CALIFORNIA STATE ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

Meeting of November 20, 2002

Sacramento Convention Center - Room 103

Sacramento, California

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MR. HERNANDEZ: I'd like to bring the hearing to order. I'm Fernando Hernandez from Wittier, California. I'm the chairperson of the California State Advisory Committee to the United States Commission on Civil Rights.

I'd like to introduce the members of the panel. Starting from my left, we have Mr. Daniel Luevano. And then to his right is Dr. Edward Erler. To his right is Ms. Effie Turnbull. And then to my left is Dr. Kevin Franklin. And then to my right is Mr. Percy Duran. To his right is Ms. Deborah Hesse. To her right is Mr. Mauricio Aparicio. And finally to his right is Mr. Gilbert Alston.

The hearings here in Sacramento concern the state advisory committee's concern and the Commission on Civil Rights concern for the state of civil rights post 9/11.

One of the things we want to look at is what have been the impacts of 9/11 on citizens and people who have become victims of the 9/11 events due to their race or ethnicity.

We have had a number of reports that people of color, and especially people of Arabic ancestry, have often been singled out and often have experienced violence or mistreatment in different forms.

So we wanted to look at some of those issues today, and that's why we're here. We have a number of witnesses,

and what I'd like the witnesses to do is to first just give us an opening statement. Tell us for the record your name and your position and who you're representing, and then after your statement, we will then open the panel to questions.

The first person that's going to present for us this morning is Barbara Lehman. Ms. Lehman, could you introduce yourself, tell us who you're with, and tell us a little bit about what your organization does?

MS. LEHMAN: Yes. My name is Barbara Lehman. I'm the Executive Director of the Human Rights Fair Housing Commission for the City and the County of Sacramento. We are a joint powers agency between the City and County of Sacramento. We investigate civil rights violations, primarily in housing, employment, public accommodation, and we have a hate crime unit that investigates the civil side of hate crimes. We also do public forums and a hate crime conference.

MR. HERNANDEZ: Very good. I guess I'd like to start by asking you since 9/11, have you had any violent incidents? Have you had any reports or complaints of discrimination against people who are of Arabic ancestry or who are Muslim or people who look like or have been profiled like this?

MS. LEHMAN: Yes. Actually I have some material

that I'd like to pass on to you. One of them is just a brief agenda of things that I'd like to talk about along with some statistical information that's coordinated with our local law enforcement agencies, both the sheriff department and the police department.

Our hate crime brochure, which tells you which organizations in the local area we coordinate our hate crime activity with; this is given out to the general public. And then I also have some printed materials on what the Commission does in more detail for you to take with you.

We also brought as our gift from our commissioners, who are appointed by the city council and the board of supervisors, a commemorative cup with some sugar in it for you for later on in the afternoon.

(Laughter.)

MR. HERNANDEZ: Thank you very much. We deeply appreciate that, and we know we're going to need that, so thank you.

(Laughter.)

MS. LEHMAN: You're welcome. I'd like to answer your question on the second page of the agenda that you see, you see about 48 incidents of penal codes violating civil rights through the hate crime enhancement rule, or there may be several different types of crimes with the

hate crime enhancement tied to it.

What you particularly want to notice is that off to the far right where it lists race, you can see there that, at least based on the answers that were given by the people who were victims, is that there were only two that were victims from Middle Eastern countries.

Now, that doesn't tell us the whole picture. What that tells us is that although the person who is giving the report to law enforcement knows their race, the perception of the perpetrator of that person's race may be something different. And that's part of the problem that we see.

Some of these, and they'll tell you at least in the third column the type of crime that it was, whether it was a terrorist threat, vandalism, burglary, assault. And then it tells you at least a little bit about some of the other enhancements that go with the hate crime, predominantly under battery you'll see the hate crime enhancement.

When the Commission receives a complaint of a hate crime, we always coordinate with three different agencies: The local law enforcement jurisdiction, whether it's the police department or the sheriff's department.

We also coordinate with the AG's office if we feel like this is something that should be given their strict scrutiny for possible prosecution if we have --

MR. HERNANDEZ: That's the Attorney General, right?

MS. LEHMAN: Yes, it is. Yes, it is. And we also coordinate with the U.S. Attorney in giving them the information we have so they can pursue it from a civil perspective. Of these, as you can see, there are several of them that are still outstanding. Of these 48, based on our research yesterday, only six of these have been resolved. The problem that we have is that a lot of these activities happen in the dark of the night.

People who are victims of hate crimes, this is usually their first crime that's been perpetrated against them based on their protected class. They don't know who the caller might be, who their perpetrator might be, why someone might want to target their family.

And this is why we have coordinated with these other agencies that I just mentioned on a very proactive education and outreach program, is to let individuals know not to make their own determination on whether or not a crime has occurred or what type of crime occurred, but to report it so we continue to get the information that you have in front of you.

Those are some of the negative things. Let me tell you some of the positive things.

When 9/11 occurred, we had hate crime conferences scheduled the week after that. Because of the intensity of and the heinous crime of 9/11, we had to cancel that and

reschedule it. It was very difficult to get a hold of all the law enforcement agencies up and down the State of California because there were 400 agencies that were represented to come to our hate crime conference. They get post certified credit for coming to our conference. And our hate crime conference is geared around new legislation, cases that have been resolved, and for law enforcement to talk to one another because some of our perpetrators are in overlapping jurisdiction.

When we rescheduled it, we focused the bulk of the hate crime conference on two areas: One is we brought in a specialist from naval intelligence who had worked with the USS Cole to talk about terrorist groups, to try and make a connection for local law enforcement on foreign terrorism and domestic terrorism.

One is to identify it and the other is to understand why there is such hatred towards the American people from a foreign perspective and what to look for.

The other thing that we did is we focused very heavily on anthrax. At the time you remember anthrax was a huge issue, so we brought in professionals who could speak to the issue of anthrax contamination and how to handle anthrax issues.

Being in the City of Sacramento and the capital of California, there was a heightened awareness of potential

victims who may be getting anthrax through the mail.

This year our focus on our hate crime conference in March is going to be homeland security. And one of the issues that we want to talk about most is to get to first responders around hate crime issues.

You notice in a lot of the conferences that people attend you get some very high level attendees, there are executive directors, deputies, deputy chiefs, chiefs of police, sheriffs. What we're trying to do in our hate crime conference in March is reach the first responders. Not only in law enforcement, but also in fire is because if we can't get the information to the first responder, we're losing a lot of valuable information because they don't know what to look for.

And so in that coordination of reaching the local law enforcement, we're going to give them an opportunity to talk with experts in the field so they know exactly how to take a report, what to look for, whether they're taking a report from a victim or they're just out on the street on normal patrol, because we see that this is part of the problem.

The other problem that we see is that our perpetrators are not as sophisticated as some of us when it comes to mixed races. Their perception of who is a certain race compared to who is not really doesn't have a whole lot

of impact on them. Their first impression, whether it's drug abuse, substance abuse, just out for a good time, they target somebody based on their own perception. What we have to do is on putting that aside and coming to law enforcement or victim witness groups and give their testimony so we can then sort out who these perpetrators are and try and educate everyone the best that we can.

We know in the next several months, as we all know, we're on yellow alert today, and we know if the war on Iraq happens that the escalation of hate violence against Jews, Palestinians, and other Middle Eastern groups is going to go way high. And what we have to do is get the information out, not only to our general population but to the media to be very very careful how they present their reports on incidents that occur.

I know this Commission was here in, I think it was the late '90s, we had an opportunity to come before you when Richard Campos who was our hate crime monger here in Sacramento, we gave you testimony about that person. It's unfortunate that we have to be in front of you again and talking to you about potential problems that we may see, but I can tell you from our community, the level of hate crimes is dropping.

And we're really pleased to see that. We believe that some of the things that have happened in our community

have brought our community so close together that there's much more communication between the general public and law enforcement, and that's helped us a lot. The problem is you have to keep that at a heightened level so people don't forget.

I wanted to present to the Chair of the Commission one of the things that we coordinated with the Red Cross. This is the September 11th Remember the Children that the American Red Cross put together. What this is is these are letters and pictures that children had sent in after 9/11.

This flyer that you see is a Hometown Heros Breakfast that we had last 9/11, giving awards to individuals who put out education and helped individuals who were either victims or to promote tolerance in our community. I'd like you to take note of some of the names that are in here. The diversity in here is pretty overwhelming.

I'm sorry. I ran over. I'm available to answer any questions you might have.

MR. HERNANDEZ: Thank you. I'd like to start the questioning by kind of framing the issue and getting your take on this issue. One of the concerns that a lot of us have raised here and a lot of us citizens and noncitizens have raced with us is that there is this threat, obviously to our society at this point, and it's hard to gauge, you

know, just exactly how big a threat it is.

Obviously people are concerned. And the profile of law enforcement has gone up. Law enforcement also must be very vigilant and must attend to every possibility in order to protect the citizens.

On the other hand, there's concern in a number of quarters for the civil rights of people because we've had complaints about profiling that certain groups are looked at with more scrutiny, certain types of males attract more attention. People being pulled aside in airports and searched, and the concern then is how do we attend to the security needs of the nation, and in particular maybe this community, while at the same time ensuring that Americans and those that are here that live among us from other cultures are respected, and that we're not casting too broad a net here and profiling people and searching people and becoming very intrusive with people who are innocent? How do we balance those two interests?

MS. LEHMAN: I think it's going to be a difficult question to answer for several reasons. When you look at the demographics of law enforcement agencies in the State of California with two plus 55, early retirement, veterans now leaving, the average age of a patrol officer in the State of California is 27 years old.

Now, when you think about that person and how much

education they've had, they've come out of two arenas. Either if they're in the sheriff's department, they started in the jail. And now when they come out of the jail, they go into patrol. Now, do you think there's any training in between coming out of dealing with incarcerated individuals to patrol, and now we want you to do problem-oriented policing? There's a gigantic education gap there when you're dealing with someone that is that young.

They've gone through their formal education. They've gone through the academy. They've now been in the main jail or some other correctional institution. Now they're out on patrol and you say, "Forget all of the hostile stuff. Don't be so suspect of everyone that you see, and now we want you to get out of your cars and walk the street and shake the hands of the same individuals that look similar to what you've been looking at in the jail all this time." It's a very difficult transition when you think how young these individuals are that you're expecting them to make that transition.

But having said that, peace officers standards in training. The State of California has all but stripped the funding for training for local law enforcement. The state consistently has a habit of balancing the budget on the back of local government. Folks last year lost over $12 million in training, just in training.

Now, you can't expect law enforcement to be sensitive, get the job done, know what they're looking for if they don't have the tools to do it, and training is the main tool that they need. You can put cameras in the cars. You can have them have the 911 dispatcher communication, you can have all of these things, but until you have some kind of training on cultural diversity, sensitivity, the distinction between racial profiling, and the good, the bad, and the ugly of racial profiling, because there is some types of profiling law enforcement has to have, we understand that.

But if you don't have that kind of training, you're always going to have incidents with law enforcement that we see, whether it's in Inglewood or in Los Angeles, I mean, we've had even our own incidents up here where they all involve predominantly young patrol officers or individuals who may or may not have been supervised.

MR. HERNANDEZ: I'd like to open it up to the members of the panel. Any questions?

MS. HESSE: Ms. Lehman, you were talking about when you did some training on terrorists?

MS. LEHMAN: Yes.

MS. HESSE: External to the United States and then internal to the United States, we're talking about like those militia groups. Like the first terrorist attack that

occurred with Timothy McVeigh. That's the first attack on America.

Have you done any training on -- I guess when they talk about terrorists, I'm kind of befuddled because the 9/11 attack was perpetrated by Middle Eastern people. However, they were aided and abetted by the Baader-Meinhof Gang in Germany, which are blond and blue-eyed terrorists.

So when they talking about terrorists when you're doing the training, do they understand the full spectrum of terrorists, because behind almost every terrorist attack there's a German or East German element to that. I seem to never see that. Is that something that's -- any kind of training that's provided to people when they're talking about profiling terrorists?

MS. LEHMAN: Yes. The educator that we had from naval intelligence, not only worked on the bombing of the USS Cole, but he's also an intelligence trainer for the Navy when they're here in the states and then when they go overseas. So there is a global perspective of people regardless of what their race is that are anti-American.

Now, one of the things that you need to keep in mind is here in the State of California, and there was an arrest here in Sacramento that was probably about six years ago. A lot of the money that goes to the newly-formed Third Reich in Munich comes from Sacramento.

Now, you look at David Duke and the bulk of the money for his campaign came from the State of California. So the picture that we have to draw here is that the normal terrorists, as we know it, may not look the way we perceive. We have to keep our perceptions out of the way and keep our minds open to who may or may not like us.

If you look at 9/11 it was the most egregious hate crime the United States has ever seen. Because those individuals who targeted us hated us, but we know that that's not over. If you look at some of the chat rooms that are on the internet now and some of the things that initiated the yellow alert is that some experts believe that we may be a target again on Thanksgiving Day.

And these could be individuals that are of Middle Eastern descent that are here in the United States legally or illegally, but they're not operating alone. There are a lot of United States citizens who are anti-government who are helping these individuals, either with funding, with harboring, or with information.

And until we become realistic about -- they cannot operate in a vacuum, they have to get information from someone, we're really going in the wrong direction in trying to change what happens to the United States.

MR. HERNANDEZ: Just a point of clarification, could you just very quickly -- you referred to a yellow

alert. Could you give us the different alert colors? Do you know what they are? A red alert obviously --

MS. LEHMAN: Actually you have a bunch of retired people here from the Navy, Navy, there's an Army one here somewhere. They're probably better with the color codes than I am, but I think we're getting pretty close to red.

MS. HESSE: Red alert is the high alert.

MS. LEHMAN: So I don't know how close yellow is to red. There might be an orange in between then, so --

MR. HERNANDEZ: Mr. Luevano?

MR. LUEVANO: I had a question regarding the approach you take towards cutting off or reducing the level of hate and anxiety, I suppose, are coupled. Do you do anything -- do you do any instruction on the Bill of Rights?

MS. LEHMAN: No. The bulk of the training that we do is to make our community aware of the cultural diversity that they live within and to try and allow them to understand those different cultures, even if they don't embrace them, at least to be tolerant to the point to where they're not stepping on somebody's civil rights.

