

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

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FRIDAY

SEPTEMBER 13, 2002

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WILMINGTON, DELAWARE

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The Commission convened at 10:30 a.m., in the Wyndham Hotel, 700 King Street, Wilmington, Delaware, Chairperson Mary Frances Berry, Presiding.

Present:

MARY FRANCES BERRY, CHAIRPERSON  
CRUZ REYNOSO, VICE CHAIRPERSON  
CHRISTOPHER EDLEY, JR., COMMISSIONER  
ELSIE M. MEEKS, COMMISSIONER

LESLIE R. JIN, STAFF DIRECTOR

Staff Present:

KIMBERLEY ALTON  
DEBRA CARR, Deputy General Counsel  
KI-TAEK CHUN  
PAMELA DUNSTON  
SHELDON FULLER  
AUDREY WRIGHT

Commissioner Assistants Present:

LAURA BATIE  
PATRICK DUFFY  
JOY FREEMAN

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

I. Opening remarks - Chairperson Berry..... 3

II. Announcements..... 4

III. Staff Director's Report..... 20

IV. Budget (OMB)..... 22

V. State Advisory Committee Appointments..... 24

VI. State Advisory Report for West Virginia..... 25

VII. Introduction of SACS - Ki-Taek Chun..... 33

Panel I - Delaware Delegation

Dr. James Newton..... 38

Kee Kim..... 49

Olga Ramirez..... 51

Panel II - Non-State Advisory Committee

Angela Dressel..... 66

Hector Figueroa..... 77

Jea P. Street..... 82

Panel III - State Advisory Committee Chairs

Leanna Young Brown..... 101

Professor Ranjit Majumder..... 106

Sieglinde A. Shapiro..... 115

P-R-O-C-E-E-D-I-N-G-S

10:31 a.m.

I. Opening remarks - Chairperson Berry

CHAIRPERSON BERRY: We are pleased, those of us, members of the U. S. Civil Rights Commission who are here, to be in Wilmington today. We made a decision, in May, that we would travel across the country to meet with our SAC chairs, and local people that the SACs thought we should hear from, and to be available to interact, both formally and informally, with our State Advisory Committee members, to whom we are so grateful for the work they do.

And to listen and learn, and to hear, the issues that are important to people in local communities. And so in keeping with that decision that was made by the Commission, we decided to meet in Wilmington today.

We do not have a quorum for this meeting because some of our members are absent. So what we will do is proceed, in any event, as we have done in the past when that occurred.

But we will not take official votes on any matters, but we will discuss the various matters we have to discuss, and then we will hear, formally, from our SAC members, and those who have been brought here

1 for us to listen to, and have some conversation about  
2 the issues here in this area, in this region. And  
3 then we will also meet informally with them.

4 So why don't we just -- I will tell you  
5 that the agenda for today's meeting, which was  
6 published in the Federal Register has, after the usual  
7 minutes, announcements.

## 8 II. Announcements

9 And the announcements that we make have to  
10 do with civil rights related events, or persons, that  
11 have occurred since the last meeting, or that are  
12 about to occur.

13 And this month, beginning on September  
14 15th, is Hispanic Heritage Month, and the Commission  
15 has issued a statement about this, and has done a lot  
16 of work on issues related to Hispanics of various  
17 varieties, and we want to acknowledge that this is the  
18 month in which to pay special attention.

19 Although I think that we should pay  
20 special attention to every one, every month, of every  
21 year. That is my own personal view.

22 Some of you may know that in August of  
23 1965 Lyndon Johnson signed the Voting Rights Act of  
24 1965, which was so important to the voting rights of  
25 Americans, and of people of color, and the anniversary

1 of that occurred while we were not meeting.

2 The other anniversary that occurred was of  
3 the civil rights march, August 28th, 1963, the march  
4 on Washington, where Martin Luther King delivered his  
5 speech about the promissory note that America had  
6 refused to pay, which most people usually call the "I  
7 have a dream" speech, which sounds more pleasant than  
8 a promissory note that someone hasn't paid, I guess.

9 In August, also, of 1920 Congress ratified  
10 the 19th Amendment to the Constitution, which affirmed  
11 the right to vote without regard to sex, which  
12 affirmed the right of women to vote in national  
13 elections in this country.

14 So all of that happened. The other thing  
15 is -- does someone have the letter that I wrote to  
16 Governor Bush and Attorney General Ashcroft?

17 STAFF DIRECTOR JIN: We are trying to  
18 locate it right now.

19 CHAIRPERSON BERRY: In Florida, as we know  
20 from news accounts, there has been a debacle in the  
21 primary election. This Commission went to Florida  
22 after the 2000 election and issued a report, in which  
23 we found massive problems of disenfranchisement of  
24 non-Cuban Hispanics, of African-Americans, of disabled  
25 people, and of older Americans in that state.

1           And we found a major problem with what we  
2 call no-count. That is people who not only didn't  
3 have their votes counted, but people who just weren't  
4 able to vote, even though they were there.

5           They either were told, the equipment  
6 wasn't accessible, or the polling place wasn't  
7 accessible. Or, in fact, they were simply told that  
8 they were not eligible to vote when they were, and  
9 that this was erroneous.

10           And that Florida should do something to  
11 correct that problem. We also asked that -- we said  
12 that there should be national election reform.

13           Since that time, we went back to Florida  
14 this past June to see how their new law was being  
15 implemented. And at that time we had two of the  
16 county elections officials come before us.

17           One was the election official from Broward  
18 County, who has been in the news about the primary.  
19 And the other one was from the county where  
20 Tallahassee is, Leon County.

21           And they both told us that the law wasn't  
22 being implemented effectively, and that they were  
23 seriously worried about what was going to happen in  
24 the primary and general election.

25           At that time we concluded, and stated

1 publicly, I did, that the election in September, the  
2 one that happened day before yesterday, was a disaster  
3 waiting to happen, based on their testimony and what  
4 everybody else who came there and testified told us.

5 And that the state needed to urgently, the  
6 Governor who has the constitutional responsibility for  
7 everything in Florida, and the state election official  
8 who at that time was a woman named Katherine Harris,  
9 needed to do everything possible to help the county  
10 officials to get ready for that election in September,  
11 because we were worried.

12 They ignored us. Governor Bush refused to  
13 come to our proceeding because we didn't subpoena him.

14 He had told us, the time before, that if we  
15 subpoenaed him, we didn't need to subpoena him, he  
16 would come anyway. So this time we didn't, but he  
17 didn't come.

18 And Katherine Harris, of course, didn't  
19 show up. And they did, apparently, not do what they  
20 were supposed to do, because there is a debacle going  
21 on. And some of the same people who were affected  
22 last time, disabled people, non-Cuban Hispanics,  
23 African-Americans, older Americans, are affected this  
24 time.

25 They either had their right to vote

1 interfered with, so they couldn't vote, or their votes  
2 aren't being counted, and yet they are trying to call  
3 the election.

4 And November does not portend to be any  
5 better. We also told them that if they got new voting  
6 equipment and didn't train the people to use it, and  
7 didn't train the poll workers, that they might as well  
8 not have it.

9 And apparently they ignored that, too. So  
10 I have told the press that I'm not happy about this.  
11 Some people said that I feel vindicated, that the  
12 Commission feels vindicated, but I've said that I'm  
13 miserable about this, not happy.

14 I sent a letter to Mr. Ashcroft, which I  
15 will read into the record. I wrote to you on June  
16 22nd, 2001, when we issued our report on the Florida  
17 election, asking to meet with you to discuss our  
18 recommendations.

19 You were never able to arrange such a  
20 meeting. Your Assistant Attorney General, Mr. Boyd,  
21 indicated in a letter to Senator Leahy, dated June  
22 7th, 2000, that his investigation of civil rights  
23 issues related to the 2000 election warranted little  
24 action on the part of the Justice Department.

25 Despite that contention we returned to

1 Miami this past June to see if election reforms had  
2 been implemented. I personally left the meeting, and  
3 said publicly, that the Florida election system  
4 remained a disaster waiting to happen.

5 Numerous problems boded ill and needed  
6 fixing before this September's primary. Based on news  
7 accounts, and conversations with civil rights leaders  
8 on the subject, as well as calls from persons who  
9 attempted to vote, it appears the problems in the  
10 September 10th primary were enormous.

11 They seemed to have disproportionately  
12 affected disabled persons, older Americans, African-  
13 Americans, and some Hispanics. I believe it is  
14 imperative that the Justice Department conduct an  
15 investigation to determine whether the alleged  
16 interferences with the right to vote amounted to civil  
17 rights violations that warrant federal action.

18 I would be pleased to discuss this matter  
19 with you, at greater length, at your convenience.

20 After reading that, Governor Jeb Bush  
21 disavowed any responsibility for anything that  
22 happened. I sent him this very brief note:

23 Dear Governor Bush: Based on news  
24 accounts, conversations with the leaders, and calls  
25 from persons who attempted to vote, it appears the

1 problems in the primary were enormous.

2 Yet again, it seems, American citizens  
3 have suffered interference with their attempts to  
4 exercise their right to vote.

5 We warned, again, in June of this year,  
6 after evaluating the implementation of the new  
7 legislation, that the Florida system was a disaster  
8 waiting to happen.

9 Sadly it appears that our warnings were  
10 right on target. I hope that you, as Governor, and  
11 your Secretary of State, are exercising your state  
12 constitutional responsibilities for working with  
13 county officials to fix the election system in your  
14 state. I would be pleased to discuss this matter with  
15 you at greater length, at your convenience.

16 I'm sure that they will not find it  
17 convenient to discuss it. But let us hope that this  
18 will do something to jump start election reform, as  
19 well as -- about Florida.

20 Yes, Vice Chair?

21 VICE CHAIRPERSON REYNOSO: Madam Chair, I  
22 just noticed from the press reports that, again, after  
23 this recent election, as with the election a couple of  
24 years ago, there is in Florida a lot of finger  
25 pointing.

1           The Governor says it is not my  
2 responsibility, it is the Secretary of State, and the  
3 local officials. The local officials say we didn't  
4 get the money from the state, we didn't have the  
5 resources to do the things that we should have done,  
6 it is not our fault.

7           And, indeed, the election official for one  
8 of the counties that did so poorly, as you indicated,  
9 testified before us, and she felt that, in fact, there  
10 were great dangers and it may, in fact, be a disaster,  
11 because they hadn't had the resources to do the mock  
12 trials, and the other things that were required.

13           The testimony, further, was that there had  
14 been a small election in Florida after the new  
15 equipment had been put in place, involving only a few  
16 hundred voters. And that that tiny election had been  
17 a disaster, because there had not been the type of  
18 preparation that you need when you have new equipment.

19           And so, on that basis, the local officials  
20 predicted that this election would, indeed, be a  
21 disaster, and that is what it turned out to be.

22           My point is that under the Constitution of  
23 Florida, and under the statutes, the Governor and the  
24 Secretary of State have the responsibility to make  
25 sure that the elections go well, that there is

1 uniformity of application.

2 The legislature in Florida has the  
3 responsibility to establish a fund to permit these  
4 things to happen. And so to have the state officials  
5 simply turn to the local officials and say, it is all  
6 your fault, it seems to me that it is, sad to say for  
7 the people of Florida, and this country, the finger  
8 pointing that does not bode well for the future.

9 These folk need to accept their  
10 constitutional and statutory responsibility, and do  
11 well by their own people, in my view.

12 CHAIRPERSON BERRY: Absolutely. Yes,  
13 Commissioner Edley?

14 COMMISSIONER EDLEY: I'm troubled, here,  
15 by the, I think just is an early warning sign for what  
16 is likely to happen elsewhere around the country, in  
17 many respects, as we observed when we visited Florida  
18 last.

19 The Florida legislative reforms were  
20 thought, by some, to be among the better state level  
21 efforts at election reform post-November 2000. And I  
22 think we pointed out that in substantial respects the  
23 Florida Legislature actions were only half a loaf.

24 And then we pointed out the difficulties,  
25 the problems with implementation, particularly with

1 funding. So what I'm wondering is whether there is  
2 some way that we can encourage folks to revisit the  
3 fundamental issue of the continuing reliance upon  
4 local finance of the election infrastructure.

5 Because to the extent that those very  
6 committed and hard working county registrars felt  
7 hamstrung in implementing the new technologies, and so  
8 forth, by the lack of resources available to them from  
9 their county commissioners, and from the state  
10 legislature.

11 I mean, this is analogous, in my mind, to  
12 the problem of local education finance dealt with in  
13 the San Antonio v Rodriguez case where, of course the  
14 Supreme Court ruled that there was not an equal  
15 protection objection under the 14th Amendment to local  
16 finance and education, notwithstanding the disparities  
17 in achievement that result.

18 Here we are talking about the fundamental  
19 right to vote. And I think these latest round in  
20 Florida is just yet another piece of important  
21 evidence that there is serious equal protection  
22 problems that arise when you leave the financing of  
23 these improvements to county level governments.

24 And when there is an economic downturn,  
25 this is one of the first things to go, because

1 incumbents don't want to particularly invest in seeing  
2 to it that new voters, or different voters, have a  
3 chance to come to the polls.

4 So I guess what I'm saying is that if the  
5 Staff Director feels that it is valuable for us to  
6 take another look at what is going on in Florida, or  
7 in other states, that this time around we pay special  
8 attention to this question of local finance of the  
9 democratic infrastructure, and whether that raises  
10 equal protection difficulties that should be  
11 addressed.

12 CHAIRPERSON BERRY: Yes?

13 VICE CHAIRPERSON REYNOSO: While it would  
14 not go as far as maybe a study of finance beyond local  
15 officials, our recommendations to Congress, with  
16 respect to the national legislation, would at least  
17 start to address some of those issues.

18 And, of course, the Senate followed many  
19 of the recommendations in its actions, but right now  
20 it is tied in committee, as I understand it, between  
21 the House and the Senate, and Congress has yet to act  
22 on that national legislation pertaining to voting,  
23 which included funding for some of those efforts.

24 CHAIRPERSON BERRY: Well, I think that if  
25 we should decide that we, and the Staff Director

1 recommends to us that we go back to Florida again, or  
2 wherever, that under our mandate, which we voted to  
3 continue to follow up on Florida, which is the mandate  
4 we used to go in June, we can continue to do that  
5 without the Commission taking another vote.

6 I would suggest that we wait to see what  
7 happens. We don't want to insert ourselves into the  
8 electoral, the election, the actual election dispute,  
9 because there isn't much we can do about it.

10 So we can wait to see how it all falls  
11 out, just as we did in the presidential election. But  
12 that we then get a recommendation from the Staff  
13 Director as to what we should do.

14 I should think, also, we've already sent  
15 one letter, and we've testified, and we helped, and we  
16 are very pleased that the Senate passed legislation,  
17 and the House passed legislation for election reform,  
18 but it is stuck in the Conference Committee.

19 So we could, again, write, do whatever we  
20 can do to urge them and remind them, as they already  
21 are, seeing accounts in the press of members of  
22 Congress speaking about how the Florida situation  
23 reinforces the need to do something, to try to jump  
24 start the national legislation.

25 Which does, as I recall, have some money

1 in it, doesn't it? Depending on which form of the  
2 bill you get.

3 COMMISSIONER EDLEY: Yes, it does have  
4 some money in it. But I will say I, at least  
5 personally, am very strongly of the view that no bill  
6 is better than a weak bill.

7 CHAIRPERSON BERRY: Okay.

8 COMMISSIONER EDLEY: I would rather, and  
9 from everything I can learn about the Conference  
10 Committee, the present constitution of the Conference  
11 Committee, I think, is going to make it very difficult  
12 to get a piece of legislation out that will -- that  
13 won't have this character of one step forward, and two  
14 steps back.

15 And it is not a very happy dynamic right  
16 now. So I think that I would urge the Chair that if  
17 you do send a letter, that you say we want a strong  
18 bill, not any bill. We want an effective bill, not  
19 just anything that they can agree upon.

20 CHAIRPERSON BERRY: Well, we could do  
21 that, and reiterate the points that we thought should  
22 be in it, and we can also do the other thing you  
23 suggested, is to look at the track of thinking about  
24 the local and state financing.

25 COMMISSIONER EDLEY: There are some

1 experts on that that the Staff could consult with,  
2 some researchers.

3 CHAIRPERSON BERRY: Okay. They can talk  
4 to you about that.

5 The other thing that has happened is the  
6 Homeland Security Bill for the Department is still  
7 before the Congress. And from everything we can  
8 gather the recommendation that you made, Commissioner  
9 Edley, and the recommendation that we endorsed as a  
10 Commission, that there ought to be a civil rights  
11 entity, or function, within that department, isn't  
12 anywhere in the cards, that I can see.

13 VICE CHAIRPERSON REYNOSO: Madam Chair,  
14 the Staff Director did send a letter pertaining to  
15 that. I wonder if he has had a response?

16 STAFF DIRECTOR JIN: No, we haven't had a  
17 response. We did communicate the letter, but we did  
18 make some calls up there. But at this point, like the  
19 Chair says, as far as we can tell there is no specific  
20 action, either to the proposal that we made, or at  
21 this point any other proposal. Hopefully that will  
22 change.

23 VICE CHAIRPERSON REYNOSO: Well, I would  
24 hope that after the meetings that we had in Detroit,  
25 particularly, and the issues that have surfaced in

1 terms of folks being incarcerated for months without  
2 even their relatives knowing what happened to them,  
3 and so on, that Congress will respond favorably by  
4 including in any new legislation this provision to  
5 have a special unit that will be concerned about civil  
6 rights, as we implement the war on terrorism.

7 CHAIRPERSON BERRY: Yes, Commissioner  
8 Edley?

9 COMMISSIONER EDLEY: I've been fairly  
10 involved in doing some work on this issue with several  
11 civil rights groups, and immigration groups, and had  
12 discussions with several staff on Capitol Hill.

13 All of this, I should add, wearing my hat  
14 as a Harvard law professor, and co-director of the  
15 Harvard Civil Rights project, not as a member of the  
16 Commission.

17 And I would say that the coalition of  
18 groups interested in civil rights and civil liberties  
19 issues has embraced a proposal that is substantially  
20 like the one endorsed by this Commission.

21 And I've worked with them to draft  
22 legislative language, and an amendment to the Senate  
23 bill, which they are aggressively trying to find  
24 sponsors for, even now.

