

U.S. COMMISSION ON CIVIL RIGHTS

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MEETING
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U.S. COMMISSION ON CIVIL RIGHTS

Friday, September 17, 1999

The Commission convened in Room 540,
YWCA Building, 624 9th Street, NW,
Washington, D.C., 20425, at 9:36 a.m., Mary Frances
Berry, Chairperson, presiding.

PRESENT:

- MARY FRANCES BERRY, CHAIRPERSON
- CRUZ REYNOSO, VICE CHAIRPERSON
- CARL A. ANDERSON, COMMISSIONER
- CHRISTOPHER EDLEY, JR., COMMISSIONER
- YVONNE L. LEE, COMMISSIONER
- ELSIE M. MEEKS, COMMISSIONER
- RUSSELL G. REDENBAUGH, COMMISSIONER (via
telephone)
- RUBY G. MOY, STAFF DIRECTOR

STAFF PRESENT:

- KIMBERLY ALTON
- DAVID ARONSON
- SICILIA CHINN, Parliamentarian
- KI-TAEK CHUN

1 STAFF PRESENT: (Continued)

2 PAMELA DUNSTON

3 BETTY EDMISTON

4 EDWARD A. HAILES, JR.

5 GEORGE M. HARBISON

6 CAROL LEE HURLEY

7 FREDERICK ISLER

8 STEPHANIE Y. MOORE, General Counsel

9 MARCIA TYLER

10 COMMISSIONER ASSISTANTS PRESENT:

11 PATRICK DUFFY

12 CHARLOTTE PONTICELLI

13 KRISHNA TOOLSIE

14 EFFIE TURNBULL

15 MICHELLE YOSHITA

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P R O C E E D I N G S

9:36 a.m.

CHAIRPERSON BERRY: The meeting will come to order.
The first item on the agenda is to approve the agenda. Can I
get a motion?

COMMISSIONER REYNOSO: So moved.

COMMISSIONER REDENBAUGH: Second.

CHAIRPERSON BERRY: All in favor indicate by saying
aye.

(Chorus of ayes.)

CHAIRPERSON BERRY: The second item is to approve
the minutes of the July 9, 1999, meeting. Could I get a
motion, please?

COMMISSIONER REYNOSO: So moved.

CHAIRPERSON BERRY: Second?

COMMISSIONER REDENBAUGH: Second.

CHAIRPERSON BERRY: Does anybody have any changes or
anything that they want to add to the minutes? Any
modifications?

(No response.)

CHAIRPERSON BERRY: Hearing none, all in favor
indicate by saying aye.

(Chorus of ayes.)

CHAIRPERSON BERRY: Opposed, no.

(No response.)

1 CHAIRPERSON BERRY: So ordered. The next item is
2 announcements. The first announcement in the nature of an
3 announcement is, we scheduled a meeting on October 1st, which
4 is, what is it, two weeks from now or something, and when we
5 discussed it, we did it because we went through our calendars
6 for October, and some people couldn't find any other time to
7 meet in October, and we knew that it was close to this meeting
8 in terms of the staff and the work that they do.

9 It appears from discussions with the Staff Director
10 that it would be better if we could find a later time in
11 October, since we want to consider the Mississippi report at
12 the October meeting. They think they'll have it ready for us
13 to consider, but they won't have it ready for us to consider to
14 give it to us now so that we could have it by October 1st.

15 So the question is, in looking at your calendars
16 again, now that some time has passed, it may be worse instead
17 of better, can people figure out whether there is some other
18 time that we could all meet later in October? That's the first
19 question. If the answer to that question is yes, then that
20 answers the question. If the answer is no, then we'll have to
21 consider other options.

22 I've forgotten what the original date was and what
23 the schedule conflict was. We had originally said October 8th,
24 and then some people had conflicts on that date. Do the people
25 who had conflicts, including me, still have conflicts on that

1 day?

2 COMMISSIONER REDENBAUGH: What date was that again?

3 CHAIRPERSON BERRY: It was October 8th.

4 COMMISSIONER REDENBAUGH: The 8th. Let me check.

5 COMMISSIONER LEE: I still have a conflict.

6 CHAIRPERSON BERRY: You still have. You were the
7 one who had the conflict. Russell, Yvonne has a conflict that
8 day.

9 COMMISSIONER REYNOSO: I have a conflict, also.

10 CHAIRPERSON BERRY: Okay. So does Cruz. Is there
11 some other -- what about all the other Fridays?

12 COMMISSIONER REYNOSO: The only Friday that I have
13 free in October is the 22nd, so I would be able to participate
14 by phone on the 8th and the 15th, because my conflicts are in
15 the afternoon.

16 CHAIRPERSON BERRY: How are other people on the
17 15th?

18 COMMISSIONER REDENBAUGH: I'm clear on the 15th.

19 CHAIRPERSON BERRY: Who is not clear on the 15th?

20 COMMISSIONER REYNOSO: I have a conflict.

21 CHAIRPERSON BERRY: Carl is not clear on the 15th.

22

23 CHAIRPERSON BERRY: How about the 22nd? Are you
24 clear then, Carl?

25 COMMISSIONER REYNOSO: I'm free.

1 CHAIRPERSON BERRY: You are. How about Carl?

2 COMMISSIONER ANDERSON: I think I may be.

3 CHAIRPERSON BERRY: Okay. How about other people?

4 COMMISSIONER REYNOSO: I could do it by phone. I'll

5 be on the West Coast.

6 CHAIRPERSON BERRY: So who was not? I lost track.

7 Was there anybody who couldn't do it at all on the 22nd?

8 COMMISSIONER ANDERSON: I may not be able to do it,
9 but I'm not sure.

10 CHAIRPERSON BERRY: You're not sure. Well, the
11 other option is to have the meeting anyway by phone, just to
12 check in with the staff, even if we don't have a report, which
13 we talked about before, as a way of keeping in touch, or the
14 other option is to set it on the 22nd and assume that everyone
15 can make it, or to not have the meeting. We can not have a
16 meeting.

17 COMMISSIONER REDENBAUGH: Mary?

18 CHAIRPERSON BERRY: Yes.

19 COMMISSIONER REDENBAUGH: Is there a requirement for
20 bi-partisan attendance at the meeting?

21 CHAIRPERSON BERRY: No.

22 COMMISSIONER REDENBAUGH: I don't think there is, is
23 there?

24 CHAIRPERSON BERRY: Not at the meeting.

25 COMMISSIONER REDENBAUGH: Okay.

1 CHAIRPERSON BERRY: Is that right, somebody? Who
2 would know that? No. I know at the hearings --

3 COMMISSIONER REDENBAUGH: Right.

4 CHAIRPERSON BERRY: -- but not at the meetings, I
5 think. I think it's just whoever shows up, you have to have a
6 quorum, but I don't want to have meetings -- I don't want to
7 get in the habit of having meetings where we know people can't
8 come. That's ridiculous.

9 If I know you can't come, then we shouldn't have the
10 meeting, and let's not schedule it. If it turns out that you
11 can't, then that's another issue.

12 COMMISSIONER REYNOSO: If we consider the 22nd, I
13 wonder if we might change the November meeting from the 5th to
14 the 19th, because otherwise we would be having a meeting in
15 just two weeks.

16 CHAIRPERSON BERRY: Yes. Why don't we just do this?
17 On the 22nd, Carl is not sure he can be here. Somebody said
18 they had to do it by phone. Who was that?

19 COMMISSIONER REDENBAUGH: Me.

20 CHAIRPERSON BERRY: Russell. Why don't we just have
21 the meeting on the first, as we had planned, and if it turns
22 out that they have the reports for us, we will do it, but
23 knowing how the Commission operates -- should I say that that
24 way -- based on experience, we may have SAC reports, or maybe
25 something else that turns up that we have that we weren't

1 counting on.

2 Since we can't count on you being on the East Coast,
3 Russell, and who knows, there may be another hurricane or
4 something. Lines may be down and Carl says he can come. Carl
5 has already scheduled the first, let's just keep it at the
6 first, and we'll go with whatever the staff has. All right. I
7 made a try here.

8 COMMISSIONER ANDERSON: Madam Chair?

9 CHAIRPERSON BERRY: Yes.

10 COMMISSIONER ANDERSON: If either report has
11 finished like an executive summary -- CHAIRPERSON BERRY: We
12 could get that.

13 COMMISSIONER ANDERSON: -- with conclusion,
14 recommendations, it would be okay with me if we looked at part
15 of it.

16 CHAIRPERSON BERRY: Okay.

17 COMMISSIONER ANDERSON: It's only the first reading.

18 CHAIRPERSON BERRY: Right.

19 COMMISSIONER ANDERSON: We're not going to --

20 CHAIRPERSON BERRY: Okay. The other announcement, I
21 had noted that, today, during the Congressional Black Caucus
22 Brain Trust, they have a Memorial Brain Trust for Judge
23 Higgenbotham, but they did not give us advance notice of this
24 date.

25 We have been in touch with their offices, and,

1 therefore, we do have a scheduling conflict, although we said
2 that some staff may wish to go to it, and even some of the
3 Commissioners, if we finish in time.

4 The other is that, yesterday, I went over to the
5 Justice Department with Commissioner Meeks and Commissioner
6 Lee, who had asked me to set up a meeting for them to discuss
7 the Indian homicide issues and the tensions on the border, so
8 they could get an update on that, as well as some issues
9 related to Commissioner Lee and hate crimes, and so I did that
10 for them.

11 Yesterday, we went over and had a meeting with Bill
12 Lann Lee and some people from CRS and other places to discuss
13 these issues. They agreed that they would do several things.
14 They will give us a memo on the hate crimes law and how it
15 applies to federal officials, if it does, and how they are
16 enforcing it, which we will, of course, share with the
17 Commissioners, and whatever else comes out of the meeting, we
18 will share.

19 They were kind enough to say that if their budget
20 increased, they would be happy to set up an office on the
21 border between Nebraska and South Dakota, which is something
22 that Commissioner Meeks desires, and so they thought that we
23 would be instrumental in helping them to get their budget
24 increased for that purpose, as well as other matters.

25 Is there anything you want to say about the meeting,

1 Commissioner Lee or Commissioner Meeks?

2 COMMISSIONER MEEKS: Well, the other thing that I
3 think came out of it was that CRS is willing to set up some
4 sort of miniforum that would include the FBI and anybody that
5 is interested and relating to the whole issue of what's going
6 on at High Bridge and Low Bridge, and other areas, just to let
7 people really know what their role is, and what they're doing,
8 so the community will understand better that there are actually
9 things going on to solve these murders.

10 CHAIRPERSON BERRY: I think it is probably fairer to
11 say that in bureaucratese what the CRS person said was that
12 they would be happy to join with us if we were to set up a
13 state advisory committee forum on these questions, and they
14 would be supportive and be willing to be involved. That is in
15 the absence of a budget increase in CRS.

16 Commissioner Meeks is going to be talking to some of
17 the -- this prosecutor, I guess, out there, somebody in the
18 U.S. attorney's office, to get another briefing about it, but
19 the issue was whether we should have a state advisory committee
20 forum, and have CRS involved, and do the kind of thing we did,
21 Carl, with the church burnings, when we went out, and we had
22 the FBI and everybody come in, whether that would be useful or
23 not.

24 So in the follow-up discussions that she's going to
25 have, and in the further information that they will provide us,

1 they will advise us as to whether we will be interfering with
2 what they're doing out there, if we should have a forum, and
3 then we can make a decision at a later time as to whether we
4 want to have one.

5 But I thought it was a good meeting, and I thought
6 it was a good opening, and gave them a chance to focus on some
7 of these issues more than they have before.

8 The other thing is, Commissioner Meeks would like to
9 introduce her new assistant. Please do.

10 COMMISSIONER MEEKS: Yes. I have just brought on
11 board Patrick Duffy. He's an enrolled member of the Crow Creek
12 Indian tribe in South Dakota. He graduated from law school at
13 USD this last year, I guess, and before that he was an internal
14 monitor for the -- in South Dakota. We're very glad to have
15 him on board.

16 CHAIRPERSON BERRY: I didn't know that there were
17 Crow -- not that I would know that -- in South Dakota.

18 COMMISSIONER MEEKS: They're not Crow.

19 CHAIRPERSON BERRY: Crow Creek, you said --

20 COMMISSIONER MEEKS: Right.

21 CHAIRPERSON BERRY: -- which is different from Crow.

22 COMMISSIONER MEEKS: Right.

23 CHAIRPERSON BERRY: Oh. Okay. All right. I didn't
24 know that either, but that's all right. Welcome to you. We
25 hope that you have plenty of work to do. We're sure you will.

1 Does anyone else have an announcement?

2 (No response.)

3 CHAIRPERSON BERRY: Staff director's report. Are
4 there any questions or discussion on the staff director's
5 report, which is item number four on the agenda? You have a
6 report. Does anyone have any questions about anything that's
7 on the report?

8 (No response.)

