

U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

+ + + + +

Friday, March 21, 2003

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The Commission convened in Room 540 at 624 Ninth Street, Northwest, Washington, D.C. at 9:30 a.m., Mary Frances Berry, Chairperson, presiding.

PRESENT:

MARY FRANCES BERRY, Chairperson

CRUZ REYNOSO, Vice Chairperson

JENNIFER C. BRACERAS, Commissioner

CHRISTOPHER EDLEY, JR., Commissioner

PETER N. KIRSANOW, Commissioner

ELSIE M. MEEKS, Commissioner

RUSSELL G. REDENBAUGH, Commissioner

(via telephone)

ABIGAIL THERNSTROM, Commissioner

LESLIE R. JIN, Staff Director



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STAFF PRESENT:

KIMBERLEY ALTON  
 JOHN BLAKELEY  
 TERESA BROOKS  
 DEBRA CARR, ESQ., Deputy General Counsel  
 KI-TAEK CHUN  
 IVY DAVIS, Chief, Regional Programs Coordination Unit  
 TERRY DICKERSON, Asst Staff Dir for OCRE  
 LATRICE FOSHEE  
 SHELDON FULLER  
 GEORGE M. HARBISON  
 TINA MARTIN  
 MARC PENTINO  
 KWANA ROYAL  
 JOYCE SMITH, Parliamentarian  
 ALEXANDER SUN  
 DEBORAH VAGINS  
 AUDREY WRIGHT  
 TIFFANY WRIGHT  
 MIREILLE ZIESENISS

COMMISSIONER ASSISTANTS PRESENT:

KRISTINA ARRIAGA  
 LAURA BATIE  
 PATRICK DUFFY  
 JOY FREEMAN  
 TONI JOHNSON  
 KIMBERLY SCHULD  
 MELISSA SHARP (via telephone)  
 KRISHNA TOOLSIE

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

(9:34 a.m.)

**I. Approval of Agenda**

CHAIRPERSON BERRY: The meeting will come to order. First item on the agenda is the approval of the agenda. Could we get a motion to approve the agenda?

COMMISSIONER MEEKS: So moved.

CHAIRPERSON BERRY: Can I get a Second?

COMMISSIONER KIRSANOW: Second.

CHAIRPERSON BERRY: All those in favor indicate by saying, "Aye."

(Chorus of "Ayes".)

CHAIRPERSON BERRY: Opposed? Opposed?

(No response.)

**II. Approval of Minutes of**

**February 7, 2003 Meeting**

CHAIRPERSON BERRY: So ordered. Good morning. The next item on the agenda is the approval of the minutes of the February 7, 2003, meeting. Could I get a motion?

COMMISSIONER REYNOSO: So moved.

CHAIRPERSON BERRY: Can I get a Second?

COMMISSIONER KIRSANOW: Second.

CHAIRPERSON BERRY: All those in favor

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1 indicate by saying, "Aye."

2 (Chorus of "Ayes".)

3 CHAIRPERSON BERRY: Does anyone have any  
4 changes or anything you'd like to do with the minutes  
5 of February 7? Hearing none, all in favor of approving  
6 the minutes indicate by saying, "Aye."

7 (Chorus of "Ayes".)

8 CHAIRPERSON BERRY: Opposed?

9 (No response.)

10 **III. Announcements**

11 CHAIRPERSON BERRY: So ordered. The next  
12 item on the agenda is Announcements. There are two new  
13 OGC attorneys. I don't know if they're here, Les.

14 STAFF DIRECTOR JIN: Yes.

15 CHAIRPERSON BERRY: Ms. Deborah Vagins.

16 STAFF DIRECTOR JIN: Ms. Vagins is here.

17 CHAIRPERSON BERRY: And Mr. John Blakeley.

18 STAFF DIRECTOR JIN: Mr. Blakeley's here  
19 too. Not that new anymore, but they're here.

20 CHAIRPERSON BERRY: Well, Ms. Vagins has  
21 been litigating civil rights cases in the private  
22 sector for the past several years, national class  
23 action employment discrimination cases before the  
24 Federal Appeals Courts and the Supreme Court.

