

**CALIFORNIA STATE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS
Meeting of July 25, 2002
San Francisco, California**

Attending (from your list provided):

Advisory Committee:

Hernandez, Dr. Fernando - Chairperson

Alejo, Mr. Luis

Alston, Mr. Gilbert

Aparicio, Capt. Mauricio

Buitrago, Ms. Luz

Carney, Mr. Michael

Duran, Mr. Percy

Emett, Ms. Corky

Erler, Dr. Edward

Franklin, Dr. Kevin

Fua, Mrs. Rose

Gray, Mr. Thomas

Hesse, Mrs. Deborah

Kwong, Judge Owen

La Pointe, Mrs. James

Lindemann, Ms. Antoinette

Luevano, Mr. Daniel

Mayer, Dr. Frank

Mitchell, Mr. Leonard

Patterson, Ms. Andrea

Pickett, Ms. Tonie

Pomerantz, Mr. Mitchell

Rhim, Mr. Gene

Spanos-Hawkey, Ms. Dena

Turnbull, Ms. Effie

Valenzuela, Ms. Cynthia

[Begin Side A of Tape 1 of 2]

After self-introductions, the names of identifiable speakers are shown in full when they can be identified the first time they speak, then by last name.

Others or any subsequent unidentifiable speakers = Man, Woman, or ?.

Guesses at words or spelling = {sounds like}.

Man: Luis Alejo, Sacramento.

Woman: {inaudible}

Woman: {inaudible}

Man: _____ pinosa, {inaudible}

Man: Daniel Luevano, Calabasas, California.

Man: Owen Lee Kwong from Los Angeles, California.

Hernandez: Thank you very much. I'd now like to just go over a few ground rules before I ask the first witness to give statement to the committee. The committee is here to gather facts and to look at the variety of issues. We ask each of the witnesses to please be respectful and to avoid any defamatory remarks against or {sounds like} degrading remarks against anyone. I am going to ask each of the witnesses to keep their remarks to somewhere between 6 and 10 minutes. If you have additional remarks that you would like entered into the record, we would be very, very happy to take your written testimony that's much longer and you can give it to Mr. {sounds like} Montez or the . . .

Woman: . . . Grace . . .

Hernandez: . . . or to Grace {sounds like} Hernandez, who is also a Commission staff member, and that will be entered into the record. I am going to be keeping time and when time is up I'll let you know and then I'll ask the committee members if they would have any questions. I would also like to ask everyone if they possibly could to turn off any beepers or cell phones as that interrupts the witnesses and interrupts the flow of questioning and testimony. Thank you very much.

The first witness this morning is Dr. John Brown, who is representing Dr. Thomas Aragon from the San Francisco Department of Public Health. Dr. Brown, thank you very much for being with us this morning.

John
Brown:

Sure. Thank you, sir, and I'm sorry that Dr. Aragon couldn't make it. I work with him on our _____rk group for terrorist {sounds like} preparation issues. My name is Dr. John Brown. I'm the Medical Director of the San Francisco E.M.S. System, which is a local E.M.S. agency of the State E.M.S. Authority. But I work for the Department of Public Health here in San Francisco.

organizational chart personnel—These are the leaders of various functions, such as clinical care, logistical support, communications, and so forth—on the incident command system and the standardized emergency management system, which is used by all of California's disaster agencies. We have trained medical staffs at all of our local hospitals and we've provided training materials on our Web site for continuing education of all health care providers of all levels. -At the bottom of the sheet you'll see my email address, my phone number, and our Web site for future reference and future questions. But on our Web site we have some training materials and we have a link to the Department of Public Health's main site which has specific training materials for communicable diseases and other types of terrorist biological agent threats.

In the area of behavior and evaluation, I did want to mention that the leadership role of the Department of Public Health has increased. We have always been a part of the all-hazard response for disasters that the City has had to include such things as large fires, earthquakes being very obviously in San Francisco, but now there's an increased public perception of possible health hazards and health risks so our role in this multi-agency response has increased.

Dr. Katz, as the Director of Health, has developed a deputy county health officer system so that there is a county health officer or a deputy county health officer on call at all times to activate any county health officer functions that we might need to utilize.

The emergency medical system, the E.M.S. system, has instituted radio checks with all hospitals, D.P.H. command personnel, and ambulance providers on a regular basis and given the feedback to the provider agencies. What this has done is increased everyone's familiarity with the communication systems so now we're achieving over 95% success rates on our radio checks. We started doing this on a daily basis. Now we're on a weekly basis, but rotating around to all the different shifts so as many people as possible are familiar with the communication systems and we have ongoing training for people that come into the system and are brand new.

D.P.H. Disaster drills have expanded in scope to cover terrorist attack scenarios, familiarity with our disaster operations center, and the job action check sheets. We have a system that's based on the incident command system. People report into the department operations center and they take a certain job. That job has a job action sheet so that if they're not familiar with the job, they're able to perform the job and then we have obviously a shift system so we can sustain this for a long period of time.

also have this HART system, which is an Internet-based system. The server is not in San Francisco so if there was a problem in San Francisco there's be no reason why that that particular system would be knocked out. The problem would be that we would have, you would have to have a computer that would access the Internet. I know this State is developing another system called **{sounds like}** Ready Net / Readinet which involves Internet plus a microwave back-up which would be yet another modality advancement, and so we anticipate that when that's fully developed we participate in that as well. But right now we have basically five different means of achieving communication.

Carney: Thank you.

Hernandez: Mr. Duran and then Ms. Buitrago.

Percy

Duran: Dr. Brown, in terms of communication, how do you deal with the diversity of languages?

Brown: Within the Department of Health . . . it's a very good question. Between the Department of Health and the people that are the consumers of the Department of Health there is a large cultural competency program that includes use of interpreters, sensitivity training to cultural issues, and so forth. Within those different modalities they are all capable of utilizing different languages. I don't think we do specific training on the command staff on those languages and how to utilize the materials or the systems, but they certainly can be utilized in that function. All of the health care provider areas have the ability to use the T.D.Y., the communications for the deaf, and we have the ability to access that through the **{sounds like}** D.P.H. command center. But as far as other modalities, I'm not aware of _____.

Luz

Buitrago: Actually my question was going to be pretty much the same question that Mr. Duran just asked. I'm wondering, have you, has your agency already provided a compliance plan under the San Francisco people access ordinance? Because as most people know, San Francisco was one of the first cities to adopt language access ordinance. And I'm just wondering whether that has already been submitted.

Brown: I can check for you because I don't honestly know the answer as far as anything to do with the disaster preparation.

Hernandez: Commissioner Reynoso and then Mr. **{sounds like}** Rhim.

Cruz

Most of the supplies for any type of biological event can be recycled. They can be utilized for ongoing patient care. The problem is for chemical or radiological events or large scale explosions, those types of equipment and supplies are not generally used on a regular basis so that to put those in stock a hospital has to make the investment.

Hernandez: Mr. {sounds like} Luevano.

Daniel

Luevano: Dr. Brown, some communities have organized and _____ntained {sounds like} political resident emergency response groups. Is that something that we do here _____ or have you considered _____ .

Brown: . . . Yes, there is a very strong neighborhood response organization called NERT, Neighborhood Emergency Response Teams, and I've been working with them in the context that we also are working on {inaudible} section of the Department of Health having disaster registry procedure disabled persons and they have been working a lot with us on that capability. I think that they're very highly trained and they're pretty well equipped and getting further and further along in terms of that type of preparation. The last training I attended had I believe 2,000 or more people that were there from the _____ San Francisco, a very diverse group, and their function, I mean, their training is to concentrate on the ability to identify needs to assist people with extrication and not heavy rescue, meaning only to move lots of dangerous materials, but to assist people that need simple help and extra _____ to provide first aid and then how to establish communications for further support or to identify their needs to the government and the disaster response units. And that program has been in place for a number of _____. I'm happy to see that it's expanded with increased community interest since September 11.