9 CHAIRPERSON BERRY: September meetings are usually
10 like this, Elsie. We've been away for a month, a month and a
11 half. It's like going to school the first week, first
12 semester. People start gradually getting engaged and something
13 attracts their attention that they're really upset about or
14 want to know about. It's a gradual -- by October, November,
15 you'll see what happens. Okay. If there are no questions on
16 the staff director's report, let's go to the issue of security
17 procedures.

18 We have three officials who are going to come in to
19 tell us about security procedures as they relate to the
20 Commissioners. This issue has come up recently, because of
21 certain threats that were made against -- serious threats, that
22 turned out -- that were very ominous to one of the
23 Commissioners.

24 Most of us, or many of us, or I, at least, have had
25 threats of death and other things throughout my time as a

1 federal official, and most particularly, whenever the
2 Commission is engaged in anything or does anything that
3 attracts the attention of people who might be upset about
4 whatever it is, or just by, in my own case, walking around in
5 the world, it often seems. So that's not unusual for federal
6 officials.

7 Usually, what I've done is just turn them over to
8 the FBI if they seem really serious, and I don't know what
9 happened to them after that. Otherwise, just forget it, and
10 hope that they don't happen again, but what we want to do is to
11 get a briefing on what we are supposed to do, what the options
12 are, and so we asked them to come. We were going to have this
13 as an executive session, but we were advised by Ms. Chinn, is
14 that correct, that we cannot have this in executive session?

15 MS. CHINN: That's correct.

16 CHAIRPERSON BERRY: The reason why we cannot is
17 because -- could you please explain it to the Commissioners?

18 MS. CHINN: Okay. Basically, we have open meeting
19 requirements under the Sunshine Act, and from the information
20 that I received about what's going to happen in this briefing,
21 none of that information qualifies under any of the exemptions
22 under the Sunshine Act. CHAIRPERSON BERRY: So in her view -
23 - this will mean that the particular incidents that gave rise
24 to the serious concerns won't be discussed because they relate
25 to particular persons.

1 COMMISSIONER REDENBAUGH: Madam Chair?

2 CHAIRPERSON BERRY: Yes, Mr. Redenbaugh?

3 COMMISSIONER REDENBAUGH: I don't know the nature of
4 the material that is going to be presented, but is there any
5 concern that our security would be diminished by having it
6 available to the public, the contents of the briefing?

7 CHAIRPERSON BERRY: Well, that was one of my
8 concerns, but I guess -- Commissioner Anderson?

9 COMMISSIONER ANDERSON: I have another issue, I
10 think, that is related, but I don't know whether this is maybe
11 the forum to discuss it as well, but I think the Commissioners
12 -- I received a letter from certain employees about security
13 issues. Now, are we going to discuss that at all?

14 CHAIRPERSON BERRY: Well, I had hoped that if people
15 wanted to discuss that, they would do it under the staff
16 director's report.

17 Maybe I should highlight the point at that point,
18 because the staff director, as you know, is responsible for
19 security, and I had said to her yesterday that Commissioners
20 might want her to tell them what she's doing, but we can do
21 that after we have these three people who came over, if that's
22 okay.

23 COMMISSIONER ANDERSON: Yes.

24 CHAIRPERSON BERRY: All right.

25 COMMISSIONER REYNOSO: Madam Chair, I assume that if

1 we want to discuss particular threats with respect to
2 particular Commissioners, that we could do again in executive
3 session, since it has to do with personnel.

4 MS. CHINN: I don't think that follows under
5 internal personnel procedures, but if persons -- for example,
6 if the person who made the threat is going to be named, that
7 part of the meeting can be closed.

8 CHAIRPERSON BERRY: Okay. Can the name of the
9 Commissioner who was threatened be named in executive session,
10 or does that have to be open?

11 MS. CHINN: That would not be a basis for closing
12 the meeting.

13 CHAIRPERSON BERRY: Okay. Could we bring in the
14 three officials? I just met them out there in the hallway.
15 What happened to them? They were there. I just shook hands
16 with them.

17 COMMISSIONER REDENBAUGH: Madam Chair?

18 CHAIRPERSON BERRY: Yes, Commissioner Redenbaugh?

19 COMMISSIONER REDENBAUGH: Given that also you have
20 this concern about diminishing security, and also don't know
21 the nature or the content of the presentation, have you asked
22 the presenters if, in their opinion, what they're going to say
23 will diminish our security, if it were in the public?

24 CHAIRPERSON BERRY: I've not personally asked them,
25 no. All I did was meet them and shake their hands.

1 COMMISSIONER REDENBAUGH: Okay.

2 CHAIRPERSON BERRY: But I will ask them when they
3 come in.

4 COMMISSIONER REDENBAUGH: I think if they answer in
5 the affirmative to that, I think we ought not to do this.

6 CHAIRPERSON BERRY: All right. I'll ask them when
7 they come in. That's a good point. Maybe if they say yes,
8 maybe that would be a reason for closing it. I don't know.
9 We'll ask Ms. Chinn.

10 COMMISSIONER REDENBAUGH: Or reschedule it, so we
11 just meet three at a time or something.

12 CHAIRPERSON BERRY: Something like that, so that we
13 don't have to -- here they are. Okay.

14 Good morning, again. Welcome. Thank you very much
15 for coming. Could you please, for the record, identify
16 yourselves?

17 CAPTAIN GROLLMAN: Yes, ma'am. I'm Captain Elliot
18 Grollman, Protective Services Police.

19 CHAIRPERSON BERRY: Okay.

20 OFFICER DUNHAM: I'm Shelley Levin Dunham, physical
21 security with GSA.

22 OFFICER SKINNER: Wade Skinner, Federal Protective
23 Services, physical security.

24 CHAIRPERSON BERRY: Could you put on those little
25 microphones, because we have Commissioners on the telephone who

1 are listening in, and they won't be able to hear if you don't
2 stick them on.

3 So we have the U.S. Federal Protective Service,
4 which is part of GSA, that's Ms. Dunham, Federal Service
5 Protective police, Captain Grollman -- I'm saying this for
6 Russell, because the rest of you are sitting here -- and we
7 have Mr. Wade Skinner, from the GSA Federal Protective Service.
8 Welcome, and thank you for coming.

9 The first question I have to ask you is: Is there
10 anything in this presentation that you will give to us and any
11 way you can project what kind of questions we might ask you and
12 answer that should be done in executive session, or is it all
13 right to discuss all these matters in open session? What do
14 you think?

15 CAPTAIN GROLLMAN: I think the session will be okay.

16 CHAIRPERSON BERRY: Okay. Could you please proceed?
17 Ms. Dunham, could you go first, please, or how did you divide
18 it up? Had you talked to each other about how you planned to
19 do it?

20 MS. DUNHAM: Well, basically, the speaker, and the
21 expert is Captain Grollman.

22 CHAIRPERSON BERRY: Okay. Well, then, we'll start
23 with him.

24 CAPTAIN GROLLMAN: Basically, I was asked to come to
25 speak with the group in reference to "executive protection" or

1 "dignitary protection," whichever term is in use, I deal with
2 that for the government, with all the different cabinet
3 agencies and other agencies in the government, through Federal
4 Protective Service.

5 We are responsible for all lives and property on
6 GSA-controlled and owned property, which covers most of the
7 cabinet officers, and we also assist with the Secret Service
8 and State Department protection of the President, and their
9 protectees, and State Department protectees, as well, so that's
10 how I am involved with this.

11 Throughout the government, a lot of government
12 officials and employees do, from time to time, get threats.
13 Some people are provided protection, based on their particular
14 position, and some are based on specific threats.

15 So I was asked to speak in general about protection
16 for government officials as it could relate to your agency or
17 any other agency within the government.

18 The government does get a lot of threats agency-
19 wide. Sometimes it's directed against an agency, sometimes
20 it's directed against particular individuals. We do respond to
21 those, just like we do if there was a bomb threat, or a weapons
22 of mass destruction threat. We do threat assessment, and I can
23 get into that in specifics, and we respond, as necessary, with
24 other federal law enforcement agencies, be it Secret Service,
25 State Department, or the FBI, and if need be, provide specific

1 protection.

2 Of course, we conduct investigations with those
3 agencies as well, to determine the validity and credibility of
4 those threats.

5 We do get a lot of threats. Most of them are bogus,
6 just like with the bomb threat, where people just call on the
7 phone and say there is a bomb in the building, and they hang
8 up.

9 I've been doing this for a long time, and every
10 bombing we have had -- and we've had a few of them, of course,
11 as everybody knows -- most of those where the bombs did go off,
12 either there was a claim after the bomb went off or there was
13 no claim at all. So 99.99 percent of the threats that we get
14 are bogus.

15 Of course, we still respond to them and investigate
16 them, and if there is a threat, and we feel it is justified, we
17 can, along with the other law enforcement agencies, provide
18 protection. So I wanted to address that.

19 First off, the threat assessment process, let me
20 talk a little bit about that. When a threat comes in, we see
21 is it directed against an agency, is it directed against an
22 individual, is it directed against an individual because of
23 their position or because of something about their background.
24 An example would be when, I believe it was when Mr. Goldberg
25 was commissioner of IRS, of course, the IRS gets more threats

1 probably more than any other agency, and then, of course, the
2 fact that he was of Jewish background, that added some more
3 fuel to the fire.

4 Most of the actual threats that were of any real
5 significance were actually directed against field agents out in
6 the field who were actually going out and serving liens and
7 things like that. There never was any real valid threat
8 against the commissioner, but, again, we always investigate
9 those. We investigate all threats.

10 One of the biggest things we look at is we talk to
11 the other law enforcement agencies like the FBI, Secret
12 Service, State Department, Capitol Police, to see if they have
13 received threats from the same individual. A lot of people
14 make threats, and they write threatening letters and make
15 threatening phone calls to every congressman, every cabinet-
16 level official. Basically, they spend their lives making
17 threats.

18 A lot of times these are people who are in mental
19 institutions, and once we determine that, as long as they are
20 in the mental institution, they can't hurt anybody. Sometimes
21 they are people who don't have a job, don't have any money,
22 have no means of carrying out any threat.

23 Of course, we look at does this person have a
24 history of mental illness, do they have an arrest record, do
25 they have a record of violence. So we look at all that on all

1 those threats, and make a determination is it a valid threat,
2 and in most cases, threats are not valid.

3 CHAIRPERSON BERRY: Thank goodness. That's a thank
4 goodness.

5 CAPTAIN GROLLMAN: Yes, ma'am. Also, again, have
6 they threatened somebody like the President or a congressman.
7 That kicks in a whole lot of automatic mechanisms, because the
8 Secret Service and Capitol Police also do the same thing.

9 They have a lot more formal process, because they
10 get a lot more threats, and, of course, they're dealing with a
11 lot more people and/or the President, of course. But if that
12 threat is made against -- all those resources, and all those
13 resources are investigative law enforcement agencies kind of
14 kick in together, because it becomes a common threat.

15 If we make a determination that the threat may be
16 real, then we'll look to see if there is a violation of law,
17 and then, of course, the investigation, apprehension, arrest,
18 and prosecution can be made. If it's a case where somebody is
19 not there where we can do that, or whatever, if a decision is
20 made by the powers that be, whatever, then protection can be
21 provided to a government official.

22 CHAIRPERSON BERRY: Who are the powers that be?

23 CAPTAIN GROLLMAN: It would depend on a lot of
24 things in an agency because there may be some costs involved.
25 I mean that's just the cost of the government doing business.

1 Some people who have protection all the time, they have a
2 detail, and it's part of their budget.

3 If it would be provided on a case-by-case basis, the
4 agency receiving the protection would probably foot the bill
5 back to the law enforcement agencies involved, because it would
6 probably be -- additional options would have to be called in to
7 provide that protection.

8 Now, because we're basically responsible for
9 protection on government property, if, let's say, you had a
10 threat, we would provide protection here, and then we would
11 work with the jurisdiction where you live to assist in
12 protection where you live. Because of the fact we live in a
13 metro area, we have to work with those other law enforcement
14 agencies in all the surrounding jurisdictions, and we do that,
15 and that works quite well.

16 For those who travel, there are briefings that we
17 can do to provide information to you on things to look for when
18 you do travel, security on keeping your itineraries private.

19 If you're going overseas, we can work with the
20 Department of State, through their regional security officers
21 at the embassy in those countries you are going to, who have
22 direct contact with the law enforcement agencies in those
23 countries, and they can advise you of things to do over there
24 for your safety.

25 We can provide you briefings as well, of things to

1 do and not to do, like you're talking about here, open to the
2 public and not open. I was involved with the National
3 Endowment of the Arts. They had open hearings. They had had
4 some threats in reference to grants, so we provided protection
5 for them during the hearings because they were open and they
6 had to be open, so we provided protection during the hearings.

7 A lot of times it may be a situation where the
8 protection is only necessary during a particular situation.
9 You may have a particular case that has a lot of controversy
10 and it draws a lot of attention, so, again, we do that
11 assessment, and if necessary, provide protection.