25 And it is very difficult, but the

1 possibility of creating some kind of a position within  
2 the Inspector General's office, a Deputy Inspector  
3 General, or an Assistant Inspector General, with  
4 responsibility for civil rights and civil liberties, I  
5 think is a strong possibility that something like that  
6 might emerge from the Senate bill.

7           It won't have all of the attributes that  
8 we would like. In particular, I think there has been  
9 a lot of resistance, we've heard, to the notion that  
10 this new official, with this oversight responsibility,  
11 as the Commission discussed, it really ought to have  
12 government-wide backup authority to, for example, go  
13 in and look at what the FBI is doing, or what the  
14 Treasury department is doing, or what the Department  
15 of Defense is doing.

16           Because all of the things related to civil  
17 liberties threats, and homeland security, aren't going  
18 to arise simply within the jurisdiction of this new  
19 department of Homeland Security, it is a government-  
20 wide effort, and therefore requires a government-wide  
21 watchdog.

22           But the politics of the situation on the  
23 Hill seem to be a reluctance to create an office that  
24 would have that much authority, that much power.

25           I have to tell you I'm dismayed because

1 every day we see people on both sides of the aisle,  
2 Republicans and Democrats alike, and countless  
3 newspaper editorials around the country, increasingly  
4 attentive to these risks to civil liberties and civil  
5 rights, which is the message that we've been sending  
6 for these many months.

7 And yet, so far, I don't see the  
8 legislative will to adopt amendments that would  
9 effectively respond to the concerns they expressed on  
10 the talk shows on Sunday morning.

11 You know, the more they explain it, the  
12 less I understand it. And so, anyway, it is  
13 proceeding, and I think we've played a constructive  
14 role, but we haven't won it yet.

15 CHAIRPERSON BERRY: The other thing is to  
16 see whether you -- so we talked about election reform  
17 already, and how that is stuck. So we will see what  
18 happens on Homeland Security, we will continue to work  
19 on this.

### 20 III. Staff Director's Report

21 Does anyone have anything on the Staff  
22 Director's report, beyond what we've been discussing,  
23 that you wish to ask? Commissioner Meeks?

24 COMMISSIONER MEEKS: Emerging issues, OGC  
25 is still monitoring the redistricting issues in

1 Mississippi and other states.

2 I just want to, I don't know if other  
3 states include South Dakota, but the ACLU has just  
4 filed its largest voting rights case in South Dakota  
5 regarding pre-clearance of statutes affecting Native  
6 Americans in the states.

7 And so I would like us to, you know,  
8 monitor that, and make sure that we know how that is  
9 proceeding.

10 STAFF DIRECTOR JIN: We will do that.

11 CHAIRPERSON BERRY: Okay, fantastic. I  
12 went, yesterday, to a Congressional Black Caucus  
13 program I was invited to on a proposal to amend the  
14 Constitution to add an amendment which will give  
15 people the right to an appropriate education, a  
16 federal constitutional right.

17 Because with all of the problems with  
18 education issues throughout the country, some people  
19 are shocked to find out that there is no federal  
20 constitutional right to getting a good education.

21 And they even call up and want to file  
22 complaints that their state didn't do this, or that,  
23 on giving people a good education, a quality  
24 education, and find that there isn't anything.

25 And so I, to put it the way Commissioner

1 Edley put it, wearing my University of Pennsylvania  
2 hat, and my professorial hat, the scholar on  
3 constitutional amendment issues, went up there and  
4 participated in this.

5 I think it is a very interesting, exciting  
6 idea. And Commissioner Edley jokingly said that if we  
7 opened up the Constitution there were all kinds of  
8 amendments we could repeal. I forget which  
9 amendments.

10 COMMISSIONER EDLEY: The Sixth Amendment,  
11 Right to Counsel, all that -- they are so  
12 inconvenient, you know?

13 CHAIRPERSON BERRY: Right, so  
14 inconvenient.

15 But in any case, I thought that this  
16 education idea was one that could serve to educate  
17 people, and was an interesting one.

#### 18 IV. Budget

19 We have the budget estimate for OMB before  
20 us, for the 2004 fiscal year. And, as I said earlier,  
21 we can't take an official vote on it, but we can give  
22 the Staff Director our sense, and the Staff Director  
23 is, of course, once he has our sense, free to submit  
24 it to OMB as a staff document, which has been  
25 recommended to the Commission, if the timing is such

1 that it can't wait until the next meeting, and that  
2 would be something he would have to figure out with  
3 OMB.

4 For myself, I saw that it simply reflected  
5 the projects that we already have, and that we  
6 proposed. And that the amounts, while they are a huge  
7 increase, which we won't get, as they were last year,  
8 amounts that we actually need, and that that was all  
9 you were putting together.

10 Does anyone else have any comments? Yes.

11 COMMISSIONER MEEKS: I just have a  
12 comment. I think our current budget is about 9  
13 million. I think it was in 1983 it was 15 million?

14 CHAIRPERSON BERRY: Right.

15 COMMISSIONER MEEKS: And if you just  
16 consider inflation it should be somewhere around 25  
17 million this year, and we are asking for 15, which was  
18 our 1983 level, and that is just a comment.

19 VICE CHAIRPERSON REYNOSO: Madam Chair, I  
20 went over it, and it seemed to me that it reflected  
21 quite well the discussion we had at the last meeting,  
22 pertaining to the needs of this Commission. So the  
23 figures of the recommendation make sense to me.

24 CHAIRPERSON BERRY: Do you have any  
25 concerns, Commissioner Edley?

1 COMMISSIONER EDLEY: No.

2 CHAIRPERSON BERRY: Okay.

3 COMMISSIONER EDLEY: Yes, but --

4 CHAIRPERSON BERRY: Concern about whether  
5 we should get it. So the Staff Director is free to  
6 respond in whatever way he needs to between now and  
7 the next meeting.

8 **V. State Advisory Committee Appointments**

9 We have some State Advisory Committee  
10 appointments for Georgia, New York, and Texas, that we  
11 cannot vote on today. But it would be my view that if  
12 the Staff Director wants to inform the committees that  
13 these people serve as members designate, just as when  
14 people are nominated for positions, and they haven't  
15 been confirmed by the Senate, until such time as the  
16 Commission has a quorum to vote on it, that he would  
17 be free to do that, so that the work of these  
18 committees would not be interfered with, and they can  
19 continue as volunteers to operate, and to do their  
20 work.

21 Yes, Vice Chair?

22 VICE CHAIRPERSON REYNOSO: Madam Chair, as  
23 you know, I have been sort of the watchdog to make  
24 sure that younger people get appointed, and I just  
25 want to report, affirmatively, that I've checked the

1 recommendations, and that all of the recommendations  
2 meet that criteria, and so I think it is fine.

3 CHAIRPERSON BERRY: All right. Well, then  
4 he can, as far as we are concerned, if that is what he  
5 wishes to do, as a Staff Director, and implement this.

6 **VI. State Advisory Report for West Virginia**

7 As far as the SAC report on civil rights  
8 issues in West Virginia, I would think the same thing.

9 That it has been submitted to the Commission. So  
10 under the Motion that we passed in May, you are free  
11 to put it on the website.

12 And, therefore, it can be out, even though  
13 we haven't voted on it yet, just so long as it notes  
14 on the report, that this has been recommended to the  
15 Commission.

16 And, as you know, the Commission doesn't  
17 approve SAC reports, anyway, all we do is accept them.  
18 Because it is not up to us to decide what the SACs  
19 ought to put in their report. So that their work can  
20 get out despite the fact that we are just waiting to  
21 have a quorum.

22 Is that your understanding?

23 STAFF DIRECTOR JIN: Yes, Madam Chair. In  
24 fact the West Virginia SAC report, under the Motion  
25 that you just discussed, either went up on the web

1 page yesterday, or if not yesterday, today.

2 So it is up there. And, as you noted, the  
3 SACs passed their own report, and it is presented to  
4 the Commission for acceptance for printing, and that  
5 is what our message indicates, to make clear the  
6 respective roles.

7 CHAIRPERSON BERRY: Yes, Vice Chair?

8 VICE CHAIRPERSON REYNOSO: Madam Chair, I  
9 just want to indicate that I read the report with some  
10 interest. I think it is an excellent report, and I  
11 was just interested in the reality that the report  
12 deals with, sort of traditional civil rights issues,  
13 police community relations, including factors  
14 contributing to police tensions, and suggestions for  
15 overcoming some of those problems; treatment of racial  
16 minorities, and people with disabilities in the public  
17 schools, civil rights issues related to employment,  
18 hate crimes, the community crime of intolerance.

19 I just mention that, Madam Chair, because  
20 these are issues that this Commission has dealt with,  
21 practically since it was first established. And, sad  
22 to say, many of those issues are still present in many  
23 communities.

24 And here we have a very fine report  
25 pointing out that despite progress these issues are

1 still around, and we still need good folk, like the  
2 Advisory Committee in West Virginia, to be working on  
3 those issues, and to call on government and community  
4 groups to continue their good work in that regard.

5 So I was just interested that the report,  
6 while an excellent one, really dealt with basic  
7 traditional civil rights issues that many communities  
8 face.

9 CHAIRPERSON BERRY: Absolutely. Okay, so  
10 we will go forward on that basis. Commissioner Edley,  
11 were you seeking recognition?

12 COMMISSIONER EDLEY: I wanted to raise a  
13 question, or mention some work and encourage future  
14 Commission attention to some issues regarding special  
15 education, if I might.

16 While professor Mary Frances Berry was  
17 talking to the Congressional Black Caucus about  
18 remaking our Constitution, in another room I was  
19 talking with them about some education issues, in  
20 particular I and a member of my staff from Harvard,  
21 were presenting a summary of a book of research which  
22 we are going to be publishing next week, concerning  
23 racial inequity in special education.

24 And I want to -- I would like to bring  
25 this work to the attention of the Commission, because

1 I think it is a very important civil rights issue  
2 that, frankly, has fallen between the cracks. It has  
3 not received much attention from the civil rights  
4 groups that are focused on race.

5 Nor, frankly, has it received much  
6 attention from the civil rights groups that are  
7 focused on disability rights.

8 What we discovered, based on substantial  
9 research that we commissioned, is a pattern nationwide  
10 of often dramatic over identification of minority  
11 children, particularly black children, who are then  
12 placed in special Ed.

13 And then, secondly, under-servicing of  
14 those children once they are placed. That is to say  
15 they frequently are not placed in the least  
16 restrictive educational setting, as required by the  
17 Statute, but instead are pulled out and isolated, and  
18 given a weak curriculum, with less than fully  
19 qualified professionals, often.

20 As opposed to the efforts required under  
21 the statute, to mainstream students whenever that is  
22 educationally appropriate. The data are really quite  
23 dramatic.

24 For example, we found that with respect to  
25 the category of mental retardation, the risk, or the

1 odds, of a black child being labeled mentally retarded  
2 compared with a white child being labeled mentally  
3 retarded, the risk of a black child is 4.76, almost 5  
4 times greater than the risk for a white child.

5 In New Jersey it is 3.6 times. In Florida  
6 it is almost 4 times as great. And we have data for  
7 all the states.

8 Interestingly, if you shift categories,  
9 and look instead at mental retardation, or at  
10 emotionally disturbance, and you look at medically  
11 diagnosable disabilities, such as hearing impairments,  
12 or visual impairments, the odds ratios, the  
13 disparities, drop dramatically.

14 In Connecticut, for example, instead of  
15 almost five to one on mental retardation, it is 1.2 to  
16 1 when you look at hearing impairment. And that  
17 pattern persists across.

18 So it is the more subjective categories of  
19 classification where this risk of disparate treatment  
20 arises, and is most severe.

21 A second thing, dramatic finding, is that  
22 while you might think that because of the correlation  
23 of disability, many disability categories with  
24 poverty, that when you move into settings in which  
25 poverty, or things correlated with poverty are

1 reduced, these disparities would diminish, in fact the  
2 opposite is true.

3 In school districts with higher incomes,  
4 in school districts with lower proportions of minority  
5 kids, in fact, the disparities in labeling increase.  
6 So one way to think about this is that black and  
7 latino kids are more at risk of over-identification in  
8 the suburbs, than they are in the inner cities.

9 There are also, interesting wrinkles. For  
10 example, we found in some important categories that  
11 Latino kids are under-identified, relative to white  
12 students. Perhaps because there is some compounding  
13 of effects with language issues, so the kids may have  
14 legitimate, very important special ed needs that are  
15 missed, because it is assumed that there is a language  
16 difficulty, and perhaps a cognitive problem is not  
17 recognized.

18 So this is a very rich area. And the  
19 reason that I think that it would be very ripe for  
20 exploration by the Commission, is that Congress is  
21 going to take up, in January, reauthorization of the  
22 Individuals with Disabilities and Education Act, the  
23 IDEA.

24 And shortly after, indeed now, staffs in  
25 both the House and the Senate, are beginning work to

1 try to refashion this legislation for reauthorization  
2 next year.

3 We've conducted some briefings on the Hill  
4 for staff, on both sides of the aisle. We sense a  
5 great receptivity. In fact, I should say that our  
6 book that is coming out, the foreword is written by  
7 Senator Jeffords.

8 And I think there is really an opportunity  
9 for some bipartisan attention to, really, the stunning  
10 phenomenon. The causes of it are mysterious, you can  
11 make a lot of suppositions. But I think in many  
12 respects, just like with our education legislation  
13 last year, the No Child Left Behind Act, where there  
14 was a commitment to close the racial disparities in  
15 education achievement, there is a possibility, it  
16 seems to me, for Congress, and it could use some  
17 urging from this Commission, for Congress to undertake  
18 on the reauthorization of IDEA to close these  
19 disparities in the identification and servicing of  
20 children with disabilities.

21 CHAIRPERSON BERRY: Well, thank you for  
22 that, Commissioner Edley. There had been some talk,  
23 which I had lost track of on one of the appropriations  
24 committees, about appropriating some funding with a  
25 charge to this Commission, for us to produce a report

1 on IDEA, paying attention to the kinds of issues that  
2 you have been talking about, or any issues we wanted  
3 to.

4 But in addition the issue of people  
5 claiming that they were disabled, in order to get into  
6 better opportunities for their kids, who weren't  
7 really, as compared to kids who are disabled, and who  
8 are not, and are being over-identified.

9 And to look at that in contrast. But I  
10 haven't followed whether or not the appropriations  
11 bills will include such a thing. But I think it is  
12 something that we ought to pay attention to, and we  
13 talked about it before, and we very much appreciate  
14 what you've said.

15 STAFF DIRECTOR JIN: Madam Chair, if I  
16 may, just for a minute?

17 CHAIRPERSON BERRY: Yes.

18 STAFF DIRECTOR JIN: The Commission may  
19 remember that we did do a briefing on the IDEA a while  
20 back, and as a result of that briefing, pursuant to  
21 the Commission's wishes, we did submit some  
22 recommendations to Congress.

23 And I think that what we should do now, at  
24 that point it looked like there was a possibility that  
25 both the House and the Senate might act quickly, and

1 it looks like it is delayed.

2 What we can do is go back and review those  
3 recommendations, and in addition consider what  
4 Commissioner Edley just said, to see how we can make a  
5 further difference.

6 CHAIRPERSON BERRY: That would be great.  
7 Now, if we could turn our attention to the next item,  
8 presentations from SACS.

9 VII. Introduction of SACS - Ki-Taek Chun

10 CHAIRPERSON BERRY: We, as I said, voted  
11 in May to come to communities to meet with SAC members  
12 and people from that community. And we do appreciate  
13 the hard work that the State Advisory Committees do as  
14 volunteers.

15 So what we are going to do now is hear a  
16 presentation by State Advisory Committee members, the  
17 chairs are here, from the Eastern Region, and local  
18 community advocates.

19 And so I want to introduce Ki-Taek Chun,  
20 who is our director of the Eastern Regional Office,  
21 who will come forward, the panels, which will be  
22 presented. And we will hear some introductory remarks  
23 from Ki-Taek, first, if you want to say something, Ki-  
24 Taek, about this.

25 And then we will have the first panel, and

1 then we will have the second one, and then we are  
2 actually going to have the Chairs speak. The Chair of  
3 the Delaware SAC is first, and then after that we will  
4 go through the agenda as it is set.

5 Go ahead, Ki-Taek.

6 MR. CHUN: Good morning, Commissioners.

7 CHAIRPERSON BERRY: Good morning.

8 MR. CHUN: In one sense it is refreshing  
9 to see you outside the beltway. As some of you might  
10 know, I have often thought that our society would be a  
11 better one if the beltway ceases to be a reference to  
12 a metaphor for social and political insulation.

13 And I've always believed that the  
14 Commission, in the past, has not taken full advantage,  
15 or fully utilized the wealth of resources, and  
16 expertise we have in our nation-wide advisory  
17 committee membership.

18 So it is only natural for me to applaud  
19 your effort to reach out to the advisory committees,  
20 and I welcome you to the state of Delaware, and our  
21 eastern region.

22 As you go around different parts of the  
23 country and talk with advisory committee members, I  
24 hope those opportunities will serve to promote better  
25 mutual appreciation, on one hand advisory committees

1 and their work, and the Commissioners on the other  
2 hand.

3 And also serve to help develop some means  
4 of a better collaboration, or working relationship.  
5 As a way of welcoming you, and to make your visit  
6 worthwhile, we have done some preparation, and this  
7 morning I would like to present three panel briefings  
8 to you.

9 We will start with, first, with the  
10 Delaware delegation, the host committee, which will be  
11 headed by this Chairperson, Jim Newton, and members  
12 Kee Kim, and Olga Ramirez.

13 Followed by the second panel, we have  
14 three distinguished citizens, or experts, who will be  
15 briefing you on education related issues. After that  
16 we will have a third panel which consists of  
17 chairpersons from the three neighboring states.

18 Leanna Brown, Chairperson of the New  
19 Jersey Committee, Sigi Shapiro, Chairperson from the  
20 Pennsylvania SAC, and then Ranjit Majumder,  
21 Chairperson of the West Virginia Advisory Committee.

22 I note that up until yesterday it was  
23 iffy, Sigi's health condition was not quite promising.

24 I'm so delighted to see Sigi with us this morning.  
25 And, Ranjit, he drove all the way from Morgantown, he

1 says about five and a half hours to get here.

