and actually find employment, meaningful employment, in Hollywood, I'd say it's an invisible failure. If I spent \$3, \$4, \$5 million on a program and didn't have one script, one feature, one television program to show for it, I wouldn't be in business. So I don't know how anyone could really think in the big picture that they have been a success.

You will have small pockets of individual successes. There's one right next to me. This young lady is obviously a success. She came to the writers training program. But I've got news for you. She would have made it whether she went into the writers training program or not. And those are generally the kind of people because she's so talented and qualified in the first place. I mean they would have to lock the doors to keep her out. It's like what they were saying earlier about the number of times at bat.

So whether minorities generally get one shot at bat where mainstream folks will get three shots to hit it, even though you get one, you will find that—you know, it reminds me of the old Model Cities program back right after the sixties, the protests, the rebellions, uprisings, the revolts. In 1968 the government came out in large cities talking about peace. And they had

this thing called the Model Cities program. And they would take all of the hard-core unemployed people, i.e., meaning black, and train them. Well, they took a lot of my brothers and some other folks, and they happened to have an abandoned manufacturing plant that, if I remember correctly, they made screwdrivers. And they put a group of them there. Some of the old retired technicians also were there. So, you know, for 16, 36, and 48 months, they trained these guys how to make screwdrivers. But nobody ever asked once you finished the program, Is anybody hiring any screwdriver makers? Hello? I mean it's a relatively simple concept. That program went on for 2 or 3 years. And to the best of my knowledge, nobody got a job making a screwdriver. I think Craftsman and Stanley kind of sewed that market up years ago. That's why that plant went out of business.

But we're still playing that numbers game here with, "Look at these figures." You've got something like that—like the gentleman here said. You have got an outrageous and absolutely obscene unemployment rate for people who have been in the business, and we still train people. For what job? I don't know. So you know, I would have to say that there's small pockets of success, no question. But success, overall, the year and a half—actually, 2 years, before I came to the guild, a year and a half to 2 years, I spent a great deal of time looking at training programs. I don't know of one that really works.

MR. O'CONNELL. Could you explain what an access program is?

MR. SAUNDERS. Well, ideally, if you know anything about this business, it's based on relationships, and it's based on a certain comfort level of people. You don't go around getting credit saying, "I'm a talented guy or woman," like you can get a degree in accounting or where you could get a degree in—I don't know—physics or something like that. So people really have to trust you in order to give you a particular job. And if you spend a great deal of time working with someone in a little room for 10, 15 hours a day, 6, 7 days a week during television season or, you know, intense working conditions on a movie, you kind of want to work with people you like and feel comfortable with. So people hire people they like, that they're comfortable with. Talent is probably, out of five or six things that you have got to have, maybe five or six. You

have to be in the right group, and you have to be in the right circle, which means you know the right people which means you can be meaningful, you're fun, they can get along with you. And then you work real hard, and you work cheap and maybe have a little bit of talent, and then you possibly will get a job.

Well, if you're outside of that loop, you don't have what's called access. People don't go around putting ads in the paper saying, "I want a talented resourceful writer to do this job for me." They go to people they have worked with before and say, "Look, if I don't get this show on the air, if I don't get this done by X number of days, you know, I'm fried. So do you know anybody that I can trust?" And they say, "Sure. I worked with so and so two years ago on the show. They're great. Give them a call." You get the call; you're Joe or Sally Writer; the producer will call you. "Well, let's see. Let's look at your tires," you know. He'll sit on the hood. And one day if he likes you, you get the job.

What the guild has tried to do is to formally create a mechanism by which disenfranchised writers or minority writers or folks who are out of that loop can get into that loop. They do all sorts of things. We have seminars; we have panel discussions; we have social mixers; we have press receptions with writers, I think, producers, or what not, people in the industry. We have done any number of things to try to get the hirers or the buyers of your script to meet you on a social basis to get to know you to give you that access. It's the same principle—I'm no lawyer; the Guild lawyer is here to correct me if I'm wrong—but it's the same principle that the reason why all male exclusive clubs are looked down upon is because there's so much business conducted in that environment, that to be excluded from it means you don't have the same access that other people have to jobs or to opportunities.

MR. O'CONNELL. Could you briefly describe the success of the access programs of the guild?

MR. SAUNDERS. The first thing I tried to determine when I got to the guild, our Assistant Director Darryl Warner and I used to give out questionnaires and we followed up with the participants, as well, to find out if anyone ever got a job with one of these things or if anyone ever got hired. I would say, "No." It didn't work as well as we had hoped it would. Then the Freelance Committee chaired by Bob Levinson and a cou-

ple other folks came up with a Producers' Access Program, and we put that together and that seems to be working a hell of a lot better. You know, out of, let's say, 100 scripts, something like 20 scripts actually get to a producer who is interested in meeting with the writer. And we have had something like out of 20 scripts, we had something like 8 to 10 people actually meet a producer. Therefore, the access has been gained, and they have an opportunity to, you know, get in the game and play.

MR. O'CONNELL. Okay. How significant is a writer's agent, and how is he related to the writer's success?

MR. SAUNDERS. You can try to be Michael Jordan a lot easier than if you're going to get an agent if you're an unknown writer. I mean that's a joke. I have had agents sit here and tell me to my face that they will not represent certain writers; they will not represent writers over 40 or 50: "Don't bring black to me"; "I can't sell Latino." I can go down the list. And you know, it's interesting because you should have had agents as a part of this deal here because they are certainly part of the equation. They are more of the keeper to the gate; they're the palace guard. They have their own agenda, and their agenda is not always getting a writer a job. Their agenda might be paying somebody back or making sure somebody doesn't get paid back or making the most money they can make.

Let me tell you a little story now. Two African American producers that I know were sitting in a restaurant. They're telling me this story. They got a deal at a production company on a pitch. Okay? They have money in the bank, and they said, "Look. Here's \$300,000, \$400,000, \$100,000, \$80,000 for a script package. We love your picture. You got a track record. You got a deal," for episodes or something like this. And now their task was to go find a writer. So they took this deal in hand. Now, remember they've got bank. They got money in the bank. They went to a well-known agency. It happens to be the most famous and the most popular one in Hollywood. A well-known agency. And they went to that agency and said, "Gee, we have a package. We got bank. Can you find an African American writer for us to write this piece?" Well, the agent went back. And about maybe a day or two later, checked all through the files and said, "No. Just

can't help you today." So these producers went back, and they said, "Okay."

They went forging around the writers union and just couldn't find that writer. A couple of weeks later, they were in Oprah Winfrey's office talking to her, and they were conducting some sort of business. And they happened to mention in passing, "You know, we've got this great deal, great idea, got bank. Okay? Got money in the bank, and just can't find the writer." Well, Oprah said, "You know, try this girl. She worked with so and so. I just finished working with her. She is a great writer. Give her a call." They gave the woman a call, got her scripts, had their, you know, let's kick-the-tires meeting, got along famously. Then they came down to the money part. Then the agent comes in. Okay? Now, who do you think she was represented by? Guess? You're right. That big powerful agency. The same place that told them "No."

You might ask, Why would an agency want to do something like that, tell them "No, she's not available," when she was? They have their own agendas. And probably that woman couldn't command the money they wanted. The idea that they didn't want a black writer, or they didn't want to handle that. I have had that stated to me before. So maybe—I mean, you go figure. But they do that all the time.

So agents can really make it very difficult for people to get what they want. I have had producers tell me that's one of the reasons why the screen actor's program at the guild isn't working as well as it is because they don't think the agents are doing the job. They don't think the agents are getting them to the writers that they want to meet. They would love to go directly to the writers. They would love to.

MR. O'CONNELL. I have one final question for you. With respect to either training programs or access programs or both, what alternative do you see as a viable way to bring minority writers into the industry today?

MR. SAUNDERS. Well, you have to do a couple things. There's not a one way; there's not one answer. We didn't get here by one way. We're not going to go out of here by one way so that we can have this model solution or mold them. And there are any number of things you can do. First of all, what I think you can do is: you should get the production companies and the studios out of the training system. They've got no business

being in it. You know, I don't get it. You're going to tell them that they can take the best, brightest, freshest talent; pay them a fraction of what union workers get; give them very little supervision, and virtually no management control over them; and they're not going to exploit them? I mean they exploit the big boys. What makes you think they're not going to exploit them? I don't get it. And they don't need to be in the business because they don't do it that well. They're in the business of making money. They're in the business of getting the most at what's the safest and the surest bet on the table. They are not in the business of playing long shots. So unless you come to them as a completed package that has a great shot at making it, you're not going to get developed if you're a talent in the rough.

So, you know, I don't care who at the top says, "We want to train young writers." Unless that middle level \$30,000, or low level \$30,000 a year, you know, Vassar or Harvard-educated, just out of school, don't know much of anything except, you know, "I talk real good, and I could read fast, and I'm white, and I'm usually male," unless that kid has some sort of incentive to bring new people in and develop them, other than exploit them—

MS. FALES. He ain't going to do it.

MR. SAUNDERS. I don't care what his boss says because, you know, like the gentleman says, 6 months, 6 weeks, 6 hours after the pronouncement, it's all forgotten. So I say that the first thing I would do is I would get the studios out of the business. They have no business here, in my opinion. It's not in the best interest.

Secondly, you need to get more minority kids thinking in terms of writing as a career. I don't know about you, but I never thought about writing as a career. And I read, and I wrote, and I did all the sorts of things until maybe I was in college. Then I went in the Air Force, and I was trained as a writer. And then I started saying, "Hey, maybe I can do this." None of my buddies thought about writing. I guarantee you go to any other middle-aged populated school, and most kids don't think of writing as a career. Hell, there are very few people who could write, period. I don't care what color you are. So consequently, there are even a few of us who think we can write. But you need to do that; you need to encourage kids to write. We need to encourage them to get into that field.

The other thing I think that you need to do is to create a farm system. This is one of the few industries—I can't think of another one. But there's no farm system. By farm system, I mean like one of my sports analogies, please forgive me, but baseball has a farm system. You don't wake up and decide, "Gee, I'm going to play professional baseball." I don't think so. There is a way to get to the big leagues. Do you want to play basketball in the NBA? There is a way to get into the big leagues. There is a farm system called collegiate athletics. You can get into the pros that way. You can even play continental ball. You can play semipro ball. You can still get into the pros. And I was in the financial services business. If you wanted a job with top wages and acquisitions, possibly you'd go to the right schools. I know lawyers. If you want a job in the top 10 or 20 law agencies or law firms, partnerships, if you will, you'd go to the right schools; you'd get the right credentials.

Here, you don't need that. It's one of the few industries where you can walk in off the streets and make your way to the top without any accreditation. But the problem with that is there's no real way for a talented person from Biloxi, Mississippi, to make their way to Hollywood in a systematic and organized fashion. There ought to be a farm system, and it should not be run by the studios or the producers. The guild could do it if they have the will. But they have their own problems, money, internal fussing and fighting among themselves. They have to make up their mind if they want to create more competition. I mean, come on. After all, it is a guild made up of members, people who already make their living doing that. And you want to bring more people in to take my job? I don't think so. So, consequently, they have to come to grips with that. But they should. They can form their own partnership. They can be the people that train the writers to come in and make sure they get in.

MR. O'CONNELL. Thank you. We ask—such as Mr. Orsatti, we have a number of questions that we would like to ask you, but our time constraints prohibit it. So, again, I would like to ask you whether you would be able to answer for our hearing record questions that we could send you in the next couple of weeks?

MR. SAUNDERS. Sure.

Testimony of Susan Fales, Writer and Coexecutive Producer, "A Different World"

MR. O'CONNELL. Thank you, very much. Ms. Fales, let me just start by saying that I concur completely with Earl Saunders, and I believe that you would have made it regardless of any training programs that you were in.

MS. FALES. Thank you. Your check is in the mail.

MR. O'CONNELL. I was hoping that it would be. Can you just briefly tell us something about your responsibilities?

MS. FALES. I was executive head writer of the now canceled sitcom, "A Different World," for NBC. So basically I was responsible for heading up a team of writers that actually got through three different seasons of, "A Different World."

MR. O'CONNELL. In your opinion, why are there so few minority writers working in the industry?

MS. FALES. I think that it's due to a combination of factors, some of which Earl has already alluded to. The first is this is a very nepotistic industry. People tend to get into it because they have some sort of connection. Mentoring is tremendously important, and there's very little mentoring that happens to cross the color line. In addition, as Earl pointed out, most people of color do not think of going into this industry. Certainly my colleagues in college were headed towards more traditional careers. And many of these people, I think, could have had very viable careers in the entertainment sector, but it wasn't even something that they perceived as being possible because there is a perception that Hollywood is a boy's club.

I don't think that that is an erroneous perception. Especially in terms of hiring writing staffs for a television show, for example, people do seek comfort. People feel that they want people around them who are just like them because a writing situation is a very intimate one. Everytime you pitch a joke or pitch a story line, you are a spiritual flasher. You are putting all your neuroses and your life history and your romantic history on the table. And, therefore, people want to be around like-minded people. And they tend not to see people of color or people of a different sexual orientation or often people of another sex as like-minded people.

To give you an example, I had two friends who were up for a job on a sitcom. And after the

second interview with a young, 30-year-old, college-educated gentleman who was running the show, he said to them, "Ladies, we're afraid to hire you because you're black and you're female." And the ladies assured them that they were not averse to cursing in their presence; they would not set these men's offices on fire every time they said something that they didn't like. And so they were hired, and it all worked out.

I can't imagine another industry, however, where someone could so blatantly make that kind of statement and not be taken before the EOC. This industry operates entirely through its own rules. Because it's such a small industry, it's so hard to break into, there's very little whistle blowing that goes on. My friends did not seek legal recourse. They put the men at ease and got the job. That doesn't happen in other businesses. In addition to that, every black writer suffers the problem of having his or her failures, not the individual, but the emblematic.

There is a 19th century civil rights pioneer who said, "When and where I enter, the whole race enters with me." And it might be said of any black writer, "When and where I fail, the whole race fails with me." And so one of the problems is people have not worked with many black writers. They have one bad experience with a black writer, and then the catch phrase becomes, "It's very hard to find a good black writer," rather than just saying, "Well, that black writer happened not to be good." So there's a real problem of lack of contact.

I also think that there is an unwillingness to look in unusual places for writers. There's a real Catch-22 because many black writers simply do not have the track records that people look for. They have not been given that first break and, therefore, they don't have the credits. So they don't get the jobs. And I think that if one is sincerely committed to having writers of color on a staff, one can't simply rely on the usual sources. You have to go look at young playwrights who perhaps have never worked on a staff before. My staff of "A Different World" was comprised almost entirely of people who had never written for a situation comedy before and they succeeded brilliantly. So I think that there's a lack of risk taking and imaginative thinking in terms of the hiring practices.

MR. O'CONNELL. You say that they hadn't written for comedy?

MS. FALES. No, they had not written for television before. I had a young man named Reggie Bikewood who was brilliant who was a playwright. He had never written on a staff before. I had another man who happened to be white, actually, who had done documentary films, but he managed to learn. I mean if people have intelligence and the willingness, they can learn. Sometimes it fails. But I had out of 10 people, 1 person fail. So—

MR. O'CONNELL. From your training about program?

MS. FALES. No, no, no. I'm talking on my writing staff.

MR. O'CONNELL. Okay.

MS. FALES. So I'm saying that very often you won't get hired if you haven't worked on a show before. So I'm saying that, if you want to use minority writers, very often you're not going to be able to rely just on people who have that kind of track record because they haven't had the entree before. So take the risk of hiring a playwright who has not written for situation comedy before but who has written perhaps a brilliant spec script and who can learn the craft. It is a craft. It can be learned. It can be taught.

MR. O'CONNELL. Of the writers on your staff, how many would be considered to have been seasoned?

MS. FALES. One, not counting me.

MR. O'CONNELL. I see. That's interesting. What opportunities and responsibilities do you see that there are for executive producers in the hiring of minority writers?

MS. FALES. I do think, just to reiterate what I just said, that there is the responsibility to look in unusual places. If you really want people of color, then you're going to have to make the effort of giving someone their first break and perhaps training them. But people will catch on very, very quickly. I think there is also a duty among all writers to recognize that you don't know everything and that if you are dealing with a show that is dealing with people of color, it is your responsibility to have that voice represented on your staff, that this will add a wealth of information to your staff.

MR. O'CONNELL. I would like to know a little about the training programs and the success of the training programs that you've had on your program.

MS. FALES. Every year we hired one or two writers' apprentices. They were people who came to us through various avenues. Some of them were people that Bill Cosby had met on the UCLA writing track. Some of them were people whom we had met during our research trips to Morehouse and Spelman Colleges. Some came through Tom Warner or Marky Carcy. They came from a variety of places, and they tended to be—they were actually all college graduates and had very strong writing samples.

Basically, they joined our staff for a year. We assigned them scenes to write, and all the writers on staff were critiqued. They were privy to all sorts of meetings from story structure to the actual writing of the script to we use them in the room to keep the notes. And it's not expensive. And each one of them graduated to a staff writing position as a result of this exposure.

MR. SAUNDERS. I just very quickly want to say something Susan touched on so we don't lead a misconception here about this business. Susan said something very important about mentoring and giving people a break and looking in special nooks and crannies for African American writers or Latino writers. That's done every day. It's not something you would have to just do for us. Have you ever heard of the term "Making a resume"? You're anointed in this business. Everybody, virtually everyone in this business was given a break at one point. Virtually everyone who did anything had several failures before they had their success. Virtually everyone in this business was mentored and allowed to get on the field and play by someone. I just don't want it to sound as if somehow this has to be this special effort just for African Americans although you do recognize additional sources. But everybody is given that break in order to make it in this business. It's for the same opportunity.

MR. O'CONNELL. Ms. Fales, is it true that there are more minorities that are employed in the prime time television today?

MS. FALES. Well, yes, just having read the variety in the reporter, there are 40 percent more. We have gone from 70 to a whopping 103. So there has been progress. And I do think that as a result of the publication of the Writers Guild in 1987 I think a lot of companies were frankly very embarrassed by those results and did make some sort of effort.

MR. O'CONNELL. That was actually a lead into why?

MS. FALES. Why are there more?

MR. O'CONNELL. That's correct.

MS. FALES. I think because people were embarrassed and people felt, "Okay, we must do something. We don't want to be on the black list again." And I do think there is fortunately a budding consciousness that there is something to be gained by having people tell their own stories. That there is a wealth of talent out there. There have been a few more, not many, many more, but a few more black projects. And now there is a little bit of an attempt at least to get black people to write black projects, not that I'm saying that that's always the way it should be. But too often a writer is assigned a project that they have no real feeling for and no real caring for. And I think it's the first duty of any writer to really do their research and do their homework. And that's not very often of a lot of white writers writing for black projects.

MR. O'CONNELL. In my travels over the past several months, what I have heard from many people is that one of the reasons for the increase in African American writers today is because of an increase in shows that are predominantly African American. If that's true—and, of course, I ask if that's true. But if that's true, what does that say about the outlook of the industry for minority writers generally on all types of shows?

MS. FALES. Well, that is an issue I'm actually concerned about because I think there is a real problem with typecasting. No one questions ever a white writer's ability to write for minorities. A writer of color's ability to write for white people is consistently questioned. And I submit to you that those of us who are minorities grew up observing you far more than those of you who are in the majority grew up observing us. So there is a problem of black writers being shunted in one category. The white writers working on my show have now been blacklisted. They're sort of cultural mulattos at this point. They are having problems getting jobs on white shows because they have been writing for a black show. So we've got to break down these barriers in terms of, "You wrote this and that's all you can write." We really have to look at the individual and see. And very often people just stick to labels unfortunately. So I am fearful, but there will be a trend toward, yes,

more black writers but, "Let's put them where they belong on their own shows."

MR. O'CONNELL. Again, like everyone else, we don't have the opportunity to answer all the questions that we would like. And we would prefer to have the opportunity to have more questions directed to you in the next week or two. Thank you. At this time that's all the questions that staff has.

VICE CHAIRPERSON WANG. Commissioner Reynoso.

COMMISSIONER REYNOSO. In light of the hour, questions, if any, would be presented in writing. Thank you very much.

VICE CHAIRPERSON WANG. Mr. Anderson.

COMMISSIONER ANDERSON. None.

VICE CHAIRPERSON WANG. Just one question and one comment. On the casting side of it on the comment made about the nature of providing it, it is a general practice still that, say, minorities casting of the white colors merely not acknowledged. On the other side, the majority casting of a minority role is very common.

MR. ORSATTI. Within the guild, frankly, there is somewhat of a dilemma. On the one hand, we feel very strongly that every performer should have an opportunity at each and every role. On the other hand, we say, and rightfully so, that we feel that performers that make up the protected groups should have the ability at first crack at those roles regardless of whether it's an ethnic role, an ethnic claim that particular ethnicity because it is, again, I guess, a condition of the lack of employment for everyone. So we don't want to say, on the one hand, that any performer is not entitled to try for any role so long as the initial interview and audition preference is given to those protected performers.

VICE CHAIRPERSON WANG. On the writers side, I just want to let you know that Asian writers had 100 percent increase over the last year from one to two.

MR. DOCTOR. Mr. Chairman, I would like to direct this question to Ms. Fales. As one who obviously has lived in Atlanta for quite some period of time, do you find that Atlanta is a fertile ground for young folks who are trying to get into—

MS. FALES. I have to correct you. I haven't lived there very long. I spent 3 days—oh, you. I'm sorry.

MR. DOCTOR. I have. I lived in Atlanta.

MS. FALES. Is it a fertile ground for young people to—

MR. DOCTOR. Try to get into the industry, yes.

MS. FALES. Because of the Cosby-Spelman-Morehouse connection, yes, I would say it is. And also because many people in the industry are moving there. I think it will become a good place, but it's not the hub.

VICE CHAIRPERSON WANG. Thank you very much, and we appreciate your candid and your testimony. We will call on you with additional information that you have on this. Thank you very much.

MS. FALES. Thank you.

VICE CHAIRPERSON WANG. Mr. Counsel, can we call on the next panel?

MR. GLICK. Yes. And, Vice Chair, we've agreed that, because our witnesses that we've had today have been so very interesting and had so much to offer, we're far behind in our schedule. So out of schedule as you've authorized me to, I want to call Dr. Clayborne Carson and Mr. George Padilla. They're both here, Vice Chair, and they'll be in just now.

VICE CHAIRPERSON WANG. And so we have a printed schedule, and we'll kind of expedite, and then we'll call the rest of the people right after this panel.

MR. GLICK. That's right. We'll move right ahead.

VICE CHAIRPERSON WANG. Mr. Carson and Mr. Padilla, please raise your right hand and answer affirmatively.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Please be seated.

Testimony of George Padilla, Member, Pasadena Board of Education

MR. GLICK. Gentlemen, although in different capacities, you're both involved in education. And so even though the scheduling is different, there is some relative mutual interest there. I'd like to call, because of his schedule, to first call on Mr. Padilla who is a resident of Pasadena and an architect by profession and a member of the board of education and the only Latino member of the board of education in Pasadena. Mr. Padilla, the Latino school population of Pasadena, according to the published statistics, is now 42 percent. And from your vantage point as a member of the board of education, how do you assess how effectively the educational system of

Pasadena is reaching that Latino population, some of whom are immigrant children and the majority of whom are American born, U.S. born, and some of whom have English-language difficulties; some of them don't—but overall how would you describe, and if you can, in detail, how the school system relates to and is effective in educating the broad spectrum of Latino children?

MR. PADILLA. Well, in most school districts in the State of California, we are suffering from a shortage of qualified teachers, especially those that are bilingual. So given that our population—our Latin population, limited English proficient, is 25 percent, we do have a shortage of teachers that can reach them, can communicate with them effectively. So immediately you begin in the deep hole. Also, funding, of course, in California for education is hurting us, cutbacks everywhere. And with the growing population of limited-English-proficient students, the funds just haven't been keeping up. But we're at a disadvantage also in that we are next to Los Angeles, which has higher pay, has attracted the majority of the bilingual teachers of the American system by virtue that they can offer bilingual segments. Other communities surrounding Pasadena also help in the studies. It's not as large as the LA City's which I think is around \$5,000 for those that are fully certificate. But Pasadena doesn't have assignment. It's battling trying to bring that kind of credibility to the bilingual teacher.

As you're probably aware, there was a survey done 2 weeks ago that indicated over 65 percent of the teachers in this country didn't believe in bilingual education. So you can see it's an uphill climb to provide the services that our clientele needs and the growing population of limited-English-speaking students and not able to attract those that are able to communicate with them in their primary language. So we haven't been doing the job that we could be if we had the necessary resources of bilingual teachers. Overall, we're fortunate that we'd have gotten some young people in the system, but also we don't—we can't hold on to them. Eventually they move on because we are just not able to meet the pay of the surrounding districts. That's what really puts us in a deeper hole than other districts that are working with a shortage issue.

MR. GLICK. Well, with respect to the funding problem, there are Federal funds in some form or other coming into the school district, I would assume.