12 Now, if you get into a case where you have somebody
13 that has stalked, that's different, and we deal with that as
14 well, but that's a case where you know who is stalking you,
15 there's some type of relationship there, be it personal, be it
16 related to your employment, obviously, you know who the person
17 is who is stalking you, and we deal with that.

18 Most of the threats are pretty generic, and a lot of
19 the people do not identify who they are for obvious reasons.
20 It's just, you know, I'm going to get you, because you're
21 chairman of such-and-such an agency.

22 We also carry this on into like bomb threats,
23 weapons of mass destruction. I'm involved with those, and we
24 get things like the Anthrax hoaxes now, and I can tell you,
25 they've all been hoaxes. But it's like the bomb threat of the

1 nineties. You get a letter, and you have some envelope with
2 some powder in it, and it says, okay, if you open it, you're
3 exposed to Anthrax, and you're all going to die.

4 Well, you've probably seen some of the responses on
5 the news. You probably remember what happened at B'nai Brith.
6 We've come a long way since those days. Now, we have a couple
7 of agents respond, wear some gloves, put the stuff in an
8 envelope, and leave.

9 No D-con, no fire department, no HAZMAT, no medical,
10 because we've learned to do an assessment of the threat and
11 respond accordingly.

12 In fact, since we've done that, those threats have
13 decreased, because the person doing it no longer gets the
14 response they're looking for. It's like bomb threats. If we
15 evacuated every building every time we got a bomb threat, the
16 government would shut down, and we don't. We make an
17 assessment on the bomb threat. Is it something specific? Did
18 they target a specific agency, a specific person? Did it come
19 in on a specific phone line? What was the message? Was the
20 message about a particular issue? But if it's just, there's a
21 bomb in the building, click, we don't put a whole lot of
22 credibility in that.

23 Now, that doesn't mean we don't evacuate the
24 building. We still do searches, we still do an assessment, but
25 we temper our response, based on that threat assessment, and

1 that's what we do with executive protection.

2 I have some brochures we can pass some around with
3 some recommendations and things. A lot of executive protection
4 is basic crime prevention. I do a lot of terrorism stuff, and
5 a lot of things you do to keep out the terrorists is the same
6 thing you do to keep out the office thief. Okay? It's just
7 carrying it up to another level.

8 A lot of the common sense things you do, don't leave
9 your purse in that bottom right-hand drawer in your office, for
10 the ladies. For the men, don't leave your wallet in your coat
11 hanging up on the coat rack, because every thief in the world
12 knows that's where it is. So there's a lot of common sense
13 things in office security, you know, making sure that people
14 have IDs, that your visitors are checked in, to basically
15 harden your target.

16 We're not going to do away with crime, we're not
17 going to do away with the bad guys. Basically, what we're
18 trying to do is have them go to somebody else. I mean that's
19 the reality.

20 If he can't get to the White House, because the
21 White House or the Capitol are secure, or the Pentagon is
22 secure, he's going to go to some building that has no security
23 if they want to get somebody, because they don't always
24 necessarily care who they get if they want to hurt somebody.

25 What I'd kind of like to do is throw this open to

1 questions for anybody that has any concerns in the area of
2 executive protection. CHAIRPERSON BERRY: Okay. I will
3 recognize the Commissioners, but let me ask --
4 uncharacteristically, let me ask a question first.

5 CAPTAIN GROLLMAN: Yes, ma'am.

6 CHAIRPERSON BERRY: What I'm interested in, and I'm
7 interested in all of this, but more particularly, how does one
8 know individually whether a threat to one's person is serious
9 enough to even report to anybody?

10 CAPTAIN GROLLMAN: You should report all threats.

11 CHAIRPERSON BERRY: I mean if somebody --

12 CAPTAIN GROLLMAN: You should report all threats,
13 and let the law enforcement professionals do an investigation
14 and a threat assessment.

15 CHAIRPERSON BERRY: But then you would be sending
16 things to the law enforcement at least several times a week --

17 CAPTAIN GROLLMAN: That's our job.

18 CHAIRPERSON BERRY: -- maybe every day --

19 CAPTAIN GROLLMAN: That's our job.

20 CHAIRPERSON BERRY: -- and that seems like that's
21 excessive --

22 CAPTAIN GROLLMAN: That's our job.

23 CHAIRPERSON BERRY: -- because we're in the habit of
24 just throwing them away.

25 CAPTAIN GROLLMAN: It's unfortunate, but an example

1 of the individual that killed the two Capitol police officers,
2 he was on a list with the CIA. He had been at the CIA. Now
3 there's no master list.

4 I mean we work in a big government, and everybody
5 has their own turf, and there's no one government agency,
6 that's why you have 30 different police agencies. That's the
7 nature of the beast, so you can't be on everybody's list. He
8 had not threatened the President, or otherwise he would have
9 come up probably on the Capitol's list, but he went out to the
10 CIA and talked to them, but he had not made any direct threats.

11 Now, if he said, "I'm going to come to the Capitol
12 and do something," of course, the CIA would have notified them,
13 and vice versa, but he had not made any threats.

14 So sometimes these people come up on the radar
15 screen and sometimes they don't, but you should report all
16 threats and let law enforcement do whatever is necessary to
17 make an assessment. If it's not credible, we'll say, "Hey, we
18 don't feel it's credible." But that's our job.

19 CHAIRPERSON BERRY: I mean even if it's a letter
20 that's marked up with all kinds of skulls and
21 crossbones --

22 CAPTAIN GROLLMAN: Well, we get a lot of that.

23 CHAIRPERSON BERRY: -- and all kinds of stuff.

24 CAPTAIN GROLLMAN: Yes. We do get a lot of that.
25 He wants you, too, right? No. We do get a lot of that.

1 That's kind of what we call the nut bomb. Okay? Every agency
2 gets them. I mean there's some of these that are rambling for
3 pages and pages. These are the nuts, okay, if I can put it
4 that way. Most of those people are not rational enough to
5 carry it out, okay --

6 CHAIRPERSON BERRY: That's what I figured.

7 CAPTAIN GROLLMAN: -- and that's good. We put them
8 in the nut pile, we run their names against anybody else, and
9 that's probably the guy that has written every other
10 congressman and every other government official. Somebody will
11 check them out, yes, he's a nut, and case closed. But the
12 point is, that's our job, to check that.

13 CHAIRPERSON BERRY: Oh. Okay. Then let me just ask
14 one other follow-up.

15 CAPTAIN GROLLMAN: Sure.

16 CHAIRPERSON BERRY: What about, is it more serious
17 if someone actually comes to the place where you
18 are --

19 CAPTAIN GROLLMAN: Yes, ma'am.

20 CHAIRPERSON BERRY: -- and threatens you?

21 CAPTAIN GROLLMAN: Yes.

22 CHAIRPERSON BERRY: Like, if someone came in --

23 CAPTAIN GROLLMAN: Once they show up at your agency

24 --

25 CHAIRPERSON BERRY: -- here, or if I were speaking

1 somewhere --

2 CAPTAIN GROLLMAN: Once they come --

3 CHAIRPERSON BERRY: -- and someone came up and said,
4 I'm going to kill you.

5 CAPTAIN GROLLMAN: Then, somebody has taken an
6 action. Okay? They've demonstrated capability and intent, by
7 showing up where you are at. So yes, ma'am, that is more
8 serious.

9 CHAIRPERSON BERRY: Okay. That should be reported.

10 CAPTAIN GROLLMAN: Yes, ma'am.

11 CHAIRPERSON BERRY: Okay. Do any other
12 commissioners -- yes?

13 COMMISSIONER REYNOSO: To whom do we report it? Do
14 we report it to our own agency, then they report it to you?

15 CAPTAIN GROLLMAN: If you have an agency security
16 officer, and most government officers do, somebody responsible
17 for security.

18 COMMISSIONER REYNOSO: I don't think we do have one.

19 CHAIRPERSON BERRY: No.

20 CAPTAIN GROLLMAN: Then just call us. The Federal
21 Protective Service covers the whole United States. There's a
22 regional control center in every region. I understand you're
23 from all over the country. There's a regional control center.

24 Now, I understand some of you don't work on
25 government space sometimes. Contact your local police.

1 Whatever police jurisdiction that you're in is who you should
2 report that to.

3 Now, if it's related to your federal employment by
4 nature of your -- then you should also report it to the Federal
5 Protective Service in the region that you're in, and then they
6 will coordinate with the locals, and, of course, with the FBI
7 as well.

8 CHAIRPERSON BERRY: Okay. Commissioner Lee?

9 COMMISSIONER LEE: First of all, the other two
10 attendees, will you be adding any comments to this before we
11 ask questions, or is this it?

12 OFFICER DUNHAM: Basically, we'll be fencing
13 questions, if we can -

14 COMMISSIONER LEE: Okay.

15 OFFICER DUNHAM: -- and adding to it, what have you.

16 COMMISSIONER LEE: I just have a couple of
17 questions. Number one, when you mentioned that all threats
18 should be reported to you, because we're federal agencies and
19 federal officials, how do you coordinate the investigation, and
20 what have you, with other agencies?

21 Let's just say the nature of the threat involves
22 possible hate crimes, possible other activities that would
23 need, say, the FBI or other agencies, do we independently call
24 the FBI?

25 CAPTAIN GROLLMAN: You can call us and we will work

1 with the FBI.

2 COMMISSIONER LEE: So you will be the one -- all the
3 other --

4 CAPTAIN GROLLMAN: Whatever jurisdictions have a
5 piece of the pie, as it were, wherever you are. It could be
6 local, or it could be -- initially, it could be local. So it's
7 going to be based on where the threat came from, is it specific
8 to your federal employment, is it directed against you as an
9 individual? We have to look at all that and see what is
10 involved, but all the agencies that have a stake in it will be
11 contacted.

12 COMMISSIONER LEE: They will be contacted.

13 CAPTAIN GROLLMAN: Yes, ma'am.

14 CHAIRPERSON BERRY: So if a federal official, a
15 commissioner, is somewhere, and, say, writes a letter, an op ed
16 piece, or gives a speech that somebody didn't like, and they
17 come to where you are and they threaten you, should you --

18 CAPTAIN GROLLMAN: You should report -- well, you
19 should report that to the security right where you are
20 immediately, right there.

21 CHAIRPERSON BERRY: You tell the security, but is
22 there any reason to report it to --

23 CAPTAIN GROLLMAN: If they're threatening you, or if
24 you're not on federal space, and you're giving a speech --

25 CHAIRPERSON BERRY: You're in a hotel, giving a

1 speech.

2 CAPTAIN GROLLMAN: Well, if they come threatening
3 you, then immediately I would notify hotel security --

4 CHAIRPERSON BERRY: I understand that.

5 CAPTAIN GROLLMAN: -- for your immediate protection
6 right there.

7 CHAIRPERSON BERRY: But do you notify anybody, you
8 or anybody federally for the investigation?

9 CAPTAIN GROLLMAN: If it's related to your -- if
10 you're there representing the Commission --

11 CHAIRPERSON BERRY: You're there giving a speech,
12 and --

13 CAPTAIN GROLLMAN: -- then you should let us know as
14 well, but immediately you want to notify hotel security for
15 your immediate security, and also possibly the local police as
16 well, because you may be in an area where there's no FPS office
17 right around.

18 CHAIRPERSON BERRY: Okay.

19 CAPTAIN GROLLMAN: In D.C., we're all over the
20 place. In some other regions, you may be in a city that you
21 don't have an FPS office, so immediately, for your protection,
22 you want to notify the local police, and like I said, if you're
23 in a hotel, hotel security, who will have that link to the
24 local police as well.

25 COMMISSIONER LEE: I guess my question is to

1 the -- the reporting, the protection part, and also the
2 investigation part.

3 The first question is, we report to you, and you
4 will coordinate with other agencies involved. My follow-up
5 question is: Who is going to be taking the lead on the
6 investigation?

7 CAPTAIN GROLLMAN: It would depend under which
8 jurisdiction the violation occurred. In other words, is it a
9 federal crime? Did they actually make a threat? Is it a
10 federal offense? Who has the jurisdiction to actually
11 prosecute it? Was it done locally? Do you know what I mean?

12 It's going to depend on who has jurisdiction, as far
13 as actual prosecution, if there's a violation of law.

14 COMMISSIONER LEE: Well, that's my confusion.

15 COMMISSIONER REYNOSO: I thought it was always a
16 crime to threaten a federal official.

17 CAPTAIN GROLLMAN: Well, the FBI is going to come in
18 as well. I mean we're going to talk to the FBI, but a lot of
19 times something could be prosecuted locally, depending on the
20 circumstances.

21 COMMISSIONER REYNOSO: It probably violates both
22 local law --

23 CAPTAIN GROLLMAN: Yes.

24 COMMISSIONER REYNOSO: -- and federal law.

25 CAPTAIN GROLLMAN: It's going to depend on the

1 situation, but the Bureau will obviously be notified, and will
2 be involved at some point.