Hernandez: Mr. Gray.

?: _____

Hernandez: Hang on just a second. Mr. Gray and then Mr. _____.

Thomas

Gray: To what degree has the Public Health Department integrated its plans with the Police Department's plans and the Fire Department's plans and to what degree are they coordinated?

Brown: I would say they are very highly coordinated and there is some area for improvement. The area of high coordination is we've been working with

Man: Actually, I've got one other question.

Hernandez: Okay. This will be the last question. The presentation appears to indicate, well, in fact it says 'key staff' has multi-mobile communication capability and it seems to focus on the upper echelon of D.P.H. To what degree are you training and have you assigned tasks to the rank and file, to the foot soldiers in D.P.H.? In other words, how involved are they going to be should something, some sort of major disaster occur?

Brown: M'hm. That's an excellent question. And we have a D.P.H. training program that was refreshed and actually . . . I won't say absolutely every employee, but a large number of employees have gone through the refresh training that includes the terrorist type of scenarios. That training includes not only what the person would do within their specific organization within their specific branch of D.P.H. For instance, I work for a public health clinic and so therefore I know that I need to listen to the radio to find out where I report to and I already know what shift I'm supposed to report in, A or B, and how I'm supposed to get back. For people that live outside of the city there's an operation return with various spots that they would report to in order to be picked up and brought into the city. And then the second area is focusing on home safety, home preparation, family preparation. The provision of education as far as what the providers would actually do, what the individuals would actually do, they are support staff at a, say, an agency or an organization within {sounds like} B.P.H., secretarial support, clerical support, information management, and so forth, they would come to do that function but they may not do that function at the site that they normally go to. So the areas of training for the foot soldiers, as you describe them, the personnel that would actually be doing the work, has been done. The provision of those individuals with communications devices has not been done. They have been instructed to tune to the radio and TV stations that we would use for time of disaster and to follow the D.P.H. plan in terms of where they would report and what functions they would be assigned.

Same man: Do you consider that that would be problematic in terms of if I am a lower echelon employee that I don't have an assigned task, that I don't know necessarily what I'm going to have to be doing or what I'm going to be expected to do, that I'm going to have to pick that information up off of public media?

Brown: Well, at the, it wouldn't be so much of what you'd have to do. It would be where to report and you'd already be assigned into your shift pattern of do I report right away or do I delay because I'm going to be the second shift to take over from the first shift because of the fatigue issues. The role that the individual has within their organization, meaning if that organization was up and running as a part of the disaster—health clinics

contract bidding process, by offering big discounts to H.R.C.-certified minority women and/or local businesses. There is also a sub-contracting program which sets goals and projects for H.R.C.-certified businesses.

The second division is the equal benefits domestic partner ordinance. We enforce Chapter 12b of the San Francisco Administrative Code, which provides for non-discrimination in contracts and benefits. You might know that the City is prohibited from entering into any contracts or leases with any entity that discriminates in the position of benefits between employees with spouses and employees with domestic partners. And the third and probably the largest division is the complaint handling. That encompasses the employment unit; the housing and public accommodations unit; and the lesbian, gay, bi-sexual, trans-gender and HIV unit. We process complaints of discrimination with an emphasis on mediation and dispute resolution. We also offer technical assistance and training, such as a legal training on HIV in the work place.

Of importance to note is that the San Francisco Anti-Discrimination Ordinances include all federally protected categories and also include gender identity, height, and weight.

I'd like to say a brief word about the commission structure and the five standing advisory committees. The commissioners are appointed by the Mayor and they oversee H.R.C. staff. They meet the second and fourth Thursday of every month. The public is encouraged to attend. The five standing committees currently are the Issues Committee; the Minority Women and Local Business Enterprise, the Employment Committee; the Lesbian, Gay, Bi, and Trans Advisory Committee; the Youth Education Committee. Those are also public meetings. You're very welcome to attend. Just give us a call and we'll let you know when the next upcoming meeting that you're interested in attending is happening.

In addition to our regular work, we also take on special projects in response to community needs, and I'd like to briefly mention three current and ongoing projects that we're doing. The study on the racial privacy initiative, as you know, the initiative has qualified for the ballot and of course there's no use of City funding or any resources to engage in any campaign or advocacy, but we are studying and evaluating the impact that that initiative would have on City programs and services. The backlash project, which the full title is Backlash, Violence, Human Rights Violations and Discrimination in San Francisco, in the wake of September 11 fits very squarely into the question you wanted us to answer about how our role has changed so I want to address that project in fuller detail. But before I do that my colleague and the Commission Secretary Toni Delgado will talk very briefly about a special project of violence in our city.

Department of Children, Youth, and their Families to ensure that there is no duplication in services, that if there is duplication in services we have to marry the departmental effort so that we can provide stronger and more available services to the community to ensure that programs of need that are lacking funding or utilization because the community doesn't know that the programs exist have our full support and advocacy and ultimately provide a united front among all city departments when addressing the issues of violence and violence prevention in our city.
Thanks

Rivera-Weiff: _____ So how has our role changed since 9/11. First of all, there's been an increase of complaints of discrimination. And immediately after September 11 there was an increase of complaints of discrimination specifically against people who were Muslim of Middle Eastern descent or so perceived. And that has leveled off to some extent that it did pick up a little bit with the situation in the Middle East deteriorating. At this point our complaints are still up and the conjecture is that it correlates with the downturn in the economic situation, that when there's a deterioration in economic circumstances in the city it gets played out in people's responses in discriminatory ways or in physical or verbal attacks on people based on previously held beliefs.

What we did after September 11 and in response to the complaints we were receiving about the verbal and physical attacks on people is first we issued, produced, and distributed a brochure which you should have a copy of. It's a hate crimes brochure and lists all the available resources in San Francisco. It's a blue. For the targeted communities. And then, most importantly I think, on January 11 we held a joint hearing with the Board of Supervisors Social Policy Committee. The title of the public hearing was Backlash, Violence, Human Rights Violations, and Discrimination in San Francisco in the Wake of September 11, where we sought testimony from Arab-Americans, Muslims, and people of Middle Eastern descent and those so-perceived about their experiences after 9/11.

I want to tell you the City Hall legislative chambers were packed. There were about 300 people there and we had 55 people testifying and the hearing lasted over 4-1/2 hours. You should also have transcripts of the hearing in your packet. I encourage you to read them. You'll find them informative and very disturbing.

After the hearing with Supervisor {sounds like} Newsome's office we created the Backlash Working Group, and the members of this group were chosen based on their community involvement, their leadership in the affected communities, and their participation in the hearing. Right now we're drafting a report based on the hearing and it will include

Hernandez: Thank you very much for both of your remarks. I now open up the panel for questions. Yes, Mr. Duran?

Duran: Ms. Delgado, . . .

Delgado: . . . Yes, sir

Duran: . . . indicated you had a **{sounds like}** conference dealing with young African-American killings.

Delgado: M'hm.

Duran: Seems to be a national problem in terms of the young **{sounds like}** male after they reach adulthood. What findings did you come to or conclusions did you come to in terms of why this problem exists with the young male African-American?