MR. PADILLA. Yes. And another dilemma is keeping track of those funds. I mean, that they go to the proper students. It's difficult to keep track of them because we use the same facilities. We use—the overhead, so-called, down at the district supports all students. So keeping track of funds and monitoring the channeling of proper programs is time consuming. And so already you've just got things coming in. As to how effective those monies are being used, I'm not clear.

MR. GLICK. Well, would you say that that shortfall in funds available to provide the bilingual and other educational needs of the non-proficient-English students, would you see any way to achieve more funding from Federal sources?

MR. PADILLA. Well, I think that something that could happen on the Federal level is probably to assist in monitoring things. We do have compliances that we have to meet, and we are—in many cases it's not in compliance, and we get reviews. But what I'm told is that there isn't enough money to come back to verify whether things have been brought in compliance. It's kind of an honor system.

MR. GLICK. You mean the Federal compliance reviews are not adequate?

MR. PADILLA. Well, the State of California provides the review. I imagine the money comes from the Federal Government to the State of California and then the State itself then issues the funds. But we do have spot checks at several sites on a yearly basis, but they don't come back to the same sites. They go to another site. And they leave essentially a fact sheet that indicates areas where we are in compliance and others where we are out of compliance. But it's left up to that particular site and the administration to correct.

So what I'm saying is they don't have funds in the State to come back and check to make sure that things are being straightened out. And so there is a leeway there, and it gives the opportunity to kind of strap your feet in some cases to bring things into compliance. So that's where we have the biggest problems in the last few years.

MR. GLICK. Now, turning a little bit to the administration and the faculty of the schools, statistics published by the Pasadena school district in-

dicating that there are eight middle and senior high schools but there are only 2 Hispanic principals and that there are 896 teachers and administrators with certificates of which 12.1 percent—12 percent let's call it—are Hispanic as against the 42 percent school population which is Hispanic. And of the classified employees, a little over 1,300, 25 percent are Hispanic. There's a disparity there in all levels from faculty on up through administrators. Could you offer any explanation as to why there is that disparity?

MR. PADILLA. Well, my theories are that, because Pasadena has been unwilling in the past to put Latinos in positions of authority, what has happened is that those looking towards Pasadena as a career—those Latinos that are looking towards Pasadena notice there's a glaring problem that the career ladder—the rungs are so far apart that, if I go to Pasadena, I'm going to have very little support there with my colleagues that are of Latino descent also. So looking at that—looking at so few principals, that makes it more difficult to attract others to apply. What has happened when we have had openings in some cases we have had no Latinos apply at all for the position. So I suspect that my theories about that are true. Because they see none in places of authority, they feel, "Oh, I better not go there."

Other districts, I think, are probably attracting them in a way that makes, you know, makes them feel comfortable. We have Habro. We have San Gabriel. We have Duarte. Some of the other administrators, again, they have Latinos in positions of authority. They can see them. They are very prominent. And I think that helps as a recruiting tool. In our top administration, top five, there are no Latinos at all. We have been able to attract African Americans. But for some reason Latinos have just not come to the district looking for work. So it's a pretty dismal record. In our 21 elementary schools, we have only four Latino principals, which is again a very critical area where we need to have the role models, and we're just not attracting them. So I think we need some kind of aggressive program. And I didn't come on the board as the first Latino. I think things are changing. Maybe not quick enough to meet the changing in demographics.

MR. GLICK. Thank you, Mr. Padilla. Commissioners, would you care to pick up on questioning at this point, please?

COMMISSIONER REYNOSO. Just a couple of quick questions. Is yours a unified school district?

MR. PADILLA. Yes, it is.

COMMISSIONER REYNOSO. About what's the dropout rate among the Chicano, Latino students?

MR. PADILLA. Well, that's a real tough one because we don't monitor 9th graders. The State of California has only checking out dropout rate from the 10th to the 12th grade. But for Latinos, a lot of the dropout occurs in the 9th grade because that's when they become of age to go work. And so I don't have the numbers—I know it varies—probably 30 percent. But, again, how you calculate it, that's the other thing. A dropout is anyone who has not been to school for 4 to 5 days. Many of our students, especially Latinos, we're very mobile. We move around quite a bit. So maybe some of those numbers are obscured by the fact that we do change households more than other groups do. And so maybe those numbers may be obscured. So they may be higher or lower. I'm not sure.

COMMISSIONER REYNOSO. Yes. And I understand that we don't really have a system in California of being able to track those students. If one signs up for another high school 6 months later, that person still appears as a dropout.

Have you had occasion to give some thought or meet with some of the colleges that produce the teachers? And I just wonder what your impressions are of the type of jobs that 4-year institutions are doing in producing Latino teachers.

MR. PADILLA. Well, I have mixed thoughts on that. Because what I see happening because I am very much in contact with my colleagues in the 4-year schools. And what they're telling me is that Latinos having come from impoverished backgrounds, you know, recognize the teaching profession, although it's a noble profession, pays very little. And they say, you know, "I've got demands on my income. I've got family to support. I've got my parents. So I'd rather go into engineering or science where I know the rate of return is higher." So I've got the dilemma. "I'm a professional engineer and architect," I say; "I understand what you're saying."

So it's difficult for me to tell someone else to take a low paying job and come back and serve the community. But we are effective, I think, in the students we have who are still in our classrooms if they can see the need. And we have almost—as I say, we have a captured audience

there who can show them the demand for teachers Latinos and especially if they're bilingual even more rewards for them. I think we can work out a system where finances are problems so we can work through the State school. And I think we're trying to do that now with Cal State LA.

COMMISSIONER REYNOSO. I notice some concerns expressed by some Latino educational associations pertaining to the institution in the last few years, some standardized test that folks have to take before they can be certified as teachers. Have you seen that have an adverse effect? What's the question there?

MR. PADILLA. Well, yes, the test, proficiency test, I guess, have become certificate in California. Unfortunately, yes, our minorities, our African Americans and our Latinos, are faring pretty bad on those exams. Apparently they don't have the foundation necessary or adequate to provide them with passing scores. Their math scores and their science scores are very low. And so, yes, we need to work on those areas if they're going to be eventually become certificate. We have people in the education field that are unable to teach because they don't have the credential. So, yes, that's another thing that is hampering us.

COMMISSIONER REYNOSO. Thank you.

VICE CHAIRPERSON WANG. Mr. Anderson, do you have anything?

COMMISSIONER ANDERSON. No.

VICE CHAIRPERSON WANG. Just one more question. And we'll excuse you after this question. What is your standard of the racial tension of the school?

MR. PADILLA. Well, we have—Pasadena is a district where we have Chicanos who have been in Pasadena, were born in Pasadena, raised in Pasadena attending the schools. And then we have a large immigrant population, new arrivals. It's my perception that most of the tensions are with the new arrivals, those that speak limited English. I think the language is an automatic barrier keeping people separate. And that's one good reason for mainstreaming as quickly as we can. But I think the tensions that do exist—and they probably exist Latinos plus Latinos, between those that don't speak English and the English speakers, those who have been there a while. The cultures are—Latinos—we're not one big one homogeneous group. So already within the group itself, there are tensions. And

there are segregation among all the groups. You see it on campus.

VICE CHAIRPERSON WANG. Do you start programming to kind of work on this?

MR. PADILLA. Not enough, not enough. I have been an advocate of trying to mainstream our students or non-English speakers. The programs—we want to make the mainstream. They run parallel to the English speakers. The programs run parallel and they never see—there's never any interaction. We don't have a decathlon for non-English-speaking students. Our music program could be more integrated so that all language speakers could perform and the same with our sports. If they don't see anything in the mainstream that appeals to them, they'll never want to cross over.

So this interaction, it isn't occurring. We're not working as much in teams as we should be with non-English speakers and English speakers combined to perhaps solve common problems. Again, like we're trying to do here in Los Angeles, work together to solve a problem for the good of the whole community. I think those are the strategies if we're going to start employing if we want to break down this barrier between the groups and break down the racial tension by educating students as to how the other half lives. I think it's something that's easy to do hopefully. It just takes initiative. Let's try this out and see what the greater return is on this type of a process.

VICE CHAIRPERSON WANG. Thank you.

**Testimony of Clayborn Carson, Senior Editor,
Martin Luther King, Jr., Papers,
Stanford University**

MR. GLICK. Thank you, Mr. Padilla. Now I would like to turn to Dr. Carson. Dr. Carson, we know from our discussion with you that you are from Los Angeles and have kept in touch with it although your academic career is taking you other places. And I would like to have you express to us your views of the underlying causes that were responsible for the destructive events of last year and how you would relate the inter-group relation situation behind that to what you saw 10 or 15 years ago.

DR. CARSON. Well, perhaps one of the ways I can start an answer to that would be to talk about in comparison to the events of August of 1965. I was here then. As I recall, when I was on Central Avenue watching the avenue burn as far

as you could see, the critical question that ran through the minds of myself and other people who had been active in trying to change things was, What does this mean in terms of how we're going to have to do things differently? And I think all of us saw that the underlying causes of that event and I think we could agree that the underlying causes of the more recent events are obviously the discrepancies, the inequities in American society, and the discontent that's caused by that.

But having said that, having said that there is a generality of underlying discontent, you would also have to point out that in 1965 the situation was in many crucial respects quite different than it is today. You could just go through a list of some of the things that have changed since then. And I think one of the ways you could categorize those things is by the word "diversity," that is, the increasing diversity within the African American community—class divisions that have become greater since then, a degree of economic segregation also that was not present then, a gulf between the established leadership and the poor community—all of that greater diversity making the political situation much more complex because the politics of the community become less coherent.

But then there's also external diversity. Among the things that we could not have expected in the mid-1960s was the way in which American society has changed in some very dramatic ways as various groups that were not as self-conscious then have since become quite self-conscious of their own interest and much larger—the Latino community, the Asian communities, all of which have become mobilized to a degree that was not present then and the rise of various identity-based movements which have made American politics much more complex. All of this means that, when I began studying African American history, we had this tendency to see American history in black and white terms.

I think that now when you look at the situation, you have to see it in that much more complex way. That is something that not only white Americans have to deal with but black Americans have to deal with. And that makes the politics in the community much more difficult because, in part, our political language that comes out of our culture was forced to deal with this situation, the basic situation of black and white. And now we're

in the process of developing a political language, a tactic, strategies that make sense in this much more complex multifaceted world.

MR. GLICK. We've heard testimony today—you may have heard some of it yourself, Dr. Carson—about the role of the media in creating negative images of minority groups, ignoring some groups such as Native Americans and largely Asian Americans and making bad projections of the two larger groups, Latinos and African Americans. Would you characterize this portrayal by television and perhaps even films as a factor that contributes to this divisiveness between the diverse groups?

DR. CARSON. Well, I think it's impossible to just make a—like some of the speakers said, "It's impossible to make a simplistic statement that it's always divisive." One of the things that is also true about the media is that over the last 25 years there has been an increase, certainly beyond what was present in 1965, in the amount of portrayals of various groups in the media and the diversity of those portrayals. And that is both positive and negative.

I think that one of the hesitations I would have about efforts to kind of come in and say decrease violence in the media and other kinds of responses like that is that often, although this would not be the intention many times, often that has the effect of restricting the portrayals, say, when we were talking about the portrayals of Latinos and the portrayals of blacks. Sometimes the artistic needs of those communities in terms of their need to portray all the aspects of their own community lead them to portray violence, lead them to portray other things that the broader community would find objectionable. So I would just be hesitant about some kind of broad-based kind of effort to control that because I think it might have the inadvertent effect of restricting the artistic freedom.

MR. GLICK. I understand. Just one last question that I'd like to pose to you, and that is, Would you see any role that the Federal Government and subsidiarily the State government might be able to play in projects of one kind or another whether it be funding or whether it be in a leadership role to try to ease the tensions and to contribute to the growth of a viable economic unit in Los Angeles?

DR. CARSON. Well, one of the things I think if we've learned anything over the last few decades

is that we—this debate that has been going on at least in the black community and I think to some degree in other communities about whether it has to be done from the inside or from the outside, whether the institutions of the community have to be developed and made more viable or whether there's a role for the Federal Government and other government agencies in terms of helping the community. I think when we look back at that debate one possibility has to be put forward and that is, Why not both directions? That is, there is, I think, an obvious need for the development of strong institutions, family church, other kinds of institutions in the black community. And I think that that need is increasingly accepted in all segments of the black community. But I think that there is also an agenda that has to do with ensuring that the Federal Government plays a role that is fair to all of its citizens.

I don't see these two things as being mutually exclusive or contradictory. In fact, I think that a stronger black community from the inside is more able to make sure it gets its fair view from the Federal Government. So I think both of these activities, both of these strategies, have to be part of any successful strategy to deal with the problems we have now.

MR. GLICK. Thank you, Dr. Carson. Commissioners, I have no more questions at this point.

VICE CHAIRPERSON WANG. Commissioner Anderson.

COMMISSIONER ANDERSON. Thank you, Mr. Chairman. Dr. Carson, we've heard a lot today from other panelists of culture violence, messages of violence, the impact of violence, youth in inner-city communities. This here marks, of course, the 25th anniversary of the death of Dr. King. It almost appears as though his message of peace is in a sense irrelevant or has become irrelevant. Can you talk about that? Can you say what the relevance is today? Why isn't that resonating the way it has?

DR. CARSON. Well, certainly. One thing I could not accept is the notion that that message has become irrelevant. I think in many respects the relevance is greater today than it has ever been because we tried to use other kinds of means. When I referred earlier to the increasing diversity the way in which many segments of American society are now claiming their fair share of the pie, I think in that kind of a situa-

tion unless some kind of overall moral sense of the need for a broader community comes forward—and I think Martin Luther King represented that of something beyond simply the racial interest of blacks, something that went beyond the racial interest of any group—I think that unless we can begin to articulate that in American society, we will spend the rest of our lifetime simply arguing over scarce resources in this society.

One of the things that people have talked a lot about is gridlock and government right now. But from my historical perspective, another word for gridlock is democracy working. In other words, what is happening is that you have many groups in American society that that were once excluded from being players in the political scene. Now they are players. But the way they can be players most effectively at the moment is simply vetoing anything that goes against their narrowly conceived group interest. And that causes a paralysis of the political system because no one is—articulating our political language is really designed to do that. And no one is beginning to articulate something that goes beyond that, something that cuts across these lines.

I think that that need, which I see is something that has to happen in the future, is something that will bring us back to the message of Martin Luther King and the message of Tom Bradus because I think it was always there. And to a large extent it got ignored during the late 1960s. As you recall in 1968 when Martin Luther King was assassinated, he was not the most popular person even in the black community. There were many of those people who were militants at that time and very active in the struggle were not sympathetic and engaged in things like the Poor People's Campaign.

So I think that now we've gone through a period in which we had a chance for this politic of group interest to kind of play itself out. I think that was a necessary historical moment. But now I think we're at a moment where we need to move beyond that and find some way of bridging of the chasm between these various groups competing over scarce resources.

COMMISSIONER ANDERSON. Thank you. We heard someone earlier, a panelist, that I think many of the members of this Commission were surprised at. We recall that while 32 percent of Americans consider themselves to be born-again

Christians, in the black community, that it's 52 percent. Of course, I won't repeat what the panelist at that point did say is. Of course, there are many Christians who consider themselves real Christians but do not consider themselves born again in the sense of this 52 percent. So that figure is much greater. Why is it or do you think that the time is right now or the time of moral leadership or consensus that Dr. King symbolized to be put upon us to incur again in terms of racial relations, racial tensions in our country, and, if not, what do you think are the inhibiting forces? So many people in our communities have that same moral.

DR. CARSON. I think it goes back to the way in which these strategies have been seen. For someone to say in the black community, "I'm for family values," for example, in the current political climate, that may well be interpreted as being for a conservative orientation. And what that might also be by extension in that one would be for a lesser role on the part of the Federal Government in terms of ensuring civil rights for blacks or whatever. Now, I think that that kind of an extension of that argument is one of the inhibiting factors. You know, within the black community, within families, there may be—you know, when you talk about the voting certificates [phonetic] in the black communities, most blacks vote for progressive policies and most blacks vote for the Democratic party at the national level. But those same black people who are doing that in terms of what they teach their kids and what they convey in terms of values is very close to what would be seen as the conservative addendum in terms of family values.

Now, I think that one of the things that causes this dichotomy between the politics that you express in terms of what you do politically and in the broader political world of what you do at home is in part because in the political language that we have become used to over the last 25 years that's the way it breaks down. Now, I think that there is a need which I think many people in the black community recognize to begin to overcome that. There is a language that has always been present in the black community that is along these lines. I mean that's one of the reasons why I think the popularity of a person like Malcolm X. I mean it's not only Malcolm X in terms of identification by any means necessary. But it's also Malcolm X in terms of devel-

oping strong institutions of the black community. So I think that that present result which is there. But as often as the case, the political language does not catch up, is not keeping pace with the reality that you see out there.

COMMISSIONER ANDERSON. I know we have time constraints here. I have one more question. We've heard a lot in the past several days about diversity. There is, I think, a tremendous diversity on this Commission from certainly the demographic diversity, but I think really a philosophical and a parts [phonetic] diversity that is shared commitment to attempt to overcome that to find solutions and solutions at work. Could that panelist tell us we have to stop thinking in the old ways and begin thinking anew about these questions? We had some very impressive black businessmen this morning who I think, to my mind, impressed me as a new generation of leaders who appeared to be doing exactly what you have just said, transcending the kind of polarized categories that we have fallen into and were able to speak about values, family values, economic opportunity, the role of government, the role of deregulating or getting government out of the way without falling into those old dialectics, if you'd like to put it that way. You touched on that just now. But do you see signs in a new generation for black leadership that may be possible?

DR. CARSON. Well, I think that we shouldn't underestimate the difficulties of doing that. Just to give you one very controversial example of the way in which the debate about affirmative action is carried on, you know, when we look at the issue of affirmative action, I was very active in the 1960s. And I don't recall one protest that was designed to achieve affirmative action. I don't recall any. Affirmative action came about as an administrative remedy to something that we were protesting about and that was the lack of economic opportunity.

Now, when someone comes to me and says, "Well, you know, I have some ideological problems with affirmative action and, you know, it doesn't really fit with the American political tradition of individualism" and all of this kind of thing, well, my first question is, "What do you wish to put in its place? And before I give up what I have, are you going to guarantee me that something else is going to work better?" Because that becomes the critical issue when we begin to carry on a debate

about how we can move beyond that kind of politics which we are in of protecting what we've got. I mean for black people we know that we've got affirmative action. We know that there is a legal basis going back—I guess you could trace it to the 14th amendment which deals with race, which deals with racial discrimination and all of the efforts over the last 20, 30 years to make the promise of opportunity real. To begin to move in any kind of different direction, you have to depolarize the political debate. So that within the black community, if you are suggesting something as an alternative to affirmative action, you have to be certain that what you are not doing is simply playing into an argument that says that the Federal Government has no role in terms of ensuring equal opportunities for blacks and making that not simply a promise but making that an effective promise.

So I see that as the fundamental problem of how do we get from one stage to the next because we don't know about the next stage. No one in our present political language—no one has the vision to identify what kind of society we're going to have if we move beyond this one we have right now. I don't think the one we have right now is working very well. And I think that there's a lot of recognition in the political system that we have kind of reached a point of stasis that we're not moving ahead.

And you look at what happened in Los Angeles last year and that is an indication that we're not moving ahead very rapidly. In terms of economics, the black community is in some ways worse off than it was in the 1960s. So we know that something is not working. But what we see over the horizon—Martin Luther King's promised land—we don't have a clear vision of what that is.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. Is that a signal? Thank you very, very much. I think we can go on, and this suddenly exchange helped us to put a lot of meaning into our records. So we appreciate your testimony. Thank you very much. May the counsel call the next panel.

Network and Studio Views

MR. GLICK. Yes, sir. We call now for the network and studio executive views. Jeffrey Sagan-sky, president of CBS Entertainment; Brandon Stoddard, president, ABC Productions; and Dean Valentine, executive vice president, Disney Net-

work TV. I advise you that Earl Saunders has already been here and left, and I think you've got his taken off.

VICE CHAIRPERSON WANG. May I ask you to stand up again and raise your right hand and say "I do" after I read the statement.

[Whereupon, the witnesses were sworn.]

VICE CHAIRPERSON WANG. Thank you very much. Please be seated.

Testimony of Jeffrey Sagansky, President, CBS Entertainment

MR. O'CONNELL. Gentlemen, we recognize the hour is late, and we appreciate your continued interest in assisting our inquiry. Mr. Sagansky, as president of CBS Entertainment, I think perhaps you can briefly explain something that is a puzzle to many of us. How does a show get on the air in prime time television?

MR. SAGANSKY. All right. The basic process is that from July, basically, after we have announced our fall schedules until about February, we solicit script presentations, page presentations, idea presentations from producers all over town, producers and secondarily writers. Many of the producers are writers. Some of the producers come in with nonwriting—with nonproducing writers. And the process is there are certain writers, obviously, that are either on the network and have had success. Some of these writers actually we run after with particular effort to get into production with and get into development with.

The other way that it happens is that there are certain performers—these days there seem to be more and more stand-up comedians who we make deals with. And once we've made a deal with them, we go out to the writing committee and say, "Gee, please develop something for this performer." But whether it's for a performer specifically or whether it's out of script development, essentially what happens is there are about 200 scripts written. And of those, we do pilots on about, I would say, 25. And then from those, we choose anywhere from 10 to 15 of those go to series. But it's not really a big mystery. I've been in business for 16 years, and essentially the process hasn't changed in those 16 years.

MR. O'CONNELL. Mr. Vice Chairman, I would like to enter documents into the record at this time. These documents are a combination of materials that we have obtained over the past few

weeks from guilds, studios, and independent production companies.

VICE CHAIRPERSON WANG. So entered.

MR. O'CONNELL. Thank you. What is your view of the current state of portrayal of minorities in episodic television?

MR. SAGANSKY. Well, that's a big question, and I think I have a very mixed view of it. I think that there are and have been some successes and there are things that the industry, I think, still has a lot of work to do on. I think that certainly one of the great successes is that there is much more awareness and concern about the problem. I don't think there's a development session that I attend or a casting session that I go to where the issue of minority representation and portrayal is not discussed.

I also think that there's an awareness of the importance of this issue, not only from a social responsibility standpoint, but also from an economic standpoint. I mean more than 25 percent of the viewing audience is minority. And obviously more than 50 percent of our audience is female. And we are in the broadcast business. We're in the business of delivering as large an audience as we can to the advertisers. That's what they pay us for. And the only way to get, you know, women and minorities to watch where you've got to present characters, issues, stories that, you know, relate to their life and their interest.

I was interested the other day in reading this WGA report about women writers in prime time, that they have reached parity with male writers. This study, by the way, I think was from 1991. But just if you go back 3 years on the CBS schedule, less than 15 percent of the shows were created and executive produced by women. If you go into this season, the season that we're going into, about 50 percent of the shows on our schedule are executive produced and created by women. I think that's a result of not only the sort of awareness of the whole—of, you know, feminist movement, but it's also—I mean it's the whole social movement that's occurred in this country which has resulted not only in more TV shows but also more women in public office and holding powers in companies.

But I think that the issue is very much on the minds of the network not only from a social responsibility standpoint. I think the third thing that television has done increasingly well is get rid of the negative stereotyping because we've

been much more vigilant both in broadcast standards and in a current kind of a program department that monitor week to week the writing on these shows that the negative stereotyping of minorities has improved a lot. And I think the final thing I will say on the positive side is that I think, in showing the homogeneous kind of society in which people live and work effectively side by side and get along, I think television has done increasingly a much better job. You know, 70 percent of the shows on network this year of all the shows that we've ordered have a significant minority leader or co-lead.

I'll tell you where I think where we have not done a good job, and they're basically in two areas. One is while there have been increasingly, I think, representation and diverse representation of blacks and certainly women on television, if you look at Latino representation, I certainly have to tell you that—this has been well documented here today—I don't think it's gotten any better, certainly in any of my recent memory. It seemed to have been ignored. And I think also that in showing—you know, I can't tell you the number of times where I'll be in a casting session and we'll say, "Gee, there's no minority in this show. Let's forget about what's written. Let's cast a minority in the role." And often what happens is while television is increasingly culture blind—increasingly color blind, it's also culture blind. There won't be any writing underneath that character to show any sort of cultural context to it. And so, yes, there will be—there will be a Latino or there will be a black, but it won't be written in a way that, you know, that what we're trying to do is get minorities represented on television. It won't be effective because there won't be the writing underneath it. So I think, you know, it's a mixed bag.

MR. O'CONNELL. You've indicated that in the various meetings such as casting sessions you have discussed issues what I would characterize perhaps on an ad hoc basis. What have you done that you might be able to specifically point to in addressing these concerns rather than at an ad hoc basis but a very specific approach to resolving such problems?

MR. SAGANSKY. Well, first of all, most of television is done on an ad hoc basis, and I think that's pretty much the way that the business works. But we will go out—for instance, this past year we said even though there are a lot of minorities rep-

resented in our shows, there are no shows that represent—you know, basically on our network and while there are on a lot of other networks, there were no shows representing basically family life. And we developed a number of scripts—I would say 30 percent of the scripts we developed were around that theme. And of those we made about four pilots, and two of those shows are going to be on—one is going to be on this summer, and one is going to be on later in the year. But I mean this is not something that we're just doing this year. This is something that's happened certainly for—I've been back at CBS for 3 years, but this is a constant—something that is constantly discussed and acted on.