2 So I welcome them, and I welcome this  
3 opportunity for you to be here. Thank you.

4 CHAIRPERSON BERRY: Thank you.

5 MR. CHUN: Our first panel will be, then,  
6 the Delaware delegation.

7 **VII:. Panel I - Delaware Delegation**

8 CHAIRPERSON BERRY: Dr. Newton, Ms. Kee  
9 Kim, and Ms. Olga Ramirez. Thank you very much for  
10 coming. Dr. Newton is serving a second term as Chair  
11 of the Delaware State Advisory Committee. He is a  
12 professor of Black American Studies at the University  
13 of Delaware, and a Senior Fellow in the College of  
14 Urban Affairs and Center for Public Policy and  
15 Community Development.

16 He has two recent books, Curriculum  
17 Evaluation on Student Knowledge of Afro-American Life  
18 and History, and the other, Slaves, Mechanics,  
19 Artisans, and Craftsmen.

20 He serves in a wide variety of civic and  
21 community organizations, and he has been a member of  
22 the SAC since 1993, and we are very grateful for his  
23 service.

24 I'm just going to introduce everybody at  
25 once. Ms. Kee Kim, of Wilmington, is a CPA, certified

1 public accountant, personal financial analyst, and  
2 regional vice president of Primerica Financial  
3 Services.

4           Could we have a consultation, as soon as  
5 we finish here? I need a little help with the stock  
6 market going down. She emigrated at age 11, with her  
7 parents, from Seoul, Korea, to the United States,  
8 after spending the previous three years in Jamaica.

9           She earned a degree in accounting from  
10 Delaware University, and she has been a certified  
11 public accountant in a number of firms. She has been  
12 a volunteer of the Delaware Korean School. She has  
13 been Secretary General of the Korean American  
14 Association of Delaware, and she has been Chairwoman  
15 of the Korean American Merchant Association, and on  
16 the Board of Directors of the newly formed  
17 Metropolitan Wilmington Urban League.

18           Ms. Olga Ramirez --

19           MS. KIM: May I just add one more thing?

20           CHAIRPERSON BERRY: Yes.

21           MS.. KIM: Since this was reported there  
22 have been two additional organizations, on the  
23 national level, that I've been part of. NAKA,  
24 National Association of Korean Americans,  
25 headquartered in Washington, D.C., and an associated

1 organization to NAKA, which is KAPAC, Korean American  
2 Political Action Committee.

3 CHAIRPERSON BERRY: All right, okay. Ms.  
4 Olga Ramirez is a senior paralegal in the Wilmington  
5 Community Legal Aid Society. And she has utilized her  
6 fluency in spanish translation and interpretation to  
7 assist clients, since 1977.

8 She is also a patient advocate, and  
9 investigates complaints of abuse and neglect in the  
10 Delaware Psychiatric Center. She chaired the Board of  
11 the Wilmington's Latin-American Community Center, and  
12 was a board member until 1994.

13 She has been an activist in the community  
14 for decades. In 1986 the National Conference for  
15 Community and Justice, formerly the National  
16 Conference of Christians and Jews, presented her with  
17 its Outstanding Community Leader Award.

18 She is a Commissioner on the Delaware  
19 State Human Relations Commission, and a member of the  
20 Board of Directors of the YWCA, the West End  
21 Neighborhood House, and Medicare Advisory Committee.

22 Thank you all for being here, and thank  
23 you, Dr. Newton. Could you please proceed?

24 DR. NEWTON: Thank you. And on behalf of  
25 the Delaware Advisory Committee for the U. S.

1 Commission, welcome the Chairperson, Dr. Mary Frances  
2 Berry, and the Commissioners who are present.

3 And on behalf of the Delaware Advisory  
4 Group I would first like to give a small overview of  
5 Delaware, per se. I would almost be remiss without  
6 doing so.

7 So just to give you a brief background on  
8 where Delaware was, and is moving towards, in terms of  
9 civil rights. Since its earliest development  
10 Delaware, although viewed as a slave state, remained a  
11 border state, whose race relations consisted of a  
12 mixture of southern and northern customs.

13 While Kent and Suffolk Counties remained  
14 the stronghold for slave holding, including the  
15 escapades of Paddy Kline, a slave smuggler, Newcastle  
16 County became a refuge for Quaker-aided northern bound  
17 slaves on the underground railroad.

18 And the contest between liberty and  
19 freedom, Delaware was a focal point for the work of  
20 abolitionists, and benevolent whites. In general, the  
21 Delaware population tended to view the freedom of the  
22 slaves as unfavorable.

23 Freedom for Delaware slaves came not from  
24 the Emancipation Proclamation, in 1863, but through  
25 the adoption of the 13th Amendment to the United

1 States Constitution.

2 Thus Delaware was first in line for  
3 ratification of the Constitution, and last, along with  
4 Kentucky, when it came to abolishing slavery.  
5 Following the Civil War a Delaware legislator opposed  
6 giving newly emancipate slaves any political or civil  
7 rights.

8 Fearful that the 1875 Civil Rights Act  
9 passed by Congress might establish social or civil  
10 equality, Delaware legislators passed a Jim Crow law  
11 in 1876, which virtually made black Delawareans second  
12 class citizens. The law was not appealed until 1963.

13 What is interesting here is that Delaware  
14 boasts both freedom, liberty, and justice for all, but  
15 at the same time pretty much marked time to a certain  
16 degree.

17 This kind of upstate, downstate, for  
18 and/or against, had pretty much colored the complexion  
19 of race relations in the State of Delaware. To give  
20 you some highlights of Delaware, the Diamond State.

21 One, December 7th, 1787, Delaware became  
22 freedom's first state. Delaware was a major pathway  
23 to the network of freedom, the Underground Railroad.  
24 Delaware was also one of the first to establish a  
25 trial by a jury of one's peers, Neal v Delaware, where

1 a black man was accused of rape, went to trial, was  
2 convicted, but Anthony Higgins came out, as an  
3 attorney, and said that he was not tried by a jury of  
4 his peers, so they put forth -- Moses America became  
5 the first to be put on the books for serving on a  
6 jury, even though he did not serve, it was a precedent  
7 in these United States at that time.

8 Later on we find black religious freedom,  
9 or religious freedom in general, pervasive in the so-  
10 called -- this area is known as the cradle for black  
11 religious freedom, Peter Allen, Peter Spencer and/or  
12 others, right on this hallowed ground, sought  
13 religious freedom in the State of Delaware.

14 And then we go on to the illustrious civil  
15 rights leader, Lewis L. Redding, who in 1954 in  
16 Gephart v Belton, one of the cases of Brown v the  
17 Board.

18 In this respect Delaware, as Alice Dunbar  
19 Nelson stated in 1927, is a jewel of inconsistencies.

20 Basically she had viewed Delaware as a diamond in the  
21 rough. While it had certain kinds of things, it also  
22 had other things.

23 We find this evident in our circumstances  
24 in Delaware today. With this Delaware Advisory  
25 Committee here, in the past we had looked at issues

1 which citizens brought forth, dealing with hate  
2 crimes, dealing with education, dealing with  
3 schooling, dealing with prisoner's rights, those who  
4 had been re-incarcerated, trying to reestablish their  
5 rights to vote.

6 All of these issues are, in some ways, a  
7 microcosm of the nation, that Delaware was these in a  
8 smaller form, but they pretty much seem to be the  
9 same.

10 However, there are some peculiarities.  
11 Several things with the State Advisory Committee.  
12 One, trying to identify the issues and concerns, we  
13 didn't seem to have a problem with that. Some  
14 discussion and dialogue is even reflected in our  
15 newspapers.

16 On any given time you can find what is in  
17 the headlines, is it police problems, is it concerns  
18 in the neighborhoods, is it special isolation,  
19 whatever we call it, Delaware has it, just on a  
20 smaller scale.

21 One of the things that we are finding,  
22 that the recurrence of things, in terms of working  
23 through the Advisory Committee, and with groups, we  
24 have found that Delaware has concerns for all.

25 We find, more recently at least, in our

1 putting together the Delaware Citizen's Guide to Civil  
2 Rights and Supporting Services, found that there were  
3 a host of issues that people come forth.

4 And sometimes there is always suspicion,  
5 is this the rhetoric of civil rights, or is it civil  
6 rights proper, and substance to social and civil  
7 equality?

8 But we found, in this guide, just trying  
9 to establish where we were, and where does one go get  
10 some kind of support for any kind of condition  
11 relative to civil rights?

12 And in the Citizen's Guide, from  
13 disability, to the aged, to groups of national origin,  
14 there are lots of various organizations within this  
15 state, and perhaps in other states, that aid and  
16 assist in some way, civil rights.

17 This is a good sign. On the other hand,  
18 we have found that we identified problems, issues and  
19 concerns. We have some discussion and dialogue about  
20 it. But we have been limited in moving toward a  
21 solution and resolution to these problems.

22 One of the bright sides is that in  
23 bringing groups to the Civil Rights Advisory  
24 Committee, one group that is more recent, is the  
25 Wilmington, the Metropolitan Wilmington Urban League,

1 who has members on this panel, who came forth and  
2 offered support, cooperation, and partnership.

3 And I would like to point out their recent  
4 document, Pace of Progress. And this is not to imply  
5 that the pace is at a snail's pace, but the pace of  
6 progress, relative to civil rights issues in this  
7 state, and perhaps neighboring states is not as rapid  
8 as we would like it to be.

9 But there are emerging issues that this  
10 group will have to pick up the baton and carry. That  
11 is projects not looked upon as something that is at  
12 issue, but we have emerging minorities in different  
13 parts of this state, in migrant labor circumstances.

14 We have spatial isolation that is pointed  
15 out in the report, Pace of Progress. If we look at  
16 the conclusions that they come up with, they are  
17 pretty similar to what many of us would say, that  
18 areas of criminal justice.

19 I was really alarmed at one statistic  
20 which maintained that 160 million, plus, into prisons  
21 would have projected 250 million for further projects  
22 within the criminal justice system, but at the same  
23 time limited, or scant resources relative to job  
24 training, employment, education, etcetera.

25 Some panel members here will speak to some

1 of these particular issues. But I am particularly  
2 keen about the emergent diversity in this state. When  
3 we look at the statistics, the increase in the number  
4 of people coming into Delaware from metropolitan or  
5 cosmopolitan areas, also begins to exacerbate enhanced  
6 diversity, which can also move toward greater  
7 conflict.

8 These conflicts we see may be emerging at  
9 this time. The realm of diversity is beginning to  
10 come forth. We have an emergent corporate community,  
11 new people coming in, and it is almost like we are at  
12 the turn of the century, not so much the melting pot,  
13 but cultural pluralism at its height.

14 We have spacial isolation, home ownership  
15 by minorities are low. One other alarming statistic  
16 is the one in which Hispanic and Black students, the  
17 drop out rate is increasingly high. The Hispanic drop  
18 out rate is even higher than those of minorities  
19 within this state.

20 This is very, very testy, because even in  
21 previous years Delaware was known to have a four way  
22 school system. There were blacks, indians, whites,  
23 and a group, an intermediate group called mores.

24 Delaware had a four way school system back  
25 before the 1950s. Now we have a system dealing with

1 the emergent school system, with charter schools,  
2 public schools, independent academies, etcetera.

3 We are at our total in terms of which  
4 school does one send one's child to. We also have a  
5 panel that will be speaking to the area of education.

6 I believe at this particular point in time there are  
7 other issues which aren't spoken of.

8 For instance, I've noticed that within  
9 this state itself almost every major institution has  
10 been sued for some form of discriminatory practice.  
11 Delaware State College was sued for reverse  
12 discrimination. White faculty thereby maintaining  
13 that they didn't get their full rights.

14 The University of Delaware, same kind of  
15 thing, Scott v the University of Delaware,  
16 promotability, the glass ceiling, whether it is  
17 Dupont, MBNA, or whatever, different groups are saying  
18 that they are not getting fair treatment.

19 Not only that, we also find, within that  
20 realm of fairness, etcetera, that we have gone the  
21 full circle in affirmative action, from women's  
22 rights, to gender issues, and now to the police  
23 maintaining reverse discrimination.

24 In other words, we finally got around that  
25 when fairness is not coming forth to us, all of a

1 sudden not only does civil rights come into vogue,  
2 affirmative action also is, as the Clinton  
3 Administration maintained, mend it, but don't end it.

4 But we are seeing continuous reverse  
5 discrimination suits. The first black mayor, a woman  
6 from Delaware, experienced that, Mayor Jane Sills  
7 experienced a reverse discrimination complaints about  
8 job mobilization relative to whites.

9 This is an alarming thing that I believe  
10 would enhance emergence of diversity, Delaware may be  
11 well into a real test of its civil rights area. And  
12 that the Delaware Advisory Committee, in concert with  
13 other groups, such as the newly formed Metropolitan  
14 Wilmington Urban League, will be hard pressed, and  
15 needs to be vigilant.

16 I would like to read, for the information  
17 for the committee, the different things that come up  
18 in one issue of the News Journal. We have the police  
19 arrest, we have citizen's groups maintaining who is  
20 for and against certain kinds of new processes to get  
21 at the criminal activity in Wilmington.

22 This is all in one newspaper, four  
23 different kinds of opinions and points of view. The  
24 other thing I would like to point out is the  
25 Wilmington Urban League Pace of Progress, in their

1 conclusion they pretty much sum up some of the  
2 conditions, with the idea that disparity and racial  
3 isolation, the distance between the amount of monies  
4 that whites and blacks make, 18,000 difference between  
5 whites and blacks in terms of per capita income.

6 These kind of alarming statistics, in the  
7 midst of affluence. And many of you may have to  
8 understand now that within this realm in Wilmington,  
9 Delaware, one of the most affluent areas in these  
10 United States, relative to per capita income,  
11 etcetera.

12 And at the same time substandard housing,  
13 less property ownership by blacks, and then the high  
14 drop out rates by students, does not fare or bode well  
15 for the State of Delaware.

16 The Delaware Advisory Committee accepts  
17 the baton to try to aid and assist in trying to reduce  
18 some of these kinds of circumstances. And certainly  
19 anything that we can do to aid and assist the U. S.  
20 Civil Rights Commission we are willing and able to do  
21 so.

22 CHAIRPERSON BERRY: Thank you very much,  
23 Dr. Newton.

24 DR. NEWTON: Quite welcome. I would like  
25 now to present the two panelists, Kee Kim, who will

1 comment, and then following her will be Olga Ramirez.

2 CHAIRPERSON BERRY: Thank you.

3 MS. KIM: To dovetail from Dr. Newton's  
4 comments about the increased diversity, Delaware  
5 happens to be the fourth fastest growing in the  
6 nation, in Korean American population.

7 We follow after Georgia, North Carolina,  
8 New Jersey, and our percentage, if you look at the  
9 U.S. Census Report, is 62 percent increase from 1990  
10 to the year 2000.

11 You may see that it says 6.2 percent, but  
12 that is incorrect. The number should be, as a CPA  
13 speaking to you, 62 percent, one decimal point off.

14 My second point is next year, the year  
15 2003, marks the 100th year anniversary of Korean  
16 immigration. The first 80 or so, men, women and  
17 children, arrived in Honolulu, Hawaii, as they worked  
18 the sugar canes.

19 And beginning January of next year we will  
20 see many different celebrations, all across the  
21 nation, starting from Hawaii. And Senate Resolution  
22 185 was introduced by Senator George Allen of  
23 Virginia, and co-sponsored by various others, and it  
24 passed recently. So that will be recorded in history.

25 The third point I would like to make is

1 there have been, and I'm sure that I can refer to the  
2 L. A. riots as being one of the occurrences where when  
3 there is conflict between the races, namely the  
4 African-American race, and the white race, Koreans  
5 tend to become the target for some of that frustration  
6 that gets vented out.

7 And it may very well be the case across  
8 the country. I see that some of the issues regarding  
9 the jump-out squad with the Wilmington police is  
10 starting to reveal itself that way.

11 Many times when the Korean merchants, who  
12 are victimized by the assailants, within their stores,  
13 report the cases to the police, it is slow, if not  
14 neglected altogether, at times. Which translates, for  
15 me, to say that we will just let you all fight it out  
16 amongst yourselves.

17 Fourthly, I am working on some things that  
18 may overlap between the National Urban League. Hugh  
19 Price and I met this past Tuesday, and NAKA, the  
20 National Association of Korean-Americans, this doesn't  
21 really have as much to do with Delaware, just in the  
22 fact that we are parlaying out five states where we  
23 would like to propose a pilot program of instilling a  
24 business experience in community colleges, where the  
25 Korean merchants would serve as breeding ground, if

1 you will, for business experiences.

2 Many times the students who are learning  
3 about business, how to run a business, their best bet  
4 is to actually work in those businesses, be it a shoe  
5 store, a wig store, or a deli, or a buffet type of  
6 restaurant.

7 There is many different types of  
8 businesses that they can rotate. So Hugh Price and I,  
9 right now, are in the initial stages of designing such  
10 a program.

11 Because what we would like to do, as  
12 Korean-Americans, is to teach the things that we are  
13 strong at. Those are business schools, financial  
14 management skills, cash flow skills, and the like.

15 Thank you very much.

16 CHAIRPERSON BERRY: Okay. Ms. Ramirez?

17 MS. RAMIREZ: Good morning, Madam Chair,  
18 and Commissioners.

19 I would like to give you an overview of  
20 the changes of the Latino population, and increases in  
21 Delaware. Since 1949 we can say up to the '90s,  
22 predominantly the population, the Hispanic population  
23 in Delaware, came from the island of Puerto Rico.

24 Puerto Rico, as all of you know, is a  
25 commonwealth of the United States, and Puerto Ricans

1 are citizens since 1917. And a lot of Puerto Ricans  
2 came to Delaware to work in the factories, and a lot  
3 of them came to New Jersey to work in the fields, and  
4 they moved to Delaware.

5 Over the years we have seen the growth,  
6 census data never have captured the Puerto Rican  
7 population correctly. We could say we have about  
8 25,000 Puerto Rican state-wide at this point.

9 And in the '80s we saw a different group  
10 of Puerto Ricans coming into the state, and that was  
11 when Dupont started relocating Puerto Ricans that were  
12 in the island, to Delaware, to their offices in  
13 Delaware.

14 So a big group of professionals came to  
15 Delaware, Puerto Rican. And so over the years we have  
16 had the same struggles that our, you know, Mr. Newton  
17 has said. And, basically, the problems have been  
18 magnified by the language barrier.