Delgado: I think there are a lot of problems that start violence in different communities, whether it's in San Francisco or anywhere in the United States. One of those is economic empowerment. There are opportunities where they, people don't have many mentors or even options of other services available. There was a thing called the Midnight Basketball that happened here in San Francisco at one point, where older African-American men would take younger African-American men. They would bring them out. They played basketball at midnight, two games. But during that time there would be a lot of mentoring, there would be, that you'd actually have to register to become part of this basketball program. The program became under-utilized, lost funding, and now it doesn't exist. We're hoping to bring that back in. So that there are other options other than violence for young African-American men. As well as the economic empowerment. That's one thing that we'd really like to start doing here in San Francisco. We would like to go into the **{sounds like}** Bay View Hunters Point and say, What do you need? What can we possibly do? There was a Home Depot that was supposed to go into the **{sounds like}** Bay Views Hunters Point area which was, the plans were shot down. We want the city and other community members to find out why. Why did that happen? What can we do to ensure that there's an infusion of money distributed equally in San Francisco.

: One question _____, the racial profiling _____ in Los Angeles _____ were Mexican-Americans or identified as being Arab or Muslim who were attacked. Have you had that problem up here?

Rivera-Weiff: Yes, definitely. People perceived as Middle Eastern are also being physically and verbally attacked on the street.

Hernandez: Yes, Judge Alston? And then Mr. Luevano.

MAN: I have a question for . . .

Hernandez: . . . Oh, I'm sorry. Can I get to Ms. Buitrago first and then yourself and then Mr. Luevano. Sorry. I _____

Luz

Buitrago: _____. Actually, I have two questions for either of you. The first question is: In addition to finding acts of discrimination, maybe violence against immigrants because they may be perceived as Arabs, I'm wondering whether there were any findings regarding repercussions based on the fact that someone may be an immigrant, people whom they recognize as being a Latino but because of the fear of, you know, against immigrants, has there been a correlation between 9/11 and increased fear of immigrants in general, not just those who are perceived as being Arab? And then the second question is: have you found whether any significant resources have been diverted from trying to address the violence issues that the American community faces as a result of having to shift over to 9, post-9/11 kinds of issues?

Rivera-Weiff: There's definitely be an increase in reported alleged discrimination against people based on race and that includes all, people of all races and people of all ethnicities, mostly brown people or people who are perceived to be immigrants or foreign. And that has _____ sustained, the upsurge in complaints has been sustained and we still are getting a higher than usual complaints. A lot of public accommodations and employment.

Your second question was diversion of resources. Well, as everybody else in the country, we have suffered tremendously. San Francisco being a tourist attraction and we also have an international airport here. Their loss of revenue has been very debilitating and so we are struggling with how to address the backlash with the limited resources that we do have. And that is something that remains. Once the findings and the recommendations become finalized, the Commission adopts it, then the decisions will have to be made what to implement with the resources that we have.

Hernandez: Judge Alston?

Gilbert

Alston: My first question is directed to Ms. Delgado. You mentioned coordinating your efforts with a lot of other City agencies so that you could present a united front as to certain issues. Could you clarify that for me?

Turnbull: Could you give us an idea of the language fluency of your staff and what languages your staff are generally fluent in and how many staff members you actually have?

Rivera-Weiff: Like, on the H.R.C.?

Turnbull: Yes.

Rivera-Weiff: Language _____, there's Spanish, there is Mandarin, k_____hom . . .

Delgado: . . .M'hm. . . .

Rivera-Weiff: . . .Speak another Chinese language. . .

Delgado: . . .There's Chinese, Mandarin, Spanish, we have got 52 employees. . .

Rivera-Weiff: . . . Tagalog.

Delgado: Tagalog. We also have City Hall, which is right down the block, we have a good network with other City departments that work in our building so there is Russian available just at a phone call. So if someone walks into our office and says, "I need help. I've been discriminated." Or, or just needing translating services to navigate through City departments. We can have someone either on the phone or physically there within about 20 minutes.

Rivera-Weiff: _____ has, is also hooked into translation services if somebody calls 9-1-1.

Turnbull: Do you find that you're able to provide your services to all the communities based on the language capacity of your staff? _____ feel that there are shortages?

Delgado: I don't feel that there are any shortages. It has been something that we have been working on the last year and a half to ensure that we have someone on staff at a moment's notice to take anyone who walks in the door. And we have strengthened relationships with other City departments as well as the Mayor's Office and translation services so that we can attend to the community needs.

Woman: One last . . .

Rivera-Weiff: . . . In terms of the Arabic proficiency, that has also been one of the recommendations that we make an assessment of who on the staff is and to hire people who are because there's no substitute for that.

Spanos-Hawkey: So were these two officers, I'm just curious, were they pulled in and given some sensitivity training or some guidance after the complaint . . .

Delgado: . . . From what I understand, they were. By the San Francisco Police Department. And that additionally we at the Human Rights Commission are always available for anything so if someone does call or if, it's not a matter of If the officers wanted to call the Human Rights Commission and wanted someone down there, we would have been down there. In a heartbeat. But I don't think that we were given that opportunity, and unfortunately they acted or reacted in the way that they did. I understand that they were given some sensitivity training as well as a few days off.

Rivera-Weiff: In the climate of, in the post-9/11 climate people were just reacting in ways that were not very thoughtful.

Hernandez: Okay. Ms. Turnbull, and this is the very last question.

Effie

Turnbull: One more follow-up question regarding language. Have you received any complaints or do you have a particular sense about the San Francisco Police Department's ability to use language services? I know that there is a program that the Police Department uses for language services.

Rivera-Weiff: M'hm.

Turnbull: In your opinion, is that an efficient service? Is it being utilized properly?

Rivera-Weiff: I'll let the Police Department speak to that.

Hernandez: Yeah, they're next so.

Rivera-Weiff or Delgado: We haven't had any complaints.

Hernandez: We'll put that on ice for the time being.

Rivera-Weiff: We haven't had any complaints and so I have to go on that.

Turnbull: Okay.

Hernandez: Okay. We would like to thank you very much for coming before us this morning and we'd like to compliment you on the work that you're doing to try improve the state of human relations here in the city of San Francisco and we wish you very well. Thank you.

translators. I was looking at this on the TV last night. We could provide translators, interpreters, maybe pray with some of the prisoners.

And I've got a little package here that I guess I just want to kind of summarize. That this was my application that I had sent to the White House. As I said, I was a former federal reader. I was trying to get myself another job and this is just a little summary of some things. This is the White House application that they sent me. I'm not, I've been doing this for 25 years. I helped them establish the Christian-Islamic-Jewish house of prayer. And here's where I was a federal auditor for the U.S. Office of Health, Education, and Welfare. And here's the certification here.

And then here's some information about Mr. Khorasani. It gives some background. He was formerly in London. Talks about his father. Here's some of the people who are very active and speaking all over the area with the American Friends Services Committee. Here is a picture of me when he and I, I arranged this, he was talking about the Shah of Iran. And here we lectured to kids about, in San Jose, about the Middle East and about Iran.

Here we've got 40 commandments that we've developed at our place. When Moses came down from the mountain he had ten commandments. We have 40 commandments that we've written. This is a summary of the Jewish, Christian, and Muslim {sounds like} Tri-ology and Mr. Khorasani could trace his ancestry back to Mohammed. He's a direct descendant of the Prophet Mohammed.

Here it talks about Sadat wants to construct a religious center. President Anwar Sadat appealed to the world to help him build a Christian-Islamic-Jewish house of prayer at the foot of Mt. Sinai as a living symbol of the brotherhood of man. At the foot of the biblical mountain where Moses is said to have received the Ten Commandments, Sadat asked help in building a religious center. He asked for help. He has been planning since Israel returned the captured area to Egypt in November. So he asked for the help but we have established it. And here it talks about Sadat as one of the world's most impressive leaders, and I feel that he is one of the most impressive leaders.