MR. O'CONNELL. I'd like to address this from a somewhat different angle. What social responsibility do you see CBS and other networks have in dealing with problems both of portrayal and also of employment of minority individuals?

MR. SAGANSKY. Well, I think that not only, you know, personally, but I know that the corporate policy is that as best we can we've got to reflect not only the state of our society and the issues of the society but also, you know, the families and cultural life of the society. And, you know, this is something that we're extremely concerned about. And I think that our programming certainly largely reflects a lot of efforts in that. I think that if you go to actually minority hiring even in our executive ranks over the last 5 years CBS, in the executive ranks, in the programming executive ranks, we've more than doubled our employment of minorities. It's a continuing quest. In fact, we have a policy where basically every job that comes up, the personnel department makes sure that there are qualified minority executives that are also interviewed for the jobs. And I think this has resulted in the great increase in minority executives at CBS.

MR. O'CONNELL. Who monitors portrayals at your network to make sure that they are balanced and fair?

MR. SAGANSKY. The Broadcast Standards Department initially does. They look at the pilot and the first group of episodes. But after that, the responsibility falls to the executive and the department that's assigned to this specific show.

MR. O'CONNELL. Okay. How does Broadcast Standards function?

MR. SAGANSKY. Well, what they do is they read a script and then they flag issues of treat-

ment of a theme as to, you know, being balanced fairly represented ethnic, you know, stereotyping language, violence. All these kind of issues fall under their purview. And what they will do is they will make a memo or write a long memo about each script that they read and send it to the producer, and then a discussion will ensue, and the producer will argue why he's doing something one way or make the changes that we've requested.

MR. O'CONNELL. Does Broadcast Standards operate under explicit rules or under a rule of thumb?

MR. SAGANSKY. Explicit rules, no. I think the rules and the sensibility basically changes with the time. And what is seen on television, you know, 10 years ago is different than today. I mean the rules certainly governing, you know, violent acts—television when I was starting was way more violent 16 years ago than it is today.

MR. O'CONNELL. What I was getting at is how does Broadcast Standards make a determination that there may be a problem with a particular portrayal?

MR. SAGANSKY. How did they make—it's their judgment. And they have, you know, obviously, minority representation within their department, and they read the scripts and discuss what they feel are the areas that they, you know, flag. I mean it comes down to personal judgment.

MR. O'CONNELL. How frequently is there an objection that the network raises that is passed back to the producers?

MR. SAGANSKY. Well, all I know is how often does it get to me. Because if a producer gets really upset and the Broadcast Standards Department is insisting on changes, it will eventually get to me. And I would say in the course of a year, I would say maybe 6, 8, 10 times.

MR. O'CONNELL. Okay. Casting has been characterized as exclusionary today by many individuals. By that what I'm referring to is that there are some practices of agents, producers, studios, or networks that inhibit a minority performer from reading for parts except those that may be specifically indicated as for minority. Could you give me your views on that criticism?

MR. SAGANSKY. Well, I would say a couple of things about that. One, it goes back to what I thought was an incredibly sort of incisive analysis by Earl Saunders about this whole issue. And that is that it all comes down to the writing. And

when the parts are well-written particularly for minorities, then there's a much greater—I think that there's much more ease in the casting process. When there's a part—and, again, it also comes down to network policy. Because as I said, one of the policies is to cast minorities in roles even where they are not written as minorities. So I don't know exactly what goes on at the studios. But, you know, I'll be in many sessions, casting sessions, where we'll say, you know, "Gee, there's no minority representation in this show. Get somebody. Write a better part. You know, write a more specific part." And a lot of times that will happen. Just judging from, you know, the shows on the air, as I said, the great majority of the shows on the air have minority leads or co-leads. Most of those were specifically written for minority, but some of them aren't.

MR. O'CONNELL. I'm going to read some of the findings of the Commission's 1979 report *Window Dressing on the Set: An Update*. I'd like you to offer your view with respect to whether these recommendations have been adopted and are currently industry practice. "A network should develop a series that portrays minorities comparable in diversity and prestige to those played by white males."

MR. SAGANSKY. Played by white males?

MR. O'CONNELL. That's correct.

MR. SAGANSKY. Could you read that again?

MR. O'CONNELL. No problem." A network should develop a series that portrays minorities comparable in diversity and prestige to those series that have leads that are white males."

MR. SAGANSKY. Yes, I think that is—I think that's a goal of certainly many of the networks. I would say all the networks. How well it's been realized, though, I think comes back to the writing. I mean I think it's been realized much better for, you know, African American portrayals than it has certainly with female or, you know, or virtually all the other—I would say all the other minorities.

MR. O'CONNELL. Okay. And another recommendation: "The network should actively solicit scripts from minority writers."

MR. SAGANSKY. Yes, I think that's something that we do on a very consistent regular basis.

MR. O'CONNELL. Do you actually go out and attempt to pitch either—pitch either shows that might be predominantly cast as minority shows?

MR. SAGANSKY. No. What happens essentially is we either sign an actor, a minority actor, and then go out to the community and say, "Please write for this actor." Or alternatively what we do is we go to the—in the beginning of the development season, which is happening right now, we will go out to all the agencies, and we will say, "Look, we're looking for, you know, minority portrayals on shows or dominant or minority family shows." And they, then, will bring in pitches. We'll hear pitches all the way up until January around that theme. As I said, last year I would say that maybe 30 percent of our scripts were in that area.

MR. O'CONNELL. I see. A third recommendation from the 1979 report was that a network should actively solicit advice from citizens groups regarding portrayal.

MR. SAGANSKY. I don't think we do a very good job at that. Although I will say when we do—when we step over the line—I remember a year ago we made a pilot on *Driving Miss Daisy*, and we liked the pilot. It was done by the exact same people that had done the prize-winning play and the Oscar-winning film. And we heard loud and clear from a number of groups that they thought that this was going to be very sort of a negative image. And for that reason, we knocked it out of contention. So, do we go and solicit it? Do we go and solicit? No. But we hear all the time. But it's different—obviously, it's different than soliciting.

MR. O'CONNELL. One concern that has been expressed, and expressed today, is that when you take a look at minorities today you essentially see them in situation comedies rather than in episodic dramas. What is your view on that?

MR. SAGANSKY. First of all, I think you can say that about white actors, too. There's a lot more situation comedies than there are dramas. But if I look over just the list of minorities that are in our prime time schedule, they're represented virtually in every hour drama as well. So is it true in general? I don't know. All I can speak for is CBS, and I don't think it's true for us.

MR. O'CONNELL. Would the network be willing to establish on an ongoing basis communications with a group on issues dealing with portrayal?

MR. SAGANSKY. Yes, definitely. I—you know, go ahead. You know, I was going to say that I

think that a lot—as I've been sitting here listening and certainly as I looked at the figures from the Writers Guild and the SAG, I was, I think, taken aback by the lack of, you know, Latino portrayal. And I think that's—you know, again it goes to the writing. And I think that what the production community and the networks have got to do is find a way to get Latino writers into the system. That's the hardest thing, getting into the system, as Susan Fales and Earl Saunders pointed out, is where this whole thing begins. Because I think one of the reasons that it's been an increase and a diversity of black representation is that, when I left NBC in 1985, I couldn't have named two or three black executive producers. And yet now, you know, there are many that can run a show and executive produce a show, and they have the credibility to come in and pick a show. Those people all got there by somebody taking them under their wing, working on a show, and learning the craft of running a series.

I think that the networks have got to be much more—I think they've got to be much more involved in the process of getting Latino writers into the system. And I think that the only way that that's going to happen—I know there's been a lot of failed efforts in the past in programs. But I think if we were to do it by actually subsidizing it ourselves, not putting it on the shoulders of the shows budget but doing it as something that the network was going to do, I think that might be effective.

MR. O'CONNELL. How many senior minority business executives do you have that significantly play a part in programming decisions?

MR. SAGANSKY. A lot. You want names?

MR. O'CONNELL. No. I just want—

MR. SAGANSKY. A lot. The woman who is in charge of all of our in-house series is black. Two of the—the woman who is in charge of all of our international, vice president international, is Asian American. There's many of the program executives within the company are Asian, black. We've got a few Latino executives but not too many, but there's a lot. And there's certainly a lot more I think than there were—as I said, I think when we went over all the data, it was more than doubled just in 5 years.

MR. O'CONNELL. Okay. As with other panelists, we do have some time pressures that we're under right now. There are a number of ques-

tions that we still would like to direct to you, and we would prefer to do that in the next week or two so that you would answer it for the record if you agree.

MR. SAGANSKY. Sure.

MR. O'CONNELL. Thank you very much. I would like to turn at this time to my next page. And you'll excuse me, Mr. Valentine, but Mr. Stoddard was next, and I'll start with him.

MR. VALENTINE. I'm grateful.

Testimony of Brandon Stoddard, President, ABC Productions

MR. O'CONNELL. Of course, the inquiry gets worse as you go down the table. Mr. Stoddard, you're probably one name that I've heard for a long time. And it would be helpful for us to know what your current position is and what your past major positions at ABC were.

MR. STODDARD. I'm currently president of ABC Productions, and I've been with ABC almost longer than ABC has been with ABC. I started at ABC in 1970 as director of daytime programs, and then I became vice president of daytime programs, and then I became vice president of daytime and children's programs and then movies for television and miniseries. And I moved to the West Coast and became in charge of television and movies and miniseries and dramatic series. There's a man looking for a job here. I then became senior vice president of all of that. And then I became in 1979 president of ABC Motion Pictures which was theatrical movies as well as television movies and mini series. And in 1985 I took job at CBS. But it was at ABC—I could be president of the ABC Entertainment Division. In 1989 I moved to president of ABC Productions.

MR. O'CONNELL. It would be helpful for us for you to distinguish ABC Productions from the programming area of ABC.

MR. STODDARD. ABC Productions is a production unit more like a studio in the sense that we produce for everyone in the town. We have a first look at ABC. That means that any idea that we have we take to them first. But we have done movies and miniseries and series at other networks. And it's always nice to be up here with a customer on my far right.

MR. O'CONNELL. What responsibilities do production companies have for ensuring that the shows have balanced portrayals?

MR. STODDARD. Well, I think most of that actually comes from the broadcast standards department at the network. What happens when a show is picked up by a network—and, in fact, their involvement begins prior to that. But when a show goes to series, the broadcast standards department of each of the networks—I can speak for ABC and probably not too well for them—meets with each of the producers to go over their guidelines and go over their concerns about minority portrayal, sex, violence, drugs, etc., etc., etc. They also really support very hard to encourage the portrayal of minorities in a positive light. The broadcast standards department from that point on, certainly ABC, reviews every script, every daily, every rough cut, and every final print of every show with those guidelines in mind.

MR. O'CONNELL. I recognize what programming would do. But I'm really concerned about what you see as your responsibilities, the responsibilities of ABC Productions itself, as opposed to the responsibilities that someone else might have.

MR. STODDARD. Well, I think we have our responsibilities. I don't think we have direct policies as to production company. But we have our own sense of what is proper for television shows. If we do "Sirens," which we did this year, and it's about three young rookie women, one of them is going to be black. And she was. And she was wonderful. If we do "Class of '96" at Fox, we're going to make sure—it's about young students in their freshman year—we're going to make sure that there will be a black portrayal amongst one of the leads in that show as well. Those are not necessarily from Broadcast Standards. This is really at the inception idea of the show and the development stages, very early development stages of a program.

MR. O'CONNELL. What would you describe as the principal problems for minority actors, directors, writers, and producers today?

MR. STODDARD. Getting jobs. You know, I think the problems—I think it's getting a little bit better—but I think the problems are the things that have been described here. I think it's access. I think it is the ability to be seen. I do know that in the casting area—let's talk about actors for a second—that there is a conscious effort on roles that are—I guess it's called nondescript; is that the phrase?—to use minorities in those roles. I mean I wrote a couple down here that I thought were

kind of interesting. We had a show called "Equal Justice" which was an hour drama. There was a role written as an Italian and we did not find an actor who worked very well, and we put a guy named Joe Morton. He's a wonderful black actor in the role because he was really great at his reading. "Twin Peaks" Joan Chen who is the mill owner, this was written in a nondescript role. Joan's reading was wonderful. She played the role. She did a great job of it. ABC recently did a miniseries called "Tommy Knockers." The lead was written again as a nondescript role, and Jimmy Smits who is a wonderful Hispanic actor got the role, and he got it on the basis of his abilities. So I do think that networks and studios and casting people are open, encouraging, supportive of minorities and casting.

MR. O'CONNELL. Mr. Stoddard, let me say that perhaps I know what your next job is and that's as a stand-up comedian.

MR. STODDARD. On Jeff's network?

MR. O'CONNELL. Okay.

MR. STODDARD. No more. I won't say anything.

MR. O'CONNELL. Oh, by the way, thank you very much. To what extent does ABC Productions have any training programs or participate in any access programs which benefit minorities?

MR. STODDARD. We don't. ABC Productions is a very, very small production organization fighting for its life in a very difficult production world. You're looking at a lot of ABC Productions right now. The network, I know, has participated, the ABC network has participated in a number of programs. There's a WGA program which I don't—I may have described to you earlier, but essentially it was a program we got in the 1980s. It had to do with bringing black writers' works to ABC where they would be read. They would be reviewed. And in some cases when they showed promise, there would be meetings held about those with those writers. I know there is also a GTA program in effect right now—I think in 1992—where ABC has now seen 21, 22 works of minority writers, directors, etc., episodes. And I think there have been requests for further information from maybe six or seven of those. But ABC Productions has no programs.

MR. O'CONNELL. Okay. Because of your extensive experience with ABC, I think that perhaps you could help us by changing hats a little and tell us more about the ABC's programming

standards for broadcast standards. Exactly what is it or how is it, I should say, that they operate?

MR. STODDARD. Well, I don't know if I can answer this accurately. I have a feeling you'll go back and ask me again if I don't. ABC—I believe all networks have an agreement in their contracts with producers that says that the shows that are to be produced to that network must comply with Broadcast Standards. The written policy as it affects minorities is as follows: It says, "ABC will accept no program who affects, misrepresents, ridicules, or attacks an individual based on age, color, national origin, race, religion, or sex. Special sensitivity should be exercised in dealing with these concerned." That's a written policy which is discussed with and gone over with all the producers that go on that air.

MR. O'CONNELL. Who in addition to Broadcast Standards would assume responsibility for issues of portrayal?

MR. STODDARD. Well, I think they have the direct responsibility. And I think that responsibility is one that they carry out from inception to air. Jeff mentioned a kind of a transfer for Broadcast Standards. I believe that his network gets out of that involvement at an earlier stage than it is at ABC and their responsibility shifts to a program executive. I don't believe that's the case at ABC. I believe Broadcast Standards stays all the way through the process.

MR. O'CONNELL. How would you respond to those who testified earlier today who are dissatisfied with the state of minority portrayals and access?

MR. STODDARD. Well, I would agree with Jeff. I think the fact of it is that certainly in the case of women and blacks, the portrayal of those groups on network television has improved immensely. I can go back—and there are only a few of us left who can do this—and remember Amos and Andy and can remember Beulah and remember the maids, remember Rochester and Jack Benny, etc. And these shows are gone, and they didn't go because of racial. But if those shows were tried to be brought back and there were those kinds of portrayals today, they could not get on the air. It simply wouldn't happen. And I think the nature of the portrayals has changed a great deal. It may not be as positive as everyone may wish it to be, but it certainly isn't as negative. And I think that's a fair statement.

When you go through which I did a somewhat terrifying experience of looking at prime time television from 1950 to 1993 and you discover that in the 1950s and the 1960s if you checked off the shows that were predominantly minority shows or shows at least with one minority lead or a show with a minority recurring character sort of the 1950s and the 1970s there was about an hour a week that contained that. In 1970 to 1975, it went to sort of 6 hours plus or minus. And I'm not a statistician, so you've got to be very careful what I'm saying to you. And then in 1975 to 1980, it became 8 hours; 1980 to 1990 it's 14 hours. And on the schedule that's going to be on this fall, it's 16 hours. And I think when I looked at this thing it's about a third of comedy and dramatic series programs now have minority representation for recurring characters all the way to predominantly minority shows.

That's a big change. That's a big change. Now, whether or not all of that change is beneficial, I don't know. But, in terms of representation on the air, it's a great deal more and, I would offer, better than it used to be. I know I'm rambling. But I just want to mention one other thing to support Jeff. This is not true in the case of Hispanics and Latinos. It is simply that list is abominable, period. And we are as studios and as networks substantially behind in that arena.

MR. O'CONNELL. To what extent does ABC or ABC Productions work with guilds, advocacy groups, or similar organizations in discussions involving either the hiring of minority talent or balance portrayals of minorities?

MR. STODDARD. Well, again, this is back to—the network program people and ABC Productions people do not meet with advocacy groups on a daily basis. They simply don't. We don't have the time. We don't have the judgment. We don't have the people to be able to do that. However, it is heard at the network. It's very definitely heard at the network. Broadcast Standards Department meets with—I've got a list here—NAACP, the Italian American, Gay and Lesbian Alliance Against Defamation, National Alliance of the Mentally Ill, the Hispanic Media Coalition, Native American representations, etc. So there is a conduit to the network, very definite conduit. Now, the Broadcast Standards people are not necessarily in advocacy. A lot of these groups have very strong positions about their point of view. That doesn't necessarily make it

fair. And what Broadcast Standards people attempt to do in this communication is come to some standard of fairness in terms of what they deal with on the air. That's their primary objective is fairness. In terms of special issues, special movies, special subjects—and I think Jeff touched on this—Broadcast Standards will often go to consultants. They will go to historians. They will go to outside sources that they feel who are objective to help and consult in the determination of specific programming.

MR. O'CONNELL. Because of our time limitations as well as ensuring that there's adequate time for Commissioners to ask questions, I would ask you the same question. Will you respond to a list of questions that we would present to you for the hearing record?

MR. STODDARD. Yes, sir.

Testimony of Dean Valentine, Executive Vice President, Disney Network TV

MR. O'CONNELL. Thank you very much. Mr. Valentine.

MR. VALENTINE. Yes, that's my current name.

MR. O'CONNELL. That wasn't the question. Am I correct that you have some exhibits to be entered into the record?

MR. VALENTINE. You are.

MR. O'CONNELL. Could you briefly describe those?

MR. VALENTINE. The largest part of it is an explanation of our fellowship program for seeking out young minority writers. Actually, since we are on that issue and it's been sort of sticking in my craw for the last hour, one of these gentlemen who was up here before I believe made a number of remarks, and I'd like to quibble with, if quibble isn't too meager a word, one of which was that the studios, which I represent Disney Studios, have no business being in the minority writers program. There are two answers to that. One is that studios are in the business of finding talent and whether that talent is minority or majority or Asian or white or Hispanic—which by the way, Hispanic side I wouldn't agree with that we haven't done our job. We have to find talent. So if that's not the business we're in, I'm not quite sure what business we are in.

The second part of it is that none of the writers he knew had found jobs. The lady who was sitting next to him, Susan Fales, who ran a show—she mentioned writer Reggie Bikewood.

Reggie Bikewood is a writer who came into this industry through our program and would not be employed here otherwise. He's one of, I think, five to six writers who people whom Disney made a conscious effort to go out and find, spend time with our producers and put them on staffs of shows. They're working. They're writers. They're part of the Writers Guild, and they're going to be part of this industry. So the fact that the idea that studios have no roles of play in this, I would take exception to both on a business sense and, I guess, on a moral sense because it's not our moral responsibility to address it wrong. Again, I don't know what we're doing.

MR. O'CONNELL. Okay. Excuse me. Mr. Chairman, can the exhibits be entered into the record?

CHAIRPERSON FLETCHER. Yes.

MR. O'CONNELL. What problems do you see regarding portrayals of minorities?

MR. VALENTINE. Well, I would agree with Brandon. I think on the issue of African Americans there's been tremendous progress made over the last 10 years. I guess we go back to 1983 with one predominantly minority show on television was "The Jeffersons," and a few years before that, the one predominantly minority show was, I think, "Different Strokes." And there were a number of—you saw minorities on television and they tend to be either killers on dramatic programs or they tended to be miniature people adopted by rich white people. I hope we moved away from that—no disrespect to anybody's size.

If you look at the current network schedule, I think there are predominantly minority shows, mostly black and, in fact, all of them. And they range all the way from adult romantic comedies like "Martin" which is on Fox to "Roc" which is, I think, the first quality ensemble drama, to our own show—to Disney's own "Where I Live" which is a look at a functioning, thriving but struggling black family in Harlem. And I guess if I could interject a personal note with, this show is very, very close to cancellation this year by its network. And Jessie Jackson, Coretta Scott King, and Bill Cosby saw fit to pick up the phone and lobbied ABC to keep the show on. I think we're doing something right. I don't know what to do next year. But I think we improved to the point that we tried very hard not to do stereotype shows, and we made an enormous amount of progress over the last decade.

MR. O'CONNELL. You have a well-accounted writers program which you had briefly referred to earlier. But I'd like you to give us a little more insight into the program, including its successes.

MR. VALENTINE. Well, the program began in late 1990. It was not part of the guild report, if you read the report, and successes were not. It began with the my bosses, Jeffrey Jackson and Rich Kranik, who believe that we were under-representing and argue that business—we had a moral obligation to do something about it as well as a business obligation. The belief being that America was becoming more multicultural, that people were—the people we were supposed to entertain were changing. And that unless we found the writers who could speak to those people, we also would fail. And we got an obligation to change the composition of the writers at Disney.

The program gets about 1,500 solicitations each year. The way to get solicitations is that there are two executives—both speakers [phonetic] and television—is that there are two executives who go to—and by the way, it's open to all people—whites, African Americans, Asians—but we focus on minorities. And they go to universities, predominantly black universities. They go to theater groups around the country, way out of the way places. We find writers who normally would not have access. And the key for us is it's not meeting some quota and it's not meeting some numbers. The key is that we're looking for writers, and because we believe that in the end, hiring somebody simply because they are black or white or Asian is not going to be guaranteed success. What will guarantee success is if they can write and reach an audience. And so we have been very selective about who we accept. That would be 1,500 applications. I think on an average we pick about 20 and 25. And out of those, I'd say about three or four make or fight it back for another year as writers on the raw deals of Disney.

I believe there was also some mention made that these writers were exploited. Far from being exploited, we look forward to their thriving. In cases where we haven't been able to get them staff jobs on Disney shows, we've encouraged other shows—we did this with Reggie Bikewood—we've encouraged other shows to hire them. And I think that's one of the reasons it's been a success, and I would imagine that any of

the writers who were a part of that and were they here would be happy to testify to that.

MR. O'CONNELL. One item that I have heard is that there were not scripts or at least many scripts that were sold. Could you expand upon that?

MR. VALENTINE. I'm not sure what that item is.

MR. O'CONNELL. From individuals that I've talked to, they had indicated as a criticism that there was little to prove that there was success for minorities in that there were no scripts that were able to be sold apparently to Disney.

MR. VALENTINE. Well, on the television side, I don't exactly know what selling a script would mean. I think the measure of success—I mean writing a "Seinfeld" spec script and not selling it would be, "Join the party." There are 30,000 other writers who haven't sold scripts to "Seinfeld" either except, the writers on the staff of "Seinfeld." If the touchstone for success for the writers of television is that they are employed in the television industry, I believe you've succeeded. On the feature side, features are—which I imagine most of these criticisms would come in—it's hard to sell features. It's hard to make them. They take 7 or 8 years to make. There's a lot of money that goes into buying a feature. And it's a real kind of crap shoot game. So, yes, it's going to have a lesser—it's probably going to success less than the television programming because the standards for success are much more omniscient than—and a lot less clear.

MR. O'CONNELL. Mr. Valentine, what would you consider to be the appropriate barometer of success?

MR. VALENTINE. In features or television?

MR. O'CONNELL. Either.

MR. VALENTINE. In television I believe we found the perfect barometer for success which is of your finding work for people who otherwise would not be part of the industry, and we're committed doing more of it. This would be a mistake to think that we're there, you know. Like for network the road is Highway 80 and it stretches from California to New York, I think we're somewhere in west Texas. But in the feature side, I'm not really—I don't know that I'm the best qualified person to speak about that. I would imagine that some writers would sell some script at some point, and they will. Inevi-

tably everybody who hangs around the Hollywood Bowl has access to get themselves a script.

MR. O'CONNELL. Can you quantify that success with respect to minority writers who have been involved in the program?

MR. VALENTINE. I'm afraid I really can't. I don't know what the numbers are.

MR. O'CONNELL. Do you have any other Disney programs that would benefit minority talent?

MR. VALENTINE. In terms of above-the-line creative talent?

MR. O'CONNELL. Above the line.

MR. VALENTINE. No. We are currently putting together which I think is one of the great lacks in television screen, one of the great things that we don't have, a program for directors. One of the things that's happened over the last number of years is that each show has it's—gotten picked up by the network has tended to hire only one director to direct all episodes. That's tended to shrink the directing pool. And the net result of that when people get the short end of that stick inevitably are minorities and women who are the last ones in.