3 COMMISSIONER LEE: If I can ask one more question.

4 CAPTAIN GROLLMAN: Sure.

5 COMMISSIONER LEE: You mentioned about protection.
6 What happens if you're not at the GSA property, that you're
7 federal officials, and you got a threat, because you're a
8 federal official? What kind of protection can we count on? It
9 is a legitimate --

10 CAPTAIN GROLLMAN: If it's a real serious threat,
11 and someone makes a decision to do it, it's possible that maybe
12 U.S. Marshals or federal law enforcement officers, who are
13 given authority as Special Deputy U.S. Marshals, could be
14 assigned to go with you.

15 COMMISSIONER LEE: Who makes that decision?

16 CAPTAIN GROLLMAN: That would have to be between the
17 head of your agency and other agencies involved, because I'm
18 sure there's going to be costs involved. Again, it's going to
19 be based on the threat assessment.

20 They're going to have to make sure that there's a
21 real -- for example, when they had a lot of abortion clinic
22 bombings, for a while, U.S. Marshals were detailed to abortion
23 clinics, and then after a while, the threat level decreased.
24 So it's going to be based on the situation, but they will not
25 do that unless they feel it's a definite threat.

1 CHAIRPERSON BERRY: So that if we thought that
2 someone, a commissioner or an employee, were threatened because
3 of their work at the Commission, or it was related to that, we
4 would make a decision in the Commission as to whether to ask
5 for security for them, some kind of security person, detail, or
6 something --

7 CAPTAIN GROLLMAN: Between different agencies --

8 CHAIRPERSON BERRY: -- for a period of time.

9 CAPTAIN GROLLMAN: Between FPS, the U.S. Marshal
10 Service, whatever, if protection was really necessary, and they
11 agreed with it, and reimbursement was worked out, that's just
12 the nature of the beast, that could be done.

13 CHAIRPERSON BERRY: Okay. Then we'd have to pay for
14 it, basically, unless we worked out that we somehow didn't have
15 to with whoever is in charge of the service.

16 CAPTAIN GROLLMAN: Yes, but reimbursement normally
17 enters into it in some cases. CHAIRPERSON BERRY: Well,
18 federal marshals are required to provide protection when we
19 have hearings, so that happens already, so our real questions
20 are about what happens to people not in a hearing. Also, since
21 you are the protective service for GSA, what happens if
22 something happens to you on GSA properties? Suppose somebody
23 comes in here.

24 CAPTAIN GROLLMAN: You call our control center. We
25 have a control center, just like any other police dispatch,

1 that operates twenty-four hours a day, seven days a week, 202-
2 708-1111, and officers will be dispatched immediately.

3 CHAIRPERSON BERRY: Okay. Does anybody else have
4 any questions about this? Yes, Staff Director?

5 STAFF DIRECTOR MOY: I found from my experiences
6 working on the Hill that sometimes these things -- well, we're
7 all supposed to be aware of our surroundings, that it may be
8 cyclical, or seasonal, or the full moon. Do you find that at
9 any of those, that there will be --

10 CAPTAIN GROLLMAN: A lot of people -- that's where
11 the term "lunatics" comes from, actually.

12 STAFF DIRECTOR MOY: Right.

13 CAPTAIN GROLLMAN: For whatever reason, the moon
14 does bring out some of the lunatics, as it were, and, of
15 course, we find in the wintertime, we find that crime
16 decreases, because people are getting out of the elements, and
17 in the summertime, people are out more, and sometimes if they
18 don't have air-conditioning, they get more irritable, because
19 we find civil disturbances decrease in the summertime.

20 It depends on the issue. Is there a reason for the
21 threat? Is it personal? Is it based on an issue? So there
22 are a lot of factors as to what stimulates the person's reason
23 for making a threat. It could be an issue that's going on on
24 Capital Hill that they don't like, which in that case, the
25 weather would be irrelevant, or the time of year.

1 CHAIRPERSON BERRY: Okay. Does anyone else have a
2 question?

3 (No response.)

4 CHAIRPERSON BERRY: All right. Then we want to
5 thank you very much. Do you have a question?

6 COMMISSIONER REYNOSO: No. I'm just wondering if
7 the other two folks have something to add to the presentation.

8 OFFICER SKINNER: The only thing I can add is that
9 we are stationed -- I am a physical security specialist, and we
10 deal with locks, alarms, guards, and systems for buildings.

11 The most important thing you can do, if you start
12 having any type of security problem, is to make sure your
13 interior area office space, say, has some type of system there,
14 alarm system. This is where you can get a better chance of
15 protecting yourself.

16 If you don't have a guard in the lobby, and some of
17 your employees come in, a door could be left open, it doesn't
18 close all the way, or somebody could piggyback, some employees
19 might say what are you doing here and some might not, and this
20 person might be a threat to them. But you always make sure
21 that your interior space is hardened and secure if you start
22 having any type of problem. That's the most important place,
23 where you have all the bells and whistles to protect yourself,
24 cameras, or anything like that.

25 CHAIRPERSON BERRY: Maybe what we should do is take

1 advantage of your being here to segue into what we were going
2 to discuss. Not commissioner security, but security of this
3 place for the employees who are here, because there have been a
4 number of -- we were going to discuss that next. Since you are
5 here, we might as
6 well -- so we can ask you questions about it.

7 A number of concerns have been raised by employees
8 here in the building about people stealing things, and break-
9 ins, which have occurred how many times recently?

10 We were going to ask the Staff Director to report to
11 us on what she's done about it, but I'm sure you have this
12 happen in federal buildings or space all the time. So what can
13 one do, or what -- you just told us about having alarms, and
14 about hardening space, as you put it.

15 OFFICER SKINNER: What we are going to do is give
16 you a program. We know about this, we have been contacted, and
17 we might have another date to come in and give the employees a
18 crime prevention program to discuss with them in detail, to
19 find out what is actually happening, where we think it's coming
20 from, is it actually break-ins, or is it from the interior, and
21 we're going to give crime prevention material and information
22 at that time to the regular employees, and it depends on how
23 serious it is, what your losses are, what we will do about it.

24 The first thing our unit does is that we conduct a
25 physical security survey to find out where it's coming from,

1 what's the surrounding area crime, what's your interior crime,
2 as far as what is reported to GSA, and then we'll look at it
3 from there.

4 As Captain Grollman was saying a lot of this thing
5 is opportunity. Somebody gets an opportunity to take your
6 purse or your wallet while you're sitting there talking about
7 how you're going to make a big purchase later today, and I have
8 \$400 or \$500 on me in my wallet, in this drawer, and I'm going
9 to go to the rest room, and it's going to be all right, because
10 people have problems around.

11 In your mind, or anybody else's minds, you don't
12 know what anybody is thinking, or what their needs are, or what
13 kinds of problems they have.

14 Like Captain Grollman says, you should just keep
15 everything you can, if you have big-ticket items, private. I
16 mean if you have all your credit cards on you that day, you
17 keep them on you. You won't lay them on the desk, or put them
18 in the drawer.

19 Opportunity is the problem. If you give a person
20 the opportunity, you're going to come up missing some things,
21 and we will be discussing that with the employees, because we
22 understand you do have a problem, but the statistics are
23 saying, from your agency, versus other agencies, that you have
24 a drop in the bucket.

25 CHAIRPERSON BERRY: Our problem is not as serious as

1 --

2 OFFICER SKINNER: It's not even close.

3 CHAIRPERSON BERRY: Now, we have started, Staff
4 Director, what have you done, 24-hour security in our building?

5 STAFF DIRECTOR MOY: Right.

6 OFFICER SKINNER: That's a good step.

7 CHAIRPERSON BERRY: That will help. Right.

8 OFFICER SKINNER: Right. Having a guard present
9 always helps, and then we will be working with him. If he's a
10 contractor from GSA, we have quality assurance people to check
11 on him. We have people to monitor him.

12 They are an important part of the program that GSA
13 uses already to protect buildings, and having a guard is very
14 good. That cuts down on piggy-backings. Everything will start
15 being confined inside, and you can start looking inside for
16 problems instead of thinking somebody is coming in, and
17 usually, a lot of times, unless it is a break-in, it's not
18 coming from the outside.

19 There are other things you can do. You have, not
20 the contractors or the cleaning people, I'm not saying
21 everybody -- cleaners are stealing, or guards are
22 stealing -- that's why you conduct background security checks
23 on people who work in your space. You can request that, and we
24 have a program for that, also. We call it like an adjudicating
25 program, just different things.

1 We have a whole matrix of things that we do, a
2 session, to try to cut down on theft in the workplace.
3 Sometimes it does well, and sometimes it doesn't.

4 Were you going to say something, Shelley?

5 OFFICER DUNHAM: Yes. In terms of personal safety,
6 I've been a police officer for 24 years, and I've done crime
7 awareness programs before, and women's self-defense programs,
8 and what have you. We teach people mostly, something that Ms.
9 Moy mentioned, be aware of your surroundings, number one.

10 Everybody has a sixth sense, and you don't have to
11 be a law enforcement person to have a sixth sense. Use that.
12 If something is wrong, you know it, and you should act on it
13 and call. That's what I tell everybody, number one.

14 When you go out at night, when you go to the parking
15 lots, don't go by yourself. It's common sense. Take somebody
16 with you, let the guard know you're going, what have you. It's
17 all common sense, it really is. Look out for each other, and
18 be aware of what is around you.

19 Serial numbers on your office equipment, what have
20 you, computers, especially, take down the serial numbers,
21 because a lot of times, a lot of college kids are into stealing
22 computers, and what have you. They bring them to pawn shops.
23 Pawn shops, all the local municipalities have those list of
24 serial numbers.

25 So safeguard your own stuff, too, like Wade was

1 saying. Safeguard your own government equipment. There are
2 ways to investigate and possibly get that equipment back.

3 But number one, again, be safe. Take care of
4 yourself. If you see somebody in your space that doesn't
5 belong there, question them, "Excuse me. Can I help you?"

6 Nine out of ten times, that person will -- people
7 know he's there, and he'll be aware of that, and it might stop
8 him from stealing, or what have you, or whatever, and people on
9 the street know, he'll go back to his friends, and what have
10 you, and say, "They're aware in that building. Maybe we better
11 stay away from there." Just a thought. But just be aware of
12 your surroundings.

13 CHAIRPERSON BERRY: So you should trust your own
14 senses.

15 OFFICER DUNHAM: Oh, yes.

16 CHAIRPERSON BERRY: If you think something is wrong,
17 then something is probably wrong.

18 OFFICER DUNHAM: It usually means something, yes.
19 Everybody has got that sixth sense.

20 OFFICER SKINNER: Like she's saying, it's our job to
21 do these things. There is nothing too small, because you are
22 paying for this protection in the long run, through your grant,
23 or some other way, and when an officer comes out to take your
24 report, all this stuff is put on a sheet, and it's sent to our
25 records and communication, and it's done on computers, and any

1 serial numbers you have that's missing, if you notice yours is
2 missing, and you have your serial number, it goes into that
3 NCIC, and then if it gets serious enough, it goes into what
4 they call the NLET, which go to all the states, and we try to
5 recover things like that.

6 But by the time it gets recovered, you've probably
7 bought a new computer, and it's obsolete, but we can still have
8 a chance to prosecute. You just do that now.

9 If one of those uniformed officers respond, and you
10 say you have an assault, or some serious thing happens to you,
11 you can always request to check off on his investigation sheet,
12 we would like a follow-up done by a criminal investigator. It
13 depends on what the situation is.

14 Just remind them, and say, could I have a follow-up
15 done by a criminal investigator, and the CIs will come out
16 after that, so you'll get everything.

17 You can always request a physical security survey at
18 any time, done on your space here, and we'll let you know what
19 we find, and make recommendations for things. We'll let you
20 know that. Ask at any time you feel you need one.

21 So we have a system that we work on. There are five
22 or six tiers of different measures we take to try to keep our
23 government employees safe at all times in buildings.

24 CHAIRPERSON BERRY: Commissioner Anderson.

25 COMMISSIONER ANDERSON: I have a couple of

1 questions. Realizing the Staff Director has not given her
2 report, but I'd like to address them to you while they're here,
3 if that's okay.

4 CHAIRPERSON BERRY: She can go ahead and give the
5 report while they're here. It will only take a few minutes,
6 and then we can have an exchange if we need to. Go right
7 ahead.

8 COMMISSIONER ANDERSON: You have indicated several
9 things we could be doing, or should have been doing. I wonder
10 if you could just tell us whether we've done that, or if we're
11 scheduled to do it in terms of the security evaluation, in
12 terms of the quality assurance of the guards.

13 I would ask whether the quality assurance, is there
14 a regular process by which every six, nine, twelve months that
15 an evaluation is made, to see whether security, in terms of
16 guards, is maintained or whether it goes up or down? So that
17 would be two questions right off that I'd ask.