Hernandez: Mr. Williams.

Williams: Yes.

Hernandez: Let me cut to the chase here a second and ask you, as the representative of the Islamic Society, and then I'll open it up to questions from the rest of the panel. What's your take now on the state of affairs in

Again, my name is Jack Williams. I wear an Olympic Gold Medal watch. This is Jimmy Hines the Olympic champion won the Olympics here. He ran the 100 meter dash, first man in the history of the world that run it under 10 seconds flat. He won two gold medal watches and he gave me one of his gold medal watches. Here he is with President Bush and myself, as President Bush Senior, and Jimmy Hines and myself. Jimmy has known, well, President Bush gave Ricky, ah, Ricky was the President of the Houston Track Club, but he gave Ricky {sounds like} P.S. money for the track club, Houston Track Club. And Jim Hines used to jog with President Bush and Barbara Bush. And my brother used to beat Jimmy Hines all the time. If you had bet money on who win the race, my brother would beat him. My brother beat Tommy Smith and John Carlos. Tommy held 12 world records. And, just want to explain so you'd know who I am.

One time Tommy said, "Jerry, you gonna be third at the end of the race; Carlos, you're gonna be second." And he said, "I'm gonna be a winner." Then said, On your mark, get set, boom, so after the race was over Tommy, who held 12 world records, he came in third, Carlos was second, and my brother won the race. So I've, I beat the His coach, the Olympic champion Bobby Morrow, nobody passed me and I didn't pass anybody but they gave me a fifth place in the race and they gave the Olympic champion about sixth or seventh. And the guy next to me said, "I think you beat me, {sounds like} Woodhouse." I said, "Yeah, I think I did," and it was a _____ course race, you know.

And then the world record holder, Ray Norton, he was the world record holder, and I lost to him by an inch. I was ahead of him for 99 yards and the _____, beat me right there at the finish line. So here's a picture of my nephew. He's the general manager for the Chicago White Sox. He's played with John Elway and he played at Stanford and

So . . . I was a former general manager at the, with the Marin City Community Services District when this picture was taken with President Carter. And we met President Carter twice and I was formerly a federal auditor with the U.S. Office of Health, Education, and Welfare. And out of 50 people they selected two to go to Washington, D.C., and I was one of the two. And then once in Washington, out of about, oh, I guess a hundred, the evaluators, they selected 20 to evaluate the special magnet school projects and they selected me and I was chairman of my group at the time. So I started as a general manager, like city manager, in Marin City. I started the flea market in Marin City. I re-started the community services district. I reviewed the plans for Marin City Transit, which was a black-owned bus company which is now Golden Gate Transit. And I encouraged the establishment of the Islamic Society.

conversation with the leaders of those groups even though our views might be different to help them in order just to protest against us, even, and we've had citizens or visitors from outside and they're always amazed by the relationship that we have. Even when we make arrests, it's usually by design. We'll tell 'em. They'll tell us, you know, we're here protesting, say, like, oh, The Gap store. They like The Gap. You know, the trees, the redwood trees. They said, "We are going to have some protests here," and we will help them by saying, you know, to make it easier for you, you can go on and have some of your people arrested but to facilitate you and to help out, make sure that they have identification, whoever you select, so that they go through the process quicker. Make sure they're adults or we don't have to put them in a separate, you know, Y.G.C. So we work hand-in-hand, even with people who we don't have, necessarily agree with. Definitely _____ our concept.

Hernandez: Thank you very much Commander. Your presentation has been extremely informative. It certainly has been very, very interesting. And I think many of us learned a lot of things today that we didn't know. And I also want to thank you very much for your openness and your candor with the Committee.

Harper: You're very welcome.

Buitrago: Thank you.

Hernandez: I'd like to, at this point in time, take a ten minute break.

Man A: Yeah, we have about three or four witnesses left. So after the break we'll finish with them.

Hernandez: Yes. Ten minute break. [gavel sound]

[Not sure if tape left running or re-convened]

Hernandez: Mr. Williams is gonna be speaking on behalf of _____. What's his name? I don't know what I'd do.

Man: Marshal Firebaugh. {sounds like} hotayah / hotel [??] school.

Man: . . . _____inger, he's with the State Department of Education.

Man A: Oh. He moved into the major leagues here.

Hernandez: Okay. Great. Okay, so Okay. Do we have an NAACP rep?

Harper: I would like to say that San Francisco Police Department, we're not perfect and we need constant vigilant _____ {sounds like} sanctions put on our _____ and so I don't want to sound Pollyanna when I say just as we have a very good relationship with the O.T.C., Officer {sounds like} Citizen Complaints, we have a good relationship with the police officers association and they'll come to the administrator's defense a lot of times and we have a relationship to the degree with them that when we implement new directives that the officers have to follow we will actually get their input prior to implementing it so that we have buy-in from them. So, like, right now under this new administration, we just received some more directives about grooming standards, about officers have to look more professional being uniformed when they go to court. Actually, that was written in conjunction with, and with the approval of the police officers association. So there is a lot of weight that they pull, but, and I should knock wood, right now we have a good relationship where we're working hand-in-hand with them. And by the police officers association, the primary one would be that which represents the majority of the officers but there are other smaller unions within the police department that might not have a majority of the officers, such as Officers For Justice, the _____ majority of, say, Afro-Americans but a lot of women in that one. We have the Latino Police Officers Association. We have the Pride Police Association for gay female police officers. We have the Golden Gate Association. And we try to be mindful of all everyone's input. So I think, if anything, we err in having sometimes too much input to the dismay of some officers saying well, maybe we shouldn't ask all these different opinions and advice from the different union representatives when new things come out. But we, right now we have a good relationship. And the president is {sounds like} Chris Cunning. I don't know if you want to ask him or get him at a future one also, but right now I would like to think that I'm going to enjoy this {sounds like} era while we're in _____, let's put it that way, okay? But we have a good working relationship with them and they do have a tremendous amount of influence over the officers, tremendous. I think what helps too is that we're going into some ballot measures that might benefit everybody so maybe that's why they're bending a little more backwards and working with us.

Hernandez: Final question. Ms. Buitrago.

Luz

Buitrago: This may be too much of a global and maybe unclear question, but I'm wondering whether the San Francisco Police Department has actually had this questions about how you balance the serious safety concerns that we're dealing with today with the erosion of the civil rights of many people. As you know, there are a lot of things coming out of the Department of Justice and many things that you maybe have not talked

initiated by the O.C.C. and so if an officer sustain or receives three complaints, whether it was their fault or not, we have to investigate to see if there's a pattern, if it's a behavior pattern or if it's a training pattern or what's going on that the person would receive this. And by discipline we do progressive discipline and the cases are turned over to the police department management control division for, for the discipline aspect and that up until this re-org was directly under our assistant chief.

Gray: Thank you.

Harper: You're welcome, sir.

Hernandez: Mr. Alejo.

Luis Alejo: [too far from mic - scattered and guesses] Last _____ police department released its own report _____ of the numbers of people arrested and number of people stopped _____ other violations but in addition to that I think the number of searches also was pretty surprising _____ African-American _____ after they were stopped three and a half times more Latinos were three times more likely to be searched than _____ white _____. And so my question is what has the police department done _____ to _____ San Francisco. Then my second question is whether the San Francisco Police Department keeps statistics on individual officers in terms of the numbers of arrests, stops, and searches _____ officer.