25 She comes to us from that field. We're

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1 glad you're here to work with us. Mr. Blakeley comes  
 2 to us from the private sector. He had his own law  
 3 practice in northern Indiana, where he worked with  
 4 immigrants, more than 250 immigrants from more than 75  
 5 countries, and with a center for civil and human  
 6 rights.

7 And before becoming an attorney, he was in  
 8 the U.S. Navy for nine years as a Nuclear Submarine  
 9 Officer, for the most part. So we welcome both of you  
 10 to our staff, along with the new-hires Eric Lotke, who  
 11 was here at the Commission and contributed to the  
 12 educational accountability briefing in Charlotte last  
 13 month, has gone on to better things, I hope.

14 -- Are there any new Special Assistants  
 15 who have not been introduced before, or has  
 16 everybody's Special Assistant been introduced?

17 COMMISSIONER KIRSANOW: Yes, Madam Chair,  
 18 I'd like to introduce my Special Assistant, Toni  
 19 Johnson, who began a little over a month ago, and  
 20 probably, due to the workload I've given her, is  
 21 probably ready to depart.

22 (Laughter.)

23 CHAIRPERSON BERRY: Welcome to you. Also,  
 24 OCRE has recruited some interns for the Spring 2003  
 25 semester. Are they here? Michael Delvestri of Kent

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1 State University, Stacey Pace of Cornell University,  
2 Jacqueline Pacheco of Hope College, and Stephanie Webb  
3 of Howard University.

4 We also have a new Student Intern in the  
5 East Regional Office, Miss Tiffany Carter, who attends  
6 Oral Roberts University. And we're pleased to have you  
7 here to work at the Commission.

8 Also, a member of our Vermont State  
9 Advisory Committee today is here with us. I think Mr.  
10 John Tucker, is he here? It says he's here. He's not  
11 here. Okay. Maybe he's on his way.

12 March 21, 1965, the Selma to Montgomery  
13 March for Voting Rights occurred. About 3,200 marchers  
14 set out from Selma, Alabama, for Montgomery, walking  
15 12 miles a day to the capitol. This concluded three  
16 weeks of marching for voting rights, and led, along  
17 with some other things, to the Voting Rights Act of  
18 1965, which, of course, originally focused on  
19 enfranchising African-Americans, and has been amended  
20 several times, and focuses on not only African-  
21 Americans, but Asian-Americans, Alaskan Natives,  
22 people of Spanish heritage, Indians, and the like.

23 March, 2003, this month is Women's History  
24 Month, as it is every year. And which, if we haven't  
25 done it all year, we take the time to recognize the

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1 struggle of women who achieved freedom and equality,  
2 and to celebrate the extraordinary achievements of  
3 women, to acknowledge the successes and the gains, and  
4 to inspire ourselves on to greater efforts.

5 March, 2003, is appropriate, too, I think,  
6 since it's Women's History Month, and it's a civil  
7 rights issue, that the Commission on Athletic  
8 Opportunity submitted its final report to the  
9 Secretary of Education recently, concerning its  
10 recommendations on how Title 9 should apply to  
11 collegiate sports.

12 Title 9, as you know, forbids sex  
13 discrimination in all programs at schools that receive  
14 federal aid. And the Commission has, throughout its  
15 history, shown an interest in this issue. We have had  
16 reports the Commission recommended Title 9 long before  
17 my time, and has had -- and been in the middle of  
18 debates over its scope, including one in the -- a few  
19 years ago in the 1980s in which a civil rights  
20 restoration act was passed by the Congress to restore  
21 the broad scope of Title 9 and other civil rights laws  
22 when there is -- when federal monies are being  
23 received by institutions.