I think one of the things that we need to address, and we saw this with the shooter from Maryland, is there are a lot of disenfranchised people out there that we're not reaching. It's embarrassing to think that this person

called 911 or the dispatcher number three times without getting any attention. But it might be because we are so desensitized to people who tell us stories, whether they're anecdotal or they sound infringed, is that we need to take them more seriously. When you look at our homeless population, the bulk of it is made up of people who have some kind of mental disability.

And those individuals when they have been so cut off by society can be incredibly dangerous and need to be taken much more seriously. Not everybody that's walking the street that has a mental disability is a danger to society. But there are individuals and we live right -- some of us may live right next door to somebody where you see our face on TV saying, "Gee, they were such a nice person, who knew."

It's up to our community to get to know people. Ask yourself this. The street that you live on, how many of those people's phone numbers do you have and how many of them do you know? If something happened, could you call somebody that lived five houses down from you? Do you even know who they are?

We live in such a flash society that we are 30 seconds into something and on to something else. We need to stop and look at our surroundings much more closely to understand how we can help our community combat things that

we're seeing that seem so terrifying to us.

MR. HERNANDEZ: Ms. Buitrago, please.

MS. BUITRAGO: Thank you for being here this morning. I have two questions for you. A couple months ago we were in San Francisco in preparation for the hearing. I was actually surprised I think to hear you say the number of hate crimes has actually gone down in this area. And so my question is in San Francisco, the testimony we heard was different.

MS. LEHMAN: Yes.

MS. BUITRAGO: And I'm also wondering, I know that, for example, in Marysville there's a large Punjabi population, and I'm wondering if you think that maybe one of the reasons that you're not getting as many complaints is people are even more fearful to complain, given the things that have happened since 9/11? I'm just wondering if you could explain the difference and your thoughts about whether fear has something to do with maybe the numbers that you're getting?

And also I'm hoping that you can provide us with some of the breakdown of the crimes that have been reported by ethnicity, and it's only two cases, I suppose.

MR. HERNANDEZ: She did hand out --

MS. LEHMAN: I do have that.

MR. HERNANDEZ: Yeah.

MS. LEHMAN: And let me answer your first question. I'm sure there's a fear factor. There is no question in my mind that I'm sure that there are victims of hate crimes in our community that have not reported them to the authorities that could keep track of those.

But what I'm also clear about is they're telling somebody. They're telling a family member. They're telling their church. They're telling their synagogue. They're telling their mosque. I'm sure that they're saying something to someone. Our job in Sacramento is to get to that someone and make them feel comfortable enough that there is not going to be retaliation against that victim to report those crimes.

You see in our one newspaper that we have in town is that law enforcement is very proactive when it comes to helping make tolerance and hate crimes an issue in Sacramento. Our chief of police, who I know will be here later, and our sheriff, Lou Blanas, they are very proactive in keeping in touch with groups that have been targets or potential targets in our community.

We have in this town, we have 240, and I'm sure there's more than that now, community-based organizations that represent minority groups and others, and they talk to one another. And that's what really makes the community work is to have that.

In the Bay Area you have an infusion of a huge diverse population in a very dense area, and law enforcement is supposed to be everywhere, and it's difficult. I know the Bay Area Hate Crime Task Force does a great job in keeping in touch with them. And I know there are some very strong Islamic groups that keep in touch with their population. But when you have that many people in a small space, it's difficult.

MR. HERNANDEZ: I think maybe one more question? Any other member of the panel who has a question? Okay. Hearing no one else wanting to ask a question, I'd like to thank Ms. Lehman for appearing before us. Your testimony has been very valuable to us, and I think you've provided some very very important data for the committee to consider when we issue our final report. And I thank you very much for your kindness and thoughtfulness.

MS. LEHMAN: You're very welcome. Thank you for having me.

MR. HERNANDEZ: And for the sugar that you're going to give us.

MS. LEHMAN: Ms. Hesse, it was very good seeing you again.

MR. HERNANDEZ: Next on the agenda is I'd like to call forward Mr. Helal Omeira. I hope I pronounced that right and maybe correct me.

MR. OMEIRA: Yes, you did.

MR. HERNANDEZ: Would you state your name for the record and the organization that you're representing?

MR. OMEIRA: Absolutely. My name is Halal Omeira. I'm the executive director for the Northern California Chapter of the Council on American Islamic Relations.

MR. HERNANDEZ: Thank you for appearing before us. I'd like you to maybe take about three or four minutes and give us a brief statement of the organization, how it's been involved in this issue, and any views or recommendations you might have for the committee on how we might assist persons that are being unfairly treated or singled out to resist this kind of treatment so that we can begin to return back to a more normal society.

MR. OMEIRA: Thank you very much for having me here today. The Council on American Islamic Relations is the nation's largest Muslim civil rights advocacy group. We're based in Washington D.C. with regional offices throughout the country. And in fact in the State of California alone, we have an office in Orange County, one in Santa Clara, which is bordering San Jose. We're about two weeks away from opening up an office here in Sacramento, and we also have volunteer chapters in San Diego and also in San Luis Obispo.

I'm trying to quantify the American Muslim

experience in a post-September 11th atmosphere and being brief at the same time will definitely be a challenge.

I see it as twofold really. We have civil rights issues on one hand, and then we have what the community is dealing with from a hate-crimes perspective.

I know in my office alone, post-September 11th has literally been a trauma center with phone calls from individuals, many of them not wanting to report to local or state or even federal law enforcement agencies because of fear, and that is actually a really big factor.

In this presentation I will also go ahead and throw in anecdotal stories just to give you a magnitude of what kind of things are going on. The fear factor. Very soon after September 11th we had a young Muslim woman, mother of three, who was at the San Jose flee market shopping. And she covers with the traditional hajjab or head scarf. And she was assaulted by five young men, physically beaten closed-fisted, and she did not wish to report it to the police.

She came home. She started putting on jeans and T-shirts, took off her Islamic attire, and changed her life. She quit going to the mosque, cut off herself from community, and that's just one of many instances.

Around the country, now I've already handed out reports and I hope that some of them are passed out and I

hope we had enough of them. According to the FBI, hate crimes has increased 1700 percent, and in Santa Clara County it has increased 1600 percent. And a lot of those issues I have been dealing with with the Bay Area Association for Hate Crimes, which is a law enforcement agency united with community groups as well as the Santa Clara County Network for Hate-Free Community, sitting on the community advisory board there as well.

Without getting too bogged down into hate crimes, moving on, we've also had issues regarding vandalism to mosques, and on top of that not having the federal government giving us due attention to that. We had a mosque vandalized in Milpitas, and it was also a mosque construction site, excuse me.

And according to my information, any assault or vandalism or any attack on a religious institution is a federal crime, or at least should be investigated by federal authorities until deemed otherwise.

Unfortunately, after numerous calls into the FBI, we did not even get a phone call back. We do have some issues with law enforcement agencies. Our community has held numerous open houses on the positive end to educate people about Islam and the Muslim community.

One of the first open houses we had in Santa Clara, we put out quarter-page ads in the San Jose Mercury News,

and in one Sunday we hosted three shifts of over 2200 non-Muslim community members on an educational form about Islam, who and what we are.

And one of the best comments I heard was from a gentleman walking away with his wife, and he said, you know, I've watched so much television about Islam and Muslims, however, I can't believe any of it now because they don't look so bad to me.

So I think that we've had on many different fronts issues dealing with the non-Muslim community, and that's where CARE comes in. I would easily argue that 95 to 99 percent of issues that I've ever dealt with have been based on ignorance, not ignorance in a majority sense, but people just don't know.

And if you get all your information from television, often times that it's not as sensitive as we'd like it to be or as informative without putting some type of twist or balance or terrorism or adjectives added to Islams or Muslims.

Going on to civil rights concerns, we've actually had issues of lack of due process. Whether or not an individual is guilty is really besides the point for us, but what we've asked for always is that our community is afforded every right as every other American bypassing traditional oversight, I think some of the judges on the

panel, because many judges from what I've read in the newspaper have been in vigorous complaint about not having due process or at least some judicial oversight in what's going on.

Unprecedented secrecy against the community. Now, I think it must be said that the community, the Muslim community has no problem with being investigated. Over 10,000 Muslim community members across the country have been investigated thus far. But what we're looking for is closure. We have opened up our doors, opened up our mosques, even if people have been detained, no one has complained.

But there comes a time what we're looking for, at least some vindication, that our community is now clear.

Detainee issues. I know of 25 detainees in Santa Clara County alone. And I know that there are also some in San Jose County jail. I also know that there's some in Oakland. And I've also heard reports of here in Sacramento as well.

These individuals at least should be afforded a lawyer, and often times -- for a case point we have a gentleman in San Jose who was kept in level 5, which was the highest level of security. He was initially detained in New York, transferred to Florida, transferred to Texas, transferred to Southern California, and then transferred to

San Jose. Now, the INS evidently leases beds from jails. Well, with the high turnover rate in jails, it's very difficult to keep track of individuals in there, and it's easy to transfer somebody without all the paperwork.

Interviewees. We've actually had Muslim community members fired because of FBI agents going to their place of work. Now, in San Jose in the Silicon Valley, I mean, the economy as bad as it is, individuals are getting harassed at work by FBI agents. Even though they have opened their homes to FBI agents, for some odd reason they choose to go to their place of work, which by default produces a negative backlash.

Public statements. Initially we received many positive statements from the President on down in support of the Muslim community and in support of Islam itself. However, and in this report that I gave you on page 27, I mean, elected officials from Congress persons, even to the Attorney General have said negative things about Islam and Muslims, and we are hoping that these people would be the nonbiased, nonpartial judges as it were working for the security of our community and our country.

Islamic charities. One of the big pillars of our faith is to give. And unfortunately many of our charities have been closed. Again, our issue is not whether or not they're guilty or not as long as due process is given and

afforded to them. If they are found guilty, then by all means prosecute them and close them down.

But like, for example, Islamic Charity Global Relief stated that its funds were frozen pending an investigation. The question really lies in due process. If they were innocent, shouldn't they be searched first and then found that there is something to investigate and then possibly close it down.

So on many different fronts there is a tremendous amount of frustration to what the community is going through at this particular point in time. And on top of that, we're looking for issues of fairness. No one is asking for more, no one is asking for less. In regard to domestic terrorism, which was brought up earlier, we're having a very difficult time digesting the fact that our community is under investigation for suspicion; however, there are many terrorist organizations operating within the United States that have not been closed down, even in a post-September 11th atmosphere.

Case in point, the Jewish Defense League in Southern California, their bomb plot to blow up a U.S. congressman, of all people, not to mention Islam centers, and yet they have not been closed down. And according to the FBI, in the '70s, '80s, and early '90s they were one of the most active terrorist organizations in the United

States, not to mention the white supremacist groups, there were bomb plots in Montana broken by the New York Times, nine white militia members were plotting to kill off all their local elected officials, and as crazy as it sounds, if the local elected officials were to be killed off, the U.S. would go into a state of trauma, NATO would come in, and the UN would come in to assist, and then all red-blooded Americans would stand up and defend America from the invaders.

Interesting as it sounds, it was a domestic plot that was spoiled. I know I've gone quite a bit over time, and I'd like to take your questions.

MR. HERNANDEZ: I'd like to open it to the panel. Questions? Yes, Mr. Duran.

MR. DURAN: In regards to the due process, as you indicated, and this new home security legislation, there's been discussion about the abridgement of the civil rights in regards to, as you state, they freeze funds because we're in a yellow alert or a red alert, and therefore it gives a reason, to quote "Go and do these things."

I guess that's that balancing problem that we're confronting. And you're correct. How do we in effect educate people and protect people's civil rights?

MR. OMEIRA: I think that really the key word there is education. And I think from dealing with many law

enforcement agencies, I've had the pleasure and honor of working very closely with the special agent in charge, Gebhardt, who has now been promoted to the number two man in the FBI in Washington D.C. He used to be the special agent in charge for the greater Bay Area.

And we invited many times the FBI to come to my office. We also hold a Department of Justice town hall forum where we had the FBI, U.S. attorney's office, and the INS office, and we worked with the Department of Justice Community Relation Liaison, Booker Neil, out of San Francisco to help facilitate an educational forum.

And in that we invited members from the Latino community, Sikh community, African-American community, ACLU, and NAACP, National Lawyers Guild, and many other groups. And we had over 800 attendees just to know what are their rights and how they can better serve, not only law enforcement, but also their fellow community members.

MR. HERNANDEZ: The other issue would be you have the two extremes as was indicated earlier, you have the 27-year-old sheriffs coming out of lock-up situations, I don't know why they train them in the lock-up situation and go out and deal with the public. But then you have the FBI who are supposedly lawyers and CPAs -- we have problems with CPAs, but again, you have this educated group, and yet insensitive, as you state, going to people's work,

harassing them, ultimately they lose their jobs and you have these problems.

How do we sensitize the very agencies that are supposed to be educated and conducting their work properly as to protect people's rights?

MR. OMEIRA: That's a very good question. I'm not sure I have a clear answer on that. One of the things that in my office, and many of the people in our organization what we've tried to do. Actually, quite frankly, it's been a very one-way street thus far. We have held FBI job forums, you know, job fairs, INS job fairs trying to get the community more involved, trying to actually do the FBI's job for them.

And unfortunately what we have not seen is any reciprocation from the FBI in community relations work. A lot of them say, "Yeah, we want to help you," but when push comes to shove, they're no where to be found.

Give you a case in point. Wednesday I was in San Ramon. There was an issue with a local mosque who wanted to expand. They had 1200 square feet. They wanted to expand. They actually owned the building that they were in and they wanted to expand to over 4,000 square feet.

According to city ordinances, they could only do that through public hearing, and everybody within 300 feet had to be notified. Well, there was a company across the

way who said that they would not agree to the expansion unless every member of the Muslim community was investigated by the FBI. And then, only then, would he sign off on it.

We couldn't find the FBI. We notified them saying that, you know, "Okay, listen. We know that," because I personally have referred hundreds of Muslim community members, Arabs, and even non-Muslims to lawyers to do FBI interviews. And the one time that we're asking for FBI support on this, we know that many other communities have already been questioned.

But to deal with this, and quite frankly, we're like grabbing for straws sometimes and trying to get some -- again, we're looking for the vindication of our community.

MR. HERNANDEZ: Yes, Mr. Erler.

MR. ERLER: I'm just wondering, how was the expansion of the mosque and FBI issue, obviously the complaint is invalid and the city can't act upon the basis of that complaint, so why is the FBI to be criticized in this issue?