I think we have an obligation to do something about that. And hopefully—I've been working with the Directors Guild—we can come up with some program, some apprenticeship programs that will allow more minorities and female directors in the business. The other issue that is really critical is having more executives, more minorities because the other things will follow if there are executives who are concerned about these issues by the cultures in which they grew up. I don't think we've done a good enough job of that. And there are a number of training programs at Disney which are functioning and working where we hope to grow those people.

MR. O'CONNELL. Could you describe the control that you and individuals that report to you have in rectifying stereotypes that would appear in the scripts?

MR. VALENTINE. I believe we have an enormous amount of control. There's a Broadcast Standards Department as both these gentlemen have mentioned in a network that have strong feelings. But I doubt that they would have any stronger feelings than Disney itself. We are, unlike other studios, sort of a Hebrew National. We answer to a higher—being Disney, we answer to a higher law. And I think we are very, very sensi-

tive to those issues to begin with. As I say, "Where I Live" was done specifically to capture those issues. I spent enormous amount of times and so does my staff in meeting with and talking with minority writers and listening to what they have to say about this issue which I think is one of the reasons why we have it because it shows that we get more defensive. I don't believe I can defer or deflect the responsibility onto a network.

MR. O'CONNELL. Let me explain one of the problems that I personally have had and so I've talked to a number of people. Networks have indicated that they have responsibility, but it's a limited responsibility. Studios have said the same thing. Producers have said the same thing. In other words, from my discussions I've seen certainly a circuitous group where there has been a suggestion that it's not—"It just simply isn't my fault." How do we deal with this problem? How does the Commission take a look at the issue and say who has the responsibility for dealing with issues of portrayal?

MR. VALENTINE. It's a difficult question. I guess what I would say to you is that in Disney's case it would be me. I believe that all of us have the same responsibility. I don't believe anybody has the right to shirk it onto anybody else. That means that the network has no right to shirk it onto a studio and the studio has no right to shirk it onto a network or a producer or anybody else. And, therefore, I think everybody is equally culpable and should be held that way.

MR. O'CONNELL. Once again I'll just ask you the same question that I've asked everyone else. While there are other questions that we would like to give to you now, we have realistic time limitations as you're well aware. We also want to make sure the Commissioners have the opportunity to ask the questions that they'd like. Would you be willing to answer for the record a set of questions that we send to you in the near future?

MR. VALENTINE. I would.

MR. O'CONNELL. Thank you very much. Mr. Chairman.

CHAIRPERSON FLETCHER. Yes.

MR. O'CONNELL. We have no more questions at this time.

CHAIRPERSON FLETCHER. Any members of the panel?

VICE CHAIRPERSON WANG. I would give him to Commissioner Anderson since I cut him short.

COMMISSIONER ANDERSON. Well, thank you. The Chairman mentioned earlier—I think maybe you were here—in his conversation of La Raza about their interest in the Commission moving forward in a hearing or a study on Latino presence in the media and entertainment media. When I was appointed to the Commission, one of the first things I did was meet with the president of LaRaza. I was impressed that with all the issues that we talked about really the primary issue that was a concern to him was the presence or lack of presence in the media of Latinos. Now, I guess your testimony today justifies in part that concern. But my question now is, Where do we go from here? I mean admittedly we have some catching up to do in terms of Latinos in the media and on television. How are we going to do that catching up?

MR. SAGANSKY. Well, I can take a shot at that. I think this all stems from the writing. And, you know, you can say which I'm sure you know is evident in all these studies that have been done is, "Well, you guys should get more Latino representation on television." It's not going to happen unless somebody is writing characters and situation and stories that they understand. And I think this has got to be an industrywide effort to get to do what, you know, I think many black writers have been able to do, and that is break through the log jamb, getting in the system, and be able to learn the craft of writing for television so that they can, in turn, then create their own television shows which hopefully will have much stronger Latino representation.

I don't think there's any other way and certainly there's no way I don't think they're mandated except to get the writing there. And, again, I think it's doable. I mean when I look at the strides that have been taken by black writers, and I think there's still a long way to go, but in the last decade it's been incredible. And I think the industry helped that they were aware of the problem, and they focused on it, and I don't think they focused nearly as much on Latino writers.

COMMISSIONER ANDERSON. Would you care to comment?

MR. STODDARD. No, I agree with Jeff. I think his point is it starts with the word. It starts with the idea. It starts with a script. And that's essential for that area to grow. You know, I think back a lot about what happened with blacks. A lot of it

was a result of the civil rights movement. It was also a result of, I think, the Commission did in 1979 which had a fairly profound effect. What Mr. O'Connell was reading was taken very seriously, those recommendations. But I believe the writing problem is the most serious one. If it were my job, that's where I would try to concentrate.

MR. VALENTINE. I would agree with that. Every year there are a number of Hispanic Latino shows we've developed that never get anywhere. It's not as though people don't try. The reason they don't get anywhere ultimately is because the writing tends not to be good enough. I think it's our responsibility to go find those writers that makes the writing good enough to be able to make those shows. It's not that we're unaware, and it's not something we don't care about. And it's not just Latinos. Why is there no Asian American family television? We've tried to develop that as well, and it didn't work. We ran into both a writing problem and a casting problem with the roles. There are a lot of shows that need to be on television. And Jeff and Brandon are right. Unless we find the writers who have the vision to be able to create those families and not just make them generic television families, the flavor of the culture and some universal, I don't think we're going to get anywhere.

COMMISSIONER ANDERSON. Do you think Latinos face different problems or different disadvantages than blacks do in terms of this issue of writing or other areas?

MR. SAGANSKY. Disadvantages in terms of having the talent to write?

COMMISSIONER ANDERSON. Development of role. For example, like perhaps the role of the black colleges in training. The Hispanics don't have that, for example. Creating this would be a parallel of the blacks, but it hasn't been focused sufficiently.

MR. SAGANSKY. I think there is a parallel. You know what's interesting is that when you look at the breakdown of a television audience, the black audience tends to be very large and is actually overrepresented. They watch more television than they are—in other words, the television audience is a bigger percentage black than it is in the population. On the other hand, if you look at Latino Hispanic viewing, it's actually underrepresented on television. I think the Latino population is 9 percent of the country, and I think about 5 percent of network viewing is La-

tino. So it's way underrepresented. And they tend—the Latino community tends to watch Spanish-language television and—at least in the studies that we've seen. And I think that you said, "Well, why is that so?" I think it's because there's nothing to watch. There's nothing there on network television for the Hispanic community to watch which, you know, involves them, which has characters that they can identify with and stories that involve them.

COMMISSIONER ANDERSON. Thank you.

VICE CHAIRPERSON WANG. Just follow up on that question. If we were to have language screen over—if you have the Spanish language over the screen, would that be helpful to your Latino marketing? There's a large segment of the Latino market that you want to reach for your advertisement. So do you start using Spanish language on the screen even though the speaking language is English but on the screen would show Spanish language? Would that be something you'd care to try?

MR. SAGANSKY. Certainly. I don't know much about it and how that would be done. But it certainly would be worth looking at it. I tell you I don't think it's just the language. I think it's more representation.

VICE CHAIRPERSON WANG. Anyone?

COMMISSIONER GEORGE. Yes, Chairman. The jurisdictional statement or statement of purposes of the Civil Rights Commission makes us concerned not only with discrimination based upon race and ethnicity, sex, age, and ability but also discrimination based on religion. I'd like to ask some questions about the depiction of religious beliefs and practices on television. My own television watching is pretty much limited to late evening when I have a chance to watch it. So I'd be very happy to be informed that the concern that I'm raising is not a legitimate concern. But my impression is that the beliefs and practices of millions of Americans who are religious are not depicted very much on television. While millions of people—millions of families pray before meals, for example, families are not often depicted as praying before meals. While millions of people pray before going to bed, they're not depicted—it's funny people are depicted in bed but not before a prayer. Am I wrong—am I just not watching the right shows, or is that part of American life missing from depiction on TV. And, if so, why?

MR. SAGANSKY. I would say that it's under-represented, but I know of just the two shows that we have, one, "Brooklyn Bridge" where, you know, religion plays, you know, a very important part in that family. And the same we have a new show on called "Medicine Woman" which is a family show where life in that community revolves around the church. And actually the Reverend is one of the regulars and a very important part of the show. I would say that in the dramatic area there are fewer family shows, and the family shows are pretty much in the half-hour form. And on the half-hour, I would say in the situation comedy I think that, you know, generally a church plays much less of a role on those shows than it does in family life in America. I think on the hour shows, though, I think that, particular hour shows, I think probably you're not watching the right shows.

COMMISSIONER GEORGE. Valentine.

MR. VALENTINE. I would agree that it's under-represented. One of the shows that we're doing this year that's coming out I think in mid-season actually revolves around the family going to the church and the many funny things that happen to them there. The danger in doing—there's a danger, and I think we would be burying our heads in the sand to not acknowledge it, which is that we're in the business of reaching as many people as possible, and we don't want to offend by being overly specific about religion. And I believe that one of the reasons people shy away from it at networks is precisely that.

Now, having said that, I also think that people's spiritual lives and religious beliefs and religious feelings I think represented on television is something we've been trying for the last 2 years to interject more of in our shows. In a number of our shows, we have people going to church, and we're trying to increase that. So we agree with the general point. We've got to be aware as a business of the danger. We don't want 30 or 40 people who are not part of that specific religion demonstrating.

COMMISSIONER GEORGE. I'm concerned—it's interesting. I very much appreciate your candidness on it. But now explain to me why that's different from being concerned that a program with a largely racial minority orientation and a cast wouldn't have appeal or interest to people who aren't part of that racial like Cosby show and so forth didn't have.

MR. SAGANSKY. I think if you ask people why "Brooklyn Bridge" failed, I think many people will tell you, "Well, the family—it was too Jewish." I don't think that's why it didn't work. But I think that that kind of, you know, that belief is what Dean is referring to. And I think producers—when we—it's funny because when we sit down with producers and we'll talk about a lot of the issues before the show is done, I will rarely bring up, "Gee, I want this family to have a full religious life." That's something that we won't talk about, and it's pretty much left to the producer. You know; the other example is this "Medicine Woman." This wasn't anything that we encouraged. It was something that was part of the writer's life, and she put it into the show.

COMMISSIONER GEORGE. Mr. Stoddard, do you agree that it's underrepresented?

MR. STODDARD. Yes, I do. But I also think it's an extraordinarily sensitive area beyond whether someone isn't going to watch because we're trying to reach broad basis. But I think people—you just mentioned prayer. Unless I'm correct, prayer has been a major problem with the United States Supreme Court and behavior of prayer. And I think networks are extremely sensitive about how religion is portrayed in terms of potential advocacy. I think they're very, very sensitive to it.

COMMISSIONER GEORGE. When you say, "potential advocacy," do you mean in terms of litigation?

MR. STODDARD. No. In terms of people saying—well, yes, in terms of them saying that what is portrayed on the screen might be interpreted by people, other people, as being an advocacy position.

COMMISSIONER GEORGE. Isn't this a risk that is run when television or movies in some cases do depict religious figures, preachers, and so forth and in negative lights or religious believers as intolerant and bigoted and poorly educated and easily led and so forth? Anecdotally I can report that I do know of cases of this. And if this is a risk that television is willing to run, why not, you know, the risk of depicting religion as it is practiced by millions of Americans?

MR. STODDARD. I've answered it. I can answer it the same way that I just answered it. I believe that it's an area of enormous sensitivity. It is not an area of that much sensitivity in the motion picture business. Although I can think of the

movie that came out 2 years ago. I do know—I think that there was a television special if I can remember. I think it was “The Life of Paul” or something of that nature which was the 3 hour—a long time ago, Jeff, maybe 5, 6, 7, 8 years ago that, when seen, the sponsor completely pulled out. Do you remember?

COMMISSIONER GEORGE. Yes.

MR. STODDARD. And I mentioned that only as properly—improperly or properly; I don’t know why they pulled out. I think it was General Motors. But it was their projection of the sensitivity that viewers would have to that depiction.

COMMISSIONER GEORGE. I can see a very sensitive issue there where you’re dealing with theological matters, say, the life of St. Paul upon which there are disputes between Christian groups and between Christians and Jews and so forth. That can be very fundamentally different from depicting a family, whatever they are, whether they are Amish, whether they are Orthodox Jews, whether they are Catholics, whether they are Moslems, whether they are Mormons, as engaging in the distinctive religious activity of those groups. I mean in a minimum saying a mealtime prayer or something like that, I don’t see how anybody would be upset about that. I could see actually how an inquiry into the historical claims about the discovery of the Book of Mormon, that area is very sensitive, and it’s got to be handled in a much more sensitive way.

MR. SAGANSKY. Well, we actually in the last year we broadcast two 2-hour specials on the stories from the Bible and archeological evidence, you know, confirming or disproving biblical stories. CBS got more mail on those two specials than we got on virtually anything else we broadcast all year. And these were very—this was all sort of a very clinical taken, you know, by experts talking about the Bible. It was incredible the amount of negative and positive mail that these two specials generated.

COMMISSIONER GEORGE. That’s the evidence for how important religion is in American life.

MR. SAGANSKY. Right. And I think it also talks to the point that Brandon made about how controversial it is.

COMMISSIONER GEORGE. I agree. But race is controversial.

MR. SAGANSKY. Yes.

COMMISSIONER GEORGE. Ethnicity is controversial. Sex is controversial and so forth. Just a final point. Are any of you familiar with the studies of Lichter and Rothman that were referred to in the earlier panel?

MR. SAGANSKY. No.

COMMISSIONER GEORGE. These were studies of attitudes and opinions among higher figures, big guys like you in the media or in the entertainment industry. But if the studies aren’t familiar, there’s no point in pressing. Thank you.

CHAIRPERSON FLETCHER. Any further? Thank you very much. I have a list of questions that I will pose to each of you in writing in the hope that you will respond and ask that you do continue. I just might add, Mr. Stoddard, I was glad to hear you say that the report that the Commission did on the industry 10 or more years ago did have an impact. I hope this one will have the same effect.

MR. STODDARD. I’m sure it will.

CHAIRPERSON FLETCHER. If there’s no further questions, I’ll issue those in writing. And I will appreciate your response for the record. Thank you very much.

MR. SAGANSKY. Thank you.

MR. VALENTINE. Thank you.

MR. STODDARD. Thank you.

The Road Ahead for Minorities

MR. GLICK. The road ahead for minorities in the industry, to get some views of persons involved and on their expectations. I would call Charles Floyd Johnson, executive producer/principal of the Banana Road Productions; George Sunga, producer, Disney Studios; Richard Marin, actor/producer; Valerie Red-Horse, actress.

CHAIRPERSON FLETCHER. Please stand and raise your right hand, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Proceed, counsel.

Testimony of Charles Floyd Johnson, Producer/Principal, Banana Road Productions

MR. GLICK. Thank you. I’d like to begin with Mr. Johnson. And I would like to begin by asking Mr. Johnson what your major responsibilities are at present within the industry, and could you give us just a couple of sentences about your experience and background?

MR. JOHNSON. Currently, I'm an executive producer of Universal Studios, having produced many television shows for them. I'm in development at the moment. My last show I just completed was the "Quantum Leap" series at Universal, and I was the executive producer on that. My experience in the industry has been over the last 22 years. I started work at Universal Studios in 1971, and quickly I'll say I started in the mailroom but only spent a short time there and then went into Business Affairs. I had a law degree at the time, and I think the ELC [phonetic] was probably at the time that I was able to move forward pressing studios as we're doing now, and I was able to move into business affairs. I spent about 3 years in training in Business Affairs and then moved into production. Mr. Sagansky mentioned that someone had taken some of the minority people under their wings and they had had a chance to move forward. I think that's certainly what happened to me, and I became an associate producer on the "Rockford Files" in 1974, producer in 1976. I then became a producer on such shows as "Bret Maverick," "Magnum, P.I.," "Simon & Simon," "Neal Striker," "Quantum Leap," etc. So that's sort of how I moved along the business, moving from the associate producer to the executive producer.

MR. GLICK. Is that experience of moving ahead through the good aegis of a godfather a common kind of experience in the industry?

MR. JOHNSON. In my case it started out somewhat that way. But I think that I worked very hard in terms of once getting in—we've heard today about access to the industry. For minorities that is not easy. It's much tougher always for us to get access. But I did get in the system. And once in the system, working with different shows as a production coordinator, I had someone who felt I had potential to move on into production, two people who then suggested that maybe I move up. That was approved within the system at Universal, and that's how it happened. So, yes, I did have a godfather of sorts. That helped that process along.

MR. GLICK. Well, after some experience with the godfather, it's true almost anywhere in any kind of profession you have to make it on your own once you get that initial entree, that initial push. Is it the same or is it more difficult for minority group persons to get that godfather's push from the very beginning?

MR. JOHNSON. Well, by the very nature of being already in the business, I think it's much more difficult. I think that there is—Mr. Stoddard just talked about the fact that there are no real creative executive training programs in the industry for minorities. There may not be—on the surface of it, it goes for the majority as well, but they are in the system. And, therefore, by the very nature of being in the system, they get the chance to be in certain programs by the very nature of the fact that they're there. It isn't much tougher. I do find that you have, as in any industry, the ability of some people are able to move, regardless of color, by hard work. But that's the exception to the rule. And you get into clubs sometimes serendipitously if you have a certain background and you do certain hard work. But we're really talking about those young men and women or who don't get those opportunities or who don't have that good fortune to serendipitously get into the club. So I think it's always tougher.

It's a business, as we all know, that they don't advertise in the newspaper. You don't go to Personnel necessarily and say, "I want to be a producer." So it's very tough. And oftentimes you have contacts that help you out. So, yes, it is tougher. And I was lucky, I think, because I was in the system early on, and I had some help. And a lot of it I did. Certainly, I would not underestimate my own work by doing and getting where I got.

MR. GLICK. Well, there are very few minority directors in the business, industry. Do you see any prospects for increasing the numbers of directors or key players? And, if so, what kind of avenue could be taken to increase the number of minorities? And I'm not only thinking of African Americans, but I'm thinking also of Latinos and Asian people.

MR. JOHNSON. Well, the industry really does have to settle on looking at ways to create executive positions to create more directors, more writers among minorities. That is something that has to take responsibility for in total. The focus has to be on what programs can be created that realistically can move minorities forward. And you've heard a lot today about the fact that there has been some success in moving in terms of portrayals and there has been some success in moving African Americans forward in terms of the behind-the-scenes and work. But it is far

from enough. And the sad fact about it is that African Americans have been very vocal and they have made somewhat more progress. But with regard to Latinos and Hispanics—and the Native American is almost nonexistent both in portrayals and in the executive suites—so I think there has to be programs.

Just as in 1979 *Window Dressing on the Set* made an effort to what you did there, and the industry paid attention, that's what again, I think, has to happen. And there have to be programs not only for writers, which some studios and some organizations have like they have at Disney and Warner brothers but also for creative executive positions, young men and women who are minorities, especially Latinos and Hispanics and Asians, have to be now put in those programs and taught all the way up.

I'll give you an example quickly, and I know you're short of time. About 1980 I was asked by a network if I were interested in becoming a vice president of production in dramatic television. And I said—at that point in time, I thought my career was at a stage where I could not accept that position, but I was flattered that I was asked. But what I suggested instead of asking me where I was at a certain level where I felt I could not take that position to find some young minorities who had been trained at lower levels in those departments as a director of development and let them come up in those departments. And that is not done enough. Sagansky mentioned that there are some people in levels at CBS, and that is true. But there are not young men and women minorities who are training as executives and also in director programs. And so the industry must focus much more on doing much more in terms of training programs to foster young directors and certainly young executives.

The last thing I would say is that when you have young executives who are minority in positions of being able to green light a production or at least give their opinion on what productions we will see in our theaters or on television, you will get their sensibilities and you will get their cultural backgrounds that will be factored into what decisions are made. And we will see a more diversity of programs. And I think that's what has to be done.

MR. GLICK. We all heard some testimony earlier today respecting the portrayal of minority group people in the industry—on the screen,

let's say. And there was testimony respecting the very negative ways in which minorities are portrayed, the kind of roles that they are put into play, the negative roles, roles that were unattractive people. The actors themselves might be physically attractive, but the character's play and the situations in which they were put created very negative images for young people and for adults as well. Would you see that as a factor that affects minority people in this country?

MR. JOHNSON. Well, the same problem that we're having in terms of discussions on violence are the same problems that I think are on portrayals and how much those portrayals do affect the perceptions of people. I personally think they affect them a lot. And I think when you see minorities portrayed in negative lights, that really affects how they are perceived in life. And if they're portrayed as people who are not positive role models or you don't have a balanced portrayal, I think that does affect when a young man or woman goes to get a loan at a bank. I think those things are very, very true, and I think the industry has to deal much more with positive portrayals.

There has been—as we've heard today, there has been a great deal of advancement along those lines, but we have a long way to go. And I could only say in terms of that that there has—I'm working now with the cast of producers, writers, and directors, and the producers guild, and we're dealing with the problems of minority casting. And I think there has to be much more—Jeff and I talked about both seeing the industry on dealing with minority training programs at all levels. There has to be an encouragement of producers and directors and casting directors to be much more open about nontraditional casting and take more risk to do that. The feeling that was brought about of religion about, if you do not do some casting, people won't accept it, the audience won't accept it. I don't think that's necessarily true. And I think the industry has to push a little harder to try to be much more open in their casting.

I pointed out only recently in *Much Ado About Nothing*—and I don't know if any of you have seen it—but the director Kenneth Ron uses Denzel Washington in the Shakespearean piece as a nobleman who has a brother and the brother happens to be white. I don't think it affects anybody's opinion or feeling about you can't enjoy this picture because of that. So I think that

we have to be much more open about the ability to do that. I'm not suggesting that familial or love relationships that we violate that so that people say, "My God, I couldn't watch that." But in a lot of the cases, the industry can do more, and we have to press them to do that I think.

MR. GLICK. We're thinking in this discussion about the future. Do you have expectations that there will be improvements in the kind of situation that we see now? And if you do, what sides point you to that?

MR. JOHNSON. Well, the hearing today for one thing. Plus I think with reports that are all coming out and I think there is a lot of now the attention on the problem. And when you have attention to it, I think things get better. In the industry, as many things, are cyclical. And I think when a lot of what happened after *Window Dressing on the Set* and the civil rights portion in the 1960s and early 1970s, I think the industry will be much more aware of it. And I think when the pressure is put on them, they hear it, and they know that the racism that exists in our country can somehow be improved if we ourselves show a better diversity in what we do on television and reflect the true American scene. And that isn't being done now. And although I think they all feel that there's improvement, I think there's now a feeling that we have much further to go.

MR. GLICK. There's been some consciousness raising in the industry.

MR. JOHNSON. I think so. And I think it's—this is interesting. I think the report—the SAG report, the AFI report, and now these hearings all coming at the same time I think has made everyone aware of the fact that we have to keep forward. But I think the pressure has to stay on. Because what happens sometimes is you have—we have the hearings and we have the reports and nothing is much done. But I think programs need to come out of these hearings and also what is being done to move forward.

MR. GLICK. Well, we hope we'll have some impact in that respect. I don't have any more questions for Mr. Johnson at this time, Chairman. But he has assured us that he is late for a meeting and we've kept him very late. So after Commissioner questions if you could excuse Mr. Johnson, I would appreciate that.

MR. JOHNSON. Thank you.

CHAIRPERSON FLETCHER. If it's agreeable with the rest of the Commission if you have any questions to pose to him if you put it in writing and he can give it to us for the record, if that's agreeable with you.

MR. JOHNSON. Yes, Mr. Chairman.

CHAIRPERSON FLETCHER. We can do it that way.

Testimony of Valerie Red-Horse, Actress

MR. GLICK. I would like to turn now to Ms. Valerie Red-Horse. Ms. Red-Horse, in your experience—and you've had considerable experience in the industry—do you find that Native American performers have more difficulty and perhaps a different kind of difficulty in finding roles and in achieving employment as writers, selling scripts, all the various—"above-the-line" I think is the phrase that's used—opportunities than other minorities do or is there a variation? Is there anything particular to Native American problems in the industry?

MS. RED-HORSE. Absolutely. I feel that although some of the problems we face and some of the obstacles we face are universal to all ethnic minorities, there are specifics that are very unique to the Native American, primary and foremost of which is the stereotypical image. I do feel that some of the other minorities have made the bold break against those typical traditional cartoon caricatures of race, and we have not been able to break that mold yet. The stereotype that's formed basically in the last 50 years of media portrayal: We have been shown as cartoon figures who speak in one syllable with feathers and smoke signals. Our tribal customs have been shown inaccurately and sitcoms such as "F Troop" are really what sticks in the minds of my generation who are now sitting behind the scenes making the decisions in terms of casting and who portrays roles of Native American descent on TV and film. Almost all of the people I know through my association with the Screen Actors Guild and the American Indian Registry of the Performing Arts who are professional actors and actresses of Native American descent have at one time or another actually been told, "You don't look Indian enough." "You're not dark enough." "You don't talk like an Indian." "You don't act like an Indian." I was actually asked in one audition if I could sound less educated because I seemed too educated to be a Native

American. Again, I'm not pointing fingers or trying to blame the people making these comments because all they've seen growing up has been a caricature and a stereotype.