19 And when you have a language barrier, then  
20 everything is really double, or triple. In the  
21 schools, in the criminal justice, in just the simple  
22 act of even renting an apartment.

23 For some reason we, because we are  
24 citizens of this country, we didn't have to basically  
25 overcome that barrier. So even though some people now

1 still do not think, when they see Hispanics, they put  
2 them all in one box, and they don't see that Puerto  
3 Ricans are U.S. citizens, versus Mexicans, or South  
4 Americans who unless they become U.S. citizens, are  
5 not.

6 But that is another issue. The -- we do  
7 see, we have seen through the years a lot of problems  
8 in the schools. Again, it has been basically the  
9 language, the lack of professionals in the schools to  
10 service the population.

11 And this we see all throughout, you know,  
12 whether it is in the criminal justice, the schools.  
13 Wherever we go what we find is that there is not  
14 enough bilingual persons, professionals, to serve the  
15 population.

16 Then in the '90s we started seeing, and  
17 the first county that experienced the explosion of  
18 people speaking spanish all over the place was Sussex  
19 county.

20 And then they started looking around and  
21 said, where did these people come from? Well, there  
22 was a lot of people from Central America, and South  
23 America, that came to Sussex County.

24 And they basically came there because they  
25 have the chicken factories down there, and they came

1 to work. This is, everybody have recognized that  
2 these groups of immigrants that are coming in are very  
3 hard working.

4 Even when they don't have their correct  
5 documents, they still manage to find jobs, and they do  
6 whatever it takes for them to feed their families.  
7 Then we started seeing the Mexican population coming  
8 in.

9 And the Mexican population comes in  
10 because in Chester you have the mushroom industry.  
11 The mushroom industry brings thousands and thousands  
12 of people from Mexico into Pennsylvania. And, of  
13 course, they are going to spill over into Delaware,  
14 since it is so close to the border.

15 So then we have a spill over of a big  
16 explosion of this population that brings their own  
17 different type of problems. They not only bring the  
18 language barrier, but also bring, a lot of them, the  
19 fact that they are not legal.

20 So that is another, you know, you are  
21 talking about legal versus illegal, plus the fact that  
22 they don't speak the language. They are very  
23 hardworking individuals.

24 One of the things that this population  
25 have done is that they have merged all over the state.

1 You cannot say we have a Mexican population right  
2 here. We cannot say that, because they are all over.

3 They are south, they are north, they are in the  
4 suburbs, they are in the city.

5 They have integrated themselves all over  
6 the place, which is good, but at the same time it is a  
7 challenge for social agencies, government agencies, to  
8 access the population, to try to help them.

9 And in one of the areas that we see a lot  
10 of problem is with the schools, trying to get this  
11 population to make sure that the children are enrolled  
12 in school.

13 Sometimes one of the things that I hear  
14 from my friends that work in the school is that even  
15 in May they are registering children, and the school  
16 year ends in June, here in Delaware.

17 And we are seeing a lot of that as a big  
18 problem for everybody. You know, it becomes a problem  
19 for the government, for the social agencies, and for  
20 all of us who try to work with this population,  
21 especially since we try to access those children.

22 Because a lot of those children, believe  
23 it or not, are born in the United States. And,  
24 basically they are U.S. citizens. The fact that the  
25 parents are not, you know, it creates a problem, but

1 at the same time it creates a layer, there is a word  
2 for that, I cannot think about it.

3 But it is like, it is another category of  
4 citizenship. Because if that parent, for some reason,  
5 is deported that child has to go with the parent. I  
6 mean, there is nothing that, you know, nobody will see  
7 that they have children that were born here, and it  
8 would be a hardship for those children to go back to  
9 this country where now they are not citizens of that  
10 country.

11 So it is so many problems that it is  
12 really mind boggling. One of the things that, really,  
13 as a Hispanic that I admire about the South Americans,  
14 and the Mexicans, is the will to survive.

15 Because as a Puerto Rican, we came here,  
16 and the thing that we have to worry about was to get a  
17 job. And, yes, we fought people looking at us, these  
18 people speak other language, and still would not  
19 recognize that we were U.S. citizens. But at least,  
20 you know, we felt that we didn't have to fight that  
21 other barrier, of trying to become residents, to get  
22 all these papers, to go through what they are doing.

23 So I really, I really admire these people.

24 You know, they come here because, like everybody that  
25 did, everybody that came to this country from the

1       Italians, to the Irish, to everybody who came.

2               Because I remember an Italian asked me, in  
3       New York, why I came to this country. I said, well  
4       because of the same reason you and your people came to  
5       this country. We are looking for a better life,  
6       economically, and socially. But, remember, I'm a U.S.  
7       citizen.

8               So I just took a plane, and it was like  
9       taking a bus from here to Pennsylvania, I just took a  
10      plane from Puerto Rico to New York, looking for a  
11      better life.

12              So this is what, you know, I wanted you to  
13      know a little bit about the changes and increases of  
14      the Hispanic population. We have, you know, we all  
15      look alike, and we speak the same language, believe it  
16      or not we understand each other.

17              But we are, even among ourselves, we are  
18      distinctive, because people have their own idiomatic  
19      expressions from wherever they come, they have their  
20      own culture from wherever they come. They have their  
21      own set of values from wherever they come.

22              So even as a Hispanic, we are also  
23      different, and we have to adapt to each other, and we  
24      also have to learn to tolerate each other, believe it  
25      or not. Thank you.

1 CHAIRPERSON BERRY: I just have to tell  
2 all of you how wonderful this has been, so far. I am  
3 truly astounded, I mean that, intellectually, forgive  
4 the professor. But I have just learned so much, just  
5 listening to you, and a different perspective.

6 And so many thoughts go through my head.  
7 When you were talking, Dr. Newton, about the increase  
8 in emergence of diversity, and on the other hand it  
9 has meant more claims of reverse discrimination, I was  
10 sort of reminded, the light bulb went off in my head.

11 As far as the white-black issue, which has  
12 been with us forever in America, is concerned reverse  
13 discrimination suits, in a way, they are a  
14 thermometer, they are an indicator, that some progress  
15 has been made.

16 In other words, nobody would be claiming  
17 reverse -- we will admit the lack of the kind of  
18 progress we wish to see, and the backsliding, which is  
19 much too easy.

20 But the presence of a reverse  
21 discrimination suit tells you that there has been some  
22 change. Right, it is a barometer, or a thermometer of  
23 change. I was thinking about that. And there are  
24 those tensions.

25 So I have learned a new way to think about

1 that. And then listening to you, Ms. Kim, and what  
2 you said about -- first of all, I didn't realize that  
3 the Korean population was distributed the way you  
4 said, in those states.

5 I was trying to figure out why Georgia,  
6 North Carolina, so on. But I also like what you said  
7 about working with Hugh Price in those -- what are  
8 those five states, the states that you and Hugh Price  
9 are thinking about?

10 MS. KIM: We are plotting out the five  
11 cities, Los Angeles, New York, Chicago, Seattle, and  
12 Wilmington, because Wilmington is where the idea was  
13 born, namely me.

14 CHAIRPERSON BERRY: All right. And then I  
15 was wondering when I listened to you and Ms. Ramirez,  
16 from you Ms. Kim, does the same kind, do the same  
17 kinds of issues arise in the Asian-American community  
18 about the differences between the different groups  
19 that she was talking about?

20 Because it is my impression that they do.

21 MS. KIM: Yes.

22 CHAIRPERSON BERRY: That when we deal with  
23 immigration, and we deal with civil rights issues,  
24 here at the Commission, and as the public learns about  
25 them, and the media writes about them, and people

1 write books and so on, they lump together, in my view,  
2 and you enforced it, the different groups, all the  
3 different groups.

4 They say Asian-Americans, they say  
5 Hispanics. And it seems to me that, listening to you,  
6 it inhibits remedies to lump people together like  
7 that, when they have different -- that what one ought  
8 to do is say, okay, the language is the same, and I  
9 like what you said, but the idioms are different.

10 VICE CHAIRPERSON REYNOSO: And  
11 embarrassing, sometimes, when you don't know that a  
12 certain word is perfectly proper in one culture, and  
13 it is a no-no in another culture.

14 CHAIRPERSON BERRY: Right. And so to be  
15 sensitive to the differences, at the same time that  
16 you can lump people together to some extent. And  
17 there may be some political advantage to politicians  
18 to lump everybody together.

19 Then they just have to go to one meeting,  
20 you know? But that it doesn't serve to try to solve  
21 problems. Is that an issue, too? Does that kind of  
22 analysis apply to the Asian community, Ms. Kim?

23 MS. KIM: Absolutely. Many times we are  
24 asked are you Chinese, or are you Japanese? So we can  
25 usually come up with a smart alecky answer to that.

1 Yes, it is a problem, it is a major  
2 problem. The Korean race is sometimes referred to as  
3 the invisible race, except when there is violence  
4 involved. Then we become most visible, and most  
5 targeted, for some reason.

6 Maybe it has something to do with the fact  
7 that many of our merchants are in inner cities, and  
8 when anger is vented, it happens to be directed at us,  
9 because we seem to be doing well.

10 Never mind the fact that the statistics  
11 about Asian affluence in the U.S. is actually a  
12 misnomer. Because if you count the numbers of people  
13 that live in that household, and you divide the  
14 numbers, what you come up with is that we are not  
15 faring better than the white majority.

16 CHAIRPERSON BERRY: The merchants, the  
17 Korean merchants, the sort of conventional wisdom in  
18 many African-American communities, where these  
19 merchants are, and where the tensions, although I know  
20 that there are Korean merchants who are not in  
21 African-American communities, there are green grocers  
22 in Manhattan in the east side.

23 Anyway, and I assume they are every place  
24 else. The rumor is, or the conventional wisdom is  
25 they are doing so well because they were all rich when

1 they came here, and they got a whole bunch of money  
2 from some people in Korea who sat down and gave them  
3 all this money.

4 And, therefore, they came up here and set  
5 up, and usurped these stores, because they are all  
6 rich to begin with, and that is how they got started.

7 Is that true?

8 MS. KIM: Most untrue, actually. Many of  
9 them come here penniless, and very few dollars in  
10 their pocket. They come with the dream, as all the  
11 other immigrants in the U.S. history have come here,  
12 as Ms. Ramirez so eloquently put it.

13 And they appear to be doing well, because  
14 if you look at gross revenue, and cash brought in, as  
15 a way to indicate wealth, you might think so. But  
16 that money has to be turned right back around, and  
17 bought inventory, and so forth.

18 The other misnomer that we have many times  
19 is that we are given money from Korea. Actually it is  
20 the reverse. We give money back to our motherland, and  
21 the citizens, and the families that live there.

22 So that is not the case at all. And I  
23 think in certain cases it is our own fault, because we  
24 tend to flaunt what we have achieved in the way of our  
25 vehicles, or our homes, maybe.

1           But as far as real wealth goes, a  
2 structured wealth, if you will, we are really behind.

3           And the only thing that we have on our side is that  
4 Koreans have a tendency to develop their own virtual  
5 bank, if you will.

6           And what they've done is form these  
7 investment groups where each member contributes their  
8 sum of money, and when you gather that together, for  
9 instance if you take ten people with 10,000 dollars  
10 each, you have 100,000.

11           And they take a turn taking that money,  
12 and opening a business with it. So we have been able  
13 to get across the problem of no credit, as we land in  
14 this country, and get over that hurdle by helping each  
15 other out. So we have a strong sense of community  
16 that way.

17           **VII:. Panel II - Non-State Advisory Committee**

18           CHAIRPERSON BERRY: Okay. Is it all right  
19 if we go ahead to the next panel group? Well, this  
20 will help us greatly in the work we do, and we very  
21 much appreciate your coming.

22           The next panel is non-State Advisory  
23 Committee members, citizens organizational  
24 representatives from the Delaware area. They are  
25 opponents, and proponents, advocates and opponents of

1 the Neighborhood Schools Bill, a controversial piece  
2 of legislation that has important civil rights  
3 implications.

4 The panel includes, and I have a thing  
5 here somewhere, Ms. Angela Dressel, welcome, panel,  
6 who is a member of the Neighborhood Schools Committee  
7 for Christina School District, Newark. I pass Newark  
8 on the way to the beach, is that right? Yes. Is a  
9 member of the -- I stopped there once and had lunch --  
10 Neighborhood School Committee.

11 She is one of the founders, and the  
12 community fundraising chair for the network charter  
13 school, and currently serves as a consultant to the  
14 school. She is a supporter of the Neighborhood  
15 Schools Bill, and is a graduate of the University of  
16 Delaware.

17 Mr. Hector Figueroa is with the  
18 Metropolitan Wilmington Urban League, which has just  
19 been organized, we keep hearing from everyone. Mr.  
20 Figueroa attained his JD law degree in 1995, from the  
21 University of Buffalo, where in 1990 he also worked on  
22 a history undergraduate degree. Good for you.

23 Originally from New York City, and growing  
24 up in the '70s, he has an invaluable knowledge about  
25 what it is like to live, positively and negatively in

1 an urban environment.

2 He is relatively new to Delaware. In  
3 Delaware he was on a number of boards, of  
4 organizations that are important, civic organizations.

5 Heart Association, Child and Family Services,  
6 Hispanics and Friends.

7 Although in Delaware for only a short  
8 time, he has already been appointed by the Governor to  
9 her Advisory Council on Hispanic Affairs, where he is  
10 a member of the education subcommittee.

11 He also serves on the Board of Directors  
12 of the Latin American Community Center, and SOAR  
13 Incorporated, a therapeutic health facility for  
14 victims of sex abuse, and violence, and he also does  
15 some part-time teaching at Springfield College in  
16 Wilmington. Welcome to you.

17 Jea P. Street, Mr. Street is from the  
18 Hilltop Lutheran Neighborhood Center in Wilmington.  
19 He was heard to Amen when Professor Edley was talking  
20 about his IDEA project. That is because he is a  
21 distinguished advocate for the children in and around  
22 the city of Wilmington for more than 20 years, the  
23 cause of academic equality for all children.

24 And as a leader of the Coalition to Save  
25 Our Children, he represented inner city children in

1 the final stages of the school desegregation  
2 legislation in New Castle County, Delaware.

3 He has received numerous, many abundant  
4 awards and accolades for his service to the community.

5 He is currently executive director of the Hilltop  
6 Lutheran Neighborhood Center. And I want to welcome  
7 all of you.

8 And then I would ask Ms. Dressel to  
9 proceed, and then have them proceed in the order that  
10 you are seated there. Thank you very much for coming.

11 MS. DRESSEL: Thank you, good morning. I  
12 will be able to just speak for a few minutes, and then  
13 unfortunately I have to leave, because I have a class  
14 that will be waiting for me, back at the Newark target  
15 school.

16 CHAIRPERSON BERRY: We understand that.

17 MS. DRESSEL: My name is Angela De Cruz  
18 Dressel. My husband and I reside in Newark, Delaware,  
19 which is within the Christina School District. And I  
20 also just want to say that I'm here as a community  
21 member, not as a representative of the Neighborhood  
22 Schools Committee for the Christina School District.

23 We have two daughters, one who attends a  
24 school within the Christina School District, and my  
25 other daughter attends the Newark charter school. We

1 are strong advocates for the public school system that  
2 is accessible to all families, and that is built on  
3 community strengths, diversity, and values.

4 I am the product of culturally diverse  
5 parents, as well. I am also the product of public  
6 schools in New Jersey and North Carolina, and I  
7 attended college in France, and the University of  
8 Delaware.

9 I was not originally a supporter of the  
10 Neighborhood Schools Act because I felt that the  
11 school districts should be able to do the right thing  
12 for the children, and that all children are due, and  
13 have the right of a good education.

14 However, within the Christina School  
15 District it looked like things were not going to  
16 improve. And the Christina School District is a bit  
17 different than most other areas in the country.  
18 Apparently we are one of only two or three non-  
19 contiguous districts within the country.

20 And so I brought a little map, but  
21 unfortunately it is probably too small for you to see.

22 But what happens is the Christina School District has  
23 a portion of the City of Wilmington. And then there  
24 is 12 miles of I-95, and two districts that separate  
25 us from the rest of the district.

1           And so what has been occurring, which I  
2 think is horrible, is that the children are having to  
3 be on I-95. Which, if you've driven that recently,  
4 you don't want school buses on I-95, I don't believe.

5           And the other districts within northern  
6 New Castle County are contiguous. And so it makes  
7 sense that portions of them have the city of  
8 Wilmington. And another -- I will get to my  
9 recommendations in a moment.

10           I started doing some research, when I  
11 realized the situation, and I saw what was happening  
12 with the school system. I looked at the Castle County  
13 locator index, which is the list, the feeder patterns  
14 for all the schools in northern New Castle County.

15           And what I found was that within Newark, I  
16 already knew that the children stayed in the school  
17 from kindergarten to fourth grade, and then they were  
18 bussed into Wilmington for grades 5 and 6, and then  
19 they came back to the suburbs for grades 7 through 12,  
20 in two different schools.

21           But what I found, when I looked at the  
22 Wilmington, Delaware situation for the Christina  
23 School District, I found that the children went to one  
24 of two schools for kindergarten and first grade, and  
25 then they were moved, not with the same group of

1 children, but with a subset of that, to a different  
2 school for second and third grade. And those schools  
3 were in the suburbs.

4 Then in third grade, while their  
5 counterparts in the suburbs are still staying there,  
6 those children are pulled back to the City of  
7 Wilmington, to attend one of the six, fourth through  
8 sixth schools.

9 So they moved back for fourth grade, fifth  
10 and sixth grade, and then as a separate subset, they  
11 were moved to a middle school, and then again, not a  
12 clean feeder pattern, they went to a different high  
13 school.

14 When I found this I realized why the  
15 children that I was seeing at our local school were  
16 having so many difficulties. They were coming with a  
17 bus of 17 children to a suburban school. And they  
18 spent, you know, the first couple of weeks trying to  
19 figure out who I can trust, where the things are,  
20 where is the gym, where is the cafeteria, who are the  
21 teachers, the library, and all these things.

22 And so I, along with a group of parents,  
23 gathered some more information, and we determined that  
24 some of the things that we had been told by the  
25 Christina School District was not, in fact, completely

1 correct.