MR. OMEIRA: Well, --

MR. ERLER: Because with the Religious Land Use Act, which, of course, is a perfect law for you to defeat any kind of claims based upon the --

MR. OMEIRA: And actually it was used.

MR. ERLER: Okay, I see.

MR. OMEIRA: So, no, the question that I would have for the FBI, and actually we posed it to them, is when our community needs help, as silly as this sounds, but people just don't know their rights.

MR. ERLER: That's correct.

MR. OMEIRA: And so what we were looking for was at least some support from the FBI saying, you know, we have been working with the Muslims, we have been investigating them, and they are okay. Not necessarily completely okay. We understand that, but at least to the point where we know that they're in the mosque. We know they're listening in. And that's fine. No one has ever complained about that. But at the time where we need, you know, even to deal with simple issues like that, we ended up having to use overkill.

MR. ERLER: I see.

MR. OMEIRA: We had over 90 religious and community members there representing mosques, synagogues, churches, community youth groups all in support of the Muslim community all because of one individual. So to balance the scale, it takes a little bit more on one side now than it used to.

MR. ERLER: I see. Okay.

MR. HERNANDEZ: Ms. Buitrago.

MS. BUITRAGO: As I hear you talking, it seems to me that we've talked about the 27-year-old police officers, and I hear you talking more about the FBI, and it seems to me that maybe the issue really is one policy coming down from the federal level. And there is a campaign coming from the communities, including the ACLU, to work at the local level to try to put pressure on the federal government to stop, I think, what sounds like discriminatory treatment of Arabs. And I'm wondering what you think or what you might suggest in terms of what this Commission can do or other strategies or ideas for dealing with the issue of getting to the policy level and making sure that changes occur there. Because if they don't occur there, they're never going to trickle down to the people who are actually doing the work, to people who need to be sensitized. If the policy is not one that's going to take that into account, it's difficult to hold individuals accountable for that.

MR. OMEIRA: I would definitely agree with you. By in large our issue is not with the individual agents or the individual police officers, it's always been a policy issue, because they are the working arm of policy and we really understand that.

If the Commission can go back and set something up

for education or have a clear understanding of what is expected from the community, our doors are open. But the question is no one is coming to ask us for anything. They want to do it by themselves, which is fine. But there will come a time when we would hope that our community would not necessarily be under such a very harsh spotlight as it were.

How to quantify that into action from the board, I would hope for education, post-training I think is extremely important, and Bay Area investigators for hate crimes, which I'm a part of, post-training was cut last year and hate crimes training was cut in particular.

And I found that very ironic in a post-September 11th atmosphere, and I didn't understand that at all, seeing that we had such a tremendous increase of hate crimes in the State of California in particular.

Education. I mean, that's what I think we really have to focus on, on racial profiling issues and educating officers on how to do it, because I think that policy will have to come from a larger work, definitely a grass roots efforts, because I've definitely been working with the ACLU on a lot of different issues as well.

But if we can get some mandates for educational forums, for law enforcement agencies, and also have a wide variety of educational forums on terrorism, for example.

We have many doctors in universities, who are -- some who have a great deal of experience and knowledge about terrorism, and also I'm sure that the military has, but I think that having a civil understanding as researchers as opposed to military understanding as researchers, and perhaps there could be some mix in balance in how things are presented about the Muslim community.

Because if we just get our information off of Fox News, we're definitely going to have a different understanding as if we read something out of a book.

MR. HERNANDEZ: Just let me ask a quick question along that line. Have you done any work, I know you talked about the work that you've done with law enforcement to try to educate them, and I sense that one of the things that you're complaining about is that you feel that in some cases you've been unfairly portrayed.

Have you worked with the media to try to educate the media? What efforts have you made in that regard to try to get reporters and news stations to try to better understand the Muslim community?

MR. OMEIRA: I'll give you -- on two things. On a national level I could probably sit up here for literally an hour just naming off all the news agencies that we've done stories with. On a local level, NBC affiliate for Japan came over to speak with me. NBC, ABC, CBS, Fox, I've

done all interviews for them. San Francisco Chronicle, LA Times, even did a New York Times, Washington Post. Working with stories, again, it always goes back to editors and how they do things.

We've also tried to attend editorial boards, working with the San Jose Mercury News, for example, editorial pages, getting people involved in letters to the editor campaigns.

We have been very very active with the media: Inviting them to open houses, giving them a different perspective that they normally wouldn't have. They've always been looking for the kicker at the end of the news hour, something really positive that they can report on. And we've worked very diligently to invite them to just about every major event that we've had.

Islamic Chamber of Commerce and Industries has events. Muslims are not all engineers. We have a lot of business entrepreneurs. The Sears tower was designed and built by a Pakistani Muslim -- or excuse me, an Indian Muslim. Muslims have been in the very fabric. Doug Flute I didn't know was an Arab American. He plays good football.

So, I mean, we have been working very diligently on many different fronts to educate the media, inviting them to open houses, even sitting down for a cup of coffee often

times has really helped. We have the month of Ramadan, inviting people to our mosques.

So I guess on a local level we've been very fortunate dealing with the media, but a lot of time it's still the national media that trumps us on a lot of the issues and the way that they hold things. Like my favorite channel is Fox News. I mean, it's a daily Islam bash session there. But on a local affiliate, I work very well with the Fox affiliate in Oakland and in the South Bay, because I know the reporters there.

And by those personal relationships they are not quite as eager to put me in a negative light because they won't get any more stories.

MR. HERNANDEZ: One last question from Ms. Hesse, and this will be the last question.

MS. HESSE: Mr. Omeira, you know, the information you gave us is very helpful. I was wondering how is this data gathered? You know, you were telling us in California where you have centers and you have volunteer centers. Is this the united -- I was really focused on the incidents in airports. But is this data, does it come to your organization where you don't have offices, does it come through the mosque up through to your organization? How do people report these incidents? I'm trying to figure out if this is reflective of what's going on or if there's

possibly more incidents out there? For example, people that may be Muslims that aren't attending the mosque? How would people report this information, I guess, and where does the information -- how is the data gathered?

MR. OMEIRA: That actually is put together by our Washington DC office. We actually have a researcher, full-time staff working on issues like this.

A vast majority of those cases that you see in there came from reporting directly to the Washington DC office.

However, many reports that we have here, for example, in Northern California were still open cases and we are still doing information gathering on many of those before we could hand those over because of duplicate reportings that we came to find out. So for legitimacy sake, we are very judicious in the way that we reported our facts and statistics.

Many of those come from mosques. If we have people who know of CARE, they report it. We also have a 1-800 line that we -- we actually have a national mosque facts list, and e-mail lists -- in one e-mail we can probably reach over a half a million people within the continental United States alone.

But those also include media professionals as well, more of education for media so they know our issues as

well. So it's essentially whenever we can get the information. Also working with other organizations has been very helpful.

Working. I also gave three reports, and I believe they have them at the front. I didn't have time to get more copies of them. The ACLU in conjunction with CARE and a few other organizations issued a backlash report where there are case studies of 18 individuals, a few Muslims, but primarily non-Muslims, Sikh, Latinos who have been experiencing backlash and the stories that go along with them.

Also working with the National Lawyers Guild in helping reporting hate crimes and what to do after the fact. It's not just the fact of reporting it, which is very important, but what to do with it after the fact.

So information comes on many different levels. I personally avoid secondhand stories unless I can speak with the first person, but I can tell you I have actual people that I know that have experienced hate crimes that have refused to report them. Just point blank. Don't want to deal with it.

And we actually even have hate crimes back from the first Iraq war that were not reported. And I spoke with a lady, for example, she was driving down the road and she was parked at a stop light, and the guy in front of her was

going like this (indicating), acting like a gun to her head and was staring at her through the rear view mirror.

She had her 11-year-old son with her, and her husband told her to report it. She was like, "Well, I really didn't want to report to it." And I talked to her about it, "Why wouldn't you want to report something like this?" She goes, "Well, because during the first Iraq war I was chased six blocks by a man cursing and berating me because I wore the head scarf, and I didn't think it was that big of a deal."

So I think even on the other end there's a level of desensitization of what it means to have something like that happen to you.

MR. HERNANDEZ: Thank you very much for appearing before the committee. We appreciate your insights on the problems and the issues that your community is facing, and we will be concluding your remarks in our report in the future. Thank you very much.

MR. OMEIRA: Thank you very much for having me.

MR. HERNANDEZ: Next scheduled to appear before the committee, and I'd like to call her forward is Ms. Suzanne Ambrose, the Deputy Attorney General for the Division -- is it Public Rights?

MS. AMBROSE: Yes.

MR. HERNANDEZ: Could you introduce yourself for

the record and state who you represent?

MS. AMBROSE: Yes. Thank you for inviting the attorney general's office of California to come speak to you. My name is Suzanne Ambrose, and I am a Deputy Attorney General with the civil rights enforcement section within the Division of Public Rights at the California Attorney Generals office.

And Mr. Lockier has been very concerned with not only, you know, the aftermath or the incidents and the aftermath of 9/11, but, you know, prior to that the incidents in California involving violations of civil rights, hate violence in particular, and violations of a person's California constitutional rights.

One of the first things that he did when he became the Attorney General was create the civil rights enforcement section, which is the section I'm a member of.

At the time of his arrival there was a civil rights enforcement component to the office that was actually a subunit of the charitable trust section. I'm not sure what the connection there was. But it was staffed with one attorney in L.A. and half of an attorney in Oakland. To date, we are currently staffed with nine full-time attorneys in L.A., Sacramento, and Oakland.

And the focus of the section is to identify and prosecute violations of the Fair Employment and Housing

Act, which prohibits discrimination in employment and housing in California. The Unrue Civil Rights Act, which prohibits public accommodations from discriminating in providing services and facilities to the public, and the Ralph Act, which provides civil remedies for hate violence, acts of hate violence that are not necessarily hate crimes, but can be. But they can also fall under a lower standard than what constitutes a hate crime.

Another main focus of the section is to identify and investigate and prosecute violations of person's constitutional rights, right to privacy, freedom of speech, equal protection, and due process.

Some of the other programs that he has implemented really came from the Commission on Hate Violence that he established when he first became Attorney General. And he appointed a 46-member Civil Rights Commission with Fred Coramatzu as the honorary chair. The purpose of the Commission was to make recommendations to improve the reporting of hate crimes and hate incidents occurring in California's local communities and schools and improving reporting by law enforcement agencies of hate crimes.

He recognized that hate crime under reporting was and still is viewed as a major barrier to any significant progress in hate crime prevention and has also recognized that outreach education and training are all key components

to, you know, minimizing the amount of hate violence in the state.

The Commission helped 22 forums throughout the state and joined in the Attorney Generals Statewide Conference on hate crimes held in CAL POLY, Pomona.

In March of 2001, the Commission issued a report listing 16 recommendations aimed at ensuring the effectiveness of hate crime laws in California. Mr. Lockier took those recommendations and implemented a number of programs.

MR. HERNANDEZ: Could you make that report available to us? Is that available?

MS. AMBROSE: Yes. In fact -- and I didn't bring a copy of that with me, but we can certainly provide that. It's also on our website, I believe.

MR. HERNANDEZ: Thank you very much. We really appreciate that.

MS. AMBROSE: Sure. For instance, one of the findings of the Commission identified the language barriers as an impediment to hate crime reporting, and so the Attorney General developed this preventing hate crime brochure and translated it into nine different languages. After 9/11, the brochure was translated into Punjabi, Hindi, and Arabic as well.

One out of every four Californians is foreign born,

and in recognition in this diverse client base, the Attorney General established the Office of Immigrant Assistance within the department to provide outreach, education, and training to immigrant communities concerning their rights and the laws concerning primarily consumer protection and civil rights.

The Attorney General has sponsored or supported several pieces of legislation to enhance civil rights protections, some of which were identified by the Commission on Hate Crimes. Specifically, he sponsored and/or supported legislation to enhance both criminal and civil penalties for hate violence laws or violations.

He also supported legislation that gave funding for interagencies, safe school programs to address hate crimes, and supported legislation that extends the statute of limitations for filing hate violence civil complaints.

In October of '99 the Attorney General implemented a hate crime rapid response protocol which establishes an internal hate crime rapid response team composed of personnel at the highest levels of the executive staff.

The criminal law division, the law enforcement division we have, you know, different divisions. We have a criminal division component, law enforcement component, and then we have sort of the law office section of the office.

So in addition to those, the law enforcement and

executive branches, he added the Civil Rights Enforcement Section and the Office of Victims Services to be part of this protocol team.

And the protocol that he established describes in detail the specific action to be taken by each member of the team in response to a triggering event. While it's the goal of the office to see that all hate crimes are investigated and solved by law enforcement, deployment of the rapid response team is focused on those hate crimes that result in or involve serious bodily injury or death or appear calculated to cause such.

Acts of arson or attempted arson or use of explosives, the rapid response team is mandated to give the triggering event the highest priority and to utilize all available resources within the Department of Justice until the situation has stabilized.

This includes coordination with local and federal law enforcement agencies, community-based groups, and victims assistant services.

Along those same lines, the Attorney General has established a community relations service within the office that's intended to compliment the USDOJ's Community Relations Services established back in the 1960s. And just last fiscal year obtained an appropriations to staff the function. The community -- or the purpose of the community

relation service is similar to its federal counterpart, primarily going into the community and mediating disputes.

The last but certainly not the least significant program I wanted to highlight is the office of Crime and Violence Prevention within the department. This section has collaborated with the U.S. Department of Justice to conduct the law enforcement, educators, and community-based groups to identify, respond to, and report hate violence.

As a result of this effort several school districts in northern and central California have entered into MOUs with local law enforcement to set up protocols for reporting and responding to hate crimes in schools, which has become a growing concern to law enforcement and school officials.

Though not a new program to the department, Mr. Lockier has continued to issue an annual hate crime report in an effort to increase public awareness about hate crimes and the frequency of these types of crimes in California, in addition to allowing law enforcement community-based groups to identify particular problem areas and trends.

And I've provided copies of the 2001 report, which was just issued for all -- I just wanted to -- it's a very detailed report. I'm not going to bore you with all the statistics. But I just wanted to go over some of the

highlights from the report. And it pertains to calendar year 2001.