18 CHAIRPERSON BERRY: So, basically, what are we
19 doing, and what is the answer?

20 STAFF DIRECTOR MOY: Okay. First of all, we've had
21 a series of break-ins during the summer months, and because of
22 that, administrative services, under Betty Edmiston and Pam
23 Dunston, they have really been doing a tremendous job in trying
24 to make sure that the place is more secure for employees, as
25 well as to watch over our safety.

1 I know they've also contacted Federal Protective
2 Services, as well as other entities, including the management
3 of the YWCA, and as a result, we have also gotten the 24-hour
4 guard service, as the Chair has mentioned, and we're looking
5 into other issues.

6 I have invited and met with members of the union, to
7 have their input on the safety for employees, and looked at
8 their suggestions as well as getting a consultant to advise us,
9 to getting metal plates on every door, to getting surveillance
10 cameras, to hiring our own guard for our floors, et cetera. So
11 those are all ongoing things that we're still looking into
12 right now.

13 COMMISSIONER ANDERSON: So could I ask then, have we
14 asked the Federal Protective Service to do the site evaluation
15 for security? That's one thing you said that we could do.

16 STAFF DIRECTOR MOY: I believe so.

17 CHAIRPERSON BERRY: Betty --

18 STAFF DIRECTOR MOY: Yes. Betty --

19 CHAIRPERSON BERRY: Come up, Betty, please. Betty
20 Edmiston. Take that little microphone there, too, Betty.

21 MS. EDMISTON: It is my understanding that before
22 the General Services Administration ever enters into a federal
23 lease, that the Federal Protective Service investigates the
24 property, and they have a list of criteria.

25 Even though we don't have earthquakes here in this

1 area, we have to meet the earthquake standards. There are
2 pollution standards, there are environmental standards, and one
3 of the assessments that's made for the lease that's signed is
4 that it is considered a safe workplace for federal employees.

5 I think that since we've been in the building, we
6 are now in our first option period of a renewal on our lease.
7 When the lease was renewed, we had another assessment. Also,
8 we asked for a special assessment over a year ago when we had a
9 break-in. So, to my knowledge, so far, we've had at least
10 three assessments. That doesn't mean that we could not do
11 another assessment.

12 I've talked a great deal to a lot of different
13 parties as a result of the recent break-ins. There were three.
14 Only one of the break-ins resulted in a loss to us, and the
15 value was relatively minor. We can ask for another assessment.
16 I have not done that yet.

17 CHAIRPERSON BERRY: What, in fact, is happening now,
18 beyond what the Staff Director said? Are the people coming in
19 to talk to the employees, or you're going to have them come in?

20 MS. EDMISTON: Yes. That has been now set up for
21 next Thursday with the Federal Protective Service. We have
22 ongoing discussions, recently, on nearly a daily basis, but
23 continually, with the landlord, and the Donohoe Real Estate
24 Company, who is the landlord's representative, on space issues.
25 As we've had the recent series of three break-ins, each time

1 they have stepped up their reaction to the break-in.

2 They've alarmed the door where we were having
3 problems. They then went to 24-hour security service. They
4 are taking other initiatives.

5 The Federal Protective Service has taken special
6 initiatives, too, on our behalf which, for reasons of hopefully
7 catching the person or persons, we haven't announced to
8 everyone.

9 CHAIRPERSON BERRY: Well, please don't announce them
10 here.

11 MS. EDMISTON: Right. CHAIRPERSON BERRY: Thank
12 you.

13 MS. EDMISTON: We have been in communication each
14 time we had a break-in with the Federal Protective Service. We
15 have been in communication with the landlord. We have been in
16 communication with Donohoe Real Estate Services.

17 I also had a meeting with the head person who
18 handles space for all commissions and small agencies, and that
19 was several weeks ago, to gain opinions about our break-ins.

20 Her reaction was, the landlord is acting
21 appropriately, stepping up activity, according to the actions
22 being taken. What else can I tell you? CHAIRPERSON BERRY:
23 I think that's -- Commissioner Anderson may have -- yes?

24 COMMISSIONER ANDERSON: So there's been an
25 evaluation of our security risk. Suppose NASA gets one level

1 and we get a different level, and GSA Protective Service has
2 decided what we are doing is adequate, in terms of the risk
3 assessment they have.

4 MS. EDMISTON: This is my understanding. I might
5 add that, after Oklahoma City, GSA began a process which took
6 them quite a long time to look at every federally owned
7 building and leased space, to look at the categories.

8 I'm not a security expert. If I understand
9 correctly, it's one through five, five being the CIA and the
10 Pentagon. We are two. That is our official classification.

11 COMMISSIONER REYNOSO: What is the IRS?

12 MS. EDMISTON: I don't know.

13 CAPTAIN GROLLMAN: I believe it's four.

14 MS. EDMISTON: I don't know.

15 MS. DUNHAM: Four.

16 CAPTAIN GROLLMAN: I believe it's four.

17 MS. DUNHAM: It is a four.

18 CAPTAIN GROLLMAN: It's based on a lot of factors.

19 It's based on the size of the agency, the size of the building,
20 the number of people. Do they have a national security
21 mission? There's a lot of factors.

22 COMMISSIONER ANDERSON: So for this special
23 assessment that was made last year, I assume there were
24 recommendations made, if that's appropriate, and do we know
25 whether all the recommendations were implemented?

1 MS. EDMISTON: I believe they found us adequate, and
2 there were no recommendations that we do anything specific. We
3 have a current system to enter the building after hours. They
4 looked at locks. They looked at the roof.

5 I'm not sure of all the things they looked at to do
6 all the assessments. We did not get any formal word that the
7 agency needs to immediately go out and --

8 MS. DUNHAM: Excuse me. What kinds of break-ins was
9 it, Ms. Edmiston? Was it personal, somebody's desk? Was it an
10 office, sensitive materials? That would make a difference,
11 too, on the recommendations, or can you say?

12 MS. EDMISTON: Do you mean the recent break-ins?

13 MS. DUNHAM: Yes. What happened?

14 MS. EDMISTON: The first break-in, we lost -- and
15 I'm losing my memory -- Pam can remember better than I can. We
16 lost -- an antiquated laptop computer was probably the biggest
17 thing. It doesn't run anything we use now. As you know, they
18 become relatively worthless in a short amount of time these
19 days. We lost some hand-held little recorders, tape recorders,
20 and I think they're currently priced at about 20 bucks to
21 replace. I think those were the big items the federal
22 government lost.

23 Unfortunately, what we had was criminals breaking in
24 who like jazz CDs, because what they tended to do was, they
25 stole, not a substantial amount, but it's nonetheless very

1 important to employees, they stole personal items, items which
2 the authorities told me are, you know, you take to the street
3 and you can sell them very easily.

4 So we lost a lot of CDs. Hundreds of CDs were
5 stolen from people's offices. We lost a couple of pieces of
6 art on the walls. Somebody had brought in their own CD player,
7 which got stolen. We had one office in particular hit very
8 badly, and one office, you know.

9 The second time was fascinating. Items were taken,
10 and they were all found in the stairwell. So they never left
11 the building. If I remember correctly, the third time, we
12 didn't have any loss. Of course, I've not gone into the YWCA
13 losses.

14 I'm not familiar with all their losses, but they
15 lost -- during at least one of the thefts, they lost a monitor
16 screen, T.V. equipment tends to go. CHAIRPERSON BERRY: Okay.
17 Staff Director, you may continue.

18 STAFF DIRECTOR MOY: Commissioner Anderson,
19 management took upon themselves to re-key all of our doors for
20 us.

21 MS. EDMISTON: The YWCA paid for the re-keying. It
22 was not their responsibility. Quite frankly, past directors
23 for the "Y" have not been very helpful to us in dealing with
24 security issues. The current "Y" director has aggressively
25 sought us out to gain our opinions, to indicate their degree of

1 concern, and to urge everybody to take action.

2 With Donohoe, the building engineer, staff has been
3 changed. The guards were all replaced. So she's been
4 extremely aggressive in trying to eliminate future break-ins.

5
6 CHAIRPERSON BERRY: Does all of that sound like,
7 without your knowing specifically, the sorts of things people
8 do when they have break-ins that are positive, to try to solve
9 the problem?

10 CAPTAIN GROLLMAN: Yes, ma'am.

11 OFFICER SKINNER: He couldn't get it out of the
12 building, so he had to stash it. A lot of times, if you have
13 that type of theft in your building, I'd say if you do, like
14 Captain Grollman said, leave your coat or your wallet hanging
15 in your coat rack or on a door knob, the back of your chair,
16 and your wallet is missing, a lot of times the person is not
17 going to leave the building with your wallet, just the cash.

18 CAPTAIN GROLLMAN: They'll dump it in the men's room
19 or the ladies' room.

20 OFFICER SKINNER: They'll put it in the trash can in
21 the men's room, women's room, and these ceilings, you look at
22 these ceilings and you see a little tile or a little something
23 on the floor, we have found them 20 years old in some buildings
24 where we couldn't find them 20 years ago.

25 You're replacing the ceiling, or you look up and

1 you'll see something. They move these ceilings, they have to
2 put them somewhere, because he doesn't want it on him, in case
3 he's identified.

4 CAPTAIN GROLLMAN: Or in the trash can.

5 OFFICER SKINNER: The trash can is mostly where he
6 puts them. That's an immediate recovery of your license, maybe
7 your driver's license, or some other personal papers, without
8 going through the system to have to replace them, and that will
9 help you a lot, if you immediately do that, put some gloves on
10 and dump that trash can right on the floor, and just look for
11 it.

12 Sometimes you'll come up with wallets and different
13 things, personal items, especially if you have a guard, or
14 we're responding, and they get a little bit too hot down there,
15 he'll look and he'll ditch it, you know, they'll get rid of it.

16 Like I said, you-all have a program coming up on
17 Thursday, and they will go through some things to tell you
18 about. What you tell me on management, that's unusual for them
19 to do that, immediately re-key the doors, and putting an alarm
20 system on, and you've got guard service up here. That would
21 have been the recommendation right there. So you're doing
22 pretty well.

23 CHAIRPERSON BERRY: Okay. Are there any other
24 questions?

25 (No response.)

1 CHAIRPERSON BERRY: All right. Thank you, Betty,
2 and thank you very much for coming. We very much appreciate
3 it. Thank you very much.

4 I would like the Commissioners to agree with me that
5 it would be all right to release this portion of the
6 transcript, particularly to the employees, so that they could
7 see that we discussed the security issues concerning the
8 building. Does anybody object to that? COMMISSIONER
9 REDENBAUGH: Not at all.

10 CHAIRPERSON BERRY: Okay. So we could circulate it
11 to the -- the transcript is public, but let's circulate this
12 part, particularly, to the employees in the Commission.

13 The next item on the agenda is the schools and
14 religion project. Commissioner George has drafted a statement,
15 which, we agreed before he left, we would include in the
16 schools and religion report, and now we have the executive
17 summary and the transcript, which is what we agreed to do on
18 the schools and religion project.

19 This, as you know, those of you who were on the
20 Commission, is a result of the hearings that we held in
21 Washington, New York City, and Seattle, Washington, on schools
22 and religion.

23 Since the time that we did this hearing, the last
24 one was in August, 1998, a number of things have occurred
25 involving schools and religion, including a recent piece of

1 legislation, which I think passed in the House. I'm not sure
2 it passed in the Senate yet, it hasn't become law, concerning
3 protecting the freedom of children in school.

4 I had some particular concerns about this issue that
5 have evolved since it was discussed, and would like to know if
6 others planned to write statements, or want to write statements
7 on the subject.

8 I'll tell you what my concerns are, however --
9 however inarticulate I might be in trying to express them,
10 since I haven't thought them through all the way to the end.

11 One is, Commissioner Horner, when she was on the
12 Commission, one of the few things that she and I agreed about
13 was the fact that public schools are a venue in which Americans
14 are forced historically to confront each other, that there are
15 few venues in American society where people have to encounter
16 people who are not like them, and most Americans spend almost
17 all of their time only encountering people who are like them.

18 I'm reminded of one of my students, when he was a
19 freshman at Penn -- he's now a lawyer, so it's been quite a
20 while -- who told me that he didn't want to meet anyone on
21 campus who didn't come from his neighborhood and who wasn't
22 like him, and I had to explain to him that one of the things he
23 wanted to experience while he was in the university was to get
24 to know something other than what he already knew, if maybe
25 people that he didn't already know, and that he shouldn't feel

1 uncomfortable about that. I'm still not sure how comfortable
2 he is, but more than he was at that time.

3 Commissioner Horner and I used to talk about that,
4 and that one of the issues, the military used to be a place
5 where Americans had to encounter people who were different from
6 themselves. There are few venues today where that happens,
7 even when people -- in the public schools, leaving aside the
8 issue of religion, schools and religion, be it based on class,
9 based on neighborhoods, Americans are rather divided.