2 That they immediately said that we would  
3 need four new schools, and things like these. But if  
4 you look at the numbers, the children would fit. They  
5 fit today. And with some rearranging of buildings, if  
6 you looked at a school building as just that, we would  
7 be able to accommodate all of the children closer to  
8 home.

9 And what that would provide would be a  
10 consistency of education, where the children, we were  
11 proposing a K to 5 school system, with grades 6th  
12 through 8th, and then 9th through 12th.

13 That would mean that the children from the  
14 city of Wilmington would be able to stay in one school  
15 for six years, as opposed to being in three different  
16 schools during that same period of time that they are  
17 doing now.

18 And then it would also be able to provide  
19 the resources for the children, where they need it.  
20 Because right now, within the Christina School  
21 District, those children are moved to so many  
22 different schools, that they have some -- there is  
23 just not an economy of scale to provide the services  
24 that one set of children needs over another.

25 You had spoken of the Hispanic population

1 earlier, and one thing that they do within the school  
2 district, is they try to have all of the Hispanic  
3 children at one or two schools.

4 So that when they have the ESL program,  
5 they are all there, and they don't have to be moved  
6 from one school to another. So it seems like the  
7 economies of scale can work in other areas, as well.

8 One other suggestion that we had made, and  
9 that we -- I concurred with the Wilmington  
10 Neighborhood Schools Committee was that the whole  
11 northern New Castle County be redistricted, totally.

12 Because the way it is set up, really, it  
13 is not providing the best situation for a very large  
14 portion of the children.

15 Norm Lockman, who is on the editorial  
16 board for the News Journal, recently had an op ed  
17 piece that was talking about the schools with low  
18 socioeconomic high percentages, and some of the  
19 charter schools that are in those situations, and how  
20 well they are doing, because they are pulling in  
21 curriculums, and things to really work with that  
22 subset of children that needs concentrated work in any  
23 area.

24 There has also been a report from the  
25 State Department of Ed, that of the Title 1 schools

1 within the state, none of them are on the school  
2 improvement list, as regards to the Delaware State  
3 Testing Program.

4 There has also been a lot of research  
5 about small high schools that have, they can benefit  
6 the children, and that was one of the other things  
7 that we were proposing, is that the high schools be  
8 reduced in size, because right now the Newark high  
9 school has, I believe, 1,900 students for four grades.

10 So I have given you the copy of my  
11 original presentation that I made to the Christina  
12 School board in April of 2000. And I apologize, it is  
13 not very polished, it was just something that we were  
14 able to do within a one month period.

15 And so I thought that it would be  
16 important for you to see some of the information that  
17 we have. I do have other research information, but  
18 obviously I have to go right now, unfortunately, but  
19 thank you for having me here.

20 CHAIRPERSON BERRY: Could we ask you a  
21 couple of questions before you go?

22 MS. DRESSEL: Sure.

23 CHAIRPERSON BERRY: If the rest of you are  
24 willing to wait until we do, since she is leaving. Is  
25 that all right with you?

1 Commissioner Edley, did you have a  
2 question?

3 COMMISSIONER EDLEY: What would be the  
4 impact of this legislation on the -- on school  
5 segregation?

6 MS. DRESSEL: This, if you are talking  
7 about the Neighborhood Schools legislation?

8 COMMISSIONER EDLEY: What is going to  
9 happen to the racial and the class composition of the  
10 schools?

11 MS. DRESSEL: In the surrounding Newark  
12 area, and I can only speak about the Christina School  
13 District, the racial composition does not change  
14 drastically, because there is a lot of diversity  
15 within the neighborhoods that the Christina School  
16 District borders.

17 Within the city of Wilmington, for the  
18 portion of the Christina School District that is  
19 there, that would definitely change. The numbers that  
20 I was able to find is that there were a little less  
21 than 3,000 students, I believe, in the city of  
22 Wilmington, and for the Christina School District.

23 COMMISSIONER EDLEY: Right.

24 MS. DRESSEL: And what would happen is  
25 that some of the schools would become higher, low

1 income percentages.

2 COMMISSIONER EDLEY: Right, more  
3 concentrated?

4 MS. DRESSEL: More concentrated, exactly.  
5 But the flip side of that is that there are the  
6 federal programs, Title 1, that would be able to have  
7 concentrated effort put into those schools to provide  
8 the smaller classrooms, and things like that.

9 And as long as it remains a portion of the  
10 Christina School District, the funding remains the  
11 same. Again, another thing that I had said was that  
12 we should look at redistricting the whole state, so  
13 that that would not be as much of an issue.

14 Because I think if an outlying area of the  
15 City of Wilmington were incorporated into that, this  
16 particular portion, the poverty level may not be the  
17 same.

18 COMMISSIONER EDLEY: And just my last  
19 question is, the politics of this legislation, and who  
20 is supporting it, and who is not supporting it, does  
21 it generally divide along racial lines, or along class  
22 lines?

23 MS. DRESSEL: Not that I've seen. I have  
24 not -- we actually came up with this plan prior to the  
25 legislation being passed. And when we were working on

1 this, the indication was that it would not pass.

2 We were looking at a way to get the kids  
3 off of 95, and get them into schools for a longer  
4 period of time, so that they would have consistency of  
5 education, rather than moving every two years.

6 And with the Delaware State Testing  
7 Program, that is in grades 3, 5, 8, and 10. So the  
8 children were moving too frequently.

9 CHAIRPERSON BERRY: I just have one  
10 question, then we can let you go, unless somebody else  
11 has one.

12 I ask this question as among the last  
13 school integrationists in America, okay? I'm perfectly  
14 familiar with the history of school desegregation, at  
15 least in Delaware, and the Biden Bill that stopped  
16 busing, and all the stuff that happened when I was  
17 running the federal education programs.

18 I haven't paid attention to it since, and  
19 I know that in many communities, black communities,  
20 hispanic communities, white communities, there are a  
21 lot of people that do not believe that school  
22 desegregation, or school integration is something that  
23 should be factored into what you do about schools any  
24 more.

25 But I would like to ask you, do you

1 believe that there is any value in school integration,  
2 or desegregation of people either racially, or by  
3 class, that should be taken into account when one  
4 implements or supports legislative proposals?

5 MS. DRESSEL: Well, I do. I also think  
6 that within the area that I live it is quite  
7 integrated. There are people of every, you know, walk  
8 of life living there, and there is all types of  
9 housing available in the surrounding Newark area.

10 And so that is where I'm coming from, is  
11 that I see diversity every day, I live diversity every  
12 day. And, yes, I think it is an important factor.

13 CHAIRPERSON BERRY: What about Wilmington,  
14 and the other places that you talked about?

15 MS. DRESSEL: I used to live in the City  
16 of Wilmington, and I believe that there is diversity  
17 there. Unfortunately the way the schools have changed  
18 I think a lot of people who maybe are of a higher  
19 income level are sending their children to private  
20 schools, or making other choices because they don't  
21 want their children bussed all over the place.

22 When we had the Hearings for the  
23 Neighborhood Schools for the Christina School District  
24 that was one thing that was said, numerous times, by  
25 parents in Wilmington. That they chose to put their

1 children in a different district, or in private  
2 schools because they didn't want them to be far away  
3 from home.

4 CHAIRPERSON BERRY: Are they still bussing  
5 children, are the children bussed in Delaware, or have  
6 they closed down all the school busing?

7 MS. DRESSEL: No.

8 CHAIRPERSON BERRY: There is no school  
9 busing in Delaware?

10 MS. DRESSEL: No, there is busing.

11 CHAIRPERSON BERRY: How about private  
12 school busing, do any kids go to private schools on  
13 buses, or do they all walk to private schools?

14 MS. DRESSEL: They pay for it.

15 CHAIRPERSON BERRY: But there are buses?

16 MS. DRESSEL: Yes.

17 CHAIRPERSON BERRY: That is all I'm trying  
18 to find out.

19 Okay, unless somebody else has something?

20 That was very useful to us, and I really appreciate  
21 your willingness to come and talk to us, and we are  
22 sorry that you have to go. Good luck to you.

23 Mr. Figueroa, please.

24 MR. FIGUEROA: Good morning Madam Chair,  
25 members of the Commission.

1 I have been asked to speak on the  
2 educational system here in Delaware. And in order to  
3 understand the full impact of the Neighborhood Schools  
4 Act, I think you have to have a short taste insofar as  
5 what is happening here in Delaware, completely,  
6 insofar as the education system is concerned.

7 Very recently the results of the DSTP,  
8 which is the Delaware State Testing Program, were  
9 published. And the results are abysmal. We have a  
10 situation where statistically our third and fifth  
11 graders are performing at a clip that is expected of  
12 them, and they are passing that test at a 50 to 60  
13 percent level.

14 However, when you get to the 8th and 10th  
15 grades, you have a drop that is rather precipitous, it  
16 is alarming. If you have the eighth graders, African-  
17 American kids are failing that particular test at a 75  
18 percent clip.

19 Hispanics are failing that particular test  
20 at a 70 percent clip. When you get to 10th graders  
21 the situation gets even more grave. Only 17.5 of the  
22 African-Americans who have taken the test passed it.  
23 Only 24 percent of the Hispanics that took that test  
24 passed it.

25 We are told that you have 8th and 10th

1 graders that are on their way to go nowhere,  
2 specifically. We, within the community, the community  
3 leaders, the business community, are asking that the  
4 state tests, or rather that the state, the Department  
5 of Education, the leaders from within the educational  
6 system of the state take serious concern about this  
7 particular situation.

8 We ask that, of course, situations  
9 concerning teacher qualifications be addressed,  
10 curriculums be addressed, that parents and schools  
11 form a bond which is not there right now.

12 We also ask that particular curriculums be  
13 state-wide, rather than have 19 different curriculums  
14 coming from 19 different districts, and they all don't  
15 match.

16 We also ask that the teachers be held  
17 accountable. Right now the particular test that is  
18 being given here is a high stakes test where the  
19 results fall squarely on the shoulders of the  
20 children, and the parents.

21 There is no accountability of the DOE, or  
22 the teachers within that particular system. As of  
23 this point in time the DPAS, which is a system that  
24 the state is putting together to hold teachers  
25 accountable, leaves out that particular portion that

1 addresses the state results, which is in and of itself  
2 illegal.

3 Now, very recently the state --

4 CHAIRPERSON EDLEY: Could you repeat that?  
5 I didn't understand it.

6 MR. FIGUEROA: According to the No Child  
7 Left Behind Act, accountability has to be part of the  
8 whole teacher process of being held accountable, or  
9 rather being rated. Here in Delaware that has been  
10 left out.

11 The results of the DSTP has been left out,  
12 which is a problem. In addressing the Neighborhood  
13 Schools Act we have a situation which wasn't mentioned  
14 before, that within the city of Wilmington, if there  
15 isn't strong vigilance concerning this particular act,  
16 it will create schools that are hyper segregated, high  
17 poverty.

18 Which is questionable, legally. My  
19 concern is that if that is the case then we will  
20 probably end up in litigation, and the kids still end  
21 up losing.

22 Secondly, it wasn't mentioned before, but  
23 the fact that a lot of the schools within the area  
24 that have been given rates of commendable, and/or  
25 superior, all have achievement gaps. All of them.

1           There isn't one school in this state that  
2 does not. The achievement gap in some schools is  
3 anywhere between 30, 40, 50 percent. And still those  
4 schools are rated commendable. Questionable, to say  
5 the least.

6           We also have a situation here in  
7 Wilmington concerning the LEP children. No one seems  
8 to know how those Title 1 funds are being administered  
9 here. We ask that we get an accounting so far as  
10 Title 1 funds are concerned, whether or not those  
11 funds are being used the way they are supposed to be  
12 used, to address these children with special needs.  
13 No one seems to know.

14           We have a particular school district here  
15 that has one ESL teacher for 256 LEP kids. That is  
16 criminal, to say the least. We are asking that the  
17 state put together a viable system to make sure that  
18 these Title 1 funds are administered properly.

19           We don't know if that has happened yet, we  
20 hope that it has. So, you see, in order to understand  
21 the Neighborhood Schools Act, you also have to get a  
22 clear picture of what is happening in the surrounding  
23 field, per se. It is rather serious. Thank you.

24           CHAIRPERSON BERRY: Thank you very much.  
25 Mr. Street, please.

1 MR. STREET: Commissioners, I'm going to  
2 start out bragging. I have been an advocate for  
3 change my entire life, starting in high school. And I  
4 remember as an active member of the black student  
5 union in the University of Delaware, we demanded that  
6 we not get a black history course, but we get a black  
7 history department.

8 Dr. Newton, of course being the first  
9 chair, and I think you will agree with me that we  
10 didn't waste our time back in the '70s demanding that  
11 somebody like him be put in a position not only to  
12 teach, but to be a change agent.

13 And I'm sure I will hear, when I leave  
14 here, how I did today, because some things just never  
15 go away. Once you are the teacher, you teach.

16 I'm sorry the young lady left, and out of  
17 respect to you, and the process, I didn't disrupt her.

18 But I wanted to answer the question so badly, I will  
19 answer it now.

20 What you heard is Neighborhood Schools,  
21 Neighborhood Schools. I'm not going to let the new  
22 millennium segregationists hide behind Neighborhood  
23 Schools. You heard Neighborhood Schools, I heard  
24 segregation today, segregation tomorrow, and  
25 segregation forever. It is the same thing.

1 She knows full well it will create all  
2 black schools, and at this point with all white  
3 teachers, in a place where we don't have enough  
4 schools to house all the city's children.

5 They are doing it purposely, and  
6 intentionally, and there is nothing new about it. The  
7 same folks who fought busing tooth and nail in the  
8 '60s, in the '70s, have sat there in that General  
9 Assembly, and ruled politically off the backs of black  
10 children, because that has been their key issue?

11 Not busing, Neighborhood Schools, and  
12 nobody cares what happens to black children. Now, Dr.  
13 Newton, you spoke about a lot of things, but one thing  
14 you missed in your presentation, sir, you didn't talk  
15 about the rate of incarceration of black males,  
16 hispanic males in the state of Delaware, nor did we  
17 talk about the incarceration rate of black children in  
18 the state of Delaware.

19 I think we are number one, number one in  
20 banking, number one in chemistry, and right now we  
21 want to be number one in segregation. This General  
22 Assembly, that so-called Neighborhood School Committee  
23 is being used by a law firm that is running around the  
24 country with the sole purpose of undoing desegregation  
25 orders.

1           They left here, as soon as they got free  
2 from court supervision they came right back. And that  
3 law firm is the driving force behind this General  
4 Assembly saying Neighborhood Schools. And I'm saying  
5 all it is, is segregation.

6           Now, let's look at what has happened here.

7           This state fought tooth and nail to do everything it  
8 could do not to desegregate its schools. When it came  
9 time that they had to fully desegregate they passed  
10 the Education Advancement Act of 1968.

11           And that said that all the districts can  
12 do what they need to do, but the city of Wilmington  
13 would be isolated by itself. Then we had five  
14 parents, three of the Petitioners happened to be my  
15 cousins, came forward and said, you have discriminated  
16 against the city of Wilmington, and therefore there  
17 should be desegregation throughout the county.

18           Hicks Anderson, the late Hicks Anderson  
19 and I, a lady by the name of DeeDee Copeland, we  
20 looked at what was going on in other jurisdictions  
21 across the country, and we were some of the few blacks  
22 that opposed desegregation order.

23           The reason being we looked at increases in  
24 out-of-school suspensions, reductions in black  
25 administrators, reductions in black teachers and all

1 those negative impacts.

2 But we decided we were going to work  
3 together to make it work. But true to form, year one,  
4 from the gate, a 200 percent increase in out of school  
5 suspension of black children, and it has never went  
6 back.

7 Dr. Edley, I heard what you said, because  
8 it sounded like you were right here in Wilmington.  
9 Seventy percent increase in the placement of black  
10 children in special education programs, and it never  
11 went back.

12 Things, if anybody looks at the record,  
13 and the folks that say that desegregation worked in  
14 Delaware, that is a lie, okay? If you look at where  
15 we were in the '70s with black kids, and where we are  
16 now, are we better off today? No, we are not. We are  
17 much worse off.

18 The graduation rates have gone down,  
19 admission to college gone down, placement in special  
20 education, gone up, the rates of incarceration gone  
21 up. It is not rocket science.

22 But would I stand idly by and allow them  
23 to send the clock back even further? No, I will not,  
24 okay? We are not going to let them go backwards, not  
25 without the fight of a lifetime.

1           And unlike a lot of folks who run their  
2 mouth, okay, we work together for a year and a half.  
3 Do you want to know what the solution is? Here it is.

4           The Neighborhood School Committee put it together.  
5 We said all-day kindergarten, we said early Head  
6 Start, we said Saturday schools, if necessary.

7           We said smaller class sizes, recruitment  
8 in minority teachers, so forth, and so on. It is  
9 right here. And if it goes to litigation, when we win  
10 the litigation, Your Honor, this is the remedy order  
11 we want.

12           We know what we want, we know what we  
13 need. Every expert in the country, everybody who  
14 comes before you would tell you, unequivocally, in no  
15 uncertain terms, you cannot educate poor children with  
16 the same resources that you educate everybody else  
17 with.

18           Well, as I said, in public meetings here  
19 in Delaware, and will continue to say, if I'm involved  
20 in the next phase of litigation, because it is only  
21 inevitable, the next phase of litigation is going to  
22 be about greed, not about black and white.

23           It is going to be about putting more  
24 resources. And maybe even this Supreme Court, maybe  
25 even this Supreme Court will understand resources,

1 lack of resources, and the need to fix what is broken.

2 It is no accident in the city of  
3 Wilmington. We just built a multi-story courthouse,  
4 because folks are going to be going to jail like it is  
5 a brand new start. And we start right here in  
6 Delaware with what we call House Bill 85 which says if  
7 a six year old says he is going to beat up the  
8 teacher, or blow up the school -- now, you know a six  
9 year old can't blow up a school, has to be arrested.  
10 The Administrator doesn't have a choice.

11 But here is the harsh reality of the  
12 situation. Folks, I have to deal with the every day  
13 situation, because I run a neighborhood center. So  
14 the first day of school mom sent the kids to school  
15 everything brand new, the kid is looking sharp.

16 And you have to go through and you tell  
17 them, make sure you don't hit the teacher, you go  
18 through the book bag this is not in there, make sure  
19 that is not there. That is a heck of a way to start  
20 your beginning day, start of school year.