24 Does anyone else have any announcements or  
25 comments? Yes. Commissioner Braceras.

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1                   COMMISSIONER BRACERAS:    Yes. Consistent  
 2 with our celebration of Women's History Month, I would  
 3 just like to announce that at the beginning of this  
 4 month, the Department of Labor launched a new website  
 5 designed to be the premier one-stop resource to help  
 6 women effectively access resources of the federal  
 7 government.

8                   Highlights of the website will include up-  
 9 to-date information on health insurance, access to  
 10 capital, government procurement, retirement security,  
 11 technology, and taxes.

12                   And so I'm excited that this  
 13 administration is championing the role of women as  
 14 entrepreneurs and making information on market issues  
 15 more accessible to women. And I'd like to commend the  
 16 Department of Labor for launching this website.

17                   The site, if anyone is interested, is  
 18 "www.women-21.gov".

19                   CHAIRPERSON BERRY: Can you do that again?  
 20 Not the whole thing, just the www.

21                   COMMISSIONER BRACERAS:    "www.women-  
 22 21.gov".

23                   CHAIRPERSON BERRY: Okay.

24                   COMMISSIONER EDLEY: Is that the Women's  
 25 Bureau?

1 COMMISSIONER BRACERAS: Yes, it is.

2 CHAIRPERSON BERRY: What's the "21" for?

3 COMMISSIONER BRACERAS: Twenty-first  
4 century.

5 CHAIRPERSON BERRY: Oh, twenty-first  
6 century.

7 COMMISSIONER EDLEY: Oh, Mary.

8 CHAIRPERSON BERRY: Well, I didn't know. I  
9 knew it was the twenty-first century, but I --

10 COMMISSIONER BRACERAS: There are 21  
11 female entrepreneurs in the --

12 (Laughter.)

13 **IV. Staff Director's Report**

14 CHAIRPERSON BERRY: I had no idea what  
15 that was about. Okay, the next item on the agenda is  
16 the Staff Director's Report. Does anyone ask the staff  
17 -- well, do you want to tell us anything about the  
18 Staff Director's Report, or about items that we're  
19 following up under the Staff Director's Report, Staff  
20 Director?

21 STAFF DIRECTOR JIN: Madam Chair, just  
22 perhaps one thing to follow up on from last meeting. I  
23 just wanted to report that working with Ivy Davis and  
24 others, we have aggressively attempted to increase the  
25 number of telephonic conference calls from the

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1 regional offices -- I mean for the advisory  
2 committees.

3 We've contacted eight so far. I have  
4 another six set up, and we're going to continue to  
5 aggressively push that, because it's a very important  
6 tool to make the SACs more effective.

7 We know that there needs to be a lot more  
8 meetings, and measurable outcomes there. And this is a  
9 very good tool to do that. So I think we're off to a  
10 good start, but we need to do a lot more work.

11 CHAIRPERSON BERRY: And I think that --  
12 didn't the Commission, we discussed this last time,  
13 didn't we? Yes, Commissioner Thernstrom.

14 COMMISSIONER THERNSTROM: Well, no. You  
15 should finish your point.

16 CHAIRPERSON BERRY: On this point about  
17 the conference?

18 COMMISSIONER THERNSTROM: Yes, you should  
19 finish with that.

20 CHAIRPERSON BERRY: Does anybody want to  
21 say something else about that? Yes.

22 VICE CHAIRPERSON REYNOSO: I just have a  
23 question. Have any guidelines been established of how  
24 often the meetings should take place?

25 STAFF DIRECTOR JIN: Well, yes. I think at

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1 the very least each of the SACs should meet at least  
2 twice a year. I mean, we should try to do more, if  
3 possible, but in terms of number of meetings, I think  
4 that is something that is the minimum that should be  
5 done.