10 Schools are racially isolated, which in some cases
11 is a euphemism for segregated, I guess in all cases that's what
12 it is, where you have Hispanic or Latino kids going to schools
13 where there are mostly Latinos, and you have blacks and whites
14 going to schools where most of the people there are of their
15 race. That's what all the numbers show, and it's getting worse
16 instead of better.

17 Many people, I guess I'm one of the last
18 integrationists in America, because most people don't seem that
19 bothered about it, but it seems to me that the Civil Rights
20 Commission ought to have some concerns about the isolation of
21 people, of the alienation, the few opportunities for
22 engagement.

23 It does seem to me, although I am, as I have told
24 you many times, a very hard-shell, primitive Baptist, that
25 having schools where kids only go to school with their co-

1 religionists, and many of these are some of the Protestant
2 schools that have been evolved recently, because some of the
3 Catholic schools that are in the city, which have been the
4 focus over the last few years before this recent interest, have
5 a lot of kids who are not even Catholics. But in some of these
6 schools that have been organized recently, you have people who
7 are co-religionists deliberately.

8 That's the emphasis behind the schools, that have
9 people going to them. While people have the right to do that,
10 the question is whether it ought to be encouraged, and whether
11 one ought to encourage somehow supporting public schools, and
12 supporting engagement, even charter schools, it seems to me,
13 and I know this is apostasy because everybody is supposed to
14 believe in charter schools.

15 Even charter schools, which I have no objection to
16 fundamentally, have a tendency to be organized around people
17 who are interested in the same thing. That's what the whole
18 purpose is, and they're there, because they want to be with
19 people who, like them, are interested in the same thing.

20 So I guess my concern is, are we doing something
21 that means that people will become more alienated from each
22 other as we go along, without even thinking about it, in the
23 name of liberty, or is there some way to address these issues,
24 and at the same time not undermine the notion of public
25 schools, or are public schools really worth saving anyway?

1 I remember some of the discussion that we had one
2 day when Commissioner George was here about how perhaps the
3 public schools could not protect religious liberty of students
4 in any case, no matter what they did, and, therefore, it was
5 necessary for students to go to schools that were based on
6 their religion.

7 I mean there was a line of questioning about that
8 from various witnesses, even the ones who said, you know, the
9 schools are trying, they're doing what they can, which was the
10 overall tone of the hearing.

11 So those are concerns that I have. I guess I'm
12 concerned with common identity, and a sense of common purpose,
13 and civic virtue, and all kinds of sort of abstract concepts
14 like that.

15 It does seem to me, too, that as the Civil Rights
16 Commission, that the only way you can have consensus about
17 rights, and about promoting them, and about remedies, and reach
18 for a broader consensus, is if you have engagement and
19 opportunities for engagement for people to talk about, what
20 their common purpose is, or at least a feel of common purpose.

21 So having rattled on about that, I was wondering if
22 there was some way to write some kind of statement in
23 connection with this report that might express some of that, or
24 is what I just said all hogwash, and the musings of someone who
25 stayed up too late last night? I had too much coffee this

1 morning.

2 COMMISSIONER EDLEY: I would like to work with you
3 on that.

4 CHAIRPERSON BERRY: Okay. Are you clear about what
5 I'm saying? I mean does it make any sense, Christopher?

6 COMMISSIONER EDLEY: Well, it does to me, but that
7 doesn't give you much comfort.

8 (Laughter.)

9 COMMISSIONER REYNOSO: I agree with the general
10 concerns and the general lack of ability to have that mixing of
11 all the different ideas, races, and so on.

12 But I do recall that we have a briefing in
13 which -- on religion, in which one or two of the speakers
14 lamented the fact that in public schools any discussion of
15 religion has been prohibited by custom, not by law, and that
16 folks got together, but didn't really learn that much about one
17 another's way of thinking, because there seemed to be a non-
18 stated notion that we better not deal with those matters,
19 because that might lead to conflict, and they lamented that
20 reality they felt that folks ought to be far more free to say,
21 this is what I believe, and not necessarily in terms of
22 convincing other folk, but at least having them understand what
23 their point of view was religiously.

24 I was rather taken by that discussion. I thought
25 that had a lot of merit in it. I wouldn't mind having the

1 statement incorporate part of that.

2 CHAIRPERSON BERRY: Yes, Commissioner?

3 COMMISSIONER ANDERSON: I agree with much of what's
4 being said. I think historically the public schools have been
5 an area where people have learned tolerance.

6 I remember when I was growing up and attending
7 public schools in New Jersey, I was in a community that was
8 predominantly Jewish, and so the days in which Jewish holy days
9 were not also school holidays, there were only three or four of
10 us in the class, so there was no instruction done, but that did
11 give everyone, I thought, a better understanding and just more
12 tolerance in that community. So I think the public schools
13 serve that kind -- or can serve that kind of a goal.

14 I think, too, of a discussion I had the other day
15 with a professor of scripture, who was relating an event that,
16 when he sat in, where the teacher at one point in the class
17 asked the students to quote every place in the Old Testament
18 where the word "salt" appears, and one after another, the
19 students recited the Bible verses with salt.

20 I don't know how many times "salt" appears in the
21 Old Testament, but these children did, and I don't believe that
22 they're going to get that kind of instruction in the public
23 schools.

24 So for some religious communities, where that is
25 extremely important, that kind of knowledge of their religious

1 heritage, spending eight hours a day in public school, then
2 trying to obtain that kind of education, perhaps, is
3 impossible, so I think we have to recognize that for some
4 traditions, the public schools are not going to work for a
5 variety of reasons, but I think if we want to give a statement
6 like this draft, and see if we can't come to some conclusion, I
7 think that would be very good.

8 How the public schools are going to instill civic
9 virtue, that certainly is a big question. I don't know how
10 well middle schools have done in instilling any kind of virtue,
11 private or public, or civic, but we can look at that as well.

12 What I thought was very important about this hearing
13 was the fact that it emphasized the importance of the Equal
14 Access Act. It emphasized the importance of the Secretary of
15 Education's guidelines, that I think are extremely important.
16 If the statement ought to take a view towards those two
17 developments, I think that would be productive.

18 Also, the idea that our schools are not to be a
19 religion-free zone, and tolerance doesn't mean excluding any
20 kind of activity in a particular area, but tolerance means
21 tolerating activity in a particular area. I think that's an
22 important idea that we ought to stress, too. So that would be
23 my reaction to the proposal.

24 CHAIRPERSON BERRY: Okay. Yes, Commissioner Meeks?

25 COMMISSIONER MEEKS: Well, I just want to comment,

1 because I'm really sorry that I didn't -- I think the hearing
2 was before my time on the Commission, but I read most of the
3 transcripts, just because it's sort of an interesting area.

4 I was really struck by, and really torn by some of
5 the comments and some of the testimony there, and by what you-
6 all are saying here, and one is that, you know, I agree that
7 public schools are definitely a place where people should get
8 to know other kinds of people, and have diverse experiences
9 with a group of people, but it seems like in trying to exclude
10 religion in schools, it's created an intolerance for religion,
11 so it's created this intolerance.

12 I think about the schools at home. I mean, Native
13 American spirituality, and culture, and religion is such a part
14 of life that it's not excluded in anything, just much like the
15 Jewish, and Christians, as far as I'm concerned, should be,
16 too.

17 But if the schools really are so intolerant of
18 what's a part of your life, it's hard to deal with those
19 issues, so I certainly come out on the side of public schools.
20 But again, somewhere people haven't had the opportunity to live
21 what their life belief is, also.

22 COMMISSIONER REYNOSO: I think that's what those
23 speakers were saying in that discussion that we had, that
24 that's an important part of people's lives, and the notion of
25 not to be, that neutrality means you don't even talk about it,

1 you don't share it, et cetera.

2 I have one other concern, and it's not religion in
3 schools, so it goes beyond that, but, in fact, the issues of
4 religion and civil rights I think will continue to be a more
5 important concern for us in the future.

6 Cases that are coming up in terms of what rights do
7 people have, in terms of who they rent their places to, the
8 notions of civil rights that protect individuals, and that
9 protection may go against the religious beliefs of other folk,
10 I have a sense that those types of issues may become even more
11 important in the future.

12 They don't necessarily have to do with religion, so
13 I'm not sure we should comment on it, but I just wanted to
14 observe that probably for the future we might take a look at
15 religion and civil rights beyond schools.

16 CHAIRPERSON BERRY: It may very well be that, like
17 every lawyer does, I'm sitting here thinking of an argument
18 against my argument, and listening to people. I mean one could
19 argue that we should sort of go with the flow, as it were, and
20 say that public schools may have been that kind of venue or
21 that may have been one of the goals, and so on, all that stuff
22 I said earlier. But let's face reality, it's not anymore.

23 The military is not that kind of venue. We've lost
24 the public schools as a venue for that. It isn't going to
25 happen on the basis of class, or race, or religion, or

1 anything, but the tide is toward charter schools, private
2 schools, people separating themselves, and that one ought to
3 accept that and try to find another venue, that the goals
4 should be, can we identify another place, and that the
5 challenge to people should be, find that place.

6 I can make that argument, but I can't --

7 COMMISSIONER REYNOSO: I'm sorry, Counselor, but
8 your argument is not persuasive.

9 CHAIRPERSON BERRY: Right.

10 (Laughter.)

11 CHAIRPERSON BERRY: I can make it, but then I can't
12 think of any other venue, and I can't think of places of -- so
13 it's hard for me to think, but I mean logically, and if I were
14 to say everything I said to you this morning to someone who
15 believed very strongly in the opposite direction, they might
16 say to me, well, forget it, you know, that may have been true,
17 but it's not, so you have to move with reality, so this is
18 where people are coming from right now, so let's go with that.
19 But I agree with you that having said the argument, it isn't
20 persuasive to me even. Yes, Christopher, I recognize you.

21 COMMISSIONER EDLEY: I yield to Russell.

22 CHAIRPERSON BERRY: Russell.

23 COMMISSIONER REDENBAUGH: Thank you, Christopher.
24 My comment is right on Mary's point. The irony of what you're
25 saying is that in Philadelphia, the schools that accomplish the

1 diversity are, for the most part, the private schools,
2 particularly the Quaker schools, of which many of them here
3 happen to be Quaker.

4 CHAIRPERSON BERRY: The elite private schools, too.
5 When I say elite, I don't mean it in a negative sense, but the
6 quality --

7 COMMISSIONER REDENBAUGH: Right.

8 CHAIRPERSON BERRY: -- good, selective private
9 schools.

10 COMMISSIONER REDENBAUGH: The private schools my
11 children go to have far more diversity, in terms of religion,
12 race, and economic diversity, than city neighborhood schools.

13 CHAIRPERSON BERRY: Which may mean is what we ought
14 to do is be arguing that there ought to be more selective
15 private schools, which is an oxymoron.

16 COMMISSIONER REDENBAUGH: Well, yes, but where
17 people -- I think that this would be my point, where people
18 have a choice, and have the financial resources to express that
19 choice. At least around Philadelphia, they are choosing
20 schools that offer the kind of bringing together and diversity
21 that used to be available in many public schools.

22 CHAIRPERSON BERRY: Right. That's an excellent
23 point. Yes, Christopher?

24 COMMISSIONER EDLEY: Well, I think that the
25 companion point that might not head in the direction of public

1 funding for public school vouchers would be to say that what
2 Russell has identified indicates that when people have the
3 resources to express their preferences, the way in which they
4 define excellence is one that involves and entails inclusion,
5 and that reflects some of the values that Mary Frances was
6 talking about earlier, which I think if we were thinking in
7 terms of the public schools, that may suggest the importance of
8 recalling the nation to some of those ideals, and why they're
9 significant. So I like very much of at least going through the
10 exercise and trying to come up with such a statement.

11 The second point I wanted to make is that, again,
12 thinking like a lawyer, it may be that for any particular
13 community or institution, part of the answer really has little
14 to do with particular rules, and more to do with the process on
15 which, in a continuing way, the community institution struggles
16 with how to do this balancing, how to do the accommodation, how
17 to recognize the interests, concerns, traditions of a diverse
18 population.

19 I suspect, in other words, that what's needed here
20 for a healthy resolution of the issues is for people to
21 understand the open texture, sort of a contingent nature of the
22 arrangements.

23 Population shifts, a people's sense of what they
24 need shifts, and there has to be a way within communities to
25 talk it through, and there have to be strategies for dealing

1 with differences in a respectful, constructive, and, indeed,
2 celebratory way.

3 CHAIRPERSON BERRY: That's what we're seeking. So
4 why don't we -- first of all, we need to vote to approve the
5 release of this executive summary, so why don't we have a
6 motion to do that first, and then I'll deal with the statement
7 part.

8 COMMISSIONER ANDERSON: So moved.

9 CHAIRPERSON BERRY: Could I get a second?

10 COMMISSIONER LEE: Second.

11 CHAIRPERSON BERRY: All right. Is there any
12 discussion on whether we release this or not?

13 COMMISSIONER ANDERSON: The executive summary is
14 going to be attached with the hearing transcripts.

15 CHAIRPERSON BERRY: The transcripts. Right. Okay?
16 All in favor indicate by saying aye.

17 (Chorus of ayes.)