21 And then you have a 12 year old come  
22 running off the bus, into the center, grab me, Mr.  
23 Street guess what I got, I got something I never had.  
24 What you got? A black teacher. She had to wait until  
25 she was 12? And some of them will never see one.

1                   And Neighborhood Schools will only make it  
2 worse, and again, I'm not going to let the new  
3 millennium segregationists hide behind new  
4 terminology. Segregation is segregation.

5                   CHAIRPERSON BERRY: This discussion --

6                   MR. STREET: -- she left, she said it  
7 wasn't -- you can't shine certain things.

8                   CHAIRPERSON BERRY: Well, this discussion,  
9 in a way, relates to the conversation I was having  
10 yesterday that I told you about the need for a  
11 constitutional amendment, to put a right to education  
12 in the federal constitution.

13                   And what that discussion was about, one of  
14 the lawyers from the NAACP legal defense fund pointed  
15 out that in the Jenkins v Missouri case, the Supreme  
16 Court, Clarence Thomas, Justice Thomas said, why is it  
17 that when people think something is all black it is  
18 inferior?

19                   And this was a case in which they got rid  
20 of a desegregation order. And as this lawyer pointed  
21 out, that resonates with people, and everybody would  
22 say, yes, that is ridiculous. But that wasn't the  
23 issue in the case, it just didn't have anything to do  
24 with the facts in the case.

25                   The facts in the case were that when it

1 became all black, that is when the resources went  
2 away, and that is when all of these indicators that  
3 you are talking about went up, and Commissioner Edley  
4 was talking about. And that was the issue that they  
5 were trying to deal with in the case.

6 But there is no federal constitutional  
7 right to have a quality education, or to have any kind  
8 of education at all, because it is all left to the  
9 states. So that when people start complaining about  
10 disparities, if you don't have a segregation suit,  
11 under the 14th amendment, then you don't have a legal  
12 leg to stand on, in federal court.

13 So that is why they were talking about  
14 this issue. I would think that many people who would  
15 say there is no need to worry about segregation, just  
16 because something is all black, or all hispanic, or  
17 whatever it is, it is not inferior, because we know  
18 the racial isolation of Hispanic kids is even higher  
19 than it is for black kids.

20 And the problems, drop out rates, and all  
21 that stuff, that we have to find some way to say,  
22 again as Brown v the Board of Education did say, what  
23 we are talking about is an equal right to a quality  
24 education. We are not talking about equal right to  
25 any old kind of raggedy education, I guess.

1 Yes, Vice Chair?

2 VICE CHAIRPERSON REYNOSO: Madam Chair, in  
3 California, where I'm from, we do have a state  
4 constitutional provision that calls for equal  
5 education. And that doesn't mean that we've ended up  
6 with equal education, there was a successful lawsuit  
7 in Los Angeles because of the disproportionately low  
8 resources that the schools that were predominantly  
9 minority, African-American, and Latino, particularly,  
10 enjoyed.

11 And the case was favorably settled with  
12 the school board, so I hope the resources are getting  
13 better. But the reality is that even when you have a  
14 constitutional protection, as we do in California,  
15 those issues still arise.

16 And it takes, and I know that both of you,  
17 Mr. Street and Mr. Figueroa, have been involved in  
18 these issues, probably all of your adult lives. And  
19 it takes that constant vigilance that you were talking  
20 about, Mr. Street, to make sure that the children  
21 continue to be, to receive the type of education that  
22 they need.

23 And these are political and social  
24 problems that even when you have a constitutional  
25 protection you still have to struggle so much to make

1 sure that, in fact, happens.

2 Sad to say we see in California, so often,  
3 what should be an integrated school system from K  
4 through 12th, the public school system, we have  
5 community colleges, state colleges, state  
6 universities.

7 But so often a disproportionately large  
8 number of African-American and Latino youngsters not  
9 having the type of education they should have had in K  
10 through 12, to be able to properly enroll and do well  
11 in the institutions of higher education.

12 So I think in this country, and obviously  
13 in this state, we have a long ways to go.

14 MR. FIGUEROA: If I may?

15 CHAIRPERSON BERRY: Yes, Mr. Figueroa.

16 MR. FIGUEROA: We have a particular  
17 situation here that is rather unique because of the  
18 fact, according to Castaneda, if you have modules  
19 teaching LEP kids, that do not work, you must abandon  
20 those modules and bring in new ones.

21 Well, we don't know whether or not they  
22 have done that. We don't know what modules they are  
23 using, we don't know whether or not they have been  
24 successful. We don't know whether or not that they  
25 have discovered that they are not successful, and what

1 they are doing about it.

2 On top of that, the DSTP, which is in  
3 complete english, there is a provision where, of  
4 course, the children that don't speak english have two  
5 years to catch up. I have very grave concerns about  
6 that.

7 Because what happens when these kids take  
8 the test, it is not only a test about content, but it  
9 is also a test about whether or not they can read and  
10 understand english. Which in and of itself may be  
11 unconstitutional. So we have very grave concerns.

12 CHAIRPERSON BERRY: I think, Staff  
13 Director, you can as Staff Director, simply instruct  
14 Mr. Ki-Teak Chun to, as regional director, make  
15 enquiries about the question that Mr. Figueroa raised,  
16 and get some answers as to what the policy is, and how  
17 it is being implemented, and bring it to our  
18 attention.

19 STAFF DIRECTOR JIN: Sure, absolutely.

20 CHAIRPERSON BERRY: I would appreciate  
21 that, and have that kind of follow-up.

22 CHAIRPERSON BERRY: Yes?

23 COMMISSIONER EDLEY: Two questions. Can  
24 you tell us what has been done, recently, with respect  
25 to the school achievement issues? Have you filed

1 complaints with OCR, discrimination complaints with  
2 the Office for Civil Rights, has that been done  
3 recently in Delaware, number one.

4 And number two, give us a little tutorial  
5 on why, in your judgement, the political system has  
6 been so unresponsive to this tragic situation.

7 MR. FIGUEROA: If I may? And Jay, you can  
8 chime in. The fact that we have 19 particular  
9 districts, in and of itself, should speak for the  
10 political quandary that we have.

11 We have districts down in the southern  
12 tier that only consists of one school. Now, these  
13 particular districts do not, and I emphasize, do not  
14 have to answer back to the Commissioner of Education.

15 They are, in and of itself, fiefdoms, that  
16 they make up their own decisions. So politically it  
17 is a very difficult problem because of the fact, of  
18 course, within these particular schools you also have  
19 the unions.

20 And the unions have a huge impact in where  
21 these particular decisions are made. So politically  
22 it is a huge problem. And it is broken down on racial  
23 lines, unfortunately, within the state of Delaware.

24 So it is almost a situation that is  
25 untenable. And to answer your first question, we have

1 not, at least I haven't, and the Wilmington  
2 Metropolitan Urban League, we have to go back and  
3 reconsider whether or not, you know, we should pursue  
4 some sort of complaint.

5 Because there are various instances, and  
6 various stages, and various modes of standing that I  
7 feel that we do have, to bring up these complaints.

8 MR. STREET: Well, I'm not as nice as he  
9 is, I'm going to tell it like it is. Because right  
10 now, and it has been for a long time, politically  
11 expedient in Delaware to disenfranchise black  
12 children.

13 Second, the City of Wilmington is probably  
14 the only city that you will ever visit, a little small  
15 city, divided into four school districts, all of which  
16 we have one, no more than two representatives on those  
17 boards, so therefore we are, automatically,  
18 politically disenfranchised.

19 They control all the money, they control  
20 everything, they do all the hiring. And the city of  
21 Wilmington itself is the only city that you will go  
22 into, where the city itself has absolutely no  
23 responsibility, no jurisdiction, no say-so, over the  
24 education of its own children.

25 You have folks who have been sitting in

1 the General Assembly, and run off of, I'm opposed to  
2 forced busing, I'm opposed to forced busing. That has  
3 been their platform. So it has been politically  
4 expedient to disenfranchise black children in the  
5 state of Delaware.

6 MR. FIGUEROA: I've just been informed,  
7 and I will let you know right now, that the ACLU is  
8 planning on filing a complaint. So just to bring you  
9 up to date.

10 And one little small note, we have 19  
11 districts serving a population of less than 800,000.

12 MR. STREET: And I don't think, the last  
13 time I filed a complaint, well, Representative Plant  
14 filed a complaint, the late Representative Plant, he  
15 filed it on all the school districts. The four  
16 districts here, they didn't want to touch it, because  
17 at the time we were in the final stage of litigation,  
18 and things were pending before the Third Circuit.

19 So it wasn't taken up. The problems in  
20 the four districts under the school deseg order were  
21 not addressed at that time. But you are absolutely  
22 correct, it is past time for us to go back and do some  
23 things.

24 CHAIRPERSON BERRY: Commissioner Meeks?

25 COMMISSIONER MEEKS: So there are 19

1 school districts, that is why there are 19 different  
2 curriculums?

3 MR. FIGUEROA: Exactly. And to take it a  
4 step further, we have what are called additional  
5 indicators. These additional indicators are, of  
6 course, things that are taken into consideration in  
7 case a child does fail the DSTP, that the teachers can  
8 use to judge, and maybe say, let's take these into  
9 consideration so that you can pass.

10 Because the DSTP is high stakes. You  
11 fail, you get left behind. Each one of these  
12 districts, all of the additional indicators, are  
13 different. So you can be marginal in one, and good in  
14 the other. Which is --

15 CHAIRPERSON BERRY: So the No Child Left  
16 Behind legislation has no effect on that?

17 MR. FIGUEROA: We hope, well the No Child  
18 Left Behind Act has a tremendous amount of teeth. We  
19 want the state to make sure that they adhere to the  
20 teeth that is in there.

21 But, again, there is a difference between  
22 a federal legislation in that particular, and the  
23 states whether or not, you know, they have other laws,  
24 or other inclinations, insofar as how they are going  
25 to follow that. Theoretically they are supposed to

1 follow that law. But there is always that big but.

2 MR. STREET: Theoretically it was supposed  
3 to follow the desegregation order, but that never  
4 happened. Because we had, as the Commissioner  
5 indicated, black children isolated in special  
6 education, clear absence of black children in the  
7 higher academic tracks.

8 And they put all the Hispanic kids in the  
9 bilingual program. So there was isolation all the way  
10 around. And nobody, not even a sitting judge, stepped  
11 in to do anything about it. Got the reports, the  
12 building is desegregated, but all the classes are  
13 segregated, but we got a report on it. Nobody lifted  
14 a finger to do anything about it.

15 It hasn't happened in 20 years, and  
16 unfortunately I don't think it is going to happen in  
17 my lifetime.

18 CHAIRPERSON BERRY: Well, you can be  
19 assured that your coming here and talking to us has  
20 been very useful to us. We work on education issues  
21 all the time, and we have a big study now going on, of  
22 education accountability under the new legislation.

23 And as I said earlier, and the Staff  
24 Director said, he is going to have the regional  
25 director try to get some of that information you are

1 not able to get, and that is one way to get  
2 information, by the way, that you can deal with them  
3 on that.

4 And we just want to thank you very much  
5 for coming, and telling us about these issues and  
6 problems, and it will help us in our work. Thank you  
7 very much.

8 **VII.:. Panel III - State Advisory Committee Chairs**

9 Now we will ask our State Advisory  
10 Committee Chairs to come forward. We have Sigi  
11 Shapiro, who is a State Advisory Committee Chair from  
12 Pennsylvania, who is here. And Leanna Brown, who is  
13 the State Advisory Committee Chair from New Jersey.  
14 And Ranjit Majumder, who is the State Advisory  
15 Committee Chair from West Virginia. I will wait until  
16 you guys get situated.

17 Let me properly introduce our SAC chairs,  
18 to whom we are very grateful for their volunteer  
19 services as chairs of these committees.

20 Ms. Leanna Young Brown of Chatham, New  
21 Jersey, is serving her first term as chairperson of  
22 the New Jersey SAC. She brings to the committee an  
23 outstanding record of organization experience as a  
24 long-term elected official, state regulator, and  
25 Republican party leader, and is well known for

1 achieving consensus in bipartisan settings.

2 She has held numerous elective offices at  
3 the state and county level, including state senator,  
4 and representative. She retired from elective office  
5 upon accepting a gubernatorial appointment as Vice  
6 Chair of the New Jersey Casino Control Commission, a  
7 regulatory body, where she has been serving since  
8 1993.

9 She is a member of the Drew University Board of  
10 Visitors, and the Board of Directors of the Atlantic  
11 City Special Improvement District. Is Drew where Tom  
12 Cane is, or is he somewhere else?

13 MS. YOUNG BROWN: Absolutely, he is doing  
14 a marvelous job.

15 CHAIRPERSON BERRY: He is a wonderful guy,  
16 I love him.

17 Our SAC chair from Philadelphia, Sigi  
18 Shapiro, is serving a second term, thank you very  
19 much, as chairperson. She currently serves as a  
20 coordinator of the Disability Studies Program at the  
21 Institute on Disabilities, Pennsylvania's University  
22 affiliated program at Temple University.

23 She serves as an advisor to the World  
24 Institute on Disability, and the Public Interest Law  
25 Center in Philadelphia. A consultant, on an

1 international level, on disability rights and  
2 policies.

3 She has served as executive director of  
4 the Pennsylvania Coalition of Citizens with  
5 Disabilities. She is a past president of Disabled in  
6 Action of Pennsylvania, and the Philadelphia Mayor's  
7 Commission on People with Disabilities.

8 And from West Virginia, Ranjit Majumder,  
9 who drove all the way over here, thank you, five  
10 hours, from West Virginia University at Morgantown, is  
11 serving a first term as CHAIRPERSON.

12 I told him I'm familiar with that  
13 university and have visited it several times, and I  
14 even had an honorary degree at a commencement there,  
15 so I'm an alumnus of your university.

16 He is a naturalized U.S. citizen from  
17 India, and teaches rehabilitation psychology at West  
18 Virginia University. For the past 20 years, since  
19 receiving his PhD in psychology, he has been working  
20 with, and serving people with, disabilities in the  
21 West Virginia Department of Vocational Rehab, and then  
22 as a rehabilitation psychologist at the University.

23 He is a diplomat in American Board of  
24 Psychological Specialties, by the American College of  
25 Forensic Examiners.

1           If we could begin with you, Ms. Brown, I  
2 would very much appreciate it.

3           MS. YOUNG BROWN: Thank you, Madam Chair,  
4 it is a real pleasure to be here, and with other  
5 Commissioners this morning.

6           Just for the record, I have left the  
7 Casino Control Commission, so I cannot, you know, give  
8 any input as far as the state of the casino industry  
9 at this particular moment in time, except we get quite  
10 worried about Delaware having slot machines, and a  
11 race track, and that sort of thing.

12           I am chair of a family business called  
13 Brown Global.

14           CHAIRPERSON BERRY: Okay.

15           MS. YOUNG BROWN: This is the second time  
16 that I have had a chance, as a new chair, to interact  
17 with the Commissioners. You were nice, if you  
18 remember, in February, and brought some of us down to  
19 give input on various things.

20           And I found it most helpful as I tried to  
21 -- I guess we are all faced with, as SAC chairs, and  
22 as Commissioners, there is such a challenge with blind  
23 justice, that we all, in this new millennium, want to  
24 expedite the process as fast as we can.

25           And I certainly echo the words of our

1 outstanding eastern regional director who does mention  
2 the fact that anything we can do to improve lines of  
3 communication, or whatever that we are supposed to do,  
4 we stand easy and ready to help.

5 Another responsibility I have is as a  
6 columnist of a newspaper chain, and it is called  
7 Upbeat New Jersey. So I must admit that what I'm  
8 going to say in my brief remarks to you are going to  
9 be more from the glass half full, rather than the  
10 glass half empty.

11 New Jersey, we are the garden state, not  
12 the diamond state, with a diverse population of around  
13 8 million people. We, obviously, we were a northern  
14 state during the Civil War. But, interestingly  
15 enough, the Mason-Dixon line runs through Atlantic  
16 City, and some of our southern counties.

17 So today, if you go to Atlantic City, it  
18 is 70 percent African-American, which certainly brings  
19 a new sensitivity to any of us who have done service  
20 in that particular area of our state.

21 We have 21 counties which are influential  
22 governmental units. Ten of the counties, from Hudson  
23 and Bergen, to Camden and Gloucester, are represented  
24 in our committee, which is comprised of six members  
25 who have served before, and eight new members.

1           And I really do applaud the Commission for  
2 seeing that we are a wonderfully balanced gender, and  
3 every other age, and every other way, in our  
4 Commission. As I said, age and ethnicity run the  
5 gamut.

6           Our first meeting was held on Tuesday, May  
7 7th, in Trenton. Trenton makes the world takes at the  
8 New Jersey State House. Key committees of the  
9 legislature were meeting at that particular time,  
10 which meant that our 12 members who were able to  
11 attend, were able to see some of our legislators.

12           I think one of the challenges we have is  
13 that of visibility. If you ask the average citizen in  
14 the state of New Jersey, is there a New Jersey State  
15 Advisory Commission to the U. S. Civil Rights  
16 Commission, they would look in wonderment.

17           And I bring that up because in my own  
18 hometown of Chatham, we had an incident, it happened  
19 to be of bias, religious bias. And what phone number  
20 do we pick up? You obviously don't want to do 911.  
21 But there are other phone numbers.

22           And, therefore, I want to commend Delaware  
23 for this book that you put together of where people  
24 are. I'm going to take it back to New Jersey and see  
25 if we can't emulate it.

1           Our next meeting is scheduled for December  
2 3rd in the same location. And in between we've had  
3 official public meetings, and our activities include:

4       One, working with the Eastern Regional Office to wrap  
5 up the report entitled: Asian American Work Force  
6 Representation in New Jersey State Government,  
7 hopefully by our next meeting in December.

8           I would just like to say I enjoyed, very  
9 much, the discussion from Delaware, about the  
10 challenges, and particularly what the representative  
11 of the Korean Community had to say.

12       Two, starting to gather information in  
13 preparation for a proposal which would be entitled:  
14 Civil Rights Enforcement in New Jersey and Evaluation  
15 of the State's Division on Civil Rights.

16           Our Governor has appointed a wonderful new  
17 director of our division on Civil Rights. I would  
18 like to say, proudly, that we are the first in the  
19 nation, in New Jersey, to have a division on civil  
20 rights.