Hate crime events increased 15.5 percent over events reported for the previous year. The raw numbers are 2,261 hate crime events were reported in 2001. The number of victims of reported hate crimes increased 19.6 percent over the number of victims reported for the previous year. The number of known suspects of reported hate crimes increased 17.7 percent from the previous year.

Anti-Arab and Middle Eastern hate crime events increased 345.8 percent over the previous year.

There were 428 hate crime events reported, anti-Arab and Middle Eastern hate crime events reported in 2001 versus 96 the previous year. 283 of that 428 were reported post 9/11, so that was the last, you know, less than four months of the year.

Anti-Islamic hate crimes events increased by 70 over the previous year, so 73 last year versus 3 the previous year.

Anti-Jewish hate crime events decreased 25.4 percent. That's a decrease of 176 versus 236 in the year 2000.

314 criminal complaints were filed in 2001 as hate crimes by district attorneys. There were 207 convictions and 136 were for hate crimes. 71 were for other nonbiased

motivated crimes.

And the last information I wanted to give you was the trend data. Anti-Asian and Pacific Islander hate crime offenses decreased 37.2 percent in 2001 from -- in contrast to the mean for the bias motivation categories for the years '95 to 2000.

And then anti-white hate crime defenses increased 29.7 percent. And aggravated assault defenses decreased 19.4 percent. So those are the highlights from the hate crime report. I just wanted to give you some more specific statistics on the post 9/11 events.

In the three weeks following the attacks, 182 anti-Arab hate incidents were reported in the five major California cities alone. So that would be Sacramento, San Francisco, I think San Jose, San Diego, and Los Angeles. Compare that to an average of 112 total hate crimes reported throughout California on all bases for the same period of time the previous year.

Having the data available allowed the Attorney General in the weeks following 9/11 to bring this issue to the forefront by informing the public through press releases, visiting the communities, and by joining in the national strategy of encouraging tolerance and denouncing hate against persons who are or appear to be of Middle Eastern descent.

The statistics allowed us to identify the crisis and take prompt action to diffuse the situation. The statistics allowed us to identify the immediate surge in hate violence against Middle Eastern-appearing persons, but what it also showed us in the few months after that was that it tapered off significantly, almost immediately.

In October 2001, the five major cities in California reported 60 anti-Arab hate crimes. In November the number dropped to 17, and in December the number dropped to 7.

By January the number dropped to the pre-9/11 level of 4.

MR. HERNANDEZ: Let me begin the questioning by posing the same question I posed to Ms. Lehman.

You function -- the Attorney General is considered the top law enforcement official in the State of California?

MS. AMBROSE: Correct.

MR. HERNANDEZ: And as such, he has to balance the law enforcement concerns and the security concerns of the citizens of California with also his duty as the top law enforcement official to also enforce civil rights.

In this post 9/11 era, how do you strike that balance? How do you protect the general public, which is your job while at the same time ensuring that citizens are

not unfairly singled out or treated unfairly because they're of a certain group, a certain ethnicity, a certain race? How do you do that? What are the issues there and what has your office done to try to strike that balance between good security and citizens of freedom, freedoms to be?

MS. AMBROSE: Right. I think you're right. I mean, it's a very difficult balance to strike, particularly for an agency like ours. And I think that, you know, the programs that Mr. Lockier implemented prior to 9/11 have prepared us well for dealing with those issues. And he is very sensitive to those issues and very concerned.

He has an oversight over, you know, the local law enforcement as the state's chief law enforcement agent, and there are a number of, you know, internal programs that focus on education and training and teams of different sections and divisions within the office that collaborate on these issues.

And he has made it a priority for those issues to come to the appropriate people to identify them. You know, one of the civil rights enforcement sections is actively involved in, you know, violations of individual's constitutional rights.

MR. HERNANDEZ: Members of the panel? Yes, Judge Alston?

MR. ALSTON: Has your office attempted to publish any sort of guidelines or standards as to what constitutes a hate crime?

MS. AMBROSE: Yeah. There actually are a number of sources for that, and there's an ongoing debate regarding the distinction between hate violence or hate events and an actual hate crime. The hate crime report actually has the definition from the penal code of what a hate crime in California is.

MR. ALSTON: That's very subjective, though?

MS. AMBROSE: Correct.

MR. ALSTON: We have a situation in Los Angeles County now where there's an active movement to recall the district attorney because he would not prosecute the murderer of a young gay man in West Hollywood as a hate crime. When the suspects, according to the newspapers, said they went to West Hollywood to beat up and rob a queer.

MS. AMBROSE: Right. I'm not aware of any specific regulations, you know, interpreting that particular penal code section. But there are a number of sources within the Department of Justice, and that, you know, work on this issue in various contexts. There have been a number of pieces of legislation that have attempted to further define that section. And our focus is not only, you know, hate

crimes. It's also hate events.

And there are a number of very active, well-organized hate crime community groups that the Greater Sacramento Area has a very active inclusive hate crime task force. And those are present in all of the major metropolitan areas in Sacramento. Our office is actively involved in each one of those. There are ongoing dialogues on this very issue, and those groups have really been instrumental in going out and training law enforcement folks, helping them to identify hate crimes, putting together or pulling resources, victims assistance resources, religious-based resources. And we are in fact -- almost every person in the civil rights enforcement section is assigned to one of those hate crime task forces.

MR. HERNANDEZ: Another question? Yes, Mr. Luevano?

MR. LUEVANO: You've used the terms hate crime and hate events. Could you draw a distinction between the two terms for the benefit of the rest of us?

MS. AMBROSE: Well, a hate crime, if you just turn to the definition in the penal code, which is --

MR. HERNANDEZ: What page are you reading from in the report? You're referring to your Hate Crime in California report, 2001?

MS. AMBROSE: Yes.

MR. HERNANDEZ: And what page is that?

MS. AMBROSE: Roman numeral V, Overview. It's Penal Code Section 13023, the second paragraph there defines a hate crime as any criminal act or attempted criminal act motivated by hatred based on race, ethnicity, national origin, religion, gender, sexual orientation, or disability.

You actually have to have a criminal act or an attempted criminal act in order to criminally prosecute someone for a hate crime in California, whereas there are, you know, civil statutes that don't require criminal activity to be involved. It may be criminal, but it can be something less than that. And in fact in the Civil Code Section 51.7, which is otherwise known as the Ralph Act, prohibits violence or threats of violence against a person or their property because of their protected status.

MR. HERNANDEZ: And what kind of sanctions go with the civil act?

MS. AMBROSE: There are a number of sanctions. It depends on who is bringing the lawsuit. You can individually, you know, litigate it yourself through private litigation. The Department of Fair Employment and Housing, which is a state agency, also has enforcement authority. And it depends on whether or not that's administratively, you know, litigated or they litigated in

court. The AG, the district attorney, and the city attorney all have enforcement authority. And the remedies are all different. They range from, just to give you an idea, the Attorney General can get a $25,000 civil penalty on behalf of the victim. The Department of Fair Employment and Housing, if they, you know, litigate it administratively, the Fair Employment and Housing Commission can award up to $150,000.

And then there's injunctive relief, and of course if someone litigates it privately, they can get a whole range of, you know, there aren't really limits on what the monetary damages they can get. They can get out-of-pocket losses and things of that nature, medical expenses.

MR. HERNANDEZ: Ms. Buitrago, and then Mr. Duran.

MS. BUITRAGO: Just a clarifying question. The numbers that you gave us and the numbers that are listed here are just the crime numbers, not the hate crime events. Is there any way that you can quantify the events versus crimes? Are there numbers that the AG keeps?

MS. AMBROSE: We don't. We don't have -- the hate crime report is based on data provided to us by local law enforcement: So sheriff's office, police offices. There's actually a review process where, you know, it has to be sort of validated data in order for it to get put into the database. We don't have a similar type of program for hate

events or hate incidents that are not crimes.

MR. HERNANDEZ: Mr. Duran.

MR. DURAN: One of the intriguing questions that comes up is that the Central Valley and Sacramento seem to represent the resources toward these hate crime activities. And the question that, and you raised the issue that one in four are foreign born. I guess the other intriguing question is how many of the officers, whether FBI, sheriff, et cetera, make up this minority community or are they a part-type situation?

And my other question is we've seen minorities who have become officers and who are more racist than the racist group that's already in power? So how do we balance this unfortunate situation?

MS. AMBROSE: Well, I mean in response to your first question, I don't know that we have any data on the number of minority officers, and, you know, in particular areas. But obviously the more integrated areas are going to have more integrated police forces.

Your second question, you know, what I can tell you is what our section does in response to police misconduct cases. We actually have been very active in investigating and potentially litigating or prosecuting police misconduct cases.

We were very involved, our L.A. branch of the civil

rights enforcement section just concluded a two-year investigation resulting in a consent decree with the Riverside Police Department after the Taisha Miller shooting. And there had been a number of just very broad reforms that have been and will be implemented as a result of that.

And so that is definitely a focus of this Attorney General, that he sees it as one of his responsibilities as the chief law enforcement officer to make sure that those matters are also dealt with.

MR. HERNANDEZ: I'm glad you brought up the consent decree because we will be looking at that in a future forum. We're going to go to Riverside to look at the state of the consent decree. We're also going to be holding a forum where we'll look at the state of the consent decree in Los Angeles as well.

Mr. Luevano, and then Dr. Franklin.

MR. LUEVANO: I notice at the beginning of the report that you've been required to file this report since 1986, I believe?

MS. AMBROSE: Correct.

MR. LUEVANO: And each year you filed as essentially as a law office with a criminal division and a civil division your recommendations, at least in this one, are all oriented towards the legal recordation, the data

collection activities.

Do you ever make recommendations for broader programs that lie outside of the office that might affect the outcomes that you're reflecting in your data?

MS. AMBROSE: You mean through this report and response to the --

MR. LUEVANO: Either through the -- well, the question was actually two parted. Through the report or through legislation because you also have an obligation to file -- to submit the proposed legislation.

Either way, have you gone beyond the content of this report and essentially anticipated problems? For example, if the -- it may not be a good example. But if the economy stays at the level that it's at now, we're going to have a huge number of unemployed as they are now. At some point that's going to break loose somewhere, some large city is going to go up. It's done it before. It will do it again. Are there programs or do you deal with that possibility through this?

MS. AMBROSE: I don't know. The data is very specific, and it's also set forth in tables and graphs so that trends can be identified. I would assume that -- if it hasn't been done in the past, it's certainly a possibility. I think it depends on, you know, who is -- basically who's in charge and what their focus is. And I

do know that, you know, Attorney General Lockier has supported a number of pieces of legislation to introduce new programs to combat, you know, discrimination, hate violence.

I don't know whether those were specifically in response to information we received through either the hate crime reporting database or whether, you know, it was -- I mean, obviously from the commission's recommendations and maybe a combination of all of those things.

MR. HERNANDEZ: Mr. Franklin?

MR. FRANKLIN: Yes. Do you have the ability to provide us with the diversity statistics on the Attorney General's office as well as your division in particular?

MS. AMBROSE: I don't have them with me. But you're talking about personnel?

MR. FRANKLIN: Yes.

MS. AMBROSE: I would just need to get your information, and, you know, get back to you on that.

MR. FRANKLIN: And I have a follow-up question, Fernando. Is the training that's provided to the Attorney General's office in your division, does that include cultural sensitivity training, and if so, what shape has that taken?

MS. AMBROSE: I'm sorry. Can you repeat the beginning of your question?

MR. FRANKLIN: Yes. Is the training that's provided to your office, does that include the Attorney General's office in your division, cultural sensitivity training in addition to all the legal type of professional developments that you would be engaged in?

MS. AMBROSE: Are you specifically interested in training to our law enforcement divisions, to the peace officer folks?

MR. FRANKLIN: Can you give me kind of an example of across those?

MS. AMBROSE: I mean, we have, you know, we have a law enforcement branch that receives, you know, post-training and other types of training, you know, that's broad and expansive.

MR. FRANKLIN: How about your division in particular?

MS. AMBROSE: So the public rights division which contains civil rights enforcement, environment, natural resources, land, Indian and gaming tobacco. There isn't a -- I mean, there's the standard personnel practices types of training. I mean, we have anti-discrimination-in-the-work-force training, sexual harassment training. I don't know of any training beyond what is typically provided in a work environment.

Certainly our section, you know, deals with those

issues, and so they're, you know, there isn't necessarily a common bond between, you know, what we do and what the tobacco litigation folks do.

We have done a number of -- our own little group of nine has done a number of, you know, I wouldn't call them trainings, but sort of cultural awareness activities. We went down as a group to the Museum of Tolerance during one of our staff meetings. And we are all involved in the hate crime networks throughout the state. We're actively involved in, you know, a wide range of activities involving cultural sensitivity, and, you know, anti-discrimination issues.

MR. HERNANDEZ: Yes, Ms. Hesse. This will be the last question.

MS. HESSE: It's not really a question. Ms. Ambrose, why don't you submit the training outline when you submit the affirmative action data?

MS. AMBROSE: When you say "training outline"?

MS. HESSE: For the outline of classes or things that are offered to people in the Attorney General's office that deal with the diverse California population?

MS. AMBROSE: Okay. Now, would that -- are you interested in -- because I think they're separate, you know, the sort of employees, this is what your rights and responsibilities are training for like the law office, the

attorneys and secretaries, and then the training that is provided to the law enforcement branch, the peace officers.

MS. HESSE: Both.

MS. AMBROSE: Both, okay. I'll have to get back to you on that and what, you know, who would be responding to that? How should I address --

MR. HERNANDEZ: To the regional director, Mr. Philip Montez. Thank you very much for appearing before the panel. I sincerely appreciate the time that you took, and your presentation has been very very informative.

I particularly appreciate your submitting your Hate Crime in California 2001 report. I think we're going to find this very very useful and very informative.

MS. AMBROSE: My pleasure.

MR. HERNANDEZ: And please give our best to the Attorney General, and thank you very much for making you available today. We sincerely appreciate it.

MS. AMBROSE: My pleasure. Just to make sure I know what it is you want, you want the commission's report?

MR. HERNANDEZ: Yes.

MS. AMBROSE: And the training agenda or --

MR. HERNANDEZ: Training syllabus. Training outline.

MS. AMBROSE: Okay. Thank you.

MR. HERNANDEZ: Now I'd like to -- I notice that we

have somebody very very important to the committee who just walked in a few minutes ago. And I'd like to recognize him and just call him forward to say a few words to us. The Vice Chair on the United States Commission on Civil Rights, Justice Cruz Reynoso.