I feel there are some positive steps being taken to erase the stereotype. *Dances with Wolves* was the very first production-related effort to depict a particular tribe, the Sioux Nation, accurately. And that was a very bold step on the part of Kevin Costner. He took a big chance. He was told by many people that he would fail. Well, obviously he didn't. And that's a positive step.

However, those types of positive moves seem to permeate only the traditional and historical image of the Native American. The urban Indian is virtually nonexistent in film and television. And the stereotype remains that the urban Indian is perhaps an angry, drunken person trying to hold onto a dying culture. And that's very, very far from the truth.

MR. GLICK. Now, in order to have the true picture of contemporary American—Native Americans, urban and otherwise, wouldn't it be necessary to have Native American persons who identify themselves in that way, who identify themselves with a nation in the industry in decisionmaking positions so that being familiar with the reality they're able to dig into their own lives and see that it's portrayed?

MS. RED-HORSE. That would be extremely helpful, but I have to be realistic. That's not going to happen overnight. We sat here and listened to the panel of decisionmakers in the networks, and they were all Caucasian males. And it will probably take some time to permeate that echelon. I believe we can work together with them. The people that made money on *Dances With Wolves* were not necessarily Indian people. And they saw the potential for an interesting story line, an accurate story line that depicts Native American life accurately and positively and can still be a viable, selling production that garners ratings. In this case, garnered an Oscar.

MR. GLICK. That's very interesting. Are you aware of any young Native American people out of school or in the industry who are comers, who are on their way?

MS. RED-HORSE. Well, there's 242 members of the Screen Actors Guild who are identified as Native Americans. Most of those do not work. There are 63 members of the Writers Guild.

There are 450 writers registered in the Native American Circle who have published work. None of that is being utilized. I became extremely frustrated with the role of the female Native American. And as an actress such as completed a screenplay showing strong female Native Americans that are based—it's based on historical fact, and I feel that I have an extremely strong challenge ahead of me in trying to pitch my story and sell my story, but I'm determined. I don't think it's for lack of talent. It's lack of access.

That's the definite problem, lack of access and visibility, not lack of talent. I know the Native American talent. I compete against it every day. And sometimes I wish it wasn't so strong. But we're just not getting the auditions. We're not getting the visibility. I have a feeling that those three men who sat here before me had they had a chance to see some of our Native American talent they would want to use it because they want to make money. And I feel we're viable, talented performers. But as of this day, it's very hard for us to get into their offices because we have to go through the process of the agents, the casting directors, the directors, the producers to reach the network executives, and it's not happening. For some reason those people are afraid and maybe not progressive enough to push Native American talent because you don't see it on TV. So maybe that's sending a message to them that it's, therefore, not viable and so they're afraid to push it. And I think that's where we need to see some change.

Testimony of Richard Marin, Actor and Producer

MR. GLICK. Thank you, Ms. Red-Horse. I'd like to turn now to Mr. Marin. And you've had a long career relatively speaking in the film and television industries, and you've been an advocate for more involvement for Latinos in all ends of the business, writers, actors, producers, directors, and every profession in the business. And yet they are under-represented. They are under-represented. That is factual. Can you give us any idea is there blatant—what would you call it? —Cultural racism or whatever that keeps them out, or is it the mechanics? Is it the buddy system? How would you define it?

MR. MARIN. I think it's all of the above. Latinos are caught in a Catch-22 especially in regards to television and entertainment of execu-

tive producer staff in the writing position. You can't get the position without experience and you can't get the experience without the position. The main thing we're dealing with is a pervasive perception is that Latinos are being addressed by the Spanish media, by Televisa Telemundo, Univisión, when, in fact, two-thirds of all Latinos in the United States that live in the United States were born here and speak predominantly English. And that whole generation is always progressive towards primarily English-speaking episodes. The smallest part of the pie is Spanish-only speaking. More than two-thirds of Latinos are being opted that, and we understand we're being dealt with by a Spanish media.

As far as writing goes, it's like the totem pole. The writer at the bottom of the totem pole supports the whole hierarchy of stars. When Latinos are not given a chance to portray the experience they know, if it doesn't begin at that point, it gives no rise to stars, directors, producers, other writers, people for and on either side of the camera.

MR. GLICK. Well, you made—we understand from discussions with you, you made a comedy series that apparently looked forward to being a great success but—or made pilots, I suppose you call them.

MR. MARIN. Yes.

MR. GLICK. But it never was aired.

MR. MARIN. No.

MR. GLICK. Can you describe what your experience was?

MR. MARIN. Frustrating. That particular incident was a half an hour program called "Culture Fashion," three young Chicanos I found here in Los Angeles doing a show in the Los Angeles Theater Center. That failed for a number of reasons. I would think my own inexperience as an executive producer dealing with the inter-network and interstudio politics that I was unaware of and the particular horses that I was riding in the show. My great entrance revolved around getting Latino writing staff which I successfully was able to do. Half the writers were Latinos, inexperienced. Also, I had the experience of having the studio advisors assigned who were equally inexperienced. So I felt like the Colorado Rockies. We were starting off with not ball players that made \$5 million a year.

MR. GLICK. Turning to slightly a different subject. You've been speaking recently about the television rating industry and how the ratings

themselves, which may or may not reflect American reality, have an impact on the possibility of employment for Latino writers and Latino actors and for the possibility of comedies or dramas that depict honestly Latino life in the United States. How would you characterize the impact of the rating industry?

MR. MARIN. Well, the ratings are all-important to, the all-end of television existence. They're ruled by Nielsen and Arbitron, who are not regulated. Those are voluntary agencies that are not held up to any standard that could be regulated by any kind of governmental or other legislative body. Traditionally Nielsen and what business they have in the past is they base their ratings upon 10 to 1,500 Nielsen houses that supposedly represent a cross-section of the viable representation of the American public, 93 million TV sets that they count and they use a cross-section of 1,500. In the past they've admitted that they undervalued or undersurveyed black neighborhoods because they were afraid to go in them. When they finally did go into black neighborhoods, they found those people—black people are watching more TV than anybody.

There is a perception that obviously applies to Latinos that we're being treated in the same fashion. I've always been taught that there was lies in statistics. We are being statistically gerrymandered out of our representation in the United States. When the Latinos are counted—I mean there's an estimate that there's going to be, in the next 10 years the Latinos will represent 250 percent of Los Angeles population. They do now if they're counted right. But Latinos need to be represented in the Nielsen's ratings where they're not now. That falls under the aegis of the FCC. The most curious thing that I've ever seen happen vis-à-vis the FCC was recently the government said that they were going to start enforcing children's network programming because children's network programming wasn't educational and the networks and the other affiliates licenses were going to be called and be questioned unless that practice changed. That practice changed the next day. I'm very involved in children's programming, and I have many programs in development with various networks. I immediately felt the impact of that. There was programs that were put on the schedule within 3 days of that announcement. I think if the FCC enforces the laws that are on the

books vis-à-vis network television programming, we'll all pick up.

We can bring up as many statistics as we want and surveys. There's the 1779 survey. There's the surveys which was just handed to counsel. But the same fact remains. There's not one Latino show on any network at all. I represented one of only five—I believe five Latinos with continuing roles in all the network TV last year. My show was canceled. So maybe now there's three. There you have it.

MR. GLICK. Well, do you think that the FCC could intervene in some way as it did according to your description with respect to children's program?

MR. MARIN. Oh, I think they could very easily. I mean the regulatory agency is there to enforce the laws that are on the book. If they're enforced, I think that a lot of progress could be made very quickly. There's one thing that the networks fear is if their licenses is called into question. That's their life blood. If the laws that are on the books are strictly or more strictly enforced or even looked at, I think that things would change very quickly. I've seen it happen within the last 2 months.

Testimony of George Sunga, Producer, Disney Studios

MR. GLICK. Okay. Thank you, Mr. Marin. I'd like to turn now to Mr. Sunga. And could you tell us briefly about your experience in the television industry, what roles that you have played?

MR. SUNGA. Coming out of college, I did what Charles Floyd Johnson did and went to work in the mailroom at CBS at Beverly and Fairfax. That was a time when there were only three places that you could conceivably learn television. That wasn't any one of the O and O production setups for each of the three networks here in Los Angeles. I spent 11 years at CBS doing what I considered my postgraduate work and served in every production department that existed at that time, at which point I was given an opportunity to leave CBS and be the associate producer of a brand new show called the "Smothers Brothers Comedy Hour," although we didn't leave CBS. We were still there for the next 3 years. I produced the last season with a wonderful writer Alan Blythe, and that was the year we got thrown off the air. But we won't discuss that too much. We're really now getting into that

area of Broadcast Standards and some of the problems that we have as the material that we are presenting on network television.

But after that, I was then into freelance and did a lot of musical comedy specials until at one point someone said, "It's time for you to learn film." So I went to Screen Gems and became associate producer of the show called "Temperatures Rising" with Paul Lynn, and I was able to carry my experience in videotape and live television and actually make that transition to film process which was really a lot of fun. Then I went to Albuquerque and produced single-camera action drama, also for Screen Gems. That was an experience and a lot of fun. I got a chance to work with many of the pueblos, the setup shooting areas for this particular show. They thought that I was Indian. In a different sense, they said to me, "You look like you look; therefore, you came over the same land bridge we came over." I didn't argue with them. They were bigger than I was, and they were really very good friends and enjoyed that.

After that, I was able to get to meet Norman Leer and became involved with "All in the Family," "The Jeffersons," "Good Times." Left them to become producer of "Three's Company" with the writers who also created "The Jeffersons." That was a nine season run which was very nice. Had additional experience with Paramount. Produced a couple of pilots for them and did 2 years of "Dear John." And currently now at Disney which is my main squeeze in which once the show has been sold and the script has been sold—you've heard some of that already—then I get called in. And it's my job then to produce that show for them.

MR. GLICK. Can you tell me what the words "line producer" mean, the adjective "line" behind producer? I'm not really sure what that means.

MR. SUNGA. Neither do I because I refuse to be called that. I do not produce lines. What it amounts to was that I will also cross that out of my contract initially. The fact is what we're talking about is a—in my case, the producer who was familiar with directors, writers, the techniques of producing, to be able to recommend proper directors for the projects, to be able to recommend writers as well, to be able to speak the writing language—not to write but to be able to work with them on their scripts, to help them decide what pieces of scenery we really can use

and not give me the Taj Mahal because I only have the 10 foot square piece of area to put it in. I have to be able to bring the whole team together from technical director, lighting directors, the grips, craft, services so we can at least eat, all the camera persons whether it's film or electronic, and then to also follow the postproduction process and make sure that gets completed, and then finally deliver the show to the network.

MR. GLICK. We have heard a great deal of testimony today about the difficulties that minority group people have in breaking into the industry in all the different professions—writer, producer, director, president of the company, whatever it might be. Do you see any barriers, any inhibiting factors that are unique to Asian Americans that would distinguish the problems they might have from other minority group people?

MR. SUNGA. You're mentioning a lot of things. I think that the Asian American who wants to be in this business who is dedicated enough who wants to be in this business should be able to find a way to be in this business. And I mean that for any minority. It is difficult. Grant it. Now what do you do that you know it's difficult. For Charles Floyd Johnson, for me, starting in the mailroom was the only access that we had. So we worked and earned our calluses meeting more people to become mentored, to be moved ahead because of our mentors.

That's about the way I can see it happening and has happened. But you get into—you must get into the system in order to work in the system. There are no quick plans that I can think of that says, "You are Asian. You are black. You deserve to be on television. Here's a job." You know that's not going to happen. And it's not that I'm not for that. But given the opportunity, then it's up to them to make it. And sometimes you've got to make your own opportunity.

MR. GLICK. Thank you, Mr. Sunga. Mr. Chairman, I have no further questions at this time.

CHAIRPERSON FLETCHER. Any questions from any members of the panel, please?

VICE CHAIRPERSON WANG. We'll go to the practice that we will send you our questions rather than asking you because of the late hour.

CHAIRPERSON FLETCHER. I have one question with reference to the licensing process. You fascinated me when you said that an inquiry of the

communication people to act quick, fast, and in a hurry to turn something around in 3 days.

MR. MARIN. Why, yes.

CHAIRPERSON FLETCHER. Could you tell me one of the three things that you would write for the Commission to present to them that calls to act that way again—quick, fast, and in a hurry?

MR. MARIN. Any number of Latino pilots that are in the pipeline. I was just familiar with this particular process because I am involved in children's programming. When the directive came down from the government that they were actually going to look into the licensing practices of the networks because the children's program as being represented was not educational, some of the networks put forth said, "Well the 'Jetsons' is very educational because it teaches them how to live in the future. And the 'Flintstones' are very educational because it taught people how they lived in the past."

The Commission didn't buy that. And the very next day the "Prince of World" was bought from PBS to put on Mr. Sagansky's network. "Where in the World is Carmen San Diego" was bought to put on the Fox network. Happened overnight. What I would recommend the Commission to do is via the FCC is review the laws that are on the books. We're dealing with the public airways. Television is those clubs. Anybody can make a movie. You can running up. You can run backwards. You can go out physically and shoot the movie. And you could sell it. And you can even rent a theater to show it. We're dealing with three networks. So basically four places to go. And if they don't accept you, it's goodbye, Charlie. You're left with a Dixie cup and thread. We have no other way to get your programming on the air, and it's the public airways. It is a private enterprise running public airways that are subject to FCC rules. There are rules on the book that can be enforced. Although I think—I don't know the exact wording of them but they were laid out two or three times in the course of these hearings.

If we could get the FCC to look at those rules and enforce those rules as they are on the books, I think that we would be much farther ahead. I don't think the question comes up of censorship, government and/or—censorship questions always comes up. Should government have a role in the entertainment industry? We have a situation in television where we have private industry con-

trolling public airways. There are laws on the books that concern closer screening by the FCC.

CHAIRPERSON FLETCHER. Thank you. What I was looking for and maybe you have some thoughts about it sometime at 2:00 or 3:00 o'clock this morning, if you do, point us in the direction of what I'm going to say, point us in the direction that you would like for us to make inquiry with reference to the enforcement of some of the statutes that are on the book of regulations that would expedite the process. And these people all we could do is investigate. It would be nice to point to something and watch it fast and in a hurry. Thank you very much.

MR. MARIN. Empowerment is a wonderful thing.

CHAIRPERSON FLETCHER. Our next panel, please, counsel.

Pasadena Issues

MR. GLICK. Mr. Chairman, our next panel is composed of witnesses from Pasadena. Mr. Rick Cole, the mayor of Pasadena; Mr. Isaac Richard, city council member of Pasadena; Jerry Oliver, chief of police of Pasadena; Mr. Joe Morales who has been a candidate for the city council in Pasadena; and a witness, Mr. Michael Zinzun. Is Mr. Morales here?

VOICE. He's on his way in.

MR. GLICK. Well, can somebody call him?

VOICE. Yes.

CHAIRPERSON FLETCHER. Is that the whole panel, counsel?

MR. GLICK. No, there's one more.

CHAIRPERSON FLETCHER. Let's swear them. Would you please stand and raise your right hand, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please be seated.

MR. GLICK. Let the record show that we have Mr. George Padilla listed to appear at this time. Mr. Padilla testified earlier because of a pressing school board meeting that he had. So he came on earlier and is not with this panel.

CHAIRPERSON FLETCHER. Counsel, please proceed.

MR. GLICK. Well, Chair, Mr. Morales has now arrived. Perhaps you can swear him in and then I will.

CHAIRPERSON FLETCHER. Okay. All right. Would you stand a moment and raise your right hand, and I'll issue the oath to you.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you. Please be seated.

Testimony of Rick Cole, Mayor, Pasadena

MR. GLICK. I'd like to begin with Rick Cole, mayor of Pasadena. Mr. Cole, there were allegations in 1989 of racial and sex discrimination made by city personnel. And they included discrimination in disciplinary actions of promotions. This is from the public record. This is all matter of public knowledge. And then we learned that a consultant's report found some merit in some of the complaints and the city council adopted the report. I'd like you to describe to me if you could what executive changes in personnel practices have been made as a result of the 1989 complaints?

MAYOR COLE. The study done by the city council was done independently of the city's then personnel department by an organization known as People Works, which also had independent legal counsel. And the vast majority of their specific recommendations were adopted in consultation with our city's affirmative action commission which continues to monitor the implementation as well as the city council.

Since the adoption of the People Works report recommendations, we have a new city manager, a new director of personnel in a renamed human resources department. We have increased the presence of minority employees in the city to 56 percent and the members of the executive committee who are the department heads and top officials of the city to 50 percent. That's 25 percent black, 20 percent Latino, and 5 percent Armenian—Pasadenais, I believe, unique in California, throughout the United States, at the local level treating Armenian Americans as a protected class of all the ones I've just mentioned and Asians, Pacific Islanders, and American Indians. There are a number of specific changes that remain in hiring practices, in recruitment practices, in training practices. But I'm not prepared to respond in detail to all of those. I'm more interested in the results of our process changes rather than the details of how we get there.

MR. GLICK. Are you satisfied with the results that have been obtained?

MAYOR COLE. I don't think anyone is satisfied with the results that have been obtained. That is I think what we're going to be talking about this

hour. There are eloquent and forceful voices, I count myself among them, of people who are critical of where we stand today. I don't think it is important to use a benchmark of where we stood before because it's only by making progress that we achieve the satisfaction that all of us want to see. And so we have made progress. And progress is what I will probably be dwelling most on because I know that there will be others who will be dwelling significantly on the lack of sufficient progress, and I respect that.

MR. GLICK. I want to just interject now and interrupt myself to say that we have as part of our statute the provision that we may not receive testimony in a public hearing that would defame, degrade, or incriminate any persons. And those are broad words. And they're hard to define in some cases. But I have been dealing with them for many years. And I think I know it when I hear it. And I would respectfully request the witnesses to avoid any kind of insulting testimony about another individual. And if I do hear something that seems to tend to be going in that direction, I'm going to interrupt at that point.

Now, I'd like to continue with Mr. Cole, and I have read a report that was prepared by Mr. Thomas Pilla of the Commission's Western Regional Office in which he indicated that there's been a tremendous change in the demographic picture of Pasadena over the last generation and increasingly so over the last 10 years. And I wonder if you could indicate for us, Mayor Cole, how the city government has adapted to the change in demography. There's been a tremendous increase proportionally of the minority group population, particularly of Latinos. Has the city government responded in any way to adjust to this group?

MAYOR COLE. Well, it's a very broad question, and I'll only be able to answer superficially in the time that's available. Let me hit some of those points. You focused specifically on Latinos. But that is not the only demographic change. It is the most dramatic.

MR. GLICK. That's what I was suggesting.

MAYOR COLE. So we'll start with that. The Villa Parke Center in the area of our city which has the heaviest concentration not only of Latino citizens but of more recent immigrants to the United States is the center of a number of activities that responds to changing demographics. The most visible is the \$6.5 million investment in a

rebuilt and expanded community center that offers library, health, recreation, social, and educational services to the population in that neighborhood which, again, is predominantly Latino. Pasadena is the only city in the San Gabriel Valley which is meeting and, in fact, exceeding its regional share of providing low and moderate affordable housing. The services offered at the Villa Parke center and the Jackie Robinson Center and the Victory Park Center and through our libraries have changed in character as well as in the language in which they are delivered. Another example, a number of our libraries have significant selections in the Spanish language. Some of these are books and other materials. Our *In Focus* publication, which goes out to all residents of the city, includes a digest of all of the material in Spanish.

We've made an effort not simply to focus in on services but also on empowerment. The redistricting finally adopted by the city council—I believe unanimously, or I might stand corrected—was an effort to ensure two goals, one of maximum and as soon as possible opportunity for a Latino to be elected to the city council and, second, to ensure that that process did not work to the disadvantage of the two seats that had been gained by African Americans in the city council. At the commission level in our city, we've had a tremendous change reflecting the demographic shift in the population. We've got our planning commissioner, our affirmative action commissioner, our conservation commissioner, our utility commission reflected demographics of the city.

The one area that I'd like to touch on, although I'm conscious of the time ticking away, is I think the most basic, which is economic. We are one of 20 State-designated enterprise zones in the area of the city called our Northwest, which is predominantly Latino and African American. The enterprise zone along with the project area committees and the two redevelopment areas as well as the Pasadena Development Corporation are all focused on small business developments, on retention and recruitment and expansion of businesses. We have a very promising set of initiatives for microenterprise, the smallest of small businesses, by neighborhood housing services, by Pasadena Development Corporation in the Pasadena urban center. We have an aggressive affirmative action policy both in city purchasing as well as in private contractors who do work that have city

sponsorship. And we are embarked at this moment on choosing a developer for the first major full service shopping center in the Northwest part of our city. Again, I emphasize these are only superficial catalogs in the things we're doing. Since I'm conscious of the police chief sitting to my left, I should note also a brand new experiment in the Villa Parke neighborhood in community policing that responds directly to the changing demographics economic as well as in that area.

Testimony of Jerry Oliver, Chief of Police, Pasadena

MR. GLICK. Thank you, Mayor Cole. And you've mentioned the chief, and just simply by proximity, I would like to turn now to Chief Jerry Oliver. And curiously the mayor mentioned community policing, and that's a designation that we've heard discussed earlier in the week when we had representatives, including the chief of the LAPD, and we had some discussion of the term community policing, and there were different definitions on it all. And I wonder how you would define that term as it relates to the operation of your department?

CHIEF OLIVER. Certainly. First of all, I'd like to say that community policing in many places has been defined to the program. In Pasadena a place where we are all concerned about not only how we look but how we live, community policing manifests itself in extraordinary partnerships. There are really two elements in Pasadena. That is community engagement, engaging in the community and in partnerships in collaboration with the police department to solve problems and to address issues, to identify issues, and to extend government actually through the police department and in multifaceted ways. The second level is just problem solving in the sense that judicially police departments have been interested in solving crimes or criminal issues. In Pasadena we're concerned not only about crimes, but we're concerned about conditions that lead to crime, and community policing means solving those issues upstream so that police officers don't have to deal with them downstream.

MR. GLICK. Thank you, chief. I wanted to ask you about some statistics that we have, published statistics, that indicate that the force in Pasadena has 213 sworn personnel of whom 27 percent are Latino. The statistics suggest that in

a five-person top command group—I don't know what the real designation of it is, but that's the way they described it—in that five-person group, there aren't any Latinos, that there are 13 lieutenants on the force and yet there is only 1 Latino. And out of 29 sergeants, there are only 3 who are Latino. But to reiterate, 27 percent of the force is Latino. Could you give us an idea, a concept, a reason, a rationale for the disparity in the senior members of the sworn personnel and the numbers of Latino officers?

CHIEF OLIVER. Let me first say if I might just back up a bit on the statistic—

MR. GLICK. Please do.

CHIEF OLIVER. —give some background and a backdrop to those statistics. I've been in Pasadena for less than 2 years; the 28th of this month is going to be 2 years. Although I found the police department when I came 2 years ago—the police department was highly professional and very striving to be reflective of the community, one of the real deficits in policing in Pasadena was that we did not have representation of Latinos and Hispanics in the upper ranks of the department. Since I've been there in the last couple of years, the numbers that you have cited were numbers that generated a result of promotional opportunities with promotional processes in which myself and the command staff have tried to remedy this deficiency within the department.

Let me just further read some other statistics because I think it's important, again, as a backdrop. There are—below the level of chief, there are four commanders. Two of those commanders are black males, one is a white male, and one is a white female. Below that level is the level of lieutenant. Within the Pasadena Police Department, 2 of those lieutenants are black males, 1 is a male Hispanic out of 13 lieutenants that were mentioned. At the sergeants' level there are recent promotions. There are 3 male Hispanics, 2 of whom have been promoted in the last couple of years; 1 female Hispanic supervisor who is our, by the way, the focus [phonetic] to our squad commander is a female Hispanic; 5 male blacks and 1 female black as sergeants, and 2 male Asians out of a total population of 29 supervisor sergeants. Investigators is the next rank down, and really quickly there are 40 of those. Nine are male Hispanics which has been probably about 52 percent increase since I've

been there. One female Hispanic, two female blacks, and four male blacks at the investigator level. The officers—there are 139 positions. Of those positions, 24 are male blacks, 5 are female blacks or African Americans, 39 are male Hispanics or Latinos, 6 are female Hispanics which is again about a 50 percent increase over the last couple of years, 2 male Armenians—as the mayor mentioned, Armenians in our community is considered to be a category—and 7 male Asians. So you see there is diversity and diverse representation in the rank structure of the police department, Pasadena Police Department. Hispanics, Latinos have been underrepresented. But we have a fair, aggressive program.

Testimony of Isaac Richard, Member, City Council, Pasadena

MR. GLICK. Thank you, Chief Oliver. I would like to turn now to Councilman Richard and ask you for your view respecting the possibility of economic development in Pasadena which, as you know, is a major subject of our hearing this week, economic development in Pasadena which would provide jobs for minority people and what you see as any barriers to such development.