Harper: In response to your first question, the driving while black or brown, we have actually instituted, we have a tracking system when anyone is stopped for a traffic violation the officer now has to fill out a form that has to be turned in so that we monitor who they're stopping and we're trying to gather that information to see if there's validity and if there's a pattern or _____ which officers.

Alejo: _____ . . .

Harper: . . . And actually, yes, m'hm, with the traffic stops, and actually even now at the airport because we're on a different computer network than up here in the city we've instituted our own, the same information but we're gathering it from a different format.

Alejo: What was the _____ . . .

Harper: . . . Well, right now we're still at the point of getting the information but we try to stress to the officers not to stop solely for the _____ has to be some nexus, some criminal nexus for them to make any stops. Keep

know if they'd use them necessarily. San Francisco, we have ____final members of females in the department. I would like to brag and say we're 15%, but on the other side of the coin, that's very dismal, 15% female representation in the police department. But this is much better than a lot of other metropolis in other areas, believe it or not. I would like to also mention that we have, because we are _____ly aware to the different cultures in the city, that San Francisco's probably the only city that you'll encounter that has started a, it's called African-American Advisory Board, which is comprised of head people from the African-American community. These are clergy, these are our business people. There's about 18, 19 very well respected within the community and we meet with the police and we have a police liaison who works with them and we get their input about what's happening in the community so that the police department can address those concerns. And we're hoping that the other cultures will pick up and do the same thing. But this is relatively new and I'm saying we've had lunches with the group and we're forming, I would like to think, a very good relationship. So you'll, won't find this in the other cities.

Hernandez: Judge Alston, Mr. Alejo, and then Mr. Luevano and then _____. Judge.

Gilbert

Alston: How often do your officers have to qualify on the range with their weapons?

Harper: Quarterly, sir.

Alston: Once every 90 days.

Harper: Quarterly and they change the sequence of the shooting so that they don't get used to shooting the same way all the time. We have gone to automatics now. We were using the six-shot revolvers until we had a incident {sounds like} with this firm, _____cute _____ssible.

Luis Alejo: _____ Mr. Gray was _____ before you and I misspoke when I st_____.

Hernandez: _____ Gray.

Thomas

Gray: Um . . .

Hernandez: I'm trying to manage it here so that . . .

Gray: . . . You're doing a fine job. I'm sure that S.F.P.D. keeps very thorough records on the complaints that are filed against officers. Do you have

Man: {inaudible}

Hernandez: Yes, _____

Man: [too far from mic - some guesses] _____ commander used the term "bad apple." These studies reject the notion of a bad apple situation _____ something happens the mayor immediately says, "{sounds like} All / Oh the officers are not, most of the officers are great officers and so on. We have a few bad apples. But these studies reject the notion of the bad apple theory. They say that there is an element of culture in the police departments that really need to understand to see how we change it. For example, in Inglewood and Los Angeles when we've had these _____, these beating here on television, invariably we've had a, perhaps a bad apple doing the beating, or bad apples sometimes. But there are other officers around that tolerate them apparently because they don't report that in fact _____ part of the problem. So there's the culture, not a bad apple, the culture those studies say that needs to be changed. My question is, is that being discussed? Is the culture, not the bad apple theory, the culture being discussed.

Harper: All of it. This is our worst nightmare. We're trying to unfortunately learn from these other agencies and when these are brought to light we incorporate them into our training and into our philosophy and what we can do and what we should not be doing. So I agree with you that there is a culture. Trying to get away from it. What, the way the police department in San Francisco is set up, a lot of the officers are assigned, given their assignments within the district _____ by seniority and then even within the district by seniority so that you find the majority of new officers, no, the older ones are like, you know, be home with their families, they work a day shift. Then the ones with a little more time, the less time, they might work a swing watch. And then the fear is that a lot of the newer officers are then assigned to the midnight shift, where you might be more prone to . . . might be such a culture, it might be . . . maybe a logical one, possibly, and even with that we've instituted night supervisory captains which we have not had in the past and that is a person actually who, of higher rank whose only job is to work in the evening. And we have the lieutenants and what we're trying to do with the recruits is spread them out throughout the district, throughout the watches so that you don't get like bunches of certain type of people who maybe because they're new, naive, and they don't want them to adopt bad habits, they can be looked at and scrutinized. We're also right now undergoing our evaluation. We have evaluations in place with patrol officers for the inspectors, even for the sergeants and lieutenants, but we're revamping them. We're saying this is not enough, it maybe is not addressing what we need to address, and that is {sounds like} a _____ mit _____ teens right now too. So, I agree with you. And it's, it is a

"P" word is because, and this is why I also am saying, which illustrates that point, is that even the terrorists are getting more sophisticated. They know that if they have a person who looks a certain way that everybody will gravitate toward that person and say, "Oh, this is a terrorist." Now they're using women, now they're using young boys, now they're using girls. What we're training officers to do is that anyone, anyone can be a terrorist. And so we cannot use that word because we would be putting our guards down. And like you're saying, as the McVeigh case illustrates, is that there's other terrorist groups and religious fanatic groups in the United States that the majority of people do not have privy to, neo-Nazi groups that are just as violent and we need not to let our guards down **{sounds like}** why we think or should think or _____ice charging one group actually terrorists exist everywhere. If we let our guards down. And thank goodness they're a small population. A lot of them aren't organized but they're, some of them are very sophisticated. A lot of them are in the Philippines and in other countries but there are branches here too. And that's why we cannot say that this person is capable of this because they're getting much more sophisticated.

Hernandez: Commander Harper, in essence what I hear you saying, and clarify if I didn't understand you clearly, that to some extent racial profiling or profiling of any sort can be a security risk for the society itself. So that if, what I hear you saying that it, that terrorist groups pretty soon will be able to detect the type of profile that law enforcement or our agencies are using and that if we over-profile then we actually put ourselves at risk because terrorist groups could then counter that profile and send a terrorist who doesn't meet that profile, putting us at risk. So profiling, what I'm hearing you saying is that to some extent profiling has some, there's some inherent risks in profiling for the society itself.

Harper: There's tremendous inherent risk in profiling. I think the only good, if there's any good that resulted from the 9/11 bombing is that we cannot be naive and I think we cannot be arrogant because we live in the United States to let our guards down. We need to bring ourselves and our security levels up to the same competency level as some of these other countries and in fact acknowledge that terrorists can be any color, any sex, any age.

Hernandez: That's sobering. Commissioner and then Mr. **{sounds like}** Duran.

Man: [too far from mic - in places, scattered words only] . . . appreciate the report by the city and county . . . human rights commission . . . copy of . . . commissioners and if . . . let's say . . . **{sounds like}** belief / police response . . . quite a few reports . . . that suggest that training . . . and that constant vigilance . . . the police culture _____ isn't going to change until we investigate in greater depth what motivates a police officer, what

There's different characteristics though at the airport that the screeners have and this, none of this right here so far involve the police department. I'm just letting you know how the federal checkers, how they do their job. So I would like to make that distinction. Okay? The secondary, if you're not random and if one of these other criterias go off, then that would make you eligible for a secondary screening. That would be if you pay for your ticket, if you bought it within the last 24 hours, that can trigger it. If you paid cash for your ticket. If it's a one-way ticket to or from one of the sensitive areas, I guess, like a Mideastern country one way, that might garner curiosity on the person's part where they would be open for that screening. If there . . . actually, I don't want to . . . [paper rustling sound] . . . _____ important to 'ya Let me give you this list of criteria that they do use. . . . Yeah, I actually, I mentioned them all. If you bought the ticket within the last 24 hours, if it's a one-way ticket, if you pay for the ticket in cash, if you're departing from or arriving to one of these countries that they identified as being more heightened, and if you also have a passport, a passport for one of these countries _____ so those are the majority of the reasons why, in addition to being random, why they might have to go through this secondary screening.