Justice Reynoso, would you come forward and just say a few words to the committee? I know you're not going to be able to stay long, but we'd sure like to hear from you.

JUSTICE REYNOSO: Thank you very much, Mr. Chairman. I'm sorry I can't stay long. I have to catch a 1:25 flight to Los Angeles. But I'm very pleased to have this committee be meeting here in Sacramento.

The subject matter of this meeting I think is very important. The Commission itself has had several briefings and hearings on issues pertaining to civil rights after 9/11, particularly as it relates to the Arab-American community. But there's been a concern beyond that. The Commission has made a recommendation. I haven't heard that it was accepted by the Senate, and I assume it was not because they passed apparently the same version that the House passed in terms of the new Home Land Security Bill that was passed.

But we've made a recommendation that there be included within that huge new federal agency something akin

to an ombudsman who would look out for issues of civil rights and civil liberties. Because much of the work that will be done will be in secret.

And it seems to us that we need somebody within the administration that knows the ins and outs to be protective of those rights. I have a sense of confidence that that isn't in the bill, but we also had many expressions of opinion by the senators who reluctantly voted for the bill with a promise apparently by both the senate leadership and the administration that they will look at several issues that were not to the liking of the senators. So hopefully that recommendation by the Commission will be looked at.

For us in the Commission, the work of the advisory committees has been and continues to be vital. As you know, the advisory committees are independent, and we receive the reports from the advisory committees. We don't pass on them in terms of approving them or not approving them.

But my experience has been that the advisory committees have been at the forefront of the civil rights issues that we see facing and changing each day and each month and each year in this country.

So I just wanted to commend the work of this advisory committee. I obviously have followed the work of this committee, not just on this issue but on many other

issues. But today I just want to commend the committee for focusing on this very important, I think, continuing issue.

MR. HERNANDEZ: Thank you, Justice Reynoso. I would like to on behalf of the committee, and I think I'm safe in speaking for the committee in this regard, like to just tell you how much we've appreciated all of the support that you've given the California committee, and in particular your presence at our many forums. You've been there with us, side by side with us. I know you were there in Sonoma, and you've been with us all along, so we deeply appreciate the support and the attention that you've given this committee, despite your busy schedule and despite all the things that you have going, you always find time for this committee, and we deeply appreciate that. Thank you very much.

JUSTICE REYNOSO: Thank you very much.

MR. HERNANDEZ: We're moving nicely through the agenda, and so what I'd like to do now is call a recess for lunch. We have, unless Phil has anything?

MR. MONTEZ: The chief is on at 1:00. He was already here. But he said he would be back at 1:00 as scheduled. And the hotel, those of who have to be out by noon, I think, so that will give you time to have lunch.

MR. HERNANDEZ: I'd like to ask the committee to convene promptly at 1:00 o'clock. We're going to start

promptly at 1:00 because we don't want to keep the chief waiting, and then I know a lot of us have planes to catch and stuff today. So we're in recess until 1:00 o'clock. Thank you.

(A luncheon recess was taken.)

MR. HERNANDEZ: I'm going to call the meeting back into order. We're very pleased that the Chief of Police of the Sacramento Police Department is with us. Chief Arturo Venegas is with us. And, Chief, just for the record, could you state your name and your position again just for the record?

MR. VENEGAS: Yes. My name is Arturo Venegas, Junior. I'm the Chief of Police for the City of Sacramento.

MR. HERNANDEZ: Chief, we're here to look at the state of civil rights post 9/11. And we'd like some of your observations on how the post 9/11 events have affected a variety of communities in your constituency, and in particular Middle Eastern communities that we've had reports that these communities have been often mistreated, have experienced violence, have been vilified in a number of different ways. And many of these citizens, of course, most of them are and some of them not citizens but residents, are just ordinary, hard-working people who have absolutely nothing to do with any of these events, yet they

are experiencing the fallout, so to speak, from all of these events.

And we'd like your views and those of your department's on how this has been handled in Sacramento, what kinds of things the police departments around the state and maybe even the country can do to balance the concern for security, which is obvious and necessary, given those events. I think everyone sees clearly that the nation has to attend to these security concerns.

On the other hand, we are a free, open, and democratic society, and we also want to be able to maintain our freedoms and ensure that all citizens are treated fairly and with due process. So could you give us some of your views with respect to some of those issues and how the Sacramento Police Department is handling this?

MR. VENEGAS: Thank you, Mr. Chairperson, to the entire advisory committee, welcome to Sacramento on behalf of the Mayor, the councils, and citizens of our great city.

I've been a chief here now going on ten years. And it's really been an honor for me to serve this community. It would be a disservice to my community if I only gave you post 9/11 and what has transpired, because I think one of the greatest assets that we have of our citizenry here is who we are, what we have gone through prior to September 11th, and the feeling that you have as a community that

comes together to help your neighbor.

And so with that, if I may, you know, one of the events that just occurred for us, we were profiled by Time Magazine, and I don't know if the previous presenters have shared this with you, and I'm sure some of this may be repetitive, and I apologize for that, but I think it kind of puts it into the context of yours truly as a Chief of Police, and what I'm going to be talking about what occurred after September 11th in our city and why it was very important.

But I want to welcome you to the city, not just as to your capital city of the State of California, but as profiled in Time Magazine as one of the most diverse, but not just diverse but one of the integrated, if not the most integrated cities in America.

I challenged the reporter for Time Magazine and the crew that was out here, actually, to go around and take a look at our neighborhoods; and actually teamed her up with one of my police officers as they literally drove around our neighborhoods. And they could see this city does not have what you would consider, "This is the African-American community, this is the Asian neighborhood, this is the Italian neighborhood" or whatever. But in fact all of our neighborhoods throughout our city are very very much integrated from the most affluent to the poorest of our

neighborhoods.

We really are what I'd like to call a Heinz 57 community. And as you go around, what you see, not only is the integration of our people, the interracial marriages and the kids that get produced in this community have no hang-up about race or religion like unfortunately like some of their elders do.

It really, I think, has contributed to an attitude and a feeling in this community that it is not only okay, it is best when we celebrate our diversities and truly enjoy the cultures and not discriminate against anyone in our community because of their race, religion, lifestyles or whatever, and the fact that somebody may be different, that's just, you know, that's life and you need to know them for who they are and their soul rather than for the color of their skin, you know, what their lifestyle may be or for whatever. In fact, I think that's what Time Magazine discovered as well as they drove around our city.

In 1993 when I came here and shortly afterwards we experienced some hate violence, and really I think speaking to the issues of the Commission, that targeted a number of our minority community-based organizations, as well as the American of Asian descent city council member, Jimmy Lee's home, in fact a Molotov cocktail was thrown at his home.

And had it not been actually for a wooden veneer

blind that was in his window, his home probably would have caught fire and may have even proven fatal.

As you look at 9/11, and I remember having gone through the selection process for LAPD, one of the comments that was made that was totally asinine was, "The chief in Sacramento has no idea what terrorism is all about like we would experience in New York or Los Angeles."

Do you know what? You have no idea what the heck it's like when a bunch of your synagogues go under fire or when the offices of the NAACP, JACL, and a whole bunch of others or your council person of color gets targeted for violence and the terror and the fear that it brings to a community. And in fact we experienced that, not only once but we experienced it twice.

Our experience, though, early on, and I was very proud to assume a leadership role as the chief of police of the city in saying, "Do you know what, as a community we're not going to tolerate that kind of behavior, and in fact guess what, we need to provide a unified voice as a community that we stand against hate."

I heard the presentation earlier by the state Deputy Attorney General, in fact, I can tell you from outside this convention center I led a unity march of our community in a stand against hate violence, and actually that lead to the task forces, not only in Sacramento but

throughout the country by then U.S. Attorney Janet Reno who said to all of the U.S. attorneys throughout the country, you need to take a look at the task force that was created in Sacramento to fight hate violence and replicate that. And we became actually a model for all of the U.S. attorneys offices throughout the country.

What happened from that, though, was a collaboration of all of the communities of color, religion, with, you know, every known church, I mean, you name it. Like I said, every element of our community participated actually in what I considered to be the defining moment of our city. And that's our position, not only against hate violence, but against gun violence, against just what was bad in any community.

And from that I think we transformed this city into the great city that it turned out to be and still working towards.

We were plagued, again, with three of our synagogues fire bombed here not too long ago, and you may have read the two brothers that were responsible for that actually one just committed suicide, but they also killed a gay couple up in Redding. And again, you know, when you have three of your synagogues in your region go up in flames, literally go up in flames, the terror that can bring to a community is just phenomenal.

And do you know what, as hateful as that was, it was also the proudest moment for our city because all of our people came together in saying, "You can't do that in our community." And we actually helped the synagogues rebuild.

And right across the walkway from here, the Sacramento convention theater, the community came together about 10,000 strong in a united voice against hate violence. And right across at the exhibit halls, right down the hall from here, was the Methodist convention of the United States at the time, and they took -- they passed the hat around literally and raised thousands of dollars for the rebuilding of synagogues. Those were the proudest moments.

So what happened after September 11th was not, in our response, was not an unusual response for this city nor was it an unusual response for yours truly, I think, as the chief of police and the leader of the law enforcement community for our city and the public safety. I can tell you what I did immediately after hearing, and actually watching it, because like many of you, I watched it unfold on television.

I was watching television when the second plane hit because somebody called me and said, "You need to turn the TV on."

And immediately, as I think we discovered with Oklahoma City, people jumped to conclusions as to what may happen or what may not happen and who was responsible and all of that. And I immediately put all of our forces on 12-hour shifts, brought in a heck of a lot of people. We had a tremendous outreach already to the Middle Eastern community, and I knew from past experience that they may be targeted for vigilantism, people trying to hold American citizens responsible for this heinous act.

And we immediately started doing outreach to people. And I took a public position as well that we would not tolerate any retribution against any of our citizens of our city. And that didn't mean, you know, they were American citizens born in this country. That means, do you know what, any resident of our city, because somebody thought that they looked like they were Middle Eastern, as we found out in previous experiences, you know, people that were Hispanics but somebody thought they looked like they were from the Middle East were beaten up, or the ignorance, I think, of people.

And some of our neighbors from the Sikh community who wear a turban as part of their culture and religion, people have no idea that the fact that they happen to be Sikhs, it's a different religion, also a different part of the world also get targeted.

And so immediately, not just myself, but the sheriff of this county met with a lot of the folks from the community and said, you know, "We're here to help you. We're here to protect you." We took an immediate public position that we were not going to tolerate. I placed cards in all of the temples that were in the city, and I know the sheriff did the same thing, and we reached out to the rest of the law enforcement community in the region and asked them to do likewise, and that is exactly what occurred.

We came together as the city and the mayor and leadership holding a community gathering, actually, here right across the street at the memorial auditorium and said, "Do you know what? We are all Americans." This is one of the things that we love about our city is that first and foremost we love our neighbor and we're going to make sure that nothing happens as much as we believe in the protection of our nation, we can't do that if we allow any of our citizens to be abused or to receive retribution because of what transpired in New York City or in other parts of the country.

So that was our primary response. Since then I have made an effort and continue in that outreach to our community, and, you know, we've maintained that for actually about two months, and then we backed off as time

permitted just because of cost. It becomes very prohibitive if you're looking at performing for a lot of people for any continual amount of time and the overtime that it takes.

But I think the message in our community and because it's the comment that I've received. They've appreciated our response. They've appreciated our position, and I truly believe that is what makes our city. And I realize all of you are from different cities, and I'm sure that's the way you feel about your city. But I can tell you as having been profiled as the most culturally diverse and integrated city in America, I think that is what makes us a great capital city.

And for me it's been an honor serving this community. I have announced my retirement February the 28th, and it's time. But the challenge that I have posed to whoever comes after me already as well, you know, the asset is in working with the community because they really do make the greatest partners. I share with you my personal philosophy.

What makes us the greatest nation in the world is not necessarily our economic wealth, while that is great, what makes us the most powerful nation of the world, and I say that from personal experience, I'm foreign born. I was born in Mexico. I became a citizen to this nation by

choice.

What makes us the greatest nation of the world is the freedoms that are afforded to us by the constitution. And one of those is our ability to question government. But in addition to that, and it goes, I think, to the heart of some of the other issues we face now in America, whether we're talking about driving on a black or brown or any of the other civil rights violations.

The biggest obligation for all of us collectively as I also say, just like it takes an entire village to raise a child, it takes an entire community to police itself. And our greatest obligation in that is the decision making that goes day in and day out of the police officers on whether or not they do it with values and ethics and not in violation of people's rights.

And the other one is that the citizenry out there and what they're willing to tolerate as the officers go about in exercising the great power they have as peace officers. And collectively if we do the right things for the constitution, it is how we are able to sustain the strength of this nation because the failing of the nation is not going to be through the external attacks of this nation. It's going to be within. And our inability to be vigilant in the protection of the constitution and the morals and the values that we stand for as a nation in

protecting each other of the diverse nation that we are.

That's been my personal belief and philosophy and what I've tried to impart on my officers and other nonsworn staff.

MR. HERNANDEZ: Thank you, Chief. That was a very impressive presentation. I want to pick up on this a minute by asking you about an area that we've had a lot of complaints about and that there's been a lot of controversy over. And this is the whole issue of profiling. You raised it yourself. And we've had complaints that some law enforcement agencies are using a profile to, in many cases, stop people, question them, search them, and in general interrupt their daily lives and intrude on their freedoms and sometimes they complain on their rights.

How does the Sacramento Police Department approach this? Do you profile suspects? Do you use a profile of a type of person when you stop people or when you start looking at possible terrorist suspects or the like?

MR. VENEGAS: I fire people for that. We don't do that. And in fact, by the way, we have the model on the data collection on racial profiling of the nation. Go to www.sacpd.org and you will find a report there on our data collection project on racial profiling.

We are one of the only, the first, and as far as I know, still the only data collection project that's been

endorsed by MALDEF as well as the American Civil Liberty Union. We don't do profiling. And, in fact, I will fire somebody for doing profiling as you have suggested.

Do other agencies do it, God, I hope not, because that would be against the law. I will tell you this: Probably the most difficult task of an officer out there is trying to figure out day in and day out how to deal with the crime issues that they have to face, and through the information that they gather, either through crime analysis or through other sources, including community demand that policing take place, especially in some of the crime problem at-risk neighborhoods.