MR. RICHARD. In responding to that question, I have to involve some of the comments that were made earlier by the previous speakers and to say that all is not as well as the other picture that was painted for you in reference to leadership within the city of Pasadena. For example, since 1989 we had one of the most tumultuous hiring in our city manager's office in the history of Pasadena. We hired a Caucasian city manager over two eminently superior qualified African American city managers. That spelled disaster as far as leadership in our city for minority empowerment. Furthermore, while we were having this turmoil go on and the People Work that was mentioned earlier, the black and brown workers in Pasadena were working without benefits. Over 200 workers toiled with the city of Pasadena without vacation pay, without sick pay, without medical benefits of any kind because they're classified as temporary workers. All this was done after the People Work that was mentioned. Going on to say that 85 percent of all the workers surveyed on Pasadena Black Employee Association said they were dissatisfied with promotional opportunities, dissatisfied with the work environment that they were in, and conse-

quently are unable to leave the city in any direction favorable to minorities because of their oppressed status.

Pasadena has a reputation of being one of the most antibusiness cities in southern California. We have seen no leadership in the city manager's office or city council, with the possible exception of myself, on this issue. Pasadena passed the growth management initiative under the leadership of its current mayor, which said to businesses, "We do not want you here. We want Pasadena to be a sleepy residential town." We read that, "We don't want jobs coming here that might attract minorities." In a growth management initiative gave Pasadena a reputation that I'm going to KFWB News Radio, the major radio station here, put us on par with the city of Santa Monica, which many people call the People's Republic of Santa Monica, as the most antibusiness city in southern California. The same report indicated that Pasadena along with Long Beach which was losing a lot of defense jobs was the worst place in the State for job opportunities. That was a crushing blow to our efforts to increase business enterprise and economic development for minorities.

Furthermore, the city council has refused to take a stand on the 710 freeway extension. The 710 freeway runs through primarily white areas of south Pasadena. It would feed into the 210 freeway and make a natural link. That freeway has been fought for 20 years even though Pasadena's Latin and black community gave up over 14,000 people to build the 210 freeway. They had no problem building the 210 freeway which is much longer and wider than the 710 extension that is being proposed. And for Pasadena turned a deaf ear to the development and opportunities that could be presented by the freeway extensions symptomatic of this antibusiness stance and this lack of desire to create economic opportunity for people of color.

MR. GLICK. If the city did not have this opposition to business as you described it, would there be economic growth in Pasadena? Is there a potential for that?

MR. RICHARD. Without question. Pasadena means the "Crown of the Valley," as an ending place for crown of the valley. We have an international reputation. We are an address. And during the late 1970s and early 1980s, there were many attempts for business community to develop eco-

nomically in the downtown area. Both attempts were fought by tooth and nail by a group that we call the preservationists. They said, "This building is a landmark. This building is historical." And they used that as a ruse to prevent economic development.

I'll give you a recent example. Bank of America, which just absorbed Security Pacific and became the second largest bank in the country, owns land in Pasadena. They're moving its card center to Arizona because of better business climate. They own this land that has an old building on it. I am not architecturally dressed [phonetic]. So it looks like an old building to me. They want to tear it down and do something with it. This city council refused to let them tear the building down. While we should be wooing Bank of America, "Come in and tear this thing down. Put up anything you like, sir," we're telling them "No, you can't tear this building down because it's sacred." I was outvoted on that issue 6-1, 6-1. This is the kind of attitude we're turning to our biggest corporations in our land and we're wondering why the unemployment rate, the infant mortality rate, the crime rate is higher in Pasadena than it should be.

MR. GLICK. Mr. Richard, the minority groups taken all together constitute a majority of the population in Pasadena.

MR. RICHARD. Without a question.

MR. GLICK. But yet they don't have all that great an impact in elective public offices such as the city council and the board of education. Would you have any comment as to why they are not participating in elected office at a level consistent with their percentage of the population?

MR. RICHARD. Well, that's one of my favorite topics; so I'm glad you asked the question.

MR. GLICK. But we are limited in time.

MR. RICHARD. I thought about this for many years. So my response to you will be relatively given in complexity. Pasadena is dominated by a white racist organization called the Tournament of Roses.

CHAIRPERSON FLETCHER. Please let's keep order, please.

MR. RICHARD. The Tournament of Roses as viewed [phonetic] Pasadena for 100 years, for 100 years. We cannot separate the city from the TOR. Part of that process involved gerrymandering, political chicanery that raises election laws that says, for example, you have to win 60

percent of your district in order to avoid a city-wide runoff. And this prevented, for example, in my district, district 1, minorities of ever being included in the primary at 14 of the elections ago citywide where the Caucasian man would always win. My district, district 1, has always been 75 percent minority. Yet during my election—there has never been a minority representing you—during my election, we ran a strategy that was a monopoly [phonetic] of the political circumstances. We focused strictly on turnout in the minority areas. We did not ask the other side of the Arroyo to support us. And with 1000 percent increase in minority voter turnout—because even though we were 75 percent of the population, we were only 40 percent of the registered vote—we were able to get poor blacks and poor Latinos to outvote rich Caucasians. And that is why I'm sitting here today.

After I won that election, after 44 years of Linda Vista domination—the Linda Vista is the white that have dominated the black—we were able to change the district. And now my district is marvelously black and highly registered. But until that happened, this city council was 90 percent, almost, white while the city was approaching 70 percent people of color.

MR. GLICK. Thank you, Mr. Richard. That is a complicated story.

MR. RICHARD. It is.

Testimony of Joe Morales, Former Candidate for City Council, Pasadena

MR. GLICK. And I'd like to turn to Mr. Morales who is sitting on your left who was himself a candidate for the city council unsuccessfully. And despite your identification as a Latino candidate, you were unsuccessful even though 27 percent of the population of the city is Latino. Could you tell me what the manipulation, the maneuvers, what happened in that election?

MR. MORALES. Basically, I did not run in a Latino district, just looking at voting strength. I ran in a Latino district if you're looking at the population. The population of district 5, which was the district dubbed the Latino district, is 60 percent Latino, but their voting impact within that district is only 13 percent. The Anglo vote within that same district, although they are only 17 percent of the population, was 50 percent, with African Americans making up the remainder. Therefore, I ran in a race with three Caucasian males

and myself as the only minority candidate. I needed to not only get every minority vote but also get Anglo votes. The person who won this race did not come from the Northwest area, did not come from the minority area, but rather came from the other side of the street from a strong middle class but from that region, the affluent white area of the community.

Pasadena is not ready yet to push Latinos into the forefront. For a Latino to be elected in Pasadena would take the true meaning of the word empowerment. During my election, I was told that, if Latinos wanted to win a district, why don't they register in sufficient numbers. That is not empowerment. That is not saying we will empower you. That is to say when you have enough votes, come and take it away from us. There is a distinct difference there. Not all of Pasadena feels that way. I was heavily funded by what many people would say is some of the old garden city who want to see the change and have concerns for a number of reasons to see the Latinos assume leadership within this city.

Our lack of economic development, our lack of educational opportunities, the poverty levels are just staggering. Pasadena is a mind recognition [phonetic] of what is happening in the rest of this country. The UN just released a report, a 1993 report, on standards of living for groups of people throughout the world. The number one group in the world with the highest standard of living are white Americans. African Americans ranked 31st. Latinos ranked 35th. With any developed country, with any developed city, we have an underdeveloped group growing in increasing numbers. Sixty percent of the children who attend public schools in Pasadena, minority children, qualify for the food lunch program. They are in poverty. Eighty percent of the Pasadena schools are made up of minority children, children of color, and they're not getting an adequate education. And when they come out, there are not adequate job opportunities because there is no economic development in Pasadena. And if there is, there isn't an investment in entrepreneurial programs in the communities of color. So to try to elect someone and simply say, "Gee, we hope it can happen," you have to trust that empowerment will occur.

And Pasadena has sent a message that that will not happen until the year 2000 when we can redistrict again. Hopefully by then we will have

had enough new citizens qualify, had a voting registration program in place. But the Latino population in Pasadena has been growing for over a decade. Pasadena has known that this day was coming and failed to invest in a meaningful way in developing citizenship programs, in developing voting registration programs, and that's why the numbers are so poor in relation to the population of Latinos that are there. In the Northwest area, which is about 35 percent of the population of the city which is the poorest area in the city, 46 percent of the Northwest area is Latino. It is represented that 35 percent is African American. It is represented by two African Americans and one Caucasian.

That sends a message to Latinos in this city. That sends a message to young people, young Latinos and Latinas in the city that they are not accepted. Latinos and Latinas are a second thought. They are an afterthought when it comes to funding for social programs, for public programs, for promotions, for educational opportunities. And yet people point at the Latino community and say that is a source of problems, that there is an economic burden there. But yet they will not put the investment in. By "they," I mean those with the political power, those with the affluence to enable the Latino community to pull themselves up.

MR. GLICK. I think that you've given a pretty effective picture of the Latino community in Pasadena, Mr. Morales. And I think you've educated us a great deal. I'm going to have to ask you to wind it up at this point just a couple of more minutes because we are very far back on schedule.

MR. MORALES. The only last thing that I would want to say is I would like to see this Commission really look at what's happening with Federal monies. Look to see if the city is getting all the Federal monies that it should be getting for programs, for communities of color. Look to see if there is adequate money being used or being requested for section 8 housing, for investment in this enterprise zone that we all know exists but for which investment is not coming. If our educational programs are up to par for our communities of color, if they are up to par on the same level as the private schools. We need to have these hard questions asked.

While I appreciate the comments of some of the other speakers that there is an aggressive-

ness or a commitment towards making strides forward, it's painfully obvious that we can see that whatever effort has been made in the last 10 to 20 years has been painfully insignificant because the gap keeps growing wider and wider. And if the purpose of this Commission is to figure out why racial tension is occurring, the more that gap widens, the more that economic gap widens, the more tension there is going to be.

And it has to be more than just providing jobs. That's a good step. It has to be putting investment into communities of color so they own the businesses, so that they own the economic opportunities. And it has to be more for Latinos than simply translating our language, eating our food, taking sabbaticals in our country, other Latin American countries, to say they understand our community. Because many of us have been here for three, four, five generations long before this country was even founded, and it's not right for someone to say that translating our language from English to Spanish gives them an understanding of my experience, my family's experience, and my brothers' and sisters' experience here in this country.

MR. GLICK. Thank you, Mr. Morales. I appreciate that.

Mr. Zinzun, I don't have any questions for you, but I know that your area is of interest and concern is law enforcement matters. And so would you proceed to give us whatever kind of comment you want to make or statement in that area.

Testimony of Michael Zinzun

MR. ZINZUN. Yes, I would like to first start off with I'm glad that Bush is gone. And I hope that when he left, he took some of them other folks with him. I think when we talk about the question of racism—

CHAIRPERSON FLETCHER. Excuse me just a moment, please. Slide the mike over in front of him, please.

MR. ZINZUN. I think when we talk about the question of racism, that's the bottom line. Let's not try to make it like a side issue. We know that there's racism; that's the very fabric of this country. Okay? And the people who have suffered as a result of this racism has been people like Michael Bryant, Cheryl Hubbard, the LA Four Plus, Hasung Netherly [phonetic]—people who have been knocked down and no recourse, no redress, no what direction do we go into. What I'm saying is

that not only do we have racism, but we have a system that has been basically been supported by racist laws. Okay? The racist laws I'm talking about is the fact that they can be allowed to criminalize black youth, arrest them for suspicion of, let them go, and it will be on their record for the rest of their life. Talk to me all. You're sitting back there like you're sleeping. I'm talking about the use of the chokehold in Los Angeles where they would turn around—the police chief would turn around and say that the reason black folks died by this because the bands in our neck were made different.

Then we talked about Pasadena, and our chief is over there. Pasadena still has the use of the chokehold. I'm talking about the use of the taser. I'm talking about the use of the baton. I'm talking about how uniform the training is where you can go to Pasadena, die from the taser—from the chokehold and go to L.A. And die from the taser. See what I'm saying? I'm saying that what I'd like to put forth to this group here and you know, Fletcher, you over there, you know we pissed off about this, man.

What happened in Los Angeles is being repeated throughout the country. What we're trying to say is that, if we don't get any justice in L.A. or anywhere in this country, we're not getting any peace. I'm saying that we want to know why Michael Bryant died. We want to know why they would use a court cuff procedure that would not only take his life but would take other people's lives. We want to know—and I ain't always agreeing with my brother Isaac. But damn it, I'm tired of them jamming him up because he's black, you see. That's why I'm pissed off about it jamming him up because he's black. Rick Coles over there—he ain't saying nothing. He knows damn well he's part of the problem. Okay? So let's put this out. Where's Coletta at? There he is. You know you're wrong, too.

Okay. So what I'm saying is that the question of racism comes out in all these forms whether they be in the courtroom, the chokehold, the taser, or the baton, whether it be violations of our young people's rights, criminalized them where they can never get a job, is what we've got to deal with here. Now, people are coming here every day. You know they would not even let me in here yesterday. And I'm saying that people in here are being polite, falling asleep because it's so boring in here. You haven't even fed us. I'm

saying what we've got to do is sit around how are we going to address the issues that is going on. There's a civil rights attorney sitting right there before us, and he been fighting so darn long, he's tired. What we've got to do is start standing up and speaking out to the extent where not only we scared somebody like Bush but we got to scare you too, Fletcher.

CHAIRPERSON FLETCHER. You can't frighten me.

MR. ZINZUN. Now let me end. You got to let me finish.

CHAIRPERSON FLETCHER. You can't frighten me.

MR. ZINZUN. No. Let me finish.

CHAIRPERSON FLETCHER. Go ahead.

MR. ZINZUN. I had him in my office. That's why I can talk crazy to him. Come on, man. One of the biggest problems that we have right now is the use of excessive force in our communities. They will beat you down and then you got to be charged with something and explain your way out of all these things through courts and all these hearings. And by the time you find out that you're not guilty, it's too late because you either been convicted, take a bribe, or take a deal, or spend all of your money and you ain't got no other thing. I'm saying that the U.S. Civil Rights Commission has been hog-tied by the damn Republicans. And now that you've got Clinton in there, what are you going to do? And if Clinton ain't going to do nothing, we need to get rid of his butt, too.

You see what I'm saying? We've got people with a whole new thing that got rid of Bush and all them other people. Now, damn it, let's stand up as a community, not through community-based policing but as a community that has community control of our police, our schools, and every other department that guards our lives. And if we don't have that, if we don't have that, then you're not going to have any peace. That's what we're trying to tell you. Now, you've got to get up here now. You've got to get up and you've got to speak up. The last thing I'm going to say is our people that ends up for anybody to continue to support Operation Weed and Seed. Operation Weed and Seed has identified as black and Chicano communities—not Latino, Chicano communities—as the weeds. And they're willing to pay us to sell our kids down the drain. And what we're saying is we're not going to tolerate that.

What I'm trying to say is in conclusion is that the civil rights movement, the Black Panther party—they paved the road for us. Now what we've got to do is build the bus to travel on that road. But what we're trying to let you know is that the black community ain't going to be riding in the back of no bus. We're all going to ride up front. And if they've got the build the bus and drive it sideways, we all going to be up front. See what I'm saying? And if by chance they do build a bus with back seats, we're going to tear that sucker down. All power to the people. Talk to me.

MR. GLICK. I don't have any further questions.

CHAIRPERSON FLETCHER. I'm sure you don't. I'm sure you don't.

VOICE. Do you have any answers?

CHAIRPERSON FLETCHER. We've got it in the record. That's what we need. We're not here to answer. We're here to find out. Since you're making the demands now, I'm going to say it one more time. I said it last night, and I'm going to say it again. I hear all these demands about what the Civil Rights Commission ought to do, but you have elected Members to the House, Members to the Congress. And when I call back there to find out if you wrote one letter—let me do it once more. When I call back and ask if you've written one letter, made one phone call to give us any kind of support at all, the answer is no. Now, if we're going to get it done, I'm prepared to get it done as well as you are. I'm 68 years old. I've been in the civil rights movement for 50 years doing my level best to get the laws on the books and in force. Now, let me tell you for certain that without your support—those who don't want these laws enforced are well-organized. They're well-organized. They know our statistics better than we do. They know what resources we have better than we do. So if you're going to do it, if you're going to support it—and I made sure he came down. They didn't want to put him on the program. I said, "Bring him on down here and let him say what he has to say." I want them to hear the rage. I want them to see the rage. I want them to understand the level of the rage. But when they get through with all that, you still have to do something to make it happen. Now, you've elected some people to represent you. Now, make sure they represent you.

VOICE. Give us a name and number.

CHAIRPERSON FLETCHER. You know who they are. You elected them.

VOICE. No, we didn't elect them. They was on the list.

CHAIRPERSON FLETCHER. They're there.

VOICE. Give us names and numbers and we'll—

CHAIRPERSON FLETCHER. They're there. They're there. Maxine Waters is one. Your other two Congressmen from here. There are also three or four Hispanics representing this area. Put them on notice that you came here and put them on notice that you want the budget for this agency increased. Put them on notice that you want this staff increased here. Put them on notice you want this staff in the field finding out what's wrong with them. And when I go back, I'll tell them what we want, we'll get it. Otherwise, if I just go in or we just go in and try to get it, they just look at us and say, "Where is your constituency? Who is going to support you?" So we're here to build some support. I want to hear from you all when I get back to Washington.

MR. ZINZUN. Mr. Fletcher, all you have to do is tell the people in Washington that if we don't get any justice they ain't going to get no peace.

CHAIRPERSON FLETCHER. I want to hear from you all.

VOICE. What's the telephone number?

CHAIRPERSON FLETCHER. I don't have it. I don't carry it around in my head.

VOICE. You can go to the directory to get it.

CHAIRPERSON FLETCHER. Thank you.

MR. ZINZUN. Have you looked in the directory?

VOICE. I have been fighting for days.

CHAIRPERSON FLETCHER. Does any member of the panel have any questions?

VOICE. (202) 456-1111.

CHAIRPERSON FLETCHER. Does any member of the panel have any questions?

VOICE. (202) 456-1111.

CHAIRPERSON FLETCHER. Do you have any further questions, counsel?

MR. GLICK. Well, I don't have any further questions, Mr. Chairman, but I would like you to refer the Pasadena testimony that we've heard this evening to the California State Advisory Committee to the Commission and to the Western Regional Office for some followup activities and further discussions with people in the leadership roles and in the citizenry of Pasadena.

CHAIRPERSON FLETCHER. Mr. Counsel, may I ask you a question? We got a letter from them asking us if they can appear here tonight because of the Michael Bryant riot situation. That's what's brought us here. Now, can you tell me at this stage and time where that is, what has happened since?

MR. GLICK. I know that the Department of Justice to whom we referred the mayor's letter indicating the Commission's interest in the matter. I do know that they have the Bureau—the FBI investigating it. I know that it has been referred to the U.S. Attorney for the Central District of California. What the status of those investigations are at this moment as we sit here, I cannot say.

MAYOR COLE. Mr. Glick, we also have been officially informed of the actions you just talked about.

CHAIRPERSON FLETCHER. Beg your pardon? Say that again.

MAYOR COLE. We've been officially informed by the Justice Department of the opening of the investigations. But we have not heard of any status of them either.

CHAIRPERSON FLETCHER. So you have been informed, then, by Janet Reno's office that the investigation is open and there is a process of trying to find out?

MAYOR COLE. That is correct. Let's emphasize there are three police agencies involved in this—San Marino Police Department, Pasadena Police Department, and Los Angeles Police Department. We also contacted that—requested the entire city council, that the Los Angeles Police Department, San Marino Police Department open their investigations to the public as the City of Pasadena has.

MR. RICHARD. Mr. Chairman, if I may, please. If you recall, sir, it was I who personally requested to come to Pasadena in reference to the horrific Michael Bryant incident and it was also I who asked that you include Pasadena as part of this panel hearings. And I hear Mr. Glick's tone as one of summation. And the people are here for a variety of reasons. And I have a pithy [phonetic] statement I would like to read to put into the record, and I ask your permission along with General Counsel's to read this pithy statement and put it in the record if I may.

CHAIRPERSON FLETCHER. How pithy is it?

MR. RICHARD. It's very pithy.

CHAIRPERSON FLETCHER. Just a minute, please. If it has no personal attacks, I—

MR. RICHARD. None at all.

CHAIRPERSON FLETCHER. Fire away.

MR. RICHARD. Again, I do want to thank the Commission on Civil Rights for including Pasadena in these hearings. Your recognition of our community is significant beyond your region as it was flattering as it is insightful. But I come here with heavy heart despite of how flattered I am because I am here to demand justice for my community, neither for Michael Bryant which you have although you've initiated a process that we hope will come to some service of justice. But also for Robert Holloway who was killed by security guards at a city imported [phonetic] housing project called Kings Villages, allegedly for trespassing. I'm also here today to demand justice for the family of Howard Martin who was shot while watching TV inside of his home as the Pasadena police, shooting in the direction of a sound, recklessly fired over 100 rounds in a black residential neighborhood. I'm reiterating my request for justice for Michael Bryant who was beaten, electrocuted in a pool, hog-tied like a dog, and tortured while police from three departments giggled and watched his agony derived in the shadows of the Rodney King trial.

I'm going to go ahead and finish this up by saying that there's an inherent contradiction in Pasadena. Although 70 percent of its population is people of color, 70 percent of the city council is white. Until my election 2 years ago, it was almost 90 percent white though nearby cities like San Bernardino, Pomona vote for minority councils. Even though they have strong minority populations, Pasadena made a strong hold for white domination. Again, this is not by optimistic [phonetic], great election walls broken, chicanery, gerrymandering created this aberration, and the consequences to my people have been severe. Scores minority of business around town in the name of urban renewal, the 210 freeway, as I indicated, removed 14,000 people of color from our city. Others had to be removed for headquarters like the Carson's headquarters which could have been built downtown. Instead, it was built on top of established black families. Our schools and our city staff despite what others have said is multiwhite managerial level; our infant death rate higher than many third world

countries; our crime rate rising all because of delivered effort to keep us out of the city process.

The current majority would have to agree—it's not their fault, "We weren't on the council back then," they say. Sure the faces are different, but the skin color remains the same. And while they may not be personally responsible for the past, they administer its legacy. This council hired an underqualified, unemployed white man to be our city manager rejecting two vastly superior black candidates and also the pleas of over 1,000 black residents who came to City Hall and begged the council not to commit such a great act of racism. The city council allowed 200 black and Chicano workers to toil for years as temporary without sick pay, vacation pay, or medical benefits. The city council undermined our black Police Chief Jerry Oliver, a natural leader of community policing, a veritable pioneer of police tactics that create harmony and trust by publicly calling the DA to investigate his personal divorce proceeding, humiliating our entire community. This council has kept for all the key businesses from coming to Pasadena. The list goes on and on, and the question is what drives as the city gets process. The answer is the Tournament of Roses in Pasadena.

Your Commissioner Cruz Reynoso has been hired by our city to investigate the relationship between the City of Pasadena and the Tournament of Roses. But one of these years the TOR and the power of the political, social, and economic destiny in Pasadena in ways too numerous to be detailed here in my pithy statement. Our city attorney is a member of the Tournament of Roses as well as our senior member of council, a member of the Tournament of Roses. The Tournament of Roses are a commission, our civic and social organizations, etc. And through these vehicles seek to make Pasadena in its own image all white and male. Taxpayers subsidized on fuel are heavily, and it's costing \$6 million in funds while our city is closing libraries and cutting services. The taxpayers are mostly minorities, but the TOR stays white.

We said, the minority in Pasadena, enough of the TOR and the racism it represents. We have demanded an investigation. And when we demanded the investigation to include the African American community, we have censured public officials and taken away from council privileges for demanding that the African American com-

munity be involved. The council has tried to split the black and brown community over the Tournament of Roses issue. This is a very insidious effort in the history of camaraderie between blacks and browns in Pasadena. We will not let it happen, but the city council is pushing this issue.

As I close, I want to make one distinction. The business community and the TOR are not the same. Indeed, as Mr. Morales indicated, it was the business community that joined with the black community—Joe Morales got 60 percent of his vote from the black community—joined the black community to elect the Latinos to the city council. Unfortunately we lost.

What does my community need from this powerful body? And that is why I am here today to ask you for the following: We need a judicial oversight to make sure our police chief can get the community policing which the city council is fighting. That the TOR investigation can be conducted without further tampering and attempt to keep African Americans from being involved. That the community of civil rights issues in Pasadena can be analyzed. We're asking that you form a special subcommittee to oversee what's going on in Pasadena because my community is about to explode.

Secondly, we need jobs. I'm asking this Commission to investigate the antibusiness and discriminatory elements in our general plan. I'm asking the Commission to support the completion of the 710 freeway. And third and most importantly, my community needs justice. We need justice for Robert Holloway, and we demand a Federal investigation into his murder. We need justice for Howard Martin, and we demand a Federal investigation into his murder. And we need justice from Michael James Bryant and demand that the officers of his murder be immediately suspended, brought to trial, and punished for his murder. I thank you for your time.

CHAIRPERSON FLETCHER. You're welcome. There are no further responses?

MR. ZINZUN. Well, I do.

CHAIRPERSON FLETCHER. Hold it a minute. How many hands do I see out there that want to speak tonight? Can I see the hands.