Hernandez: Mr. Alejo, you had a.

Luis Alejo: I have two questions.

Harper: Yes.

Alejo: [too far from mic - pick out scattered words only] First . . . also, looking at . . . police . . . immigration . . . concern . . . San Francisco Police Department . . . population And my second question is regards the policy . . . past . . . county and the city to . . . identification . . . as an official form . . . identification San Francisco _____ first city to have the California . . . policy and especially since 9/11 . . . San Francisco . . . areas in the state . . . want to know what _____ .

Harper: San Francisco is probably one of the most tolerant cities in the whole country and we take pride in saying that. As you ask about the immigration, it is a {sounds like} sanction city. We have general orders that goes out to all the officers have to follow, mandatory. We do not initiate any investigations that involve immigration. You know, we might, there are sweeps _____ s may be done by the I.N.S. through the city and they would tell us when they are coming, but we tell 'em that we cannot sanction their action, we cannot participate in them. If they do it and then they have a problem afterward, you know, or if there is some conflict, they we will assist. But we don't initiate. That's always been our policy here in San Francisco and _____ do not support {sounds like} C.S. changing that _____ .

They're supposed to be training down the cadre of 150 of their feds who will take the place if you're a member of the National Guard, it's the same role that they play. Right now the police department, we're paying officers overtime or the government is paying, the feds are paying overtime for the police officers to act in that capacity just _____ to mention. With the screening, and this is why I said it was very unique down there are the airport, the actual authority to hold back a plane or to deny someone access actually fall to the air carriers and with this T.S.A., Transportation Security Administration. The police department, we do not, we cannot say stop the plane or don't let this person on. We can only respond to their request. I don't know if you're even aware of it but an airline pilot, a pilot, can deny access on the plane if he feels that someone should not be on the plane. We cannot do that. Okay? But they have that much authority and power and that we tell individuals all the time they need to take that up with that air carrier and there's other definite ramifications behind that. So they're, and because they fly they feel it's their authority and their responsibility.

So how they do this is that when everyone buys a ticket you have to, now you know you have to have your I.D. out all the time, everyone has to go through that primary magnetometer where it checks for the metals. And there's a whole list. The aviation security _____ says there's . . . there's a no-fly list, I need to mention. A no-fly list, where names are added on to that list. And this is government. We don't know how these people are chosen to be put on this no-fly list. If when they buy a ticket and their name matches one of these names on this no-fly list that's updated regularly and their criteria that the government uses for this I'm not privy to all of the different dimensions. I would say the majority of them are Mideastern by the spelling of the names and by how they're written, though. They will call the police if the someone fits the name on this no-fly list, if the birthday matches, and there's all these different criterias, the police are called in to investigate or help investigate. All we do is then we run the person through our _____ system, our radios, to see if this is in fact the person. A lot of times one letter might be off, one year of the D.O.B. or whatever. If we think the person is the same one identified on this no-fly list, then we have to contact, mandatory, we get hold of the F.B.I. and then they come and they do a more intrusive search to make sure that this person is in fact the same one on the no-fly list. The majority of the time it is not. And then the airline makes means to get the person on that same flight or if there was a time delay then they get them another flight. So that's the no-fly list that's put out and it's updated regularly.

After you go through the basic magnetometer there is a list now of what you can carry on you and what you cannot carry on you, and that list is posted and actually that's for public. I can get you a copy of that.

have whole families go up and greet people as they're coming off the plane. Always you had to go through a magnetometer to check for, you know, a metal detector in case you had weapons and all. Since 9/11 you no longer can go past the ticketed area. So because we . . . it makes it difficult sometimes to go travelling with small children or if they're travelling by themselves with elders, you cannot see them all the way up to the plane. They have to be let off at that point and then they have to be on their own. But the airport does provide services for them.

It's been quite an evolution since 9/11. The airport and we as we police the airport, even though we're part of San Francisco Police Department, and we are actually S.F.P.D., it operates off a different funding. The general fund is what pays officers up in the city and we're paid actually from the airport, a separate stipend from them. And the police at the airport if you want to con-, I guess my best analogy would be like one of those little snow globes, like it's totally self-contained. So everything, and the services provide, the San Francisco Police Department provides in the city is actually duplicated and we provide it right there at the airport. So where, as I mentioned, we have the four bureaus up in the city and the airport's one of them, we actually do a little, we have an **{sounds like}** inspiration bureau also down at the airport and we do investigation. What's unique about San Francisco Airport, International Airport, is that even though we're part of San Francisco actually territorial-wise, we're located in a different county, San Mateo County. So our reports and our investigations are not actually, don't go through the City Attorney actually, they go through Santa Clara District Attorney.

We've always **{sounds like}** espous / espoused [??] and, the concept of community policing the department as a whole and we've always been welcome and we **{sounds like}** two sensor and ways to improve our services for the public. It's a very diverse, as you know, city and we find at the airport even more so. The majority of our screeners at the checkpoints are actually, **{sounds like}** the minority group, they're Filipino and we've been working hand-in-hand to try to get them so that they can be, when the federal agency has taken over the airport so that they can retain their jobs. So we do work hand-in-hand in that regards.

I need to mention since 9/11 they did change the F.A.A. to this new agency under Homeland Security, which is the Transportation Security Administration and we just have a new federal director at San Francisco for the last month and a half. His name is Mr. Ed Gomez and he's been in place for a month and a half and I think he's been in training so actually he's been down there physically probably about three weeks now so we're working with him.

actually was put in place at the request of the mayor and it has been decided long ago to implement this and the police department just to coordinate the responses to emergencies and to provide a more readily response _____ infrastructure {sounds like} in / from the city and so I think that one was created as a result of 9/11 and the concerns of 9/11 was officially up-started last night.

In the patrol bureau there are ten station captains. The city is divided up into ten districts. And they represent different parts of the city. Each one is unique in what type of crimes that they address, what type of concerns, and each of the captains respond to a deputy chief.

I am at the airport so when I'm looking at your agenda I see that you had someone here representing the police department and then you wanted somebody to speak about the airport. At the airport prior to 1997 they had just a general police force down there kind of like a little more elevated than security guards. They had their own. In '97 the San Francisco took over the airport and what we did is we brought in San Francisco into the airport now because they already had police down there, there was like a two-year moratorium where we trained the officers who were at the airport and we kind of grandfathered them into our department up here and that's why we have the 2200 right now. During that two years we were looking at we wanted to make, bring their, it wasn't like the officers originally at the airport were lacking in these skills or anything. It's just the type of incidents you have to handle at the airport are different than the ones that you have to respond to up in the city. You know, up in the city you have more of your violent crimes. You have more of the community _____ that one would not be exposed to in the city, um, at the airport, even to the degree there are no permanent residents at the airport. We call our public actually the travelling public and there are tenants down there and there are the airline carriers also located at the airport who we cater to. During that two years while we were bringing everyone up at the airport to a competency level of the regular officers in the city, we call the city . . . we have a _____ for the city _____, but in order to do that we need to know how any of the officers at the airport at that time transfer into the city to work some of the more heightened other concerns or the district because they wouldn't be familiar with it, but during that time actually officers from the air-, from the city could transfer down to the airport. Right now we'd almost say since '97 probably about 50% of the officers at the airport are originally from the city and now it's by choice. It is an assignment and officers based on seniority can work in different, the different districts based on how long they've been in the department and it's based on just personal preference. And since that time also some of the airport, the original airport police have now transferred up and they're being incorporated quite fully into the material, the fabrics of the city now.

the Islamic community in the San Francisco Bay area, post-9/11? Is the Islamic community having problems of discrimination? Are they experiencing any violence? Are they experiencing what they feel might be violations of their civil rights because of their religious preference or because of their ethnicity? What can you tell us about that?