People there are asking for more assistance, not less. And so an officer is kind of caught between a rock and a hard spot in being able to provide the quality of law enforcement that would lead to a safer community and the allegation that now you're doing certain things in certain neighborhoods simply because either you're profiling us or you're doing something that is detrimental to the community.

Most officers out there, and I believe this from the bottom of my heart, want to do the right thing for the right reasons in providing good, professional, quality service to our communities.

And it is, I think, up to us as the leaders to not

only to engage our officers but also engage our communities, as we have done here in Sacramento, in helping us to define what it is that we're looking for out of those officers and trying to get to the policy discussions, if you will, that can give us an idea of where we can better improve, not only in the enforcement but also in the police community relations and communications between the departments and the neighborhoods as we try to explain to people what I call the 40-second rule, even with cops out on the street.

Why is it that we're doing what we're doing, and often times there's a real misunderstanding that 40 seconds of explanation can really do away with a lot of the complaints that come in.

I've heard, you know, the so-called profiling, but I'll tell you what I shared with my officers, and I would ask each and every one of you. Give me your definition of what an American looks like? Tell me what one looks like? Because you can't give me the profile of what a terrorist looks like, because the Williams who terrorized this community don't look like I'm sure the terrorists that you thought. That's what I try to teach my cops.

MR. HERNANDEZ: Questions from the panel? Mr. Aparicio, and then Mr. Duran.

MR. APARICIO: I'm very impressed with everything

you've said, Chief. In regarding profiling, it seems earlier somebody had indicated that in law enforcement, police officers go from like taking care of or looking after the hard core people, maybe in the detention centers, and then they're let loose out in the streets to try to deal with the normal citizens.

Is your curriculum such in your academy or in the system, the curriculum they go through, to be taught your philosophy, and if it is in place, is it something that the rest of the police agencies throughout the nation should come up and pick up on since it seems that you're really -- your police officers, your system is really doing a great job here?

MR. VENEGAS: Our curriculum does teach that. In fact, our curriculum is -- I have, because we run our own police academy. We're probably about 5, 600 hours more than what the state requires.

Other agencies, obviously, because of economic limitations, you know, run -- we have the minimum requirements that are set by the Commission on peace officers status and training of the state. For us and for this community, you know, by design, actually we have changed not only our academy, or advanced officer training, but even our supervisory and management training, if you will, on how do we relate to the community.

As it relates to specifically, I mean, we actually helped the Commission on peace officers standards and training in the development of their race relations and community interaction curriculum for the academies.

But there again, what happens often and something that we're changing as well, it's the nexus that's made between the academy, actually beginning with the recruiter, and the message that you give. We're one of the leaders actually in our recruiting effort with the U.S. Department of Justice and the hiring in the spirit of the service.

How do you hire somebody that right from the beginning gets screened in as opposed to screened out? Most tests are 70 percent is passing, so that means everybody else we fail. But how do you look at a potential candidate to screen in the traits that you want? And in our particular case it's the spirit of service. 98 percent of our work deals with delivery of service.

Even in arresting somebody we are delivering a service, because sometimes, believe it or not, getting somebody off the street may actually save a life.

But the other 98 percent where you're not arresting, you're dealing with social services, you're dealing with a lot of the social broken window kind of stuff, you know, the code enforcement, you know, the educational environment of kids. I mean, how do we deal

with that element of our service and look at people that are inclined to look at you, not only as a client, but also as a partner, because often times a solution to crime has nothing to do with police work.

The delivery of police work should be in long-term problem-solving, and often times the solution to the problem has nothing to do with police. It's about education, it's about housing, it's about jobs, it's about after school, it's about early childhood education and all of those investments that if we make we're going to reduce crime.

MR. APARICIO: Thank you.

MR. HERNANDEZ: Mr. Duran?

MR. DURAN: Congratulations, Chief, on your ten years of commitment to the city.

MR. VENEGAS: Thank you, Mr. Duran.

MR. DURAN: My question would be what would you do different in terms of the ten years as a minority officer who has gone through the whole process and now you're retiring out, looking back on your own career, what would you do different? And also the concern, and as you talked about the training, which becomes very important in terms of the types of officers that go out into the street. But we've also seen, but for the video cameras and certain officers crossing the blue line, we wouldn't have

information of how officers have abused people and how they protect themselves as a natural sort of, I guess, what you would call being able to survive in the business that you're in. So how would you evaluate those things now that you're moving out of the whole system?

MR. VENEGAS: Well, I'm not moving out of it. I still live in the community. And as I told people, "You know what, I'm actually going to be more a pain in the butt now that I'm not there." You know, it's not just about cameras and the cars, because we have that, by the way, not only cameras in the cars with motorcycles and a whole bunch of other things that I put in places and organizations.

First and foremost it really is about leadership. It's about somebody saying, "You know what, you can't do that stuff. And if you do them, I'm going to hold you accountable." And it's also not just the chief of police. It's you as the citizens saying, "Hey, I'm willing to tolerate it or I'm willing to make excuses because I want your enforcement."

You look at what happened in Rampart. Rampart didn't occur just because of LAPD. Go ask the community, and guess what, hell, they wanted the enforcement to take place. They were willing to look the other way. Well, guess what, when you start doing that, then don't get upset when they start abusing you and being able to stand up and

make the right call for the right reasons at the right time and being able to tell people, "You can't do that. That's not the values of this organization. That's not the values of this community, and it's against the law."

And when you do, I'm going to do everything in my power to hold you accountable up to and including termination, and if necessary, I'm going to ask for your prosecution. We don't do that enough. You know, that said within the organization, guess what, officers understand that and most officers, and I go back to say, you know what, 98 percent of the cops out there want to do the right thing for the right reason at the right time.

Most cops out there don't want to have their badge tainted because they know if you go out there and do something bad, it's going to fall on their shoulders as well. And most cops when they know they have the supportive leadership will step up to the plate. I silently celebrated when most of the complaints that I was seeing were coming in internally from officers and the organization than they were from the community.

Officers saying, "You can't do that in front of me." But they won't do that until the leadership steps up and says, "Hey do you know what? I'll support you."

MR. HERNANDEZ: Yes, Ms. Turnbull.

MR. VENEGAS: We need to get you more microphones.

MS. TURNBULL: Thank you, Chief. We heard from an earlier panelist about concerns about summary detentions and concerns about due process and people being targeted based on their race for these kinds of detentions. What has been your level of cooperation or relationship with federal authorities in ferreting out potential terrorist threats?

MR. VENEGAS: We have excellent relationships with all of the allied agencies. And in fact, I have two of my people that are actually assigned to the joint terrorist task force, and we participate with the California antiterrorist center with the State Department of Justice as well.

But even at those levels, the supervising agents in charge know that my people are still going to be held to the standard where we're not going to go out there and violate citizens' rights.

And in fact, I was one of the few chiefs that took a public position when the Attorney General of the United States said he wanted local law enforcement to enforce immigration laws. No, we would not do that. And I made that publically known. There is only two or three of us who did that at first. Chief Kroeker out of Portland, myself, and one of the other chiefs from south.

And I think we provided enough cover there where a

number of other chiefs then said, "Yeah, we're not going to do that either." When the FBI said, you know, we need to go out there and contact people. I said, "You know what? We have made great strides with our communities, and I'm not going to jeopardize that just for the sake of going out there." First you have to satisfy me as to why, and then the other thing is do you know what? We'll help you, and you can go out there and make those contacts so they know where it's coming from.

We truly believe in our national security, and we know that some people, not just from externally in the nation. I mean, people within our nation. I think we saw that in Oklahoma City and others are hell bent on bringing to our neighborhoods. And to the extent that we can legally find them and if we have a case, prosecute them and hold them accountable in due process of law we will do that. But our federal partners and state partners understand that we have a difference in the way that we relay to our communities. And I think our federal partners actually understand that. I know in fairness to my colleagues here, the special agents in charge of the FBI and others, have started making some great community outreach and just letting people know, "Hey, here's what it is. One of the greatest debates was in the exchange of information to local law enforcement from the federal

government. Everything is top secret. Nobody wants to share anything. And come to find out, hell, they're getting a lot of that information from us anyway.

Or somebody classified it secret and CNN is putting it out at 6:00 o'clock. I mean, it makes absolutely no sense.

And the other part for us, which I think is very important, is how do we deal with fear? People are already had, up until September 11th, the violence in our communities. And they were already afraid, and now we on top throw this stuff out there, and guess what, and especially people who have been targeted in the past. I mean, how do we ensure them that, hey, do you know what, in spite of what may be going on in Yemen or other parts of the world, here in Sacramento you're still a citizen of this nation and we're going to protect you, because that's important to us.

MR. HERNANDEZ: Any other questions? Well, Chief Venegas -- oh, I'm sorry. Judge Alston? This will be the last question.

MR. ALSTON: Okay. Two questions. One is very brief. Are you on duty right now?

MR. VENEGAS: Yes, sir, I am.

MR. ALSTON: You'll understand the implications of that. What is your background? You did something before

Sacramento.

MR. VENEGAS: I was with the Fresno Police Department for about 24 years, and prior to that I served in the military. I was with the 101st Airborne for three years.

MR. ALSTON: Thank you.

MR. VENEGAS: And by the way, I didn't become a citizen until after I served in the service.

MR. HERNANDEZ: Chief, this has been probably one of the most fascinating sessions. We've had a number of forums, and I need to tell you this has probably been one of the most fascinating and I dare say almost refreshing sessions that I've attended as the state advisory committee member.

And I'd like to just thank you very much for your openness and your honesty, your frankness about the problems that you and the police officers here in Sacramento face. And let me say that I think as far as I'm concerned, and I speak for myself, but I think the committee is probably impressed is that you're not only a police officer, I think you're a peace officer. And I think that more chiefs of police like you would bring about a lot of peace in our community.

So I'd like to let you go by just saying that I think you're one of the finest peace officers I've ever

heard testify before the committee, and I want to thank you very very much for your testimony today.

MR. VENEGAS: Thank you, Mr. Chairperson.

MR. HERNANDEZ: Next we are going to have testimony from a member of the Sikh community, and I'd like to call forward and I hope that I'm pronouncing this right, Mr. Gurtej Cheema.

MR. CHEEMA: That's perfect.

MR. HERNANDEZ: I lucked out on that one.

MR. CHEEMA: My name is Gurtej Cheema, and I thank the committee for giving me the opportunity to be here to express our opinion about how we feel in this community, and also try to let everybody know what Sikhism is actually about and what Sikh Americans actually stand for and how they contributed to the nation-building process.

There are a couple reasons why I'm doing this. I'm a physician by profession and I deal with a lot of pain. I'm a rheumatologist. And I don't like people being in pain.

And one of my patients came in the other day, it was a couple months ago who said, "Doctor, do you know what? I know you. I know that you are a Sikh and where you're from and things, but what really disturbed me was when one of her neighbor's daughter's was only eight years old, she's so intelligent she came up to me and said, "Do

you know what? The guy who lives in the next street, the one who wears a turban is a terrorist. I'm not going to go on that street."

I didn't like that. I'm not feeling -- what could I do about that, but this is a topic that I need to get out and start educating my neighbors about who we are. I don't think we have done a good job in the past in trying to educate people. And as a result we know what happened.

The other reason was that maybe three or four months ago a mail carrier, a turban mail carrier, a Sikh mail carrier was shot while on his job in Sacramento. He was hit by a pellet gun, by a bullet, and the culprit is now, he's in trial so we don't know what will happen.

So we need to get out and educate people on who Sikhs are. And this opportunity I really appreciate and I thank the Commission, the committee, the advisory committee to allow me to be here.

What I've done is we have three sections, and for the sake of simplicity, I would leave the last part to my colleague, Mr. Gurprit Hansra. I want to talk about who Sikh Americans are. And then I will touch on the historical perspective, basic beliefs, and articles of faith that Sikhs are supposed to carry.

And the many concerns of the Sikhs, that is their portrayal by the media as trouble makers could be

advertent. Sudden state laws which we think kind of interfere with our expression of faith and lack of presentation in the Armed Forces or law enforcement. I wish I could have given this presentation while the police chief was still here.

And I leave the last part, Sikh as a nation and the organization building for Mr. Hansra.

Who are Sikh Americans? Sikhs are the fifth largest religion, 26 million followers worldwide. One million of the Sikhs live in North America. This religion is 500 years old, and Sikhs have lived in America for the last hundred years, more than a hundred years. Sikhism is a distinct religion and has no direct connections with Islam or Hinduism. And 99 percent of people who wear turbans in the United States are Sikh Americans.

Coming to the historical perspective, Sikhism originated in Punjab, which is a Muslim province in India. It was founded by Guru Nanak, who was the first prophet. He was a spiritual teacher 1469. In all, ten Gurus provided spiritual guidance there over 339 years.

The Tenth Guro, Gobind Singh proscribed the five articles of faith that the Sikhs are to carry, which are the top of my next section.

Declared Guru Granth Sahib as the eternal Guru and ultimate spiritual authority of the Sikhs.

Historical perspective, you have in front of you a world map in which I've marked off southeast Asia, with attention to India, China, Iran, Afghanistan, and Pakistan. I would like everybody to know that that's where Sikhs are from.

I was listening to the news this morning and somebody was talking about when they asked Americans about where Iraq is, only one of the seven knew where it was and it's sad. Lack of education, I guess.

The next picture shows, again, where exactly Punjab is. It's way out of Middle East Area, it's in northeast India.

The basic beliefs of Sikhism are there is one god and creator and all humans are equal. Human life is a precious blessing and everybody has the same light. There's no race, gender, or religion that is intrinsically better than others. And truth, fearlessness, non-hateful spirit are important in attaining salvation.

Freedom of speech and religion, justice and liberty for all, defenders of social and spiritual justice, and equal rights in all walks of life for all persons of all faiths and beliefs.

So the Sikhs believe in the US Constitution and American freedom and values, I guess you could kind of make the connection as to what the basic beliefs of Sikhism are

of and what the U.S. Constitution stands about.

In defending civil liberties and protecting the defenseless against injustice and tolerance and absolute equality of all people without regards to gender, race, caste, or religion.

And high integrity, hard working, humility, and service to humanity are the main hallmarks.

Sikhs do not believe in terrorism or hurting innocent people. They do not believe in hate or racial profiling. They do not believe in jihad or war based on religion. Sikhs do not believe that their religion is superior to others. Sikhs do not believe in fasting either.