MR. GLICK. I've enlisted 14.

CHAIRPERSON FLETCHER. You've got 14. This panel is over. Thank you very much.

MR. GLICK. Mr. Chair, could I ask for a 1-minute recess?

CHAIRPERSON FLETCHER. Yes, you can.
[A brief recess was taken.]

Unscheduled Witnesses

MR. GLICK. Mr. Chairman, I'd like to call Pauline Clay.

CHAIRPERSON FLETCHER. Pauline Clay.

MR. GLICK. Beverly Johnson.

CHAIRPERSON FLETCHER. Beverly Johnson.

MR. GLICK. Casey Kasem and Oscar Singes. I want to advise all persons that are testifying that, because of the numbers of people who wish to share with the Commission, we have to exert an absolute limit of 5 minutes per witness. That's all that we could possibly permit. Five minutes is enough time to get a statement in the record which will be taken back to Washington and considered by the Commission. We're going to have to be very tight on the time so that everybody who has signed up can have an opportunity.

CHAIRPERSON FLETCHER. Would you call the witnesses again.

MR. GLICK. Pauline Clay appears to be here and Casey Kasem. And Beverly Johnson is on her way I've been told. Is Oscar Singes here?

CHAIRPERSON FLETCHER. Answer yes, please, if you're here.

MR. GLICK. If not, then I would—

MR. MURILLO. Is Mr. Oscar Singes here?

MR. GLICK. Chair, if you could swear these witnesses, and the others are on their way.

CHAIRPERSON FLETCHER. Raise your right hands, please.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please be seated. Proceed, counsel.

MR. GLICK. I would call upon Pauline Clay. Please proceed.

Testimony of Pauline Clay

MS. CLAY. Back on May 9, 1991, I submitted to CRA a proposal to develop a village entertainment in Los Angeles. What it is it was to be a self-contained city for African American people similar to Little Tokyo, Olvera Street, or Korea town or any of the major other Asian districts within the city. And this was to be a tall—as I said, a self-contained, self-generating city in terms of being a 24-hour entertainment complex. This was to be built and across from the new convention center between the California hospital, the new convention center next to the Santa

Monica freeway. And this city—of course, those that are familiar with this city know that Flower Street runs right in between that particular project area which is composed—which has the Metrorail in it. Now, once I submitted this city to them which would consist of 13 buildings—I proposed 13 buildings: A major high-rise, five-star hotel, a trade center for the African American—for the Africans, a research center, professional office tower, and an entertainment and communication towers, athletic facilities, an amphitheater, a mall—a very large mall.

And their response is the thing that I would like to get to, because this city surprisingly responded very favorably to the project. And I would read some of those comments from them. They said, “The project team would be happy to meet with you and prepare to submit—and be prepared to submit the necessary information.” I met with them, and they raised four—I think about six questions at that time. And one of them was how could the agency assist me in the development of this major project. What I’m talking about is a project who in its first phase would be over \$400 million. So what they said that they could provide land and they could write down the value of the land which is 25 acres of this proposed site to 25 percent of its market value. And we were to get a land acquisitions study done.

MR. MURILLO. Two minutes, ma’am.

MS. CLAY. All right. I’m trying to go as fast—Cushman and Wakefield did our land acquisition study, and the land came to about \$20 million. But with the write-down capability, it would come to about \$5 million. I told them about the Senate Bill 337, which was introduced by Senator Robert from the building for \$5 million to raise for the Holocaust Museum and that this same precedent could be used for developing an African American village within the central business district also. So we went through that. I went to LACPC. To make a long story short, I went to all—I addressed all the issues that they raised and found that there was no real problem in developing this except that now is just that the community would have to come together and go forward with the development process. Because this is my feeling: Had we had a large development similar to Little Tokyo, I think a lot of the problem had been—that the experience in the rebellion of 1992 would have been alleviated

had—would not have occurred, really, had the African American community had its own economic base from which to operate.

MR. GLICK. Thank you, Ms. Clay. Chair Fletcher, would you please swear Beverly Johnson who will be our next witness.

CHAIRPERSON FLETCHER. Would you please stand and raise your right hand.

[Whereupon, the witness was sworn.]

CHAIRPERSON FLETCHER. Thank you. Please sit down.

Testimony of Beverly Johnson

MS. JOHNSON. I have never done this before; so I wrote down what I’m going to say and I’ll just read it at the same time. I have to say in all seriousness that, if the Martians know what’s best for them, they will never land here.

Good evening, everyone. My name is Beverly A. Johnson. I’m professionally known as Afrodyete, the African Goddess of love. That’s A-F-R-O-D-Y-E-T-E. I work at one of the top major guilds in Los Angeles, California, for the entertainment industry. And I’m here to speak on behalf of my 46 coworkers, Craig Guchita who is Asian American, Ogie Nevels who is African American, and myself, an African American, to inform all of you of our struggle for equality in the workplace. My coworkers and I have worked at this world famous guild for a number of years, and we have suffered dearly because of extremely unprofessional, emotionally driven, power-crazy, credential-racking management and personnel who have no respect for us. And we have been subjected to racism, sexism, sexual harassment, daily use of sexually explicit profane and vulgar language, physical abuse, constant harassment since filing complaints, physical abuse, intimidation, spying by supervisors listening in on our calls, stalking with supervisors peeking at us over partitions surrounding our work area, tampering with our work clock to make us late day to day, deny promotions as a form of retaliation for complaints filed. All of this by a guild who is setting rules and regulations for others. But one wonders, who is watching them?

This world-famous guild allows all these things to go on unchecked in the workplace in a day and time of things like the LA riots and growing cases of employees who get up and return to work with a gun to get justice. Therefore,

we leave you with our file for your records. I have the file with me. We recommend that there be an investigation that somehow Congress may establish some type of way to monitor such outrageous behavior of these leading guilds. Also, the nonprofit status of this particular guild be checked thoroughly, since millions of dollars have been made by this world-famous guild.

I'd like to make a comment about TV. They're responsible, I feel, for putting too many negative images of minorities on television and few lead roles for women of color. And this is constantly going on, and it seems to be never changing. Too many shows and too many films all with leading whites, young white females and older are constantly able to find work where others may not or seldom.

MR. MURILLO. Two minutes, ma'am.

MS. JOHNSON. Okay. In order to get an agent or an agency, they tell you if you don't have credits, then they can't represent you. And, of course, if you don't have friends in the industry, you can't get an agent or it may take you a lifetime. They have a thing on television and record companies where sex sells. And they pass over legitimate talent, especially women of color, and instead seek those who are considered light in complexion or white, and their symbol of beauty is constantly thrown in our faces. And I think this is very wrong and needs to change.

Also, constant violence on television and constant use—negative use of the word "black" in the news media is very offensive. And I think it needs to stop. Don't they know any other word instead of saying, "There's a blackout"? Can't they manage to say, "There's a power failure" every now and then? It's very fascinating that they're that limited and making the money that they make. And basically that's all I can say that it's just a shame that they have all of this power and access of using the airways, and yet they limit what we can see. And I think they need to get off their butts and represent what the people want to see and not what they personally like. Thank you very much.

MR. GLICK. Thank you, Ms. Johnson. Mr. Casey Kasem.

Testimony of Casey Kasem

MR. KASEM. Thank you. My name is Casey Kasem. I'm a radio and television performer. I'd like to thank the Commission for making the

space for us here tonight and need only 5 minutes to make my point, which I think you'll find helpful because it addresses the most powerful factor in America in molding public attitudes which is after all the biggest mountain this Commission has to climb. Americans of Arab descent are very aware that other racial and ethnic minorities have it much tougher than we do. There are about 2½ million Arab Americans, 1 percent of the population. And our experience has not come as much from the social or economic series as they have for Africans, Asians, Hispanics, and Native Americans. But there is one area where for years the Arabs have found themselves pinned right on the bull's-eye of the biggest dart board.

The dehumanization of Arabs and by ethnic identification Arab Americans has come from the last place it should, from America's source of fun and good times, from our world-renowned entertainment media. The other groups, a whole rainbow of them, have certainly had their turn as the bad guys in movies and television. But for the past few decades, the target of choice has been the Arab.

What effect does this have? Let me tell you a personal story. A few years ago my son Mikey was about 12 years old. He came home one day, and he said to me "Dad, I hate Arabs." To make a long story short, I asked him why he hates Arabs. He said he sees what terrible people they are from movies and television. That's the impact entertainment delivers. Things are still not right for Indians, blacks, Latinos, and Asians, but there are definite signs of improvement. Amos and Andy have no choice [phonetic] by Sidney Poitier, Bill Cosby, and Oprah Winfrey, to name just a few. The tired old image of a Mexican sidekick to the Caucasian cowboy star has been replaced by leading men such as Ricardo Montalban, Eric Estrada, and Edward James Olmos. But for Asians and Indians there is still a long, long way to go. Only Bruce Lee stands out as an Asian leading character. And only a few vehicles such as *Dances with Wolves* have Indians been portrayed sympathetically and with some accuracy.

The progress has been made—that's been made is clearly not enough. Now, when it comes to Arabs or Arab Americans, other than Danny Thomas who played himself as a Lebanese, there are no positive characters identified as Arabs or

of Arab descent, only the negative side, and there are plenty of those. Writers and producers consistently take shortcuts and cheap shots. Stereotypical Arabs appear everywhere in both comedy and drama as either buffoons or heavies. Arabs are the lazy writer's favorite villain. It doesn't require any writing skill or effort to create an Arab as a fall guy. A good example came this past season on the CBS comedy series "Major Dad."

MR. MURILLO. Two minutes, sir.

MR. KASEM. The episode was centered around the business of a Marine base by a silly, lecherous emir and his entourage and exaggerated wardrobe. He was sitting down on a civilian chair accompanied by several wives and a wise-cracking eunuch. The show was obviously meant to be funny and not to be taken seriously. Nevertheless, it reinforced the false and demeaning image in the minds of tens of millions of viewers, young and old. There are so many stories like that.

Fortunately I can conclude my remark on an up note. The Arab-American Discrimination Committee, the ADC, began talking with the Disney studios a few weeks ago about the bigotry in *Aladdin*. We're still talking about our problems with the aforementioned elements in *Aladdin*. But after they had had time to understand our views, the good people of Disney told us that from now on they would seek our input on projects that involved Arabs. This is remarkably a positive step taken by a commendably enlightened management of a very major Hollywood studio. In closing, I ask this Commission to encourage the kind of sensitive, thoughtful, and cooperative approach throughout the entertainment industry and throughout all sectors of American society. Thank you. I cut my speech down because of the 2-minute signal there and left out sections of it that I thought should have been heard but—

CHAIRPERSON FLETCHER. Just submit it for the record.

MR. KASEM. May I submit it for the record?

CHAIRPERSON FLETCHER. Yes.

MR. KASEM. I can give you the speech if you wish.

CHAIRPERSON FLETCHER. The record doesn't close for 30 days. So if you have any additional information you want to submit, do that also.

MR. KASEM. Well, thank you very much. I brought along a second copy for the Commission.

CHAIRPERSON FLETCHER. You're welcome.

MR. KASEM. Thank you.

CHAIRPERSON FLETCHER. Proceed, counsel.

MR. GLICK. You can give that to our clerk who is sitting over there.

MR. KASEM. Thank you very much.

MR. GLICK. Thank you, Mr. Kasem. Oscar Singes.

MR. SINGER. Singer.

MR. GLICK. Singer. I'm sorry. I've got the wrong spelling.

Testimony of Oscar Singer

MR. SINGER. I was in the Air Force, and I'm the publisher and editor of the *Pilot Forecasting*. I want to expose issues that have been part of the secret agenda that movies and television are inciting violence purposely. They are teaching children, morons, and psychologically health problems to use guns to kill. They are in effect advertising making training films and demonstrations and out of heroically committing mayhem and senseless terror. They incite copycat and serial killers. And without blinking an eye, they have the gall to demand gun control for law-abiding citizens, the very same ones that are inciting the violence. Politicians run around like chickens with cut-off heads jabbering about more taxes, more police, more jails, and less house police. That this is a political conspiracy is clear from the news item in the *LA Times* the 29th of May. And, of course, the *Times* rakes in use some of this money on full-page ads for these ugly movies. May 29th the *LA Times*, "Prison Movies.

The public safety committee approved Bill 80-1685 by Assemblyman Ray Hanes, Republican from Murietta, to authorize prison wardens to ban violent R-rated movies that they believe could incite violence among the inmates." A five to nothing vote said they'd vote for the assembly. A week later the assembly passed a bill by 71 to nothing. So it means the politicians in Sacramento know that the movies are inciting the violence, and they don't want to have it in prison because the character get shot. So it's a criminal conspiracy. They haven't gone and told the people of the city—of the State that they should boycott the movies. Under the first amendment, the media has the right to introduce their poison. But you, the politicians, and the police should advise boycott to cut off their blood

money. A boycott would reduce the need for more police, jails, and taxes to save money in the economic bank.

Now, there's one other issue that I want to touch on is drugs. Judge Greyer [phonetic] of Santa Ana is wisely fighting to legalize drugs. Now, who are the beneficiaries of keeping drugs illegal? Who's winning by it? First, the drug dealers. If you tell them you're making the drugs legal, they'll bust a gut. Second, the conspiracy continues. These drug dealers have millions of dollars to give to politicians who will fight strongly to keep drugs illegal. These politicians piously and sternly point out the terrible things that illegal drugs are doing to people. Strangely, they are silent about alcohol and cigarettes—

MR. MURILLO. Two minutes, sir.

MR. SINGER. Well, I was told 5 minutes. I've just got another minute here. Strangely, they are silent about alcohol and cigarettes which can show cause ten times as many people to die or get injured, ten times more than all the illegal drugs. They don't care about the people at all. The third group that benefits from illegal drugs are crooked police. They love drug busts. They get their hands on it free. A good number of LA sheriffs said they conducted for stealing money prove in drug busts the same as happens in many places throughout the country and God knows how many we don't even know about. Please, let's take the temptation away from the police. The last group that benefits from illegal drugs are small-time drug dealers. They are busy salesmen making money and entrapping others and children. They actually are making money—it pays them to go out and sell them. If drugs were legal, they'd be out of business. If you ask a doctor or tell a doctor that, "Everytime I stand on my feet and twist my hand like this, my hand hurts," so the doctor said "Well, don't stand on your feet with your hands like that." If this Commission can spread the word, half the jails would be empty of drug abusers, half the jails can be closed, half the crime of drugs and distribution of drugs would be eliminated. And in conclusion we'll find that we'll have too many police and more money for schools and a better equality of life for poor and rich alike. Thank you.

MR. GLICK. Thank you, Mr. Singer.

MR. SINGER. You're welcome.

CHAIRPERSON FLETCHER. If you have any paper that you would like to present for the file, it

doesn't close for 30 days. Please may the next panel take a seat.

MR. GLICK. I call John Edward Parker, Janis Irving, Leslie Irving, Arturo Sanchez, either Samuel Hart or Rufuss Watson.

VOICE. Mr. Chairman, may I inquire? I've been on since yesterday. I talked to two members of your staff that promised me they'd make an effort to find out why it is I'm not allowed to speak or whether I will be allowed to speak.

CHAIRPERSON FLETCHER. Not tonight.

VOICE. Why not?

MR. GLICK. Because you spoke the other night.

VOICE. Is there a rule—

CHAIRPERSON FLETCHER. Yes, I just said it.

VOICE. Well, I protest that rule --

CHAIRPERSON FLETCHER. Protest it at a good time.

VOICE. I will indicate that you are violating the law.

CHAIRPERSON FLETCHER. I'm guilty. File a suit against me.

VOICE. No. I'll take your ass to jail.

CHAIRPERSON FLETCHER. Do that, too. Would you please stand and raise your right hand.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you. Sit down, please.

MR. GLICK. Counsel, I call John Parker. Proceed, please, Mr. Parker.

Testimony of John Parker

MR. PARKER. My statement is in regard to equal opportunity. I spent 20 years in the Army, an equal opportunity organization. And when I retired after 20 years, I went to work for the aerospace and because of the statement that they stated that they would allow equal opportunity. Now, the situation I found myself in as a security officer—they had a project and a non-project situation. A project officer could make as much as \$70,000 a year. A nonproject officer was restricted to less than \$30,000 a year. Now, the only way that you could become a project officer you had to be recommended by another project officer. All of the decisionmaking project officers was white. And they had the option of selecting people that they would feel comfortable with. Naturally, the people they felt comfortable with was their kind. So after 20 years with the aerospace firm, I was never allowed to be a project

officer. This could be substantiated by W-2 and the so-called equal opportunity that they profess does not exist. It was only in words and not practice.

CHAIRPERSON FLETCHER. Is that the extent of your statement, sir?

MR. PARKER. That's the extent of my statement.

CHAIRPERSON FLETCHER. Let me ask you do you have any performance files in your evaluation?

MR. PARKER. Do I have any?

CHAIRPERSON FLETCHER. Yes, performance files.

MR. PARKER. I do have performance files, and they were all excellent.

CHAIRPERSON FLETCHER. Would you submit those for the record, please. Do you have copies that you could submit for the record?

MR. PARKER. I have a copy of the—I do not have them with me.

CHAIRPERSON FLETCHER. The record will stay open for 30 days. Get our address and please send it for the record.

MR. PARKER. I will do that.

CHAIRPERSON FLETCHER. Thank you very much.

MR. PARKER. Thank you.

CHAIRPERSON FLETCHER. Next, counsel.

MR. GLICK. Janis Irving.

Testimony of Janis Irving

MS. IRVING. Good evening. My name is Janis Irving, and I am here to talk regarding the media. First of all, I'd like to say to you, Mr. Fletcher, that I would be more than happy to call to Washington in support of whatever recommendations that this Commission makes to them, first of all. Plus if there is any positions on this Commission, I'd be more than willing to serve. I'm here because I feel the media has truly portrayed the African American community in a light which depicts us as very negative. I say this because a local network in this community stated that "these people down here," which was the people of South Central Los Angeles, they were in need of some care as to law in this election in April of 1992. And that they were going to come down here and see what it was that we needed. When he decided that he would call us "you people," I became very upset about that and I called the news media person who

was the director. I taped the statement that he had made and I called her to tell her that I was aware that I did not like him calling us in South Central "you people." She stated that he did not state "you people." I told her I had a tape and could show that he did state "you people."

When I next saw the airing of the same statement from this news media person, he was saying that he was coming down to South Central to see what it was the people down there wanted. I had asked them if we could possibly review these kinds of messages that would be going out into the community before they were aired. They assured me that they would take my consideration into—take my suggestion into consideration. This is 1993 in June. If you have heard from them, I have heard from them.

I have called them on numerous occasions. They continue to display us in a way that is not favorable. I feel that deception is reality. They cast us as being very negative. They do not want to put forth a review committee so that we can look over the kinds of things they are going to air. I would ask this Commission to please set in motion something that would ask them to put forth a review commission so that we can see what it is that they are going to air before it is aired.

Secondly, I'd like to talk about the Alameda Corridor, talk about economic development, and I'm very nervous. With the Alameda Corridor going from 25th Street here in Los Angeles down to the San Pedro, that will be a very long, long kind of corridor that would consist of lots and lots of train lines.

MR. MURILLO. Two minutes, ma'am.

MS. IRVING. In the development of this infrastructure, I do feel that the contractors who will be getting these bids because the previous bid that they have gotten for infrastructure they do not use the minority people from these communities to work on these projects. I would like to see that some sort of a program that would stipulate that we be a part of that contractor's bid. Thank you.

CHAIRPERSON FLETCHER. You're welcome.

MR. GLICK. Thank you, Ms. Irving. Leslie Irving.

Testimony of Leslie Irving

MS. IRVING. Good afternoon, Commissioners and to the audience. My name is Leslie Irving, and I'm 29 years old. I am the vice president and

cofounder of Coalition for Change, which is an organization that was founded right after the 1992 riots. I also would like to say that the people that are part of my organization are young women under the age of 30 primarily concerned with the betterment of the community. I myself am 29, as I stated, and I'm a young single mother with an African American son 7 years old.

I'm here to ask for your support. Today is a special day. It's Juneteen day, which deals with the freedom of the slaves. I am executive board alternate for a California State Democratic party representing the 52nd, which is my district. I'm also a delegate, and I am here asking you to support H.R. 40 which deals with the reparation of the descendants of black slaves in here in America which primarily includes me African American. I feel that this is not a measure that is—I'm asking for too much because after all the Jews have received over billions of dollars. The Native Americans have received financial reparation. Japanese Americans that were held in detention camps during the 1940s and World War II—they received financial reparation. And the Japanese have received financial reparation through the Marshall Plan. Actually, I'm, in other words, unfinished business of 1865. President Lincoln was visionary enough to know that the black freed slaves would have a problem if they did not have any type of financial backing—land, so forth. And the issue after President Lincoln was assassinated, Andrew Johnson—he vetoed that measure and established the Freedman's Bureau.

Nevertheless, what I'm here to ask for is your support in this measure. This measure has been ratified in October 1991 by the national NAACP. I'd like to say the San Mateo County Democratic Party, which is a very conservative group, they also supported it. And the California State parties supported it. I realize that this is going to be a difficult measure, but I'm 29 years old. I have a lot of energy, and I'd like to see they come about. Therefore, I have dedicated all of my energy to putting forth this effort, and that is why I am here to see you this evening hoping that I can gain some support. And that sums it up for me. Thank you.

CHAIRPERSON FLETCHER. You're welcome.

MR. GLICK. Thank you, Ms. Irving. Arturo Sanchez.

Testimony of Arturo Sanchez

MR. SANCHEZ. I spent more than 20 years of my life studying what is the problems of education in our country for the poor. Everybody—all the politicians, they gain talking about the problems from education and what we should do but never, never in the news media explain exactly what happened in our schools. I spend a lot of years of my life studying, and it's a crime. When I've been investigating, going through all those studies that you people make that finish [phonetic] education, all 68—the studies very, very good. But the people don't read most of these things, and the government don't make any changes about this. And the Chairman been involved in the Crown case—he been right all along. But we still have separation and discrimination of the schools. Long we're going to have this. We're going to have to rebuild Los Angeles every 20 or 30 years because it's a crime. I've been in the schools. And what is the problem? Chicano teachers, black teachers, white teachers—all they are like it. Some are more racist than the other ones. But they are not preferred to be teachers. I've been at universities giving lectures, What is the problem of education?

At universities is the starting problem. It's the only country in the world that they don't study the signs of education, the art of teaching. They don't have to study. All poor countries—they study pedagogy at least 1 year. Here we don't have it because they use education, the teachers, to domesticate the poor and to keep it on displays and end up like on this, panels, one panel after another one, nothing but talking and talking and talking, and the problems of the garbage of the schools that we have only for the well people. I'm not supposed to cut race. But if I go to the schools of the blacks, it's no good. It's garbage. I go to the Mexican schools. It's no good. So I see the scores on San Marino or Woodland Hills—they are on 90. The norm is 50. We are on 20, 18, 22. And I found our children day after day copying the books, copying the books, and they don't know how to read. And if they read, they don't understand, years and year after years. I get children of sixth grade reading the first grade book. They memorize the book, and the teachers keep them in the same book. I found this thing with my own eyes, and they said the parents' involvement. I get so involved on the school that I want to grab them from the

necks to the stupid, lousy, idiot teachers, and I get accomplished nothing because I watch on the news media I took the power to get every teacher every Monday with a principal, Why not homework, the math, why no homework? Nobody—almost nobody give homework to the children. So we end up where we are way behind.

MR. MURILLO. Two minutes, sir.

MR. SANCHEZ. So we are paying taxes and graduating people of universities but not our people. We are just good to pay taxes for them. And who are them? It's the same people that control the news media, same people that control the movies, and same people that control the court, and the same people that are on the top, lawyers, and the same people. And we are not supposed to say who are those people because that people have the power to get in on every organization to control us. But it's a crime that only one race is going up and many other races go down. And if we keep going in this direction, then people that have are going to end up that don't have. Look at Reynoso. What happened to the only one Chicano on court because we are people without power, people without education. But education is not for the poor people.

So we need democracy on the education. We need gain affirmative action. Who took affirmative action? The same minority of people. They went to rally and to tell them take away affirmative action because we're minorities and the American way of life is without affirmative action. I don't suppose to say Jews, but it's a crime that they go up and on the backs over all of the other races.

MR. GLICK. Your 5 minutes are up.

MR. SANCHEZ. Thank you very much. This is the textbooks they collect five laws, all the textbooks of California.

CHAIRPERSON FLETCHER. Would you give them to the—

MR. SANCHEZ. We are not on any textbooks.

CHAIRPERSON FLETCHER. Give them to our clerk, please. There are no further questions?

MR. GLICK. No further questions.

CHAIRPERSON FLETCHER. Thank you.

MR. GLICK. I call Thomas Martin, Martin Laredo, Emzy Veazy, and Patricia Rasinos.

CHAIRPERSON FLETCHER. Would you stand, please, and raise your right hands.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Thank you. Please be seated.

MR. GLICK. I call Mr. Thomas Martin.