Williams: Well, I understand, I understand exactly what you are saying and what, what, but what I think, the reason we established the Christian-Islamic-Jewish house of prayer programs is to, to, you know, for the purpose of trying to show some kind of a unity and trying to create a kind of understanding. As I said, I . . .

Hernandez: . . . And I understand that. But understand what the focus of the panel is here and what the State Advisory Committee has as its task. And our task is to look at the community post-9/11. One of the things that has been raised again and again is that the Islamic community in various places throughout the United States is experiencing discrimination, is experiencing violence. We have had situations where people have been mistaken for Arabs and they've been killed or hurt. So could you tell us what, after all the background that you've given us, could you tell us what you know of this kind of situation here in the Islamic community here in San Francisco. Are you getting increased threats? Are you getting problems that relate to civil rights? What could you tell us about that?

Williams: Well, again, again . . . well, there's all kind of ups and downs and, you know, in life. In all kind of a different situations. When our negotiations failed with the hostage situation, all the negotiations with all the diplomats, Mr. Khorasani took the position that he was not pro-Carter or Pro-Khomeini, but pro-peace. Now, I can outline a whole list of this or that, that people have even said to me. But what does that accomplish? Where does it go? You know? Where do we go from here? You know, you could outline, you could sit, I'm not a sick guy. I'm a healthy person. And so if someone calls me this or that, I try to ignore it. Which I've been called names myself, but I just try to ignore it and overlook it. Why, I'm a champion, I'm a winner. I'm not here to cry about a . . .

Man A: Wait, let me talk to, with, I personally talked with Mr. Khorasani . . .

Williams: . . . Khorasani, right.

Man A: And he stated to me that in San Francisco there was no changes since 9/11 in the community.

Williams: Okay.

Williams: . . . you give everybody else some time. Let me have the same time, if, you know, that's what I'm, what I came here to talk.

Hernandez: Well, you have to understand that the other people that came before the panel were, were addressing the issue at hand, which was the situation post-9/11. And there's nothing that I've heard in your presentation at this point, up to this point that addresses that issue. It, so, unless you have something that's pertinent that directly relates to the task of the Committee, in the interest of time and out of courtesy to the next witness, I would ask you to submit anything else that you have for the record so we can move on. Is there anything that you have other than letters and other exhibits here that you could give testimony about that would relate to the Islamic community, how it's being treated, any problems that they're having. If your organization takes the position that everything's okay, then that's fine to enter that into the record and we can move on. So is there anything that you could tell us with respect . . .

Williams: . . . Well, I was gonna, yeah, I was gonna, I'm gonna summarize some of, I've summarized in this because it's specifics. It deals with specifics. For example, you know, {sounds like} Stuart Ivenstar / Eisenstoff, who is the, now with the Treasury, he sent us a copy of the Persian Gulf Paper and he asked us to critique the Persian Gulf Paper, but this is something that should be done, I think, the Persian Gulf Paper critiqued.

Hernandez: Okay. Well, then, let's . . . let me invite you to put all of this stuff, give it to Mr. {sounds like} Montez, whatever paperwork you have there. And I'm going to ask that we move on to the next witness because I'm not . . . in my estimation, we're not hearing what we came to talk about and explore here. So I just don't, I don't see that we're going to go anywhere with the presentation as it's going forward now. So I want to thank you very much for coming before the panel and I, if you have anything further then you can make it available to Mr. Montez.

Man: You have my card.

Williams: Yeah. Okay.

Man: Do you have a card?

Williams: No, I don't have a card with me now.

Hernandez: Okay. Could I call forward Mr. Vivek Malhotra, who is a representative for the Chinese for Affirmative Action. And please state your name and your organization for the record just in case I mispronounced it.

Vivek

In California the civil rights assault on immigrants has been especially significant. According to our most recent census data, 28% of all foreign-born Americans or some 8.5 million individuals reside in California. California is also home to 1 out of every 5 Indian-Americans, with over 300,000 persons of Asian-Indian origin. There are an estimated 3 million Americans of Arab descent across the country and many of them too reside in California.

As a civil rights organization, C.A.A. felt compelled to address the backlash against Muslim, Arab, South Asian and other groups that arose immediately after September 11. Leaning on our staff experience in addressing hate violence and discrimination, C.A.A. and Intergroup Clearinghouse, a local organization committed to addressing issues of hate violence, immediately coordinated with local bar associations and community-based organizations to set up and administer trainings for lawyers and community advocates who wanted to assist victims of bias-related incidents. They were able to train over 250 attorneys and advocates in San Francisco and the San Jose area on federal and state legal protections, procedures, and resources for hate crime and discrimination victims.

We also convened a network of South Asian organizations in the Bay area that cut across religious, ethnic, professional, and political lines. Prior to 9/11 the Bay Area South Asian community had no infrastructure in place to educate individuals about rights and resources or to communicate with government and the general public about bias-related incidents. We used this network to assess community needs within the local Sikh and South Asian populations and to disseminate critical information to the community about resources and rights. And then shortly after 9/11 C.A.A. also recognized the importance of working with a cross-section of communities affected by the backlash in order to share information, resources, and experiences so that we might collectively respond to hate violence and discrimination in an effective and unified manner. Thus, the United Response Collaborative was born. In addition to C.A.A., members of the Collaborative include Intergroup Clearinghouse, which I have already mentioned; the Islamic Networks Group; the Alliance of South Asians Taking Action; and the Arab-American or the American-Arab Anti-Discrimination Committee of San Francisco. Funded by a grant from the California Endowment, the Collaborative uses strategies such as community organizing and empowerment, violence prevention and education, and strategic planning and organizational development to create a multi-ethnic, multi-cultural, and coordinated approach for both preventing hate violence and responding to the needs of victims. The Collaborative members provide direct services to victims of discrimination and hate violence, participate

chose to keep their children home for weeks and even months for fear of the threats that their children would face in their schools.

The prevailing notion of non-citizens as terrorists has now also infected our national debate and federal policies toward all immigrants. Our government's profiling of individuals based on their national origin on such a vast scale is something we have not seen in this country since the dark days of the Japanese-American internment during World War II. The anti-immigrant proposals we hear about on almost a weekly basis now are fueling an irrational xenophobia that is working only to alienate immigrant communities. Indeed, police chiefs in San Francisco, Oakland, and San Jose have declined to assist the F.B.I. in their profiling, interrogation, and detention of hundreds of Bay Area immigrants because they recognize that the practice will destroy whatever relationships they have been able to develop with these communities over the years.