18 CHAIRPERSON BERRY: Opposed?

19 (No response.)

20 CHAIRPERSON BERRY: So ordered. It was unanimous.
21 Did you say yes, Russell? I couldn't hear you.

22 COMMISSIONER REDENBAUGH: I did.

23 CHAIRPERSON BERRY: Okay. On the statement
24 question, I'm willing, if the Commissioners agree, to ask the
25 staff to draft something, and I'm willing to talk to them while

1 they do it, and talk to any Commissioner who wants to be talked
2 to, or just give you a draft so you could look at it, or to
3 your assistants. Is that okay?

4 COMMISSIONER REDENBAUGH: Yes.

5 COMMISSIONER ANDERSON: Yes.

6 CHAIRPERSON BERRY: All right. Let's do that then.
7 Yes, Christopher?

8 COMMISSIONER EDLEY: I guess just in anticipation,
9 this is one of those topics where, frankly, it wouldn't bother
10 me a lot if we ended up with a collection of statements. I
11 mean if we could get a chord on which there's a strong
12 majority, terrific, but I also think it would be useful for the
13 audience to hear a give-and-take, and not have points of view
14 to blend it out in the effort to reach a sharp consensus.

15 COMMISSIONER REDENBAUGH: I like that idea a lot.

16 CHAIRPERSON BERRY: So what I'll do is draft up with
17 the staff what I think, I mean a perspective, and then when you
18 get the draft, you can see which parts you like, don't like,
19 and whether you want to have another statement, or you want to
20 join that one or not, and we will understand that that might
21 happen.

22 How's that? Because I can only think about what I
23 think about, or write about, but I will talk to some of you as
24 I go about doing it, or talk to all of you as I go about doing
25 it, to see where we are. Okay?

1 COMMISSIONER EDLEY: We shouldn't be disabled from
2 addressing important issues by the difficulty of reaching a
3 consensus, because even our -- even our confusion might be
4 instructive.

5 (Laughter.)

6 CHAIRPERSON BERRY: And it's also -- people are
7 perfectly free, to themselves or their assistants, to go ahead
8 and draft something on their own. I mean, that's understood.
9 And if you want to share it, that's fine. Okay?

10 Why don't we set some sort of deadlines for this so
11 it doesn't go on forever? Why don't we say -- how long does it
12 take to get a thing printed anyway, or an executive summary, or
13 whatever it is, from the day that -- we approved it today.

14 Yes, Carol Lee?

15 MS. HURLEY: It will take us several weeks to get it
16 ready for GPO.

17 COMMISSIONER EDLEY: That's right. I agree with
18 that.

19 MS. HURLEY: So let's say -- let's take a month
20 before we send it to GPO, at least.

21 CHAIRPERSON BERRY: Okay. So we're going to say
22 that in a month's time, we will have a draft of this thing, at
23 least, sometime before the end -- a month from now, that it
24 will be circulated, and then by November -- what is today?

25 Today is the -- by November 17th, all final

1 statements will be in, so they can be attached, or as the
2 process goes forward to get it printed.

3 COMMISSIONER REDENBAUGH: Mary?

4 CHAIRPERSON BERRY: Yes?

5 COMMISSIONER REDENBAUGH: Excuse me. Thank you.

6 When you say attached, is it your thinking that it will become
7 part of the document, and our statements will be referenced in
8 the table of comments?

9 CHAIRPERSON BERRY: Right. Just like Robbie
10 George's is. We promised Robbie George a statement would be
11 included, and it will be.

12 So these statements -- when I said attached, I just
13 meant that the process of them getting it ready for printing, I
14 meant inserting and adding it at that point. That gives us
15 time. It will be done in the usual way. It will be
16 referenced.

17 COMMISSIONER REDENBAUGH: Okay. Thanks.

18 CHAIRPERSON BERRY: Yes, Mr. Anderson?

19 COMMISSIONER ANDERSON: I wanted to say that with
20 regard to Commissioner George's statement, there's much in here
21 that I agreed with --

22 CHAIRPERSON BERRY: Okay.

23 COMMISSIONER ANDERSON: -- although when it came
24 down to it, I think this project is too important, so I voted
25 for it, releasing the statement, because I believe that this

1 statement we're talking about now has an even greater potential
2 to emphasize the importance of what we've done in terms of
3 holding these hearings.

4 So although I would have rewritten the executive
5 summary differently, and taking into account some of Robbie's
6 concerns, nonetheless, I think it's a project that needs to go
7 forward.

8 I would just recommend that if you are looking at
9 the statement you're considering drafting, that you might look
10 at Commissioner George's statement,, because I do think he
11 raises some very good points which perhaps -- and I think that
12 there was no interest in the Commission as a whole to
13 incorporate some of his changes into the executive summary, but
14 maybe in the statement that we're looking at, there may be some
15 points that could be included there.

16 CHAIRPERSON BERRY: Okay. He made excellent points,
17 I've read it, that need to be addressed and considered. They
18 are important points that have to be part of any kind of
19 statement or discussion.

20 COMMISSIONER ANDERSON: The only other comment I
21 would make is that I think it would be perhaps good if this
22 would also contain a copy of the Department of Education's
23 guidelines --

24 CHAIRPERSON BERRY: Okay.

25 COMMISSIONER ANDERSON: -- because they're

1 important, they're not that widely available, and I think it
2 would make a good appendix to this. CHAIRPERSON BERRY: Okay.
3 Is there any objection? Okay. We'll do that.

4 I want you to vote on these two reports, and then I
5 have one other very sticky, but I think simple, concern that I
6 want to get your agreement to, so hold on a minute. Let's do
7 the state advisory committee reports first. Civil rights
8 enforcement in North Dakota, can I get a motion to approve
9 that?

10 COMMISSIONER REDENBAUGH: So moved.

11 CHAIRPERSON BERRY: Second?

12 COMMISSIONER ANDERSON: Second.

13 CHAIRPERSON BERRY: Does anybody have any
14 discussion?

15 (No response.)

16 CHAIRPERSON BERRY: State advisory committee
17 appointments for Louisiana. A motion, please?

18 COMMISSIONER REDENBAUGH: So moved.

19 CHAIRPERSON BERRY: Second? Does anybody second?

20 COMMISSIONER ANDERSON: Second.

21 CHAIRPERSON BERRY: Any discussion?

22 (No response.)

23 CHAIRPERSON BERRY: Okay. All in favor indicate by
24 saying aye.

25 (Chorus of ayes.)

1 CHAIRPERSON BERRY: So ordered. Now, here's the
2 sticky one. It has occurred to me before every Commission
3 meeting -- and then I forget when I come in here, and I forget
4 to tell somebody to remind me -- that I would like us to agree
5 from now on not to use the phrasing "minorities" in Commission
6 reports. Minorities is an outdated approach.

7 First of all, it is not clear who is a minority or
8 will be, and we ought to say either who we mean, that is, if
9 we're talking about Native Americans, or we're talking about
10 Latinos, or we're talking about African Americans, or we're
11 talking about religious minorities, or whatever it is we're
12 talking about, we ought to say what we're talking about, it
13 seems to me that's clearer, and even if we're talking about
14 people of color, to say people of color, rather than saying
15 minorities.

16 The Commission has been saying minorities for years.
17 The Commission at one time said Negroes, and it doesn't any
18 more. So I was wondering if we could get some kind of
19 consensus to bring us into the twenty-first century, that the
20 Commission would stop just saying minorities. Sometimes we say
21 minorities when we mean women and people of color. Sometimes
22 it's unclear who we mean.

23 Increasingly, in the way social policy discussions
24 and discussions among educated people take place today, or even
25 uneducated people, using the same minorities over and over

1 again, or at least we could vary it, and maybe sometimes say
2 minorities and say something else, if we mean Native Americans,
3 say that, if we mean Latinos, say that.

4 COMMISSIONER REDENBAUGH: Mary, I understand your
5 point that you want to euthenize euphemisms.

6 (Laughter.)

7 CHAIRPERSON BERRY: Yes. So I wondered --

8 COMMISSIONER REDENBAUGH: I'm for that.

9 COMMISSIONER REYNOSO: Well, Madam Chair, I have to
10 have a proscription of using the term "minority," but I very
11 much agree with your concern, indeed.

12 I did some research and wrote a chapter on Latinos
13 in the justice system, and it was so hard to get any statistics
14 from government agencies on Latinos, because they were all
15 minorities, and I didn't know what minorities they included in
16 those statistics. So I think it's very well taken.

17 In many areas, of course, Anglo-Americans or
18 Europeans are now minorities. So I very much agree with what
19 your concern is, though I would hate to say, thou should not.

20 CHAIRPERSON BERRY: Yes, Commissioner Anderson, and
21 then Commissioner Edley.

22 COMMISSIONER ANDERSON: Well, I would agree that we
23 ought to use the greatest specificity possible when it's
24 appropriate, so I think that would move us away from using
25 minority --

1 CHAIRPERSON BERRY: All the time.

2 COMMISSIONER ANDERSON: -- all the time.

3 CHAIRPERSON BERRY: Yes.

4 COMMISSIONER ANDERSON: So I do agree with that, but

5 maybe we still have to use "model minority."

6 CHAIRPERSON BERRY: Okay. Maybe so.

7 (Laughter.)

8 CHAIRPERSON BERRY: I don't know. Some are

9 flinching.

10 (Laughter.)

11 CHAIRPERSON BERRY: Yes, Christopher.

12 COMMISSIONER EDLEY: I guess I'm -- I would oppose
13 an inflexible rule of style, but would certainly support an
14 effort to move strongly in the direction that you've indicated.
15 I just think that -- I mean in my own writing, I struggle with
16 this, and it isn't easy, and, therefore -- so I just sort of
17 express it as a stylistic caution, with several exclamation
18 points.

19 You say you want to bring us into the next century
20 on this. I'm for sticking a few toes in the water to see what
21 it's like, and grow in that direction.

22 CHAIRPERSON BERRY: Well, if I may say, the reason
23 why we have to do this, in the way the agency and all agencies
24 operate, you know this, the computer will just automatically
25 say minorities every time. So it's now inflexibly --

1 COMMISSIONER EDLEY: Right.

2 CHAIRPERSON BERRY: -- minorities, unless somebody
3 changes it. So what I'm saying is that we ought not to
4 inflexibly adjust in a knee-jerk fashion and keep saying
5 minorities, minorities, minorities. If we can figure out what
6 we're talking about, let's say so. Yes, Commissioner Lee?

7 COMMISSIONER LEE: Well, since I'm from California,
8 minority has a different meaning, but I agree that we have to
9 be more sensitive, but I would like to go one step further and
10 advise changing our terminology to look at the way we label
11 Hispanics, Asian Americans, Pacific Islanders, because I've
12 been forever trying to talk to the Asian-American community on
13 what is a proper term, whether it is now "Asian-Pacific-
14 Americans," or "Asian Americans," or "Pacific Islanders." And
15 now there are different ways of describing Hispanics, whether
16 it be the "Americans," "American" -- a proper term.

17 So if we're going to go into this, let's at the
18 start, sit down with the different communities and come up with
19 the proper term that we, as a Commission, should use that is
20 the least offensive.

21 CHAIRPERSON BERRY: Well, what I would prefer to do
22 is to ask you, since you're a commissioner, and since you are
23 commissioners, the new Vice Chair, and you're a commissioner,
24 whatever you think should be the proper term is acceptable. So
25 do you want us to say Asian Americans, Asian-Pacific --

1 COMMISSIONER LEE: And Pacific Islanders.

2 CHAIRPERSON BERRY: What would you like? How would
3 you like the phrasing?

4 COMMISSIONER LEE: Asian Americans and Pacific
5 Islanders.

6 CHAIRPERSON BERRY: Okay. How about you? What
7 would you like, to say Native Americans? Okay. So that tells
8 us that --

9 COMMISSIONER MEEKS: And some people have objections
10 to that.

11 CHAIRPERSON BERRY: Yes. Some people argue with me
12 and say it ought to be Indians. You and I have talked about
13 that. But Native Americans. Okay. So we have some consensus
14 that we will move gradually on this question, and we won't
15 inflexibly just keep saying minorities.

16 Does anyone have any future agenda items?

17 COMMISSIONER LEE: I do.

18 CHAIRPERSON BERRY: Yes, Commissioner Lee?

19 COMMISSIONER LEE: In recent weeks, the Hispanics
20 Asian Americans, and Pacific-Islander communities have joined
21 NAACP in the protest against a major network's fall season, for
22 the lack of diverse representation in the new programming and
23 their historical representation of characters representing
24 communities of color. I understand that the Commission had
25 held hearings back in 1993 in L.A. that dealt with the

1 entertainment industry.