21           If you talk to our new director he  
22 probably would say, nobody knows who we are, either.  
23 So he is striving to have more visibility, and there  
24 is going to be, as I speak today, a meeting that is  
25 going on in New Jersey, a round table, to address some

1 of the perennial civil rights challenges.

2 Lastly we have been outreaching as 14  
3 individual members on behalf of the committee, which  
4 we are trying to fulfill our responsibilities as the  
5 eyes and ears of the U. S. Civil Rights Commission in  
6 New Jersey.

7 Items in the news in New Jersey, and I  
8 have the clippings with me, I will just mention 8.  
9 Asians, Indians, take seat at Jersey's political  
10 table. Two, Blacks still pulled over more often in  
11 turnpike, but latest figure shows consensus searches  
12 plunge.

13 Three, pensions are rejected for ex-  
14 troopers in pike shooting. Four, NAACP leader says to  
15 protect U.S. liberties. Five, handicapped patrons  
16 find uneasy access, and I was commenting to the  
17 Pennsylvania Chair that that is my home county of  
18 Morris. We built a wonderful new library.

19 But if you have to walk, you know, going  
20 up the ramp is a long, long walk. And some of the  
21 unanticipated consequences of very well meaning ADA  
22 legislation, I think needs all the help it can get to  
23 make changes, and we certainly hope that we will get  
24 some help from Pennsylvania.

25 Bigotry demands a strong response, quick

1 to settle suits, county delays meeting black golfers,  
2 that is my county of Morris where we've had problems  
3 with golfers, black golfers, being urged to play a  
4 little faster than they thought they were entitled to  
5 play.

6 And, lastly, study finds site scale  
7 discrimination in New Jersey. This has been a rather  
8 major report that came out from Ruth and Alfred  
9 Blumrosen at Rutgers.

10 And so since it is a New Jersey study, it  
11 talks about discrimination, in a particularly  
12 restrictive form, but whatever, we are looking forward  
13 to meeting with the authors and finding out more about  
14 that report.

15 So with that I'm sorry Irene Hill-Smith,  
16 who is our former Chair, was going to come down today,  
17 and was not able because of health reasons. But I  
18 look forward to answering any questions.

19 CHAIRPERSON BERRY: Thank you very much.  
20 Professor Majumder?

21 PROFESSOR MAJUMDER: Well, Madam Chair,  
22 first of all I want to say thank you for the privilege  
23 of coming. And this is really, for me, a good  
24 learning experience.

25 I heard some of the remarks that your

1 panel did, and also the fellow State Advisory Council  
2 members. Really, I'm glad that I drove, because I'm  
3 learning.

4 Basically, as you know, I have a -- I  
5 particularly feel that I'm privileged that I am, at  
6 this time, a member who cognitively sees what is going  
7 around in the surroundings.

8 And that the time is rather a little  
9 bigger harmonics than generally a day or so.  
10 Culturally I come where a thousand years is usually  
11 considered a very meaningful year. Here 200 years is  
12 old. So it is a little bit --

13 At the same time, simply because I come  
14 from almost the other end of the globe, I have a  
15 little perspective what change is. And somebody said  
16 change is the only constant we have.

17 I like the word how I look at it. I'm  
18 very privileged where I sit, what I see. That does  
19 not mean I'm contented, that does not mean that work  
20 is done so just go and rest.

21 No, but at the same time, when I started,  
22 and where I am today, I'm very pleased with the  
23 progress. In many contexts, including the one I see.

24 At the time when I entered my professional role, the  
25 people with the disability will ask me, hey, what is

1 going to happen to me?

2 Today we ask him, or her, first, what  
3 would you like to do? And then I'm supposed to,  
4 whatever way I can, to make it, facilitate.

5 I'm a student of psychology. One of the  
6 things which dominates my functioning is called locus  
7 of control. And that locus of control is internal  
8 control, and external control.

9 When I started my life with the purpose in  
10 life, the rehabilitation, or the people with the  
11 disability were the way we saw, again in the context  
12 of time, I'm talking about the Rehabilitation Act of  
13 1920.

14 In 1920 Senator Jennings Sandol, some of  
15 you probably know that name. I come from the state of  
16 West Virginia, I'm a hillbilly. But I'm very proud of  
17 where I come from, the root of people with a  
18 disability, with a dominant internal orientation. I  
19 will take care of myself.

20 And I think how practical it is, I don't  
21 know. But how important it is for you to do  
22 something, it is very important. I was so impressed  
23 with the gentleman sitting here saying, I'm not going  
24 to take it.

25 That is exactly what I would like to see

1 happen, whether I am a minority, whether I'm a gender,  
2 or whatever, I take charge, I take control of my life.  
3 That does not mean I can do everything. In the locus  
4 of control domain it is an analogue, it is not a  
5 digital measurement. Yes, or no, it sounds good, it  
6 is really degree.

7 So my sense here is I feel very good, I'm  
8 a member of this Council, Committee, for about ten  
9 years now. And I see the progress. Marsha Pops  
10 introduced me to this, and Ki-Taek I talked to, and I  
11 said, what is this?

12 Then I found out it is what I do in my  
13 work, is what I'm going to do here. I am an advocate  
14 of people with disability. Now, that does not exclude  
15 others, but that is where I started.

16 And our role is to inform and advise the  
17 Commission about the affairs in my state, to the  
18 extent we hear, and we learn.

19 What has happened in the state that our  
20 members have extensive dialogue with the community  
21 leaders, participating in NAACP meeting. I attend  
22 those meetings very religiously.

23 Interviewing advocacy groups from across  
24 the state, and holding conference calls with state  
25 legislators. We have also maintained a relationship

1 with state leadership, meeting with the governors, and  
2 presenting our findings.

3 And the suggestion, and participate in  
4 civil rights programs. In our report we have expended  
5 great effort to hold three forums. We held them  
6 across the state to get a good perspective of  
7 problems.

8 Sadly we found common civil rights  
9 problems all over West Virginia. Police brutality,  
10 tensions in the community, access difficulties across  
11 the board in person with disabilities, employment  
12 discrimination, incidents of hate, violence.

13 West Virginia, as a whole, is losing its  
14 young population, who are moving away. Our report  
15 highlights those issues which I think you have seen,  
16 and I heard you mention about it.

17 Some of the good things has come out of  
18 the forums. I think at the Morgantown forum, with the  
19 inclusion of disability rights as a focus, was a major  
20 discussion event in the state for issues for persons  
21 with disabilities.

22 In Charleston we pushed the Mayor, and the  
23 chief of police for details regarding citizen's police  
24 review board. The information that we learned by the  
25 Hearing, was used by the advocacy groups, and with the

1 Freedom of Information Act.

2 And I think this forum shows how SAC can  
3 generate attention to an issue, and perhaps use it to  
4 assist the local advocacy groups, particularly ACLU,  
5 to help us.

6 Incidentally, we are pursuing, and some of  
7 the legislators are interested, in having a citizen's  
8 review board for the police, whenever we feel that  
9 there is some unnecessary, or excessive force is used.  
10 And that board is still in the works.

11 After finishing the report, hopefully this  
12 fall, I believe the police community relations may  
13 well be our next project topic. Groups and  
14 legislators have asked to hold forums for this  
15 particular activity, and we will continue to do so.

16 Our board, or our committee, we have 13  
17 members, 6 men, 7 women, and they come from ten  
18 cities. And I need to mention that West Virginia  
19 Advisory Committee thank the Staff of the Commission's  
20 Eastern Regional Office, the planning and holding  
21 community forum, follow-up research conducted by Marc  
22 Pentino, and the report by Katherine Sunshine of the  
23 Eastern Regional Office, and also by Dorothy Preston,  
24 and I think it is Faraha Raufa, helped in the  
25 production and distribution.

1 I wanted to mention this as a very  
2 important things that we made progress. We certainly  
3 have a long way to go. I found three governors in  
4 recent past has shown interest.

5 That does not mean that they are going to  
6 drop other things and do this. But I feel one  
7 Governor -- the Commission came to West Virginia, and  
8 I had the privilege to be at that meeting, and that  
9 Governor showed genuine interest in civil rights  
10 issues.

11 The next governor had one of our members  
12 in his staff, Deborah Hart. And, again, I feel that  
13 that was a very positive indication. Current Governor  
14 Wise indicated that he would be willing to, we just  
15 didn't have the time yet to set up some specific  
16 thing. But Governor Wise indicated interest to work  
17 with us in this civil rights issues.

18 I find the elements within the state are  
19 very positive, such as the NAACP, ACLU, the Committees  
20 for Independent Living Board, and the other boards  
21 with the -- particularly the disability rights, West  
22 Virginia Advocates.

23 And these members are genuinely working  
24 together. And I think working together is very  
25 important. Many times we do things other group does

1 not know, and that really decreases the efficiency, as  
2 well as the outcome.

3 So what I feel, that in the state of West  
4 Virginia, and somebody mentioned about the education  
5 rights, Judge Recht, a Judge in West Virginia, at  
6 least ten years ago made a kind of an opinion that  
7 really created a tremendous change in the West  
8 Virginia education program.

9 People are trying to implement. But, like  
10 everything else, to me this is the first thing. The  
11 Judge declared that unequal education is not  
12 acceptable. On the basis of the West Virginia  
13 Constitution he said, if a particular county, which is  
14 usually the education district, cannot have, or do not  
15 have the tax base to generate enough fund to have the  
16 equal education, then the state board has a  
17 responsibility to see the resources are distributed.

18 Now, it has not taken place. However, the  
19 awareness exists, and I think the State of West  
20 Virginia, within this context, making progress, and we  
21 certainly would like to bring this information to the  
22 Commission, and I would like to get the assistance --  
23 Sigi has been tremendously helpful to me in setting up  
24 the forum that we did about six months ago.

25 So this is, to me, very successful effort

1 on the part of the West Virginia Commission to bring  
2 together, from all other states, to again achieve the  
3 goal.

4 This is another thing I would like to  
5 mention. I mentioned at the beginning that I'm very  
6 pleased that I'm here now, because I can say it is  
7 much better than what it used to be ten years ago,  
8 twenty years ago.

9 And the day I came out to this country,  
10 that does not mean the other countries are any less.  
11 To me this planet is the place. And everybody, where  
12 you are from another continent, or another place, my  
13 home is this planet.

14 And I would like to see that we strive to  
15 that ideology. It would be very -- if we don't have  
16 that ideology, we will not make any effort. So I  
17 definitely see that you are the driving force to bring  
18 the democracy, and the quality of life that we want to  
19 achieve for every individual, whether they are Puerto  
20 Rican having a natural citizenship, or another person  
21 coming later, seeking citizenship.

22 The citizenship of this planet is, to me,  
23 the most important one, with dignity and equality.  
24 Here I'm very satisfied. I think here the things have  
25 achieved, I cannot say that it insignificant, it is

1 very good.

2 And in spite of this I think we have to  
3 call for, hey, we are going to make noise, we are  
4 going to ask, we are going to complain. And that is  
5 what I think my job is. Thank you very much.

6 CHAIRPERSON BERRY: Thank you very much,  
7 Professor Majumder.

8 Sigi Shapiro, we are just so happy that  
9 you are able to show up and be here, thank you.

10 MS. SHAPIRO: So am I, thank you. I wish  
11 that I could have joined you all in February, and I'm  
12 hoping that you will have another such occasion for  
13 SAC chairs, and perhaps I can attend that.

14 I don't usually rely on written notes, very  
15 often, but I think I will be today, but I have also  
16 some off the cuff observations that I would like to  
17 add to the enormous amount of information you've  
18 gotten from your outside the beltway folks today.

19 Good afternoon. As an advocate for  
20 disability civil rights since 1973, and as one who has  
21 served on the Pennsylvania SAC for 20 years, my  
22 husband just asked me, are you the longest serving  
23 person? I don't think so, but I've been here a while.

24 I'm very pleased to have this opportunity  
25 to meet you, and to address the Commission, and I

1 thank you for that. Ranjit was saying that things are  
2 better now than they were ten years ago, twenty years  
3 ago.

4 I need to disagree a little bit with that,  
5 because I think twenty years ago we certainly had more  
6 financial resources, and more staff support than we do  
7 now. But the commitment of the Commissioners I see  
8 before me today makes up a good deal for that.

9 I would also like to thank you,  
10 especially, for the support this Commission provides  
11 for its SAC members with disabilities. I couldn't be  
12 here today without that support. And I know it is  
13 mandated by federal law, I fought for that law, and it  
14 is nice to be able to see it actually being  
15 implemented.

16 And I would also like to thank you for the  
17 attention the Commission has paid to disability rights  
18 issues, in particular. Unfortunately, in some civil  
19 rights circles people with disabilities have had to  
20 face a peculiar type of discrimination.

21 In that there is a real bias that has been  
22 exhibited by some who believe that disability rights  
23 aren't quite the equal of other civil rights. And so  
24 that has been an additional burden that has been  
25 placed on our advocacy efforts.

1           And I watch, with great interest, the  
2 hearings you had in Florida, on the voting issue, and  
3 read your very fine report coming out of that effort,  
4 and was very pleased to see the attention paid to  
5 people with disabilities in that report.

6           As you know I sent you all a letter  
7 regarding those issues. I have copies here today, if  
8 anybody wants to see it now. I will address the  
9 voting issue in a few minutes. But if you want a  
10 copy, they are right here, to be given to you.

11           As you know, our SAC has been very busy  
12 with a report entitled: Barriers Facing Minority and  
13 Women-Owned Businesses, that we released last month  
14 in, I believe, near record time, approximately one  
15 month after your vote of approval.

16           I was pleased, I am pleased that we were  
17 able to contribute a comprehensive work on one of the  
18 most important civil rights issues confronting our  
19 state, and probably many other states, as well.

20           The report went well beyond reporting on  
21 how MWBEs, minority and women owned business  
22 enterprises experienced barriers and included update  
23 items, such as problems with public works projects,  
24 which promised great opportunity for women, and  
25 minority business owners.

1           But due to inadequate monitoring of  
2 contracts by state officials, and other problems, they  
3 didn't come to fruition. So in our report we also  
4 include exemplary initiatives on how this issue might  
5 be addressed with positive results.

6           Through its report the committee produced  
7 a comprehensive view of the cutting edge role that  
8 business and, dare I say, affirmative action policy,  
9 can play in the pursuit of civil rights.

10           The press conference that we held last  
11 month was very well attended, and very well covered by  
12 the press. I believe that our persistent efforts in  
13 acquiring the information included in our report, and  
14 the attention it generated, enabled us to secure a  
15 firm commitment from the mayor of Philadelphia, Mayor  
16 John Street, who pledged to release a long-awaited  
17 disparity study of contracting for minority and women-  
18 owned firms.

19           He promised this report would be out by  
20 December. We are keeping our fingers crossed, we've  
21 been waiting a long time. Once released he has vowed  
22 to use the study to form an executive order expanding  
23 contracting opportunities for MWBEs.

24           The SAC has also been invited to assist  
25 the Pennsylvania Auditor General's MWBE task force,

1 which is proposing new legislation to reform  
2 contracting at the state level.

3 He, and others, look forward to our future  
4 press events, which we have tentatively planned for  
5 December in our capital, Harrisburg. And early 2003  
6 in Pittsburgh, cities with known difficulties  
7 regarding minority and women-owned businesses.

8 Regarding today's briefing on education  
9 issues, I would like to make a few comments, if I may.

10 I have learned that the State Auditor General in  
11 Pennsylvania is probing the propriety of the 2.7  
12 million dollar contract between the Department of  
13 Education, and Edison schools, and its takeover of 20  
14 schools in Philadelphia.

15 Here, again, issues of contracting and  
16 appropriateness of awards are at issue. And we hope  
17 our report will be of value in that debate. However,  
18 I must say, that the issue itself, that is handing the  
19 job of public education over to the private sector, is  
20 one that has caused much concern among our committee  
21 members.

22 Our SAC and others similarly involved, and  
23 this Commission need, I believe, to stringently  
24 monitor this entire experiment. As an educator, and  
25 citizen, I teach at Temple University, I'm gravely

1 concerned about the proposition of transferring the  
2 job of public education to the private sector.

3 I would like to thank Commissioner Edley  
4 for his attention to special education issues. The  
5 Philadelphia Enquirer did a report, some months ago, a  
6 report card, on Philadelphia schools, regarding how  
7 well they scored in those tests that are being done  
8 now in different states.

9 And there are two issues that concern me  
10 greatly. I listened, with interest, to the Delaware  
11 folks, and asked Ranjit, is it the same in your state?

12 And he said yes. And that is, that as you read the  
13 score card, the test scores plummet.

14 You know, the kids are doing pretty well  
15 in third grade. But when they get to 8th and 11th,  
16 they are doing very badly. Secondly, I'm a graduate  
17 of a place that used to be known as Wagner Memorial  
18 School for Crippled Children, in Philadelphia.

19 After almost 30 years of disability civil  
20 rights advocacy I had hoped those doors would have  
21 been closed a long time ago, because it is a  
22 segregated, separate school for kids with  
23 disabilities.

24 Wagner, unfortunately, ranked, I think it  
25 was fourth or fifth from the bottom in those tests.

1 And I don't believe it was due to cognitive  
2 disabilities. Indeed, one of the students that I've  
3 had at Temple, who graduated from Temple School of  
4 Business with honors, who has significant cerebral  
5 palsy, and uses an augmentative communications device,  
6 was one of the students at Wagner.

7 So something tells me that the fighter  
8 that he is got him the education that he needed to  
9 make it at Temple. But maybe the rest of the kids  
10 weren't able to fight as hard, or didn't have the  
11 resources to fight that fight.

12 That, quite frankly, is what I think civil  
13 rights is all about. The folks who are extraordinary,  
14 in terms of fighting for themselves, who take control  
15 of their lives, as Ranjit said, might make it despite  
16 these problems of segregation and discrimination.

17 But the kids who don't have that ability,  
18 or the resources, they are the ones who need civil  
19 rights legislation, and enforcement.

20 So that is a big issue, right now, in  
21 Philadelphia. And for that issue, and another I will  
22 address in a minute, voting, I would love to invite  
23 you all to come to Philadelphia, and have a meeting,  
24 because we desperately need the attention that you  
25 Commissioners might help focus on both the education

1 issue, and voting rights for people with disabilities.