The U.S.A. Patriot Act hastily ushered in blanket detention and deportation powers in the name of national security. Under Attorney General John Ashcroft we have all heard about the secret arrests of hundreds, perhaps thousands, of immigrant men across the country targeted because of their national origin. To our knowledge, not one has been linked to the terrorist attacks of September 11, yet they have been denied basic Constitutional protections of due process and many have been deported without ever being afforded the right to an attorney. Under the new federal law non-citizens may be subject to deportation without even basic notice of their deportable offense. For example, while the State Department has enumerated a list of terrorist organizations to which individuals are banned from contributing financially or otherwise, a non-citizen may be subject to deportation for supporting an organization that does not even appear on that list but is retroactively deemed a group that aids terrorists. In the past month the F.B.I. has raided Pakistani-owned jewelry stores at malls in San Francisco and Richmond and has reportedly taken away almost 20 individuals. Because of the dangerous cloak of secrecy surrounding the F.B.I.'s operations, we do not know what happened to these individuals. Not only does this type of action threaten bedrock principles of due process and reasonable suspicion, but it engenders fear and suspicion of government among the Bay Area's immigrant communities. Just this week Attorney General Ashcroft has announced a new regulatory proposal that would make the failure of a non-citizen, including permanent residents who have lived in the United States virtually their entire lives, to report a change of address within ten days of moving a potentially deportable offense. As one immigrant advocate so eloquently put it, "The Attorney General is threatening to put people in jail and have them deported for the equivalent of having an overdue library book." This regulation would effectuate an antiquated law dating back 50 years at a time when our country's immigration policies

religious worship for the community and not necessarily to advocate for changes in policy or to address some of the issues that have come down. So if you had invited today, for example, the two groups I had mentioned, I think you would have gotten a good sense of how the Islamic community has been impacted. Because they're part of a collaborative that we work with, I know that we hear most of the stories about how the Islamic community is affected from their own experiences with the communities that they serve. And contrary to the testimony given just prior to me, I think the Islamic community does, is experiencing a great deal of fear and suspicion of our government. And I wouldn't be surprised that individuals wouldn't feel comfortable coming forward even today to talk to the Civil Rights Commissions representatives here in California because of that suspicion and that fear. We do know that it is the policy currently of the Department of Justice to secretly send F.B.I. agents into houses of worship and I know that the Islamic community is very aware that that is a practice that is happening. So I would again say that the general sense is one of fear and suspicion of our government and, but there are communities that have a voice and are bringing those experiences . . .

Man A: . . . Four individuals from Fremont, San Francisco, Fairfax, and Oakland were invited and none of 'em have showed up.

Woman: May I make a suggestion, Dr. Hernandez? In terms of the couple of groups that were mentioned that maybe we can do a follow-up interview over the phone to include _____ . . .

Man A: . . . I intend to personally interview 'em for the record, but I think that . . .

Woman: [same] . . . But the _____ditional groups that Mr. Malhotra mentioned, I think, the Arab-American League, or the _____ . . .

Malhotra: It's the American Arab Anti-Discrimination Committee.

Woman: [same] And the other _____?

Malhotra: Islamic Networks Group. Let me just explain a little bit. Islamic Networks Group focuses mostly on public speaking about Islam and they go out into the schools, they go to police departments, they go to community centers and they've traditionally talked about Islam to a community that may not know about Islamic practices. Since September 11, obviously, their requests for their presentations have gone up tremendously and they really don't have a lot of resources, but they are doing a tremendous job of getting that voice out there.

More recently, we can look at the incidents or the prosecution of Dr. Wen Ho Lee and I think the Chinese-American community felt a great affinity to Dr. Lee and really as a group, especially in the Bay area, mobilized to support his case and really recognized that racial profiling is anathema and can impact Chinese-American community just as it impacts others. And what we've seen in San Francisco is a great recognition upon, on the part of the Chinese-American community about the evil of racial profiling. And so I think they, there's an acknowledgement that the profiling that's occurring now against Arab-Americans, you know, Chinese-American community I think really understands the significance of that. As does the Japanese-American community in San Francisco, which is also significant since so many of them, including representative Mike Honda, were interned themselves or the children of internees. And certainly we all know that Japanese-Americans along the west coast were all affected by the internment.

Hernandez: Mr. Gray and then Mr. Alejo.

Thomas
Gray:

I would like to offer a kind of a comment and suggestion which follows a statement that Mr. Montez made which, and then I would ask you to comment on, possibly your ability to help us execute that. Mr. Montez noted that we invited a number of people who failed to show. I presume that they had indicated that they would be here. I would like to suggest that the Committee actually contact people or organizations which have previously appeared either before us or which have sent representatives to the U. S. Commission on Civil Rights in Washington, D.C. In other words, organizations that have a track record of cooperating with us and use those organizations to then bring other people and representatives from other organizations before us. I think that it would be, it's somewhat understandable that people might be hesitant to appear before us if they have no idea who we are or what we're about. Whereas, if we use people that we already have an established and successful relationship with as an intermediary, we might get a lot farther a lot faster. And here comes the question to you. Would you be able to assist us and would you be willing to assist us with that? In other words, can you identify people within the groups here in the Bay Area who represent this significant community which is being seriously and adversely impacted by the developments post-9/11 and would you be able to help us reach out to them so that we can get their story? Could you do that for us?

Malhotra: Sure. I mean, I think that that experience is very important to you in understanding of the post-9/11 activities. There are the two groups that I mentioned, and I'd be happy to make contacts for the advisory committee with those two organizations. There's also the Council on American Islamic Relations and they also have a chapter here in the Bay Area.

up. I know that a similar proposal or similar bill has been introduced on the House side. What I understand these pieces of legislation would do is essentially say, hey, we have airport screeners who are not citizens yet but they're eligible to become citizens and we recognize that the naturalization process takes some time. Well, let's expedite the naturalization applications of those who are eligible to become a citizen and let's not fire them from their jobs but retain them at least for a year so that they have time to become citizens. This doesn't address the needs of all airport screeners, but it does at least make a step to addressing the concern.

The underlying problem, though, is I think something that we all have to grapple with. This equating non-citizens to terrorists and to not being loyal to the United States is just a very dangerous equation, and there's no support. There's no rational support for that presumption. And the way it's affecting our federal policy, not just with airport screening but across the board, is just something that concerns us so much because what it does is it contributes to this atmosphere of suspicion. So even if it's not within federal policy, it's, the federal policies basically sanction community impressions and suspicion of people that are not citizens. So it's just very dangerous for our government to be sanctioning the kind of presumption. And it's irrational. I mean, you have airport screeners cannot be, must be citizens, but that same rule doesn't apply to our pilots, our flight attendants, or even our national guardspersons who patrol the airports. So someone carrying a rifle as a national guardsman patrolling the airport doesn't have to be a citizen. It's really incredible. Or even the Army.

Hernandez: Mr. Luevano for the final question.

Daniel

Luevano: I'd like to ask to go back to something you said at the beginning with regard to training attorneys _____. Can you tell us _____ . . .

Malhotra: . . . Sure . . .

Luevano: . . . _____ involved in training and _____ {sounds like} whom _____ available _____ . . .

Malhotra: . . . Absolutely . . .

Luevano: . . . _____ .

Malhotra: At Chinese for Affirmative Action, we don't provide legal services but we happen to have four attorneys on staff, none of whom practice law. I'm an

litigation but could certainly do a lot of the intake. So it was a combination of attorneys and community advocates that went through the trainings. And what came out of that was basically a referral list and pool of individuals that could take on cases. And we used community-based organizations . . . community-based organizations used that list to kind of do the intake for victims and then they were able to refer them to attorneys that could assist them. So.

Hernandez: I want to thank you very much for your appearance before the Committee. We would appreciate, as requested by some of the members of the Committee, if you could communicate with Mr. Montez and maybe . . .

?: . . . Yeah, I'll call him . . .

Hernandez: . . . and maybe, and then put us in touch with some of the Islamic groups that might give us a better insight into what actually is happening _____
_____ . . .

Malhotra: . . . Sure . . .

Hernandez: So thank you very much.

Malhotra: Thanks for having me.

Man: Thanks a million. I gave you my card _____

Hernandez: {sounds like} Phil

[END OF RECORDING ON SIDE B OF TAPE 2 OF 2.]