Going to the next section, articles of faith, this is kind of a collaborative slide and I'll kind of go through this. Kesh is the uncut hair. Sikhs do not cut their hair or beards, they maintain the image that God intended for mankind. We do not want to alter that image. That's the purpose why I have my beard and my long hair.

And under-shorts, which we call Kuchha, represents modesty and fidelity and reminds self-restraint.

Kanga is a comb, which is made of wood to keep our hair neat and tidy.

The Kara is the bracelet is made of steel, worn on the wrist reminding of noble actions and a symbol of

eternity.

The kirpan is a ceremonial small sword symbolizing freedom, liberty, and justice. Sikh turbans are the most identifying feature. In this picture I have several. I have a gentleman, a young boy, I have a young girl, and I have two ladies on this picture who have this headdress on. I wish I had the projector on so we could have a better picture.

So the Sikh turbans, 99 percent, as I mentioned, of people in turbans in the United States are Sikhs. It covers their long, uncut hair. It provides a distinct identity. It's a long piece of cloth. It symbolizes discipline, integrity, humility, and spirituality, and it should be worn at all times in public.

Turbans are a mandatory part of the Sikh faith and is not a social custom. And a turban is not a hat. It cannot be easily taken on and off. It must be -- so I'm talking about Sikh turbans. This is an example of a man with a turban on, young boy, little girl. And Sikh women also wear turbans.

Turbans, 99 percent of people who wear turbans in the United States are Sikhs. It is a long, 15-feet piece of cloth that is neatly wrapped around the head. And each time it's put on, it symbolizes discipline, integrity, humility, and spirituality. It is a spiritual requirement

and should be worn at all times in public.

Turbans are a mandatory part of the Sikh faith. It's not a social custom, as I said. It's not a hat. It cannot be casually just taken on an off. It must be carefully retied each time it is removed.

And just for the sake of information for everybody, Sikhs feel humiliated if they are asked to remove their turbans in public, as doing so exposes an intimate part of their body. And it's just for general information of that.

A turban needs to be treated with respect. The kirpan, it's a controversial article of our faith and I'll probably reference this more as my presentation goes on. It's an emblem of courage, it's self-defense, and sharpness and purity of thought. It symbolizes dignity and self-reliance, capacity and readiness to always defend the weak and the oppressed. It is to defend and not to oppress.

Talking about the name kirpan, it's a combination of words. It means acts of kindness, of favor, that is the "kirp" part. The "an" means honor, respect, self-respect. To call it a dagger or knife is rather insulting to this article of faith. It doesn't do that job. It functions differently.

So one of the major concerns, going to my next subject. One of the major concerns of Sikhs in America

today. I'm going to be a little candid. I hope you don't mind.

MR. HERNANDEZ: Please be candid.

MR. CHEEMA: It's the inadvertent portrayal of Sikh Americans as potential trouble-makers, I could use a different word but I intentionally didn't do that. And that, I think, has lead partially to greater than 400 hate crimes against Sikh Americans nationwide.

I think and all Americans think that September 11th, 2001 was that day when the worst hate crime was ever committed on the United States soil. And we know -- we knew then that it was the perpetrator of this crime was Osama bin Laden. And everybody saw this picture of Omasa bin Laden every 20 seconds on national TV, 24 hours on September 11th and September 12th.

And I knew, we knew, all Sikhs knew that was not a good sign for us. We were grieving for the nation, but we couldn't go out and grieve in public because we were scared too. And the reason was on September 12th, the national media shows this picture on TV of and reports an arrest of a man in a turban and a beard believed to be a terrorist on a train in Providence, Rhode Island. Is he a terrorist? He's probably for a layman, a guy with a turban and a beard resembles somebody who is related to Osama bin Laden.

And showing this picture every 30 seconds

originating with Osama bin Laden did not do us any service, did not do us any service at all to our nation. He is Mr. Sher Singh, he's an engineer, and also is a practicing Sikh. What was his crime? Why was he arrested? A group of people traveling on the train with him, and he had to travel in a train because all planes were cancelled. And therefore called the cops because they said, "Do you know what? Somebody looks like a terrorist is traveling on this train. And for some reason or the other the media was present at the railroad station before the cops got in.

So I don't know who informed the media. They took this picture while he was being arrested. Did the cops call the media, I don't know the answer to that question? What was his crime? He carried a kirpan on his person.

Now, we knew that was not a good sign for us. Seeing that picture over and over again instigated someway that on September 15th, this gentleman, Balbir Sodhi was killed in Mesa, Arizona in cold blood while outside his Chevron Gas Station. Everybody knows this. But I don't think anybody every made a link between what media showed on TV and his killing. For a whole period of least six, at least six, and even now the Sikh community is terrorized for no fault of theirs, greater than 400 hates crimes are committed.

I think if media have played a better role in

educating and using that opportunity in educating Americans, Balbir Sodhi might be alive today. Minimal, if any attempts, is made by the media to educate ignorant American citizens about their compatriots in turbans. I don't blame the Americans. It's their ignorance, and they need to be educated.

Now, looking at this picture, for two weeks we did not know who the terrorists were. Still a link was established between Sikhs and turbans and Osama bin Laden and terrorists. I would just like to go back one second here. I have a friend who works in a bank, and he doesn't wear a turban. And one day a bond security agent who was posted outside his bank happened to be a turbaned Sikh, he was a policeman. And a customer who walked in that day, that morning, and he doesn't wear a turban but he's a Sikh. And the customer remarks, "What is that terrorist doing outside of the bank? That's the conception. That's what people are thinking about what people in turbans are.

There is no relationship. None of the terrorists wore turbans. None of them had beards. None of them are Sikhs.

Why are Sikhs targets? Again, the pictures. Hate, blind rage, and that was fed by the ignorance, which fed to again, the misconceptions. And I think it's very important that we stop there. And there are several means and

methods which I have talked about. We need the help of the Commission to do that.

The Sikh Americans ask the United States Commission on Civil Rights to urge the national media to help different ethnic minorities, especially Sikh Americans, to ideate the ignorant masses to prevent further backlash from happening in the wake of the ongoing war on terrorism.

This was not something new for the Sikhs. It happened in 1980 during the hostage crisis in Tehran. People would call in because we have a turban on. It happened in the Gulf War because we were Iraqis, people called us Iraqis. It happens every ten years. And how it tends to derive, I don't know. The media doesn't understand or we don't understand or Americans don't understand. I don't know what the problem is. This has to be addressed.

And especially so it will keep the Americans strong, especially with this war on terrorism. And as I mentioned before, the Sikh philosophy is exactly what the American constitution is about.

Now, my next subject is certain state laws which I think probably need to be amended, that's my opinion, that's the opinion of Sikh Americans. The California Penal Code Section 12020 states that "Any person in this state who manufactures ... or possesses any ... or who carries

concealed upon his or her person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or in the state prison."

Does that make me a criminal if I have my kirpan on? I think this is an infringement on how I practice my faith.

There have been, of course, seven judicial opinions which have come from the United States court, different courts in different states where the kirpan has been defended, I mean, it's has not been upheld by the court. 1987, 1995, State of Ohio, 1996, 1999. All these cases have been dismissed by the court. People are arrested because they are carrying a concealed weapon, of course, dismissed.

Sher Singh, this is the person who was arrested in Providence, Rhode Island. His case, was again, dismissed by the court. As we said in 2002, earlier in June, in August, all these cases have been thrown out by a court because they don't stand in front of the judge. So what is the reason why do we still have to prosecute people who carry a kirpan? It's a waste of time, it's a waste of money, it's a waste of resources, of the justice system, or the individual.

So we as Sikh Americans urge the United States Commission on Civil Rights to suggest to all states that

laws pertaining to concealed weapons be amended to exclude the kirpan.

As long as the kirpan, now I want to make it clear, a kirpan -- we want to make this I mean certain that kirpans should not be used as a weapon, as long as the kirpan is properly sheathed and cannot be used to cause bodily harm it should not be considered a concealed weapon.

If a kirpan when accompanied by the other articles of Sikh faith on an individual's body, it should be respected and considered a religious symbol. I think more crime has been committed in this country using baseball bats than by Sikhs using his kirpan.

What is the point? Why did we arrest this gentleman? If my dad is out in the car and something happens, he rear-ends somebody, and he's arrested for wearing a kirpan. He's just a Sikh. He has no fault that he's carrying the kirpan. I think it needs to be amended.

Now, the second session. Crime prevention and corrections. This comes out of 1999, rules and regulations of the director of corrections in California. Admits hair shall be cleaned, neatly styled, and groomed, as specified by these regulations, when he/she is away from the immediate area of his/her quarters. The male's hair shall not be longer than three inches and shall not extend over the eyebrows or below the top of the shirt collar while

standing upright. Hair shall be cut around the ears, and sideburns shall be neatly trimmed, and shall not extend below the mid-point of the ear. The width of the sideburns shall not exceed one and one-half inches and shall not include flared ends."

Where do I stand? So do you think that if for some -- I guess, being a good Sikh, probably a good American I thought I would probably never end up in prison, but who knows? Somebody frames me, I don't know, things happen. Do you think I won't be allowed to keep my turban in jail? Don't you think that's an infringement on my right to practice my religion, which is granted to me by the United States Constitution?

Therefore Sikh Americans bring this to the attention of the United States Commission on Civil Rights that the current prison rules regarding keeping unshorn hair are an infringement of the rights guaranteed to Sikh Americans under the First Amendment of the Bill of Rights to the United States Constitution which states: Congress shall make no respecting an establishment of religion, or prohibiting the free exercise thereof."

Next point. About our lack of a presentation in the Armed Forces. Before 1981 Sikhs were allowed to be part of the United States Army. They fought in World War I, they fought in World War II along with the allied

forces.

In 1981 comes a law which says that Sikhs are not allowed to join because of their turban and uncut hair. However, at one time the Sikhs comprised one-third of the British Armed Forces and 60 percent of the Indian National Army. And everybody knows Sikhs are known for their duty, locality and service to God and country.

If in England turbaned Sikh officers of the British Metropolitan Police Force can be hired. If in Canada the Royal Canadian Mounted Police can allow Sikh officers to maintain unshorn hair and wear a turban instead of a helmet, why won't it be allowed in the United States? Why shouldn't it be? We are the leader, right? We are the best nation on earth, and I believe so and I say it to my heart. Captain Kesur Singh was the first Sikh soldier who arrived in Canada in 1897 following Queen Victoria's Diamond Jubilee. Baltej Singh Dhillon in 1990 became the first Sikh Royal Canadian Mounted Police to be allowed to wear a turban. They're ten years, 12 years ahead of us. I think we need to change.

Constable Gurpal Singh Sidhu of the Toronto Police Service was allowed to wear a turban.

To the contrary, Amric Singh Rathour, hired as a New York Police Department traffic agent, was dismissed from the academy because he refused to remove his turban or

shave his beard. This is now pending in court. He's filed a lawsuit.

Therefore Sikh Americans express their desire to be able to serve our great nation by being a part of the law enforcement agencies and the Armed Forces. It is not only because we are patriotic, we want to take part in the Armed Forces of this country, but it also makes us visible, it also tells -- sends a positive message to the community that Sikhs are not terrorists, they're actually part of the United States Army.

Sikh Americans request that their religious traditions be recognized and accommodated in order to be able to apply for jobs in the services and law enforcement.

Sikh Americans thank the Los Angeles Sheriff Department for seeking to recruit turbaned Sikh Americans.

So in summary, Sikhism is a distinct religion that originated in India in the 15th Century.

Sikh Americans are easily identified by their colorful turbans and unshorn hair.

Sikh Americans believe in one God and seek equal rights for all humankind.

Sikh Americans deserve equal treatment under law to be able to practice their religion without fear of persecution.

Sikh Americans wish to serve their nation in all

capacities including the services and law enforcement. God Bless America.

MR. HERNANDEZ: Thank you very much for that very interesting and informative presentation. I'd like to open the panel for questioning. Yes, Mr. Duran.

MR. DURAN: Yes. In terms of when you travel now to airports, do they make you to remove the turban?

MR. CHEEMA: In most cases, no, but we do keep the FAA regulation, the guidelines which are issued by the FAA in our pockets so if somebody does ask us to remove our turban we can show that to them so that they know that if by using the wand, there's no noise, it doesn't show any metal in there, there's no need to remove the turban.

And there have been instances much after 9/11 where people have been asked to remove turbans. One of them was asked to remove his turban in Alaska. And he educated the people then, the security officers then by insisting that that is not the law, by insisting they are not allowed to make law. Their job is to follow the law.

He unfortunately he didn't have the FAA guidelines. He had checked that bag into the check-in baggage. And he insisted. And he insisted that they look up on the website for the FAA guidelines and they relented.

MR. DURAN: I know now if you have a pair of scissors they take them away from you and then you walk

into the area and you can buy another set as you go through. I guess at this point you would not be in that situation?

MR. CHEEMA: Sikhs are very conscious about the security and we want to participate in maintaining that at all costs. So when we travel we check in our kirpans. We put in our check-in baggage and we take them out and we put them on again, and that is just because we are sensitive to the security needs of the time.

MR. DURAN: And it's Lee Baca from the sheriff's department who is making an effort to accept the --

MR. CHEEMA: Exactly. That is true, and we appreciate that.

MR. ERLER: Do you consider the check-in of the kirpan a violation of your religious freedom or is that compatible with the tenants of Sikhism?

MR. CHEEMA: Technically speaking, yes, but living in a society where we have to be sensitive of the needs of others, we do compromise with that.

MR. ERLER: We realize that the difficult constitutional issue here is, however, if there's a specific exception made for Sikhism, the Supreme Court especially this would amount to an establishment of religion. There's kind of a difficult trade-off here, isn't there?

MR. CHEEMA: Maybe you are right. Maybe you are right, but we did not make this rule in the 19th or 20th Century. Our rules did not know that America existed -- they knew that America existed, but the constitution did not. If we are an evolved religion and the precedent which needs to be taken -- kept in mind never ever has -- I have not heard and tell me if anybody has ever heard where a Sikh who is wearing a kirpan as part of his articles of faith has ever used it to hurt anybody.

And I know that there are other issues. We are ready to go along with it. That is the reason why we say that we want to ensure that this kirpan is sheathed, it cannot be easily taken out at the spur of the moment when somebody is angry and ready to hurt others. We're ready to go to that length, but that should not be used -- should not be categorized as a concealed weapon.