Testimony of Thomas Martin

MR. MARTIN. Thank you. I would like to thank the Commission for the opportunity to testify here today. In particular I'd like to thank Mr. Arthur Fletcher and KJIH Radio for inviting the public to participate. I would like to also thank the Commission for its decision to look into the underlying causes of the civil unrest of 1992. I believe the major causes has been well documented over the years. The main factors being lack of employment opportunities, lack of business development opportunities, and in general the overall lack of social and economic development.

My purpose here today is to focus your attention on the problem that goes to the heart of the matter, that being the social and economic development of the African American community. It is my belief that one of the most important problems adversely affecting the African American community and its social economic development is the criminalization of the African American male. For too many years the law enforcement agencies of this nation have had a history of arresting African American males for unfounded suspicions. And many times these individuals are charged with the felony and then released without police ever documenting any crime. Or the individual may be taken all the way to trial before being released. Not only have these African American males been victimized, but now they can be denied employment based on the unfounded suspicion. I would like to acknowledge that there are laws on the books that prohibit discrimination in the hiring process. But these laws do not go far enough to protect the rights of individuals who have been victimized by the legal system. When an employer is reviewing an application of an applicant for potential hire and he sees that one applicant has checked off a box indicating that he or she has been arrested, one can assume that that individual's application will go to the bottom of the pile of the applications to be reviewed.

There are several steps that the Commission might want to undertake to give relief to those who have been so victimized. Number 1, the Commission could request that laws be enacted

which would require that employees establish a two-step hearing process. In the first step, the employer—

MR. MURILLO. Two minutes, sir.

MR. MARTIN. Okay. In the first step, the employer could not ask about an individual's arrest record but could only make the decision on the individual's qualifications of the position applied for. If the individual possessed—passes the first step, he would then move on to the second. In the second step, the employer would be able to ask about other factors that may be important to the employer, for example, criminal or credit history. At this point if there is any adverse information to be provided, the individual would be given an opportunity to submit a letter of explanation.

These laws would have to contain clear words that would prohibit employers from discriminating unless there's clear reason to believe that the individual's past would or might adversely affect the employer. The Commission could request that laws be enacted that are the Department of Justice and the FBI from discriminating—from disseminating any information that does not relate to a conviction. And, thirdly, the Commission could request laws be enacted that require that a person's criminal record be sealed after a certain number of years for the purpose of employment.

I would also like to bring to the table another side of this issue that the Commission might want to consider and that is the fact that in the past and to some extent the present far too many African American males have been caught up in the gang system with the exception of a few who are now trying to distance themselves since the civil unrest of 1992. These gang members have long been targeted by the law enforcement and for good reason. But now that we look at healthy young men out of that life of crime and gang involvement, we would need to consider the employment factor if we are to steer these young men in a positive direction.

MR. GLICK. Mr. Martin, I'm sorry, but your time has expired. If you have anything you want to submit for the record, as the Chair has said, our record will be open for 30 days.

MR. MARTIN. Thank you very much.

MR. GLICK. Thank you.

CHAIRPERSON FLETCHER. Mr. Martin, you're the third person I think to come before this

panel and say a mere arrest record forms a bar to being employed. I don't remember the case law. Obviously, cases happened that I don't know about. Conviction, yes. Mere arrest, no. I'm going to have our attorneys check that real close. But I don't remember any case laws that says an arrest record.

MR. MARTIN. Yes. They can disseminate arrest records. It doesn't have to be—

CHAIRPERSON FLETCHER. They can disseminate. But, to my knowledge, they can't deny you employment. Conviction, yes. I just want to make that point. I'm not going to spend your time talking. I will get back with you. I have to find out about that.

MR. MARTIN. Okay. Thank you.

CHAIRPERSON FLETCHER. Proceed, counsel.

MR. GLICK. Martin Laredo, please.

Testimony of Martin Laredo

MR. LAREDO. My name is Martin Laredo. I have worked for the Internal Revenue Service for 14 years and with the Air Force for 4 years and have not worked since July 1991. I was hauled out of work at the work site in Van Nuys by ambulance to Sherman Oaks critical hospital in Van Nuys. I had symptoms of a heart attack. I stayed in the hospital for 3 days and was released. While I was in the hospital, my supervisor harassed the nurse, demanding information about the physical condition that I was in, detailed information. The same day that I was taken to the hospital I had a meeting about 5 minutes before I was taken to the hospital. I was requested an extension to refund approximately 42 cases that he had reviewed. I requested use of a Federal automobile. Normal usage is—normally, no formal request is needed. I requested transfer out of his group. Denied. The meeting ended. I sat down at my desk for about 5 minutes having problems breathing, having chest pain, body felt numb. I slowly walked to the nurse's office and was taken to the hospital.

All of this started when I entered EEO complaints, one for discrimination because I was a male over 40, Hispanic. At the first EEO meeting with Mr. Bennett—I had a meeting. Mr. Bennett was incoherent and went to sleep as I attempted to respond to the meeting held by Mr. Bennett. I don't understand how Mr. Bennett can remember any details of this meeting and follow up to his supervisor. I have been physi-

cally, mentally disoriented, hopeless since I went out of the hospital. In June of that year 1991, I submitted a discrimination reports. And since then, I have been on sick leave and used up all my sick leave up until September. The last day was in September and I was then—since then been leave without pay. From October 1991, I moved out of the home I was living in and I became a homeless person. I stayed at some cousin's house for several days and she had her own personal problems.

MR. MURILLO. Two minutes, sir.

MR. LAREDO. I was on welfare. Then I had problems with that. A year and 3 months later I received assistance from workman's' comp after being run around labor relations board and the IRS office. I am here to respond to the particular problem that I have faced. I have been harassed, verbally abused, the pride of events have been the worst. I have been embarrassed, humiliated, and have been discriminated. At this point—at this time I am suffering from headaches, backaches, dizziness, chest pains, short breath, muscle spasms, panic attacks. Yesterday I had one panic attack. I was to speak before you yesterday, but I had to change it for today. There have been EEO situations that have been not—my case has not been treated properly. Throughout this period I have been out, one manager has attempted to help, and she was demoted for bringing out a particular subject that she heard through her relations with the managing system. And she told her husband, and her husband told a particular EEO meeting about this. She got in trouble. She was dismissed from her management position.

MR. GLICK. Mr. Martin.

MR. LAREDO. Yes.

MR. GLICK. I'm sorry. But you have used up your time.

MR. LAREDO. Yes. Would you give me a few more minutes?

MR. GLICK. Just a few more seconds.

MR. LAREDO. Yes, sir. In this case this lady's husband became irate and he indicated he was going to harm one of the branch managers. And he was quickly taken out of his office from the Van Nuys office to the Los Angeles office. These are only some of the situations, one of the cases that have been happening since I've been out. Right now I am waiting for them to give me hopefully some vocational training out of the

Internal Revenue Service. I do not feel that I am able to continue working for the Internal Revenue Service because of this particular situation.

MR. GLICK. Thank you, Mr. Laredo. Mr. Emzy Veazy.

Testimony of Emzy Veazy

MR. VEAZY. Yes, sir. One of the things I would like to let the Commission know and your staff and also the marshals—I called the J. Paul Getty Museum this morning because one of your staff members was thinking about going to it. And all you have to do is call John Walsh's office, the director of the Getty Museum and his secretary, executive secretary of his is Amy, will give you VIP treatment. And the telephone number is (310) 459-7611. All right. So that's if any of your staff really wants to go. All right. And that would help us out. Okay.

We live in the second American revolution declared and authored by John D. Rockefeller III, copyright 1973. There are visible, noticeable patents of practices, trends, cycles, and correlations which lead to the political, economic, financial, and educational disenfranchisement of the black American and the American born of many generations. There is a sadistic logic process used to undercut, satisfy, and/or both be taught advancement and prosperity. The civil rights pie is skewed. They are sleeping agents. The English language is superior. It dominates American international trade, international banking, sciences, technology, aerospace, and aviation and leads international navigation and Anglo-Saxon alliance. Capital formation through our priority 10-year special liberal bank trade policy which includes a superprime rate for American-born small business people whose families have lived in America before 1866. Old and new businesses need to see their duties to increase profits and create American jobs as one and the same form but for the success of prosperity as J. Paul Getty decreed. The process and ethnic needs to be restored and intensified to sustain better business performance.

The end word and images in print, television, and movies is apart. Before the 1920s there were recognizable and understood fears of the power of motion pictures upon social behavior. The solution: The United States Postal Service sends retirees, are the best widespread means to pull Americans together for glory and prosperity.

Immigration and naturalization policies to benefit the American born of many generations. Example: Stop immigration and green card issuances. American black people need to address their business enterprise and market into all non-American black neighborhoods, communities, and cities to correct American history and prosper American black people. Reintroduce censorship of the media Hollywood complex when it deals with the American black people and black people worldwide. Civil rights in America needs to be reprioritized for American citizenry benefits. America's new global State Department foreign policy crust is a recourse for domestic policy. The original intent of civil rights laws and regulations need to be enforced. There is a proposed credit union of possible vast branch banking proportions to spread from the Pacific Ocean to San Bernardino, California, that may begin in 1994—

MR. MURILLO. Two minutes, sir.

MR. VEAZY. In response to this massive civil unrest of 1992 in Los Angeles County, there needs to be widespread community control of schools and community civilian review police boards with direct links to United States Department of Justice. Those ideas came out of New York City in the 1960s. The economic infrastructure and business practices must maximize the velocity of capital and capital vortex and economically deprived and redlined neighborhoods. Strong and more severe employers' sanctions are needed with virtual monitoring systems. Eliminate discriminatory dual citizenship recognition because it is unfair to the American born of many generations. Constant public service advertising that the American black man must have the full cooperation and respect of all people in America because the American black man is responsible for their civil rights protection, upward mobility, voting rights, and ability to get jobs among other things. Last, add new census and labor statistical categories. Thank you very much.

MR. GLICK. Thank you, Mr. Veazy. Patricia Rasinós.

Testimony of Patricia Rasinós

MS. RASINÓS. Thank you very much. Good evening, gentlemen of the Commission. I just want to point out something very brief. The Commission started their hearing on June 15,

June 15, 1990—well, actually, June 15, 1993, is the third anniversary of the Century City beating of Justice for Janitors in Century City. Three years have passed. That event happened in 1990, and we have had no settlement of that lawsuit at this time. But what I did want to come and speak to you this evening about was workers' rights is civil rights. Hundreds of thousands of workers in Los Angeles live in poverty despite full-time jobs—garment workers, janitors, hotel, restaurant workers. And numerous earn wages lower than the poverty level. Yet there is no panel on labor for the Commission on Civil Rights.

Over the past decade, we have seen an increase in trade among corporations and government to avoid responsibility for working conditions through subcontracting. Low wage subcontractors are used by major corporations—Toyota, Hughes, Mattel—and many other prominent firms that cut costs and impoverish workers that hurt our community. Yet, again, there is no labor panel on the U.S. Commission on Civil Rights. Workers' rights is civil rights. For most people in LA, LA is not a good place to live or work in. Wages are declining and benefits are being eliminated. Corporations treat LA as if it were part of the third world.

Since the disturbance since last year, we've been hearing that we need to rebuild LA. Yet, the only thing that we're looking at is training people for low wage jobs creating only low wage jobs. The failure to address the staggering problem of the city working poor will only do our city to go through what we've gone last year. Workers' rights is a part of civil rights. We need to take a look at it and put it apart fundamental issues of wages, benefits, and working conditions. Los Angeles needs a workers' bill of rights that make explicit corporations' respect workers' rights, including improved wages, health insurance for all workers and their families, and recognize the right of workers to organize and join unions. Without these basic commitments, we are doomed to the vicious cycle of only masking the problem and only to have them reappear again later with more force and more destruction. Thank you.

MR. GLICK. Thank you, Ms. Rasinós. I call the last witnesses. They would be Glenda Ahhaitty and Mr. Ahhaitty. I hope I have the spelling and pronunciation correctly.

MR. BOGGS. Are those the only two witnesses? I've been here since 10:00 o'clock—9:00 o'clock this morning. I signed up on Tuesday.

MR. GLICK. What is your name, sir?

MR. BOGGS. Eugene Boggs. And the gentleman I spoke to assured me that I would get a chance to speak.

MR. GLICK. I'm sorry. I don't have your name. But why don't you go on up, Mr. Boggs.

MR. FRAZIER. Excuse me. I signed up also to speak.

CHAIRPERSON FLETCHER. When did you sign up?

MR. FRAZIER. Today.

CHAIRPERSON FLETCHER. What time?

MR. FRAZIER. About 12:00 noon.

MR. GLICK. What was your name, sir?

MR. FRAZIER. Floyd Frazier. I filled out the form in the room next door.

CHAIRPERSON FLETCHER. Pull up another chair there and let him speak, please.

VOICE. I signed up yesterday.

CHAIRPERSON FLETCHER. No, no, no. That's it for tonight.

VOICE. He signed up. Why is that it?

CHAIRPERSON FLETCHER. Because I said so.

VOICE. So I won't get to speak tonight, Mr. Fletcher?

CHAIRPERSON FLETCHER. Not tonight, son.

VOICE. When? If not now, when?

CHAIRPERSON FLETCHER. Would you please stand and raise your right hand.

[Whereupon, the witnesses were sworn.]

CHAIRPERSON FLETCHER. Please proceed.

MR. GLICK. Call Glenda Ahhaitty.

Testimony of Donna Apple

MS. APPLE. My name is Donna Apple. And I'm talking for Glenda Ahhaitty. My name is Donna Apple. I'm born and raised on an Indian reservation. Came out 28 years ago on a Federal relocation program to Los Angeles. And I'd like to make a couple of comments. Number 1, there's a lack of Indian representation with the Commission. We have a lot of issues that need to be spoken about. Number 2, there are a lot of American Indian families that were involved in the riots who lost their businesses and homes. We have service agencies that were ransacked, and the news media did not cover that at all. And secondly with regard to the entertainment industry, I'm currently an archivist for "500 Na-

tion" 8-hour documentary on the American Indian sponsored by Kevin Costner. And we fight a daily battle, a daily battle trying to get the truth told about who we are, what we are all about. And sitting here this evening brought to light that fact once again American Indians are not included. We're the first of this country, and we have to fight to talk about what we encountered here in the urban Los Angeles area.

And we also want to talk about the Native American Arts and Crafts Act. We want to extend that into the entertainment industry. The Native American Arts and Crafts Act basically has that you must be American Indian to sell American Indian made items, whether that be bead work, moccasins, medicine wheels, Navaho rugs, and the like. And we want to extend that into the entertainment industry, primarily because the young actress that sat on the panel here before cannot prove that she is an American Indian. And we need to extend that into the entertainment industry indicating that, yes, there are American Indians out there writing, producing, directing, acting. The reason that we push so hard to be identified as American Indians when the Federal Government initially put us on reservations like animals. They catalogued us like animals.

When I was born, I was issued a Federal ID number. That number has followed me all my days and will follow me to the day I die. And that number that they categorized us with has turned around and been a Godsend and that Godsend being that in an Indian community we identify each other. We say, "Hi," and we identify who we are, who our parents are, who our grandparents are. And we identify each other in that way. In the entertainment industry, we have Cherokee actresses, Cherokee actors who are blond and blue-eyed. We have a famous actor out there who is not even Indian. Iron Eyes Cody claims to be an Indian. He's an Italian. We have Cher who is Armenian claims Cherokee. We have actors out there who benefit by claiming to be Indian. We want the Indian Arts and Crafts bill extended to include the entertainment industry—

MR. MURILLO. Two minutes, ma'am.

MS. APPLE. —where they have to prove that they are American Indians. And I'd like to also address the issue of the LA riots that the media coverage once again did not cover the losses that we suffered in our community. In the Civil

Rights Commission here we have to beg. Glenda had to come and spend an entire day requesting that we have American Indian representation here. We have issues. We have fight. We have sorrow that we need to have looked at, spoken about, and to some extent just to help us in general. And that's all I have to say this evening. Thank you very much.

CHAIRPERSON FLETCHER. I have a question to ask you. We issued a report on Indian jurisdictions at the various tribal areas in the last year. Are you familiar with that report?

MS. APPLE. No, I'm not.

CHAIRPERSON FLETCHER. Okay.

MS. APPLE. Unfortunately when Federal reports are issued, they're issued and not distributed. What you have on a reservation is very low-income, low, poorly educated Indians. You can write all the reports that you want, but you have to have them read. And we can sit here and talk about everything that has been sent out. But unless the Indian community gets a hold of them and reads them and understands them. I understand I read a couple of government articles that involved Federal. The linguistics can basically tie you up. So if it had been issued—

CHAIRPERSON FLETCHER. It's been issued. It was distributed all over the country to practically every reservation we can think of. There were more than a few Congressmen in the House and the Senate who sent for copies and supposedly told us that they distributed it. I was a little disturbed to hear you say that we've devoted no attention whatsoever to the Indian problem. That's not right. We issued a report last year and both houses of the Congress asked for me to testify on it and members of the major States with large Indian populations all got hundreds of copies of the report. And I'm going to go back and find out why it didn't get to the reservations.

MS. APPLE. I would appreciate that and also to make copies to the Indian commission which Glenda Ahhaitty is a representative of. We have Indian communities here. We have a service organization that would appreciate a copy of that to distribute to the members here and to the urban area as well.

CHAIRPERSON FLETCHER. All right.

MS. APPLE. Thank you.

MR. GLICK. Next witness, please. Mr. Ahhaitty.

Testimony of Walter Ahhaitty

MR. AHHAITTY. To continue on that, the problem we have here is a misunderstanding that all Indian people have reservations. I'm from the Comanche, Cayuse, and Cherokee descendant. Our people, the Cayuse and Comanches, don't have these reserves. We have tribal officers as chairman. But the problem is that we're neglected. They're neglected by our officials, our Senators, our elected officials is that they neglect our urban Indian people. My mother serves on the Native American Commission here in LA and did not receive any of those writeups, which is unfortunate for our people here since we have one of the largest Native American populations of our American Indian populations here in the United States.

My name is Walter Ahhaitty. I'm from the tribe the Cayuse. My roll number is K00044. I'm here speaking mainly on the issues of our Indian people in theater, movies, television. What I'd like to see happen by the Commission is that you enforce a rule or law for actors or people who claim in the media to be Indians that they prove it through their roll numbers. We're given these enrollment numbers by the government as the way for them to keep track of us of our descendant of who we are. If you cannot prove—if you don't have this roll number, then in the eyes of the government, in the eyes of our fellow American Indians, you are not considered that tribal member. I know. I work on "500 Nations" as well documentary. A very powerful position, a very influential position was given to a young lady who was very psychotic. This position enabled her to say what was going to be presented in this documentary. She claimed to be Cherokee. She claimed to be Kaw. She was neither. She cannot claim these rolls for she is not enrolled in these tribes. We fought tooth and nail to have this young lady removed or at least not given so much power. But because there was no law to enforce that she had to prove she was Indian, we had no ground to stand on. American Indians are always overlooked. We're discriminated against. I myself have tried out for many parts. But I've been told that I don't look Indian enough. My hair isn't long enough. I used to keep my hair short, and I was told maybe I should try out for a Hispanic or Chicano part.

MR. MURILLO. Two minutes, sir.

MR. AHHAITY. I'd like to close by saying—stating and quoting from County Affirmative Action Officer Mr. Bob Arias. He served 20 years for the county, and he was of Hispanic descent. He stated that though there is discrimination among African Americans, against Hispanics, Asians, there is no other group that is more discriminated against than the Native American and the American Indian. We are treated like the bastard child. Thank you very much.

MR. GLICK. Thank you, sir. Mr. Boggs.

Testimony of Eugene Boggs

MR. BOGGS. Thank you. My name is Eugene Boggs. And I want to thank the Chairman and the Commission for allowing me to speak here. I want to repeat under oath that I did go to the proper authorities, secure a time to speak here tonight. I say this as a member of the California—I'm so tired and so hungry at this point I can barely speak—as a member of the State Bar of California. And I am also a professor of law at Western State University here in Fullerton, California. As of the fall, I'll be teaching at the University of West Los Angeles in Inglewood. But I am not here to speak to you in those capacities.

I am here to speak to you as a card-carrying, dues-paying, job-seeking member of the Screen Actors Guild who serves on the guild's ethnic employment opportunities commission and—or committee, rather, and someone with some observations about some of the things said about our industry today. The word that most immediately comes to mind of my impressions of this day is the Asian staff, which I'm sure most of you recognize as the name of a notorious so-called paradise schedule during World War II, the concentration camp that was used for tours by the Red Cross when the Germans came in and—I mean the Red Cross would come in and the Germans would parade these wonderfully clothed and beautifully fit people, and they would then poor devils have to tell the Germans how wonderful everything was and they weren't being mistreated. That is to a large extent what you have heard today. Most people working in the business, unless they are among the condemned, as apparently Mr. Gareb Lucy [phonetic] is and, of course, Ms. Falés, I guess, has lost her show. So they've got a bit more freedom to speak. But by and large people who are trying to get somewhere in this business cannot

tell you the truth about it. But since I do have a day job, I can speak a little more frankly. And I've worked in just about every studio lot from Santa Clarita to San Pedro, and I've gotten to know this business pretty well mostly acting as an atmosphere, as an extra, the lowest form of life on a studio lot. That position, though, affords me the luxury of being unnoticed—

MR. MURILLO. Two minutes, sir.

MR. BOGGS. —So I can watch a great deal. My 2 minutes will not allow me to cover much beyond the fact that you just can get a snow job as to how bad this business is for minorities.

I would just add regarding the network or the news situation that though it wasn't explicitly said, I think it's clear to all of you that TV news is image fed, image driven. And what bleeds leads, and this is well known. And that's the case. And that's what this part of our fight is. I'd like to close echoing the words—some of the statements by Ms. Gibbs and Mr. Carroll with a quotation—their remarks about the greed that drives this industry, some words from a book that guides me still though it's many years old. "The modern economy is propelled by a frenzy of greed and indulgence and an orgy of envy. And these are not accidental features but the very causes of its expansions and success. If human vices such as greed and envy are systematically cultivated, the inevitable result is nothing less than a collapse of intelligence. A man driven by greed or envy loses the power of seeing things as they really are, of seeing things in their roundness and wholeness, and his very successes become failures. If old societies become infected by these vices, they may indeed achieve astonishing things. But they become increasingly and capable of solving the most elementary problems of everyday existence." Ernst Friedrich Schumacher wrote this in *Small is Beautiful* 30-some years ago. It was sadly true and even more so today. Thank you very much.

CHAIRPERSON FLETCHER. Young man, I watched you sit here all day long. And I appreciate your patience. But I also would like to say to you that if you wake up at 2:00 or 3:00 o'clock in the morning if you feel you can say some more, put it on a piece of paper and get it to me, please.

MR. BOGGS. Mr. Chairman, I do have a document that I would like to submit regarding nontraditional casting if I may submit that for the record.

CHAIRPERSON FLETCHER. And if you think of anything else, the record is open for 30 days. That applies to all of you. It's open for 30 days—

MR. BOGGS. Thank you, Mr. Chairman.

CHAIRPERSON FLETCHER. —if you get some more information.

MR. BOGGS. I appreciate your courtesy.

MR. GLICK. Mr. Floyd Frazier.

Testimony of Floyd Frazier

MR. FRAZIER. My name is Floyd Frazier. I'm with Amnesty International. I would like the Commission to be aware of two of the greatest violations of the civil rights here in Los Angeles. They are the fellow prosecuting attorneys and fellow juries. What I'm doing is following up on an issue that I wrote a letter to Senator Joseph on May 3, 1991. It says, "Dear Senator, this letter is written to expose a form of corruption in the United States Justice Department that cannot be tolerated by anyone. The courtroom of the U.S. district judge—and I named the judge—and the fellow prosecutors are corrupt and prejudice and racist against women, African American, and Mexican Americans. It's a shame and a disgrace the way the judge treats women, African Americans, and Mexican Americans in his courtroom. Senator, for the above to be proven all you have to do is look at the facts.

A random review of his court cases over the last couple of years indicates that this judge needs to retire, resign, or be impeached. The

fellow prosecutors in his court use the force of intimidation, corrosion against defendants to plea bargain by the presence to indict their mothers, fathers, aunts, uncles, sisters, and brothers. There are no ethics or integrity in this courtroom. These injustices must be stopped immediately." Notice that I have c.c. to various civil liberties organizations and individuals, which I didn't get any response. Also, I sent a copy to the *Los Angeles Times* investigative reporter also. And there was never a response.

We have another issue also we'd like to raise and that is an incarceration of people convicted of nonviolent crimes. We feel that all these people should be reeducated and retrained and be released on probation to become productive people of society as opposed to being a drain on the taxpayers at a cost of \$35,000 per year per person which is six times more money than we spend to educate a child. It would appear, though, if we invest more money upfront for education, we would improve the equality and quantity of life for all of us. We think this is an idea the Commission should review and make a recommendation to the various governmental agencies. Thank you.

CHAIRPERSON FLETCHER. You're welcome.

MR. GLICK. Thank you, Mr. Frazier. That is our final witness for this evening.

CHAIRPERSON FLETCHER. Thank you very much. The hearing is over.

[The hearing was adjourned at 11:00 p.m.]

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