2 Our Advisory Committee has worked on a  
3 number of issues that complement the Commission's  
4 work. For instance, you may recall that you received  
5 the memorandum that I held up a minute ago, sent to  
6 you in August of 2001, regarding our inquiry into  
7 voting difficulties for people with disabilities,  
8 particularly persons living in Philadelphia.

9 I did, quite frankly, an informal survey  
10 with the help of some of our committee members of  
11 other towns and cities in Pennsylvania, and I have to  
12 tell you, Philadelphia was the worst.

13 We have recently seen the city of  
14 Philadelphia purchase hundreds of new voting machines,  
15 ignoring any -- not even offering us an opportunity to  
16 comment in a timely fashion. And, consequently,  
17 ignoring many access issues for people with  
18 disabilities who want to vote.

19 Those machines remain inaccessible to  
20 voters, in particular who are blind or visually  
21 impaired. We also live in a city where only 46 of  
22 1,681 polling places can be considered accessible  
23 under the standards of the ADA, okay? 46.

24 They are primarily inaccessible to  
25 wheelchair users, and people with physical

1 disabilities. My own private experience with trying  
2 to make my polling place accessible, happened about  
3 ten years ago, when I had to leaflet at my polling  
4 place for three successive elections, before the  
5 people in charge would move the polling place from a  
6 church which had ten steps leading up to the door, to  
7 a city playground, which had an accessible building  
8 where they could put the polling machines, which was a  
9 block away.

10 So this battle has been going on for a  
11 long time, and I would say it is one of the major  
12 issues facing people with disabilities in this  
13 country.

14 In fact the voting problem in Philadelphia  
15 is so severe for disabled residents, that we have the  
16 misfortune of being labeled the Mississippi of  
17 America. No derogatory intent towards the state of  
18 Mississippi.

19 CHAIRPERSON BERRY: Now, we are going to  
20 Mississippi next month, so be careful.

21 MS. SHAPIRO: But, literally, in relation  
22 to the problems years ago for minorities, that is how  
23 we are viewed now. We have continued to track the  
24 issue, inviting persons involved in a lawsuit in  
25 Philadelphia, to our planning meetings for updates.

1           As mid-term elections draw near, and  
2 presidential election is on the horizon, we hope to  
3 keep an eye on Pennsylvania's non-compliance with  
4 voting rights laws.

5           If you do, indeed, decide to take a  
6 further look into these issues, please look at  
7 Philadelphia and Pennsylvania. Your report, after  
8 Florida, was wonderful.

9           But I do believe that this issue requires  
10 a great deal more attention, because if the vote  
11 cannot be guaranteed to everyone in the year 2002, I  
12 think we are in serious difficulty.

13           Hate crimes is another issue that  
14 Pennsylvania has, as one of the largest concentrations  
15 of hate groups in this country, resides in  
16 Pennsylvania. And we remain in frequent contact with  
17 the staff at the Pennsylvania Human Relations  
18 Commission, to see how our committee can work with the  
19 Commission there.

20           I'm pleased to serve as chairperson of an  
21 active and dynamic committee. We have 12 members. I  
22 told Ranjit 15 because they are all so dynamic it  
23 feels like more.

24           New members have brought additional topics  
25 to us for consideration, which we hope to one day

1 study, after we get through the press conferences, and  
2 the work we are doing on the MWBEs.

3 These include allegations of residential  
4 mortgage lending, disparities in Pittsburgh,  
5 discrimination in minority neighborhoods during the  
6 home appraisal process; the need for language access  
7 for minorities, and people with disabilities in the  
8 criminal justice and health care systems; and  
9 employment difficulties, indeed discrimination, for  
10 Pennsylvania's aging population.

11 Indeed, in the disability rights movement,  
12 for some reason, we tend to use softer word, inclusion  
13 instead of integration; physically challenged. I'm  
14 challenged by the environment because it is not  
15 accessible, okay? I don't care to have that  
16 challenge, okay?

17 Special, you know, we are special people.  
18 It took us until about 30 years ago to recognize that  
19 special ain't so special. And that what special  
20 programs, and special treatment of us really was, in  
21 fact, discrimination.

22 So this is one woman who likes to use the  
23 terms that really describe what is happening to people  
24 with disabilities and others, and that is  
25 discrimination, segregation, and all the words that

1 you all know so well.

2 For people with disabilities, separate but  
3 unequal still seems to be the rule of the day, despite  
4 section 504 of the Rehab Act, despite IDEA, despite  
5 the ADA, despite any other laws you want to point to,  
6 we still have separate transportation systems, which  
7 are not as good, not nearly as good, and in  
8 Philadelphia have been dangerous for people with  
9 disabilities, with drivers who have been drunk, who  
10 have been on drugs, and who have caused great  
11 difficulty for riders.

12 We still have schools like Wagner Memorial  
13 School, separate, segregated schools for kids with  
14 disabilities, rather than integration. In  
15 Philadelphia there is a school just for the kids with  
16 cerebral palsy, it is the CP school. I don't know if  
17 that is the case in other cities, but we have that  
18 one, too.

19 In terms of voting, it is a massive  
20 problem. In terms of housing, we may have access to  
21 public housing, okay, along with elderly folks. But  
22 in the private sector, in terms of having adequate  
23 apartments, houses, whatever you want to name it, we  
24 are suffering terribly.

25 The waiting list for housing for people

1 with disabilities is years long. All of these issues  
2 are important, and I wish that we, and our sister  
3 SACs, had the resources and the staff we need, the  
4 funds we need, to support the work we are doing, and  
5 want to do.

6 We are looking forward to working together  
7 with Ki-Taek Chun and Marc Pentino, and others, in the  
8 regional office, to find more creative, and less labor  
9 intensive ways to bring attention to the civil rights  
10 needs in Pennsylvania, and the rest of the nation.

11 However, we would be grateful for any  
12 guidance you might give us regarding how we can bring  
13 the SAC needs to the attention of Congress, and the  
14 administration, without jeopardizing our role as SAC  
15 chairs, or members of SACs.

16 I must say that the current staff at the  
17 Eastern Regional Office has done an outstanding job,  
18 given the limited resources that they have, the  
19 limited staff that is available, in particular Ki-Taek  
20 Chun, and Marc Pentino, and Angus, who is a new  
21 research associate, I can't remember his last name,  
22 and Ms. Faraha, have been absolutely wonderful in  
23 terms of working with me and helping our committee.

24 They've done a yeoman's job, and we  
25 really, really appreciate the efforts that they have

1 made.

2 So I thank you, once again, for inviting  
3 me, and I would be happy to answer any questions you  
4 may have.

5 CHAIRPERSON BERRY: Yes, Vice Chair?

6 VICE CHAIRPERSON REYNOSO: I have a  
7 question for all of you. We have, as you know,  
8 balanced Advisory Committees, not only in terms of  
9 geography, and gender, and race and ethnicity, but  
10 also politically.

11 And many of our chairs are Republicans.  
12 And we find that bipartisanship in the Advisory  
13 Committee seems to work very well. There is a great  
14 deal of enthusiasm for civil rights, and for making  
15 this country a better country.

16 Sad to say, I have to tell you, that we  
17 don't seem to see that leadership in Congress. Thus  
18 you heard that if we were to keep up with our budget,  
19 in terms of '83, we should have a budget of 25  
20 million, and we have a budget of 9 million.

21 We would be able to have more staff people  
22 to help with the regions, and so on. And -- but we  
23 don't have that enthusiasm in Congress. Particularly,  
24 I must say, from the Republican leadership, or in the  
25 White House.

1           So my question, to all of you who deal  
2 with the various parties, and particularly with  
3 parties at the local level, is how come, why do you  
4 think that enthusiasm that you have can't be  
5 translated to Washington?

6           MS. SHAPIRO: I think it is. I object to  
7 your premise, albeit humbly, okay? And coming from a  
8 state where, yes, I think the importance, as I said  
9 before, of civil rights and blind justice is not the  
10 prerogative of any one political theory.

11           VICE CHAIRPERSON REYNOSO: Absolutely.

12           MS. SHAPIRO: And it is something that you  
13 find all different types of people feeling  
14 passionately about, whether it is in an area that we  
15 consider bigotry, or whether it is in an area that we  
16 consider advocacy, there is still many, many strong  
17 feelings on this particular issue.

18           I was down in Durbin, as a member of the  
19 NGO for the civil rights conference, which was over a  
20 year ago. And I was there, my delegation happened to  
21 be a Republican who served both administrations, many  
22 administrations in New Jersey.

23           I think there may be legitimately  
24 questions of how we are most effective, and how we use  
25 dollars. We, in New Jersey, are having a great deal

1 of discussion about waste of school dollars in the  
2 public school system.

3 This is unsatisfactory to many of us. So  
4 there are some of us that are very enthusiastic about  
5 the projects that we are involved in. But just as I  
6 don't want waste in my refrigerator, there is some, I  
7 always manage to have tuna fish, or something go bad.

8 So you are not going to eliminate waste.  
9 But if we can streamline, and stretch, because I don't  
10 know about some of you, but I'm paying very  
11 substantial taxes. And, frankly, that has  
12 consequences of its own, as far as segregation and  
13 everything else.

14 So I'm sorry, but I think you've got a lot  
15 of people of both parties, my own particular member of  
16 Congress is Rodney Freeleheinsen. What a  
17 distinguished record that family has had in the United  
18 States of America, on all sorts of important issues.

19 We have Mike Ferguson as a member of  
20 Congress, absolutely outstanding. We have Menendez,  
21 hoping to be the first Hispanic leader at the highest  
22 level in his particular party. It happens to be a  
23 race that is going on with, I gather, another female  
24 Hispanic, but that is something that, again, is not my  
25 vote, because it is not my party.

1           But what I'm telling you is, what is  
2 exciting, is that there are people grappling with  
3 these challenges. The President cares passionately  
4 about equal access for all children, that no child  
5 should be left behind.

6           And yet you mention the name Bush in an  
7 education discussion, and unfortunately, in many  
8 cases, the hearing is tuned out. So we don't go  
9 forward as far as helping the children, because we are  
10 so tied up with what is the name of the person who is  
11 advocating what it is that we want.

12           VICE CHAIRPERSON REYNOSO: I'm just so  
13 pleased to hear the enthusiasm that you have for  
14 issues that clearly are way beyond partisanship?

15           CHAIRPERSON BERRY: Who are you? Is he  
16 with -- yes, you can say something. Tell us who you  
17 are, though. Who are you?

18           MR. GILLIAM: Well, I'm 82.

19           CHAIRPERSON BERRY: I understand.

20           MR. GILLIAM: Do I look it?

21           CHAIRPERSON BERRY: No, you look like you  
22 are 42, but that is all right.

23           MR. GILLIAM: Thank you, that sounds  
24 better.

25           CHAIRPERSON BERRY: But if you could

1 identify yourself, just so we know who you are, who we  
2 are talking to.

3 MR. GILLIAM: I'm Jim Gilliam, and I'm  
4 chairman of the Metropolitan Wilmington Urban League.

5 And I'm really so very, very pleased to see this  
6 illustrious panel here, people that very clearly  
7 identify in terms of trying to make this world a  
8 better place for all people to live in.

9 I've been impressed with the quality of  
10 the comments, and the comments, and the questions  
11 raised by the panel. But having said that, it really  
12 deepens my concern, generally, things aren't right.

13 We still have a long way to go. And  
14 anybody who feels that things are pretty much right,  
15 they've got a long way to go in their thinking.  
16 Things just simply aren't right.

17 By way of credentials --

18 MS. YOUNG BROWN: May I just interrupt  
19 here? Because you looked at me.

20 MR. GILLIAM: I like the straw hat you  
21 have on.

22 MS. YOUNG BROWN: Great, as long as we  
23 keep it to the straw hat, and not attributing any  
24 opinions to my straw hat, thank you.

25 CHAIRPERSON BERRY: It is a lovely hat,

1 but we are not going to entertain any personalizing of  
2 the discussion, or talking about people, because I  
3 think that we can all agree that there are people in  
4 both political parties, and some people who don't  
5 belong to any, like I don't belong to any, who have,  
6 or who care about civil rights issues, and people who  
7 don't care about them, or people who have different  
8 views.

9 Let's not get into a, you know, typifying,  
10 stereotyping, and labeling of people.

11 MS. SHAPIRO: I would like to address that  
12 issue, if I could, the comment that you just made.

13 CHAIRPERSON BERRY: Go right ahead.

14 MS. SHAPIRO: I'm one of your democratic  
15 chair people, okay?

16 But the woman who was formerly president  
17 of the state wide organization I was the executive  
18 director of, is a staunch republican from western  
19 Pennsylvania.

20 And the two of us had great differences  
21 politically, but very little in terms of disability  
22 civil rights. And I think the fact is that while  
23 democrats may be, possibly, inherently disposed to  
24 civil rights issues, and perhaps it is because of the  
25 folks who tend to join the democratic party, and the

1 experiences they had, I think experience is the key  
2 factor.

3 I've had the privilege of being in a state  
4 where we've had republican governor Thornberg, who  
5 worked very hard for disability legislation in  
6 Pennsylvania, and on the national level for the ADA.

7 Also Governor Tom Ridge was very  
8 supportive of disability program and issues, whereas  
9 Governor Casey, who was a democrat, was not. Ed  
10 Rendell actually fought ADA implementation. And we  
11 had to fight for three or four years to get ramped  
12 curb cuts put in around the city, after a lawsuit that  
13 they fought, and an appeal that they fought.

14 So I think it has more to do with one's  
15 experience, than it does with political affiliation.  
16 The father of the Disability Rights movement, Justin  
17 Dart, who unfortunately just passed away recently --

18 CHAIRPERSON BERRY: Wonderful man.

19 MS. SHAPIRO: Wonderful, wonderful friend  
20 and man, was indeed a staunch Republican for decades.

21 Now, he left the Republican party when the  
22 Administration did something he could just not  
23 countenance. It was because of an experience and an  
24 issue that he changed affiliation.

25 CHAIRPERSON BERRY: And we had wonderful,

1 I think of people, Mary Louise Smith, who was a good  
2 friend of mine, and who was a member of this  
3 Commission, and who was the first woman Chair of the  
4 National Republican Party, and was State Chair in  
5 Iowa, and who served with such wonderful distinction  
6 on this Commission.

7 And there are all kinds of people that one  
8 can name, sitting in Congress right now. We don't  
9 want to get off on this track of trying to  
10 personalize, and I don't think that is what the Vice  
11 Chair meant, I think he just meant that we get these  
12 balanced committees, and all of you guys seem to work  
13 very well together.

14 And sometimes it appears that the politics  
15 prevails in other arenas in which we discuss these  
16 issues. I think that is all he meant. So let us just  
17 leave it at that, and in the interest of time, sir, I  
18 did recognize you.

19 But let me just say that one of the  
20 reasons why we came out here is to listen to you, and  
21 to interact with you, and we will continue to do this.

22 And we have learned so much.

23 And one of the things that we hope that  
24 SACs learn from each other, and SAC chairs learn from  
25 each other, and you can, is despite the money

1 problems, and all the other issues, and we wish we had  
2 more money for you to spend, that you can find ways to  
3 maximize your effectiveness.

4 And in the case of new SAC chairs, who can  
5 learn from the ones who have been around for a while,  
6 and how to do some of these things, and on the  
7 visibility issue, we are willing to do whatever we can  
8 to help your SAC, in whatever state you are in, become  
9 more visible, and more connected.

10 Some of you are very good at having  
11 meetings with governors, and interacting with mayors,  
12 and politicians, and are recognized as people who do  
13 that. You've been at it a long time. And others  
14 across the country are just getting started on that  
15 aspect of it.

16 And you can learn from each other about  
17 how to do this. And we are willing to do everything  
18 possible to help. And the reason why we are here is  
19 to see you, to talk to you, and also to learn, and let  
20 us all learn from each other.

21 I will entertain, if you have another  
22 comment you wanted to make, Professor Majumder, and  
23 then we are going to adjourn, quote, unquote, this  
24 meeting.

25 MR. MAJUMDER: It is not a comment, I

1 probably did say, or ask the Commission to come to  
2 West Virginia, but I'm requesting, when you have the,  
3 when you can, come to West Virginia, we will be a good  
4 host.

5 CHAIRPERSON BERRY: All right. And the  
6 last one I wanted to make, I meant to say this, before  
7 we got into this exchange, to the Staff Director, as a  
8 result of what you had to say, Sigi, that maybe in  
9 your letter that you wrote to us earlier, maybe the  
10 staff, somebody on the staff can do an informal, or  
11 some kind of survey of the states to see what the  
12 disability access problems are on the voting issue,  
13 and maybe get that information from the National  
14 Organization of Registrars, and from going to the  
15 states.

16 The way they did, when they did that  
17 little survey for us, who had problems during the  
18 election, without doing any kind of major systematic,  
19 but as a first cut, just to put that information  
20 together, which is more than anybody else has put  
21 together, on what happened in each state, we might be  
22 able to try to do that, to be responsive.

23 COMMISSIONER EDLEY: If we just touch base  
24 with the leading national organizations, and ask them  
25 about the legislation.

1 MS. SHAPIRO: National Organization of  
2 Disability has a project vote, and there are other  
3 resources I can recommend.

4 COMMISSIONER EDLEY: So much of this is  
5 just blatantly violative of the statutes. Just on the  
6 voting area alone, it just seems to me --

7 CHAIRPERSON BERRY: Yes, we might be able  
8 to put together something as a first cut.

9 STAFF DIRECTOR JIN: Yes, we can certainly  
10 do that, Madam Chair. I just want to say, for the  
11 public record, that Ms. Shapiro, in terms of this  
12 issue, she has already had an effect on us in the  
13 sense that it has resulted in interactions with her  
14 earlier, we did contact all of our SAC chairs and  
15 encouraged them to examine certain issues.

16 So we will continue to do that along the  
17 lines that you indicated. And if I may just make one  
18 more comment, Madam Chair?

19 I've had a chance to talk with the SAC  
20 chairs here today, and I think I told them this, I'm  
21 just incredibly impressed with them, individually, in  
22 the work that they've all done in their states, and it  
23 has been a real pleasure.

24 CHAIRPERSON BERRY: All right, thank you  
25 very much, thank you for coming, thank you everyone.

1 (Whereupon, at 2:25 p.m. the above-  
2 entitled matter was concluded.)  
3  
4  
5