Now, with this, the Santa Clara District Attorney's office has issued a statement to the law enforcement agency saying that the exact same thing which I just mentioned. As long as it's sheathed, as long as it cannot be removed in an instant and used to hurt somebody else, and as long as it's a part of the articles of faith, it is fine. So you need to be sensitive, but otherwise if it can be removed easily, yes, you need to prosecute them. We agree with that. We are sensitive to that.

MR. HERNANDEZ: Yes, Ms. Hesse.

MS. HESSE: Dr. Cheema, what percentage of the inmate population in the California prisons are Sikh?

MR. CHEEMA: .00, I don't know.

MS. HESSE: Well, you know, one of the concerns of the Sikh, people that you've presented is this regulation has to do with inmate grooming standards. I was wondering if somebody had their civil rights --

MR. CHEEMA: I know of -- I'm sorry to interrupt. I know of one instance, now there are not many Sikhs who end up in prison I think so. That's my opinion. I don't know the numbers. But I know of one instance where somebody was sentenced and had to shave off his beard, cut off his hair, one instance that I know in Sacramento.

MS. HESSE: Okay. Was that -- was there an appeal made, was it litigated?

MR. CHEEMA: When somebody is arrested and when somebody is not as literate at the spur of the moment I don't think he has any recourse.

MS. HESSE: Well, I guess what I'm talking about is all California regulations are subject during the time that the regulations are being promulgated they can be challenged by anybody. After they're passed and adopted by the agency and the secretary of state, then they can be litigated if they're in conflict with current state law or

the California constitution. So I was trying to determine what's happened. I mean, you're raising the issue and I'm just trying to figure out what's happening there?

MR. CHEEMA: We have not raised this issue, no, we have not. I think it's a falling out part where we have not educated others.

MR. HERNANDEZ: What's been your relationship with the Sacramento Police Department? Have you worked closely with them? How have you gotten on with them?

MR. CHEEMA: We have a wonderful relationship, actually. We have had the police department of different cities, I live in Granite Bay which is a city about 20 miles from Sacramento. It is a small community near Roseville. It's a big community now. The city police was invited to our temple and he addressed the community. He reassured us that we will not profile, as police chief said. And we have as Sikhs been able to talk to the city attorney's office.

The U.S. Attorney's office invited us to make a presentation to them to educate them. I wish you would take that message home to your kids and grandchild so they understand who Sikhs are. I think we enjoy a good relationship with the police department.

MR. HERNANDEZ: And what about the media? Have you reached out to the media to help them get your message out?

MR. CHEEMA: Yes, but there's no organized effort. I think we need to do a better job at that. And again, the media is looking for stories. The media doesn't care about what you feel. They're going to pick out a part of my statement and use it to their ends. And so it's a frustrating problem.

MR. HERNANDEZ: Any other questions from the panel? Yes. One more question from Mr. Duran.

MR. DURAN: Yes. I notice in your description you also use the term "caste." Is caste still a form of casting in India?

MR. CHEEMA: That is true, sir.

MR. DURAN: Would that be considered a form of discrimination or if you're born into a caste, can you move up and down?

MR. CHEEMA: No. Once you're born in a caste, you stay in that caste until you die. And that's in India, and it's not much an issue.

MR. HERNANDEZ: Any other questions? I want to thank you very much for coming before the committee. We very much enjoyed your presentation. I know I personally learned a lot about your community today, and certainly I think all of us will go home and take the message home that your community is really one of peace and deserves to be respected and treated equally, and thank you very very much

for coming before us.

MR. CHEEMA: Thank you. Before I -- I think it would be -- Mr. Hansra will be making the next part, this last part is actually very entertaining and very illustrated.

MR. HERNANDEZ: How long is the presentation because we're over time now?

MR. CHEEMA: Ten minutes.

MR. HERNANDEZ: So I'd like to -- perhaps I think what we can do is leave it there. And we'll go ahead and move forward. I'm sorry. We're over time, and we're going to call the next witness.

The next person coming before the committee would be Ms. Dannetta Garcia, who is a representative from the U.S. Attorney's office Hate and Tolerance Task Force. Is Ms. Garcia here? Hello. How are you?

MS. GARCIA: I'm well.

MR. HERNANDEZ: Good. Could you state your name and your position again for the record?

MS. GARCIA: Certainly. My name is Dannetta Garcia, and I happen to sit on the Law Enforcement Task Force for the U.S. Attorney General.

Thank you, and please for the individuals behind me, excuse my back. It's no indication of my feelings to this event. Thank you, Commission, for inviting me here.

I come twofold issue, and that is one to perhaps elaborate on Dr. Cheema's feelings of hate and tolerance and intolerance. But to most importantly speak to the issue of fear, which is the false impression appearing real.

And that's what is actually paramount to discussion on terrorism and hate and hate crimes. It is that false impression appearing real that individuals outside of the norm determine that others are ones they should fear or ones they should hate. And unfortunately that probably is a posture of the United States that will last until we are no longer here.

We can eliminate much of it, but it will probably more than likely take more than the efforts of many but the combination of all.

Insofar as the groups that are out fighting hate and what many commonly call intolerance, I would prefer not to use the word "intolerance," because tolerance to me simply means to tolerate, and as Webster's dictionary has it, is to "put up with."

It leaves out the most important process of understanding, appreciating the differences, and appreciating our sameness.

And perhaps it is the word "tolerance" that keeps the divide between a cure and prevention. In the County of

Sacramento we have many groups that are out fighting on the front lines to bring us all together, to look under the bridges and to look in backyards, and to find out who these people are who cannot find a way to appreciate other human life and other human beings.

But because there are so many efforts out there, it is watered down. And it's watered down because too many groups are trying to do the same thing, and wonderful things, but if they were to combine their efforts on a more universal level, more global level, then we could find out what was working for one group, put those groups together, and then have a more powerful organization, one such as your Commission.

In fact, what I understand is that it's global. You are not broken down into sections where we have the Latinos fighting hate, African-Americans fighting hate, Asians fighting hate. All the groups are fighting hate, but none of us are coming together as one organized combined effort to fight it together.

And it's that fear, that false impression being real that we all target each other as being members of groups. Sikh communities, one of the communities that I recognize to put the issue forward that just a simple look, just a simple identifier, a visible index determines what people think of another.

Hispanics are targeted for being terrorists because they also appear to resemble those of the Iraqi or Irani persuasion. African-Americans as well. It is because of a visual index and that visual index which implies that something is wrong that people are targeting others, and innocent people are being hurt.

What is the cure? Is there a cure? What are the reasons? We're not fighting indigents or misfits, as it was quoted in 1999 that most terrorists and people of hate are not misfits. These are educated people, people who have positions of authority, people who have positions that deal with all types of groups and ethnicities on a daily basis. And one would never know who they're dealing with, most often we're not dealing with the person who's down and out on their luck and decides to take it out on someone.

So I think that in coming forward on the efforts that I entertain and what I deal with in my daily life and how I move in the confines of those groups trying to make a difference is that if we recognize what is out there, that's working. I believe that the reason we have not been able to put our hands on it is because we're all trying to be the first ones to put our hands on it.

Perhaps someone already has the answer. Perhaps someone already has an identifier, and if we meld the groups together then we might be able to see what it is

they have. Each of you perhaps has an idea who you're looking for, what you're looking for, what kind of posturing you need to, but the information is not being disseminated to all the other groups that are looking for the same tooth under the pillow.

So in essence to what I as a member of the law enforcement task force of the U.S. Attorney General, we sit around and we talk about the research that we're doing. We sit with the law enforcement and other groups and talk about the things they're trying to do at the schools and educating young children. And often times when we suggest that the groups should get together and marshal our forces together, there is too a resistance of that.

Because it seems almost as though someone doesn't want to be the last one who finds out the remedy but perhaps the first.

So being a minority on many fronts I see, I believe, perhaps a feeling of helpless and hopelessness, and that's really what this war on terrorists and hate is. It's helpless and hopeless. It's almost as if we're dealing with the drugs out there and we know where it is, we just can't get it all on the same day and the same place. But we need to find out what we can do as a universal group and not branch out, bring us all together, bring every group together, find out what it is we're doing

and work as one unit. Together we can accomplish more than we can with all the many groups.

And I'm not talking about just in Sacramento County. I'm talking about from Washington to Texas to New York. Bring us all together, and I think that your efforts are probably doing that, but in Sacramento County people don't know who to go to.

I recently was subjected to in my own community a crime that I believe was -- I'm not going to call it a hate crime, but it certainly was profiling. I had come home one evening, as I do very late in the evening, and I was stopped by an officer of law who suggested to me that I had run a red light. I suggested to him that no, I had not. He then suggested, "Well, you didn't run the first one but you ran the second one." I suggested to him that I had not.

I drew a picture for him that the automobile in front of me was stopped and therefore I would have had to go through that automobile in order to run the red light. He then suggested that I was driving erratically. I said, "No, I drive slow and not erratic. My children will not even ride with me because I drive too slow."

He then suggested that perhaps I was tired. I said, "Yes, I was tired." He asked for my ID after going through the number of instances that I had violated the law

to the tune of about $270 each. He took my license, and I'm an advocate in the City of Elk Grove and do a lot for voter service. He took my license and came back to the car and thanked me for being a political servant and the good job I was doing in my community. I asked him what was his name, and I asked him to cite me.

Because until he found out whatever red bubble was on my name when he pulled up my license after 15 minutes of suggesting that I had broken the law not once but thrice, that he ticket me because I wanted to entertain this conversation in a court of law.

Well, I just, because truly I would not want to go to court for something as silly as this, but this was targeting at its best. We were in a new city. It was a new police force, and this was a new guy on the beat. But I was just one person. Had I been male, had I been tired, had I been arrogant, I might have been dead.

I say to all of us we need to educate, we need to educate, we need to educate. And if we don't, then what we have is the same impression, false impressions appearing real - fear.

And with that fear there is no cure. I would like to help with that cure. That is my testimony for today. Thank you.

MR. HERNANDEZ: Thank you very much. I'll now open

the panel for questions. I'd like to ask one question. Can you tell us a little bit about the hate and tolerance task force in terms of who's on it, what kind of projects you've been involved in, and any kind of successes or anything that you think you've contributed to in terms of policy changes or changes that might have helped prevent hate crimes and increased tolerance or maybe even get to the point of acceptance as you suggest?

MS. GARCIA: Certainly. I am new to this task force, and thanks to Dorothy Adimoto who chairs it and does a very fine job, U.S. Attorney General Benjamin Wagner is the one who actually heads this up.

And the successes have been many. You know of the bombings, synagogue bombings, the young men, Williams brothers associated with them, although one is now deceased, have been made accountable. There are many people who sit on that task force, the NAACP, law enforcement all over Sacramento County, the Civil Rights Commission, school district boards, and a plethora of other organizations that bring to the table items of interest and things that they do to remedy, but the question still remains. After the reception of things that we've done in the communities, how are we going to eradicate this and how are we going to pull these forces together? There are at least 15 to 20 members on that task force who continuously

quarterly talk about those issues, the same issues.

And as we get closer and law enforcement gets a lot closer than the individual groups, because they're going out and citing the offenders and looking under those rocks where people were hiding trying to do harm to others. But although that is a wonderful group and I'm privileged to be a member of it, we still battle with how do we pull the forces together? How do we decide and who decides and when is the decision made to determine that U.S. attorneys, hate and intolerance task force, the league of women voters, of which I am a member who now have a diversity component who is talking about hate and intolerance, how do we get all the groups together, the gays and lesbians, and how do we get law enforcement to also understand, as I think that they're working at understanding, but to understand that their perception of a profile is not the member's perception of profile?

So when you're looking at what law enforcement thinks and what other communities think, you're at a crossroads. And this organization is doing a fine job. We are trying to work together. There are many people doing things in Davis and Yolo County and Placerville, but again, the groups are splintered doing it separately, and then we report out collectively.

But, you know, when you report out collectively and

are still working separately, it's a long way to go.

MR. HERNANDEZ: Any other questions? Could I ask you a favor? Would you be able to ask the U.S. attorney's office for us if the U.S. attorney would send us a description of the task force, and maybe any literature that they would have on the task force so that we could enter it into our report?

MS. GARCIA: I do have something with me and I came in a little late, so I didn't have it, so I will.

MR. HERNANDEZ: Maybe you could give it to Mr. Montez and we'll include it in our report.

MS. GARCIA: Okay.

MR. HERNANDEZ: Mr. Montez, are there any other witnesses? I'm showing this as the last witness for the day?

MR. MONTEZ: That's it, Mr. Chairman.

MR. HERNANDEZ: Yes, Mr. Luevano?

MR. LUEVANO: From your description, it seems to me that one thing that's missing is a coordinating body to bring these uncoordinated groups together. Another thing that seems to be reasonably needed is for setting some kinds of goals individually so that, you know, you proceed toward them or you have not.

And to do that perhaps on a annual basis so that you know who you've gotten so far and how you're going to

try again the following year. Have you discussed that possibility or those possibilities?

MS. GARCIA: Yes. Bringing groups together with collective minds and interesting ways to find avenues to help with this dilemma, absolutely.

Again, as you say, the coordinating effort, even within the U.S. attorney's task force, law enforcement task force, there are those who feel, and this is a personal assessment, that they're doing a fine job. And, you know, if someone else wants to join in, they're welcome to join in to that arena.

I'm suggesting that that's a good opportunity, but I'm suggesting that the arenas come together and make a collective effort to decide the applications that will work, take pieces from each one so they are attempting to do that in all the groups that are out there.

MR. HERNANDEZ: Yes, last question?

MR. LUEVANO: I just want to follow-up. Doesn't it also imply that if you come together to do something that you're going to try to measure what it is you're doing and see whether you proceeded towards the objective that you've set up for yourself?

MS. GARCIA: Absolutely. Absolutely. There are enough instruments out there that have measured our -- the efforts of many groups that we be able to find one

instrument more using the words just to make a point, more superior than another that would certainly have the goal in mind.

MR. HERNANDEZ: Thank you very much. That brings this forum in Sacramento to a close. I'd like to ask also the committee members before we go that you check in with Grace so that we make sure we have your right address and phone number and e-mail. We really appreciate before you go if you can check in with her and make sure we have all your correct contact information. We are adjourned.

(The proceedings were concluded at 2:42 p.m.)

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REPORTER'S SIGNATURE

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