2 I'd like to call for a briefing within the next
3 couple of months so that we can do a follow-up visit on this
4 issue to see if we can bring out any ideas and suggestions from
5 different communities. So I'd like to have a briefing on that.

6 CHAIRPERSON BERRY: Let us add to that to the list,
7 but we have a list of briefings now, and the question is, do we
8 know when we're having any of them yet, or are you just going
9 to add this, and you'll let us
10 know --

11 COMMISSIONER LEE: Yes, I'm going to add it, and I'd
12 like to send it around. CHAIRPERSON BERRY: Okay.

13 COMMISSIONER LEE: What topics are those?
14 Are --

15 CHAIRPERSON BERRY: That other people have raised,
16 that we had. Do you have a list of them here?

17 STAFF DIRECTOR MOY: No, not with me.

18 CHAIRPERSON BERRY: Okay.

19 COMMISSIONER REYNOSO: I was just going to say that,
20 some briefings, I know I've made some suggestions, are not at
21 all time-sensitive. This briefing, particularly because it's
22 been so much in the news, and it deals with this current
23 season, might be something that's time-sensitive, that if we're
24 going to do it, might jump over some of the other briefings,
25 and do it more quickly.

1 CHAIRPERSON BERRY: Commissioner Anderson?

2 COMMISSIONER ANDERSON: Well, the briefing is fine
3 with me, but I think at that hearing we were very clear, and we
4 had a very strong transcript developed. Now, I don't know how
5 much of the allegation is in doubt regarding diversity in the
6 fall programming.

7 I think we can make an assessment as to whether or
8 not the claim that there is not sufficient diversity, or not
9 diversity at all, is accurate or not.

10 If it's accurate, then I think maybe we'd even ought
11 to write the network executives, and say, look -- because we
12 have vice presidents of ABC, CBS, I believe, the major networks
13 there, and we talked about this at length, and we also talked
14 about religious diversity, and respect for -- and I remember
15 the point being made by one of the commissioners that more
16 people go to church on Sunday and Saturday than watch the Super
17 Bowl; therefore, what's the market there for respect.

18 So I think we have enough record, if we want to
19 highlight it, or we can do it through a briefing, but I think
20 we have sufficient record that if we want, we could write to
21 the network executives and say, look, we discussed this at a
22 high level in our hearings, and nothing has been done,
23 apparently.

24 CHAIRPERSON BERRY: Isn't it true that in the media
25 there have been admissions from the networks themselves that

1 they don't have --

2 COMMISSIONER REYNOSO: Yes. I had thought that this
3 time around the facts were not in controversy. The reasons for
4 it may be the programmers saying that they're just responding
5 to public interest.

6 CHAIRPERSON BERRY: Well, do you think that we can
7 just go ahead and write a letter then?

8 COMMISSIONER REYNOSO: Well, actually, I'd like to
9 do both. First, I think the staff ought to check to make sure
10 that our impression is correct, that the issue of fact is not a
11 controversy.

12 If it's not, if they can prove that it's not in
13 controversy, and that's my impression, as indicated, we have
14 very strong statements by the heads of the movie and television
15 industry saying we are absolutely dedicated to diversity, and
16 they gave us figures about how they were increasing diversity,
17 and so on, and now, if the reports we get, that whole promise
18 has gone kerplunk, then I think it's certainly proper for us to
19 call that to their attention. I think also, and it will bring
20 more public attention, and we will update ourselves to have a
21 briefing.

22 CHAIRPERSON BERRY: Maybe what we should do is write
23 a letter to them, based on the earlier discussions, and the
24 news accounts in which they conceded the lack, and then have a
25 briefing in which they can come and tell us what they're doing

1 about it. How's that?

2 COMMISSIONER REYNOSO: Excellent. That would be
3 very good.

4 CHAIRPERSON BERRY: Yes, Commissioner -- I don't
5 know who uttered something first. Russell?

6 COMMISSIONER REDENBAUGH: I'll defer, but --

7 CHAIRPERSON BERRY: You're always deferring. Yes,
8 Commissioner Lee?

9 COMMISSIONER LEE: Thanks, Russell. What I was
10 hoping for is -- well, I think a letter would be a very good
11 introduction, and I'd like to have the letters copied to the
12 different organizations who are involved with this protest.

13 The reason for the briefing is, I think that the
14 public also needs to know that, because this is its general
15 perception that there's a lack of representation, because
16 there's a lack of Asian-American actors and Hispanic actors, or
17 African-American actors, so I think that the briefing would
18 serve a good public education purpose for these organizations
19 who work with artists in these areas to talk about their
20 struggles trying to get into the industry.

21 So besides just having the industry telling us that
22 we really want to see diversity, but, you know, it's the
23 advertisers, we also need to hear from the community, who are
24 the market.

25 I would like to know who is out there, and who can

1 really fill in the marketing, and other needs of these
2 networks.

3 CHAIRPERSON BERRY: That's a really good point,
4 because what we would be doing, instead of hearing from the
5 executives again, we'd write them a letter, then we could have
6 people come in from the organizations, including the people of
7 color, the religious issue, and so on, and say about their
8 struggle to get them to include people, and to include issues,
9 or to focus on concerns.

10 Then after that, we could either have them come to
11 tell us what they're going to do about it, or write them
12 another letter and say, hey, you guys say you want to do great
13 things. Here are all these people here who say that there are
14 themes, there are actors, they've been trying to get you to do
15 it. So it would give us more bang for the buck, if that's the
16 idea.

17 Russell, did you wish to speak?

18 COMMISSIONER REDENBAUGH: Yes. Which is to say, I
19 think I'm about close to crossing, or maybe go over some First
20 Amendment line, but I would like to consider or discuss
21 expanding on what you just said to also include content, which
22 I think normally gets tagged as too much, well, sex and
23 violence, but I would include in my concern about that that the
24 portrayal in many of these entertainments of African Americans
25 and women as not representative and not flattering, but I

1 suppose they can argue that First Amendment right to do
2 anything they want, but this is an area in which I have a
3 concern. It may conflict with --

4 CHAIRPERSON BERRY: Let's see what Judge Reynoso has
5 to say about this First Amendment issue.

6 COMMISSIONER REYNOSO: Two things. One, the State
7 Advisory Committee in California has done some work in this
8 area, so we might check with some of the folk there, who I know
9 have tackled some of these issues.

10 Secondly, with respect to the First Amendment, I've
11 always told my students that the First Amendment permits them
12 to be jerks, but common sense doesn't require them to be jerks.

13 (Laughter.)

14 COMMISSIONER ANDERSON: Does it work?

15 COMMISSIONER REYNOSO: Well, the viewership is
16 falling rather rapidly.

17 CHAIRPERSON BERRY: Yes, it is. Well, you might
18 keep in mind as we discuss this, apropos the First Amendment
19 issue, that one of the most severely castigated reports the
20 Commission ever did, which was before my time, was one called,
21 "Window Dressing on the Set," which got wide publicity, but was
22 castigated by the media for criticizing the media, because they
23 said that who they put on the air and what content they put on,
24 and so on, is their business, and that the Commission had the
25 temerity to talk in that report about the need for diversity,

1 and the way they have people appearing, and all the rest of it.
2 It was in every editorial, and every newspaper, and all the
3 media was all upset about it.

4 COMMISSIONER REDENBAUGH: I know they do think
5 they're -- that it is absolute.

6 (Laughter.)

7 CHAIRPERSON BERRY: But at least it got attention.

8 Yes, Commissioner Anderson?

9 COMMISSIONER ANDERSON: Well, we have a First
10 Amendment right, too --

11 COMMISSIONER REDENBAUGH: Here, here.

12 COMMISSIONER ANDERSON: -- but we don't have
13 enforcement power, so for a government agency to review
14 questions of content with enforcement power is different than
15 an agency that doesn't have enforcement power, and I think the
16 issue of stereotyping is an important issue that's linked to
17 this. Some of it can be, as far as I'm concerned, to address
18 that issue.

19 I would like to see, if we go forward with the
20 briefing, in terms of the agenda of the briefing, to have the
21 network executives who appear appear last. So often we have
22 the official representatives appear first, and then get two
23 days of complaints about their official responsibilities --

24 COMMISSIONER REDENBAUGH: That's a very good idea.

25 COMMISSIONER ANDERSON: -- and then they never have

1 the opportunity to respond, and we never have the opportunity
2 to question them on it. So I would reverse that.

3 CHAIRPERSON BERRY: So why don't we then write the
4 letter, based on our previous work, then have a briefing with
5 groups that are identified as working on this to speak first,
6 and then ask the executives to come and tell us what they're
7 going to do about all this afterwards.

8 COMMISSIONER REYNOSO: There are also very prominent
9 actors who have been active in this area. Olmos and Belafonte
10 come to mind. You know, they might have an interest in it.

11 COMMISSIONER ANDERSON: I think Olmos was there or
12 here, wasn't he, or was going to come?

13 CHAIRPERSON BERRY: I think so, yes. Yes. When did
14 we have that hearing? I've forgotten it. When was it? Do you
15 remember?

16 COMMISSIONER LEE: 1993. COMMISSIONER ANDERSON:
17 1992. 1993.

18 COMMISSIONER REYNOSO: Late 1993.

19 CHAIRPERSON BERRY: 1993. Okay. So that's what we
20 will do.

21 Now, on another question, the staff in the public
22 affairs office is preparing the public service announcement
23 that we agreed to, and they were trying to figure out, they
24 wanted to get some actors or movie people, entertainment
25 figures, from groups other than African Americans to do the

1 spots, if possible, and they didn't seem to have contacts with
2 people.

3 So if any of you know anyone either in the Asian
4 American, Latino, Native American, whatever, communities, who
5 would be people who you might give them some contacts for, that
6 would be very much appreciated.

7 You might come up with some names, or some ideas,
8 and share them with the Staff Director, so she can give them to
9 the PAU, if anybody has any ideas.

10 COMMISSIONER LEE: I sent over Amy Hill's
11 information to you. She was very interested in helping out the
12 PSA or the --

13 CHAIRPERSON BERRY: So if you could do that.

14 Then I have one other issue, which is sticky, too.
15 It was suggested to me by a national civil rights leader, who I
16 will not name, but if I did, you would know who it was, that
17 the Civil Rights Commission that studies everything ought to
18 think about studying the violence that has been taking place
19 lately in the country, the violence that has been taking place,
20 not just across racial lines, or bigotry and that, but even in
21 the communities where, like the Columbine High School, that
22 place the other night where some people shot some people in the
23 church, but the number of incidents of this kind of thing seem
24 to be rolling.

25 I haven't kept any count. Somebody told me someone

1 on the floor of the Senate or something gave a whole list of
2 everything that has happened, and how many people, and so on.
3 I'm sure somebody has a record of it.

4 I said, "Well, what is the relevance of that to what
5 we're doing?" and they said, "Well, first of all, it's an issue
6 of national security and human rights," that's one, "and it
7 also is an issue of how people in American society are taught
8 to resolve their differences, whatever their differences are,"
9 assuming that we're not talking about people who are just
10 mentally unstable in these situations, and that they thought it
11 was an issue that we might want to think about, is there some
12 approach that we could take, because they think it just
13 undermines any sense of social fabric or national fabric, to
14 have people just immediately, whether it's across racial lines,
15 or intraracial, or however, but just resorting to violence to
16 solve every single problem, or whatever problems they seem to
17 have.

18 So I just put that out there. I don't have any
19 particular approach that we could take to it. I can understand
20 the point about it being a national security issue, being a
21 national human rights issue, about it being an issue again that
22 goes to our sense of identity, and purpose, and who we are, and
23 how we do things, but I'm not sure that I see it as related
24 directly to what we do.

25 COMMISSIONER REYNOSO: Well, it's sort of a more

1 expansive view of civil rights, but one with which one is hard
2 pressed to disagree, that is, that the right to feel safe and
3 free in one's home, and the sidewalks and streets is one of the
4 most important rights that a member of any society ought to
5 enjoy. I personally have spoken to those issues, and believe
6 that that's a very important part of civil rights.

7 I don't think that's what the Congress had in mind
8 when the U.S. Commission of Civil Rights was established, but
9 that certainly is a very important right, and that, in turn, is
10 in danger, by any practice or custom, of resorting to violence,
11 either in a straight criminal activity, or as you say, in
12 resolving issues.

13 It's sad to say, or maybe it will be instructive,
14 that our country responds differently geographically to
15 resolving issues through violence, and at least from everything
16 that I have read and know, we in the West and the South, for
17 example, for some reason, respond more often to resolving
18 issues through violence, more so than the Northeast. It might
19 be interesting to examine the cultures that have evolved in the
20 different regions of our country, and why that seems to be more
21 true in some areas than other areas, for example.

22 CHAIRPERSON BERRY: Well, I don't know, if other
23 people can think of any approach, that's one. As you say, the
24 Congress may not have had that in mind when they passed the
25 law, but at least I have laid it on the table.

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