6 CHAIRPERSON BERRY: You mean either in  
7 person or on the phone?

8 STAFF DIRECTOR JIN: Yes.

9 VICE CHAIRPERSON REYNOSO: Madam Chair, I  
10 just want to commend that effort. I think it's very  
11 important to have the SACs meet on a regular basis.  
12 And I know as I travel around, that sometimes I feel  
13 frustrated because they haven't had their meetings.

14 And particularly the notion of having them  
15 meet by telephone will permit them to do their ongoing  
16 work, and of course, in these restricted financial  
17 times, will permit them to do that work without the  
18 expenditure of travel.

19 So, I very much urge the regional  
20 directors and our director, and Ivy, to continue with  
21 that effort, and make it, if possible, even more  
22 often, but obviously, oftentimes by phone.

23 CHAIRPERSON BERRY: Christopher?

24 COMMISSIONER EDLEY: Just a couple of  
25 things on this point. When was the guideline, as you

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1 say, of two per year?

2 STAFF DIRECTOR JIN: Well, in my mind,  
3 we've been, I've been articulating that for a long  
4 time. But I put it in writing last November to make  
5 absolutely sure that there was no ambiguity about  
6 that. And to make sure that -- and let me just say,  
7 some of the states, some of the regions have been  
8 essentially doing everything I've asked of them in  
9 this regard for a long time.

10 You know, so it's not like it hasn't been  
11 done. It's just that I've decided that in order to  
12 make sure it was done across the board, that it needed  
13 to be put in writing in addition to what had been said  
14 before.

15 COMMISSIONER EDLEY: Is there a -- Well,  
16 let me just say a couple of things. First of all, it  
17 seems to me that if the ambition had been for two  
18 meetings a year, and that had been the guidance from  
19 you to the regional directors, then I'm at a loss to  
20 see why -- to understand why it is that so many of  
21 these states, as I review them, have not met for a  
22 year, and several have not met for two to three years.

23 It also seems -- that's point number one.  
24 Point number two is so, it seems -- so just on its  
25 face it looks as though there have been regional

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1 directors who have chosen to ignore the guidance that  
2 you gave them some time ago.

3 Point number two is if two meetings a year  
4 struck you as a reasonable aspiration some time ago,  
5 now that we're moving in the direction of allowing  
6 conference calls, again it just seems on its face as  
7 though something more than two a year should be  
8 achievable, given the breadth of this Commission's  
9 mandate, and the fact that, as far as I know, there's  
10 no state in the Union that has achieved a state of  
11 perfection with respect to the civil rights agenda.

12 So it shouldn't be that there's a lack of  
13 -- Moreover, I think we've done a reasonable job over  
14 the last year and a half, two years, under your  
15 leadership and Ivy's leadership, of reconstituting  
16 some of the SACs and trying to see to it that we had  
17 Chairs who were going to be energetic. So it seems to  
18 me that two a year is not really aggressive enough.

19 And third, I guess perhaps this notion of  
20 frequency of meetings should be a formal regulation  
21 adopted by the Commission, rather than informal  
22 guidance provided by you. If we're committed to our  
23 sense that the SACs are critical for the mission of  
24 the Agency, then it strikes me that codifying our  
25 expectations about their productivity is something

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1 that the Commission itself should do.

2 COMMISSIONER REDENBAUGH: Christopher?

3 CHAIRPERSON BERRY: Yes, Commissioner  
4 Redenbaugh.

5 COMMISSIONER REDENBAUGH: Madam Chair?

6 CHAIRPERSON BERRY: Yes.

7 COMMISSIONER REDENBAUGH: If my colleague  
8 will allow me to comment here?

9 COMMISSIONER EDLEY: Please.

10 COMMISSIONER REDENBAUGH: I fully support  
11 the intention and the direction you're moving here. I  
12 would only recommend that we measure outputs rather  
13 than inputs. So instead of the quantity of meetings,  
14 we measure some -- we adopt some measure of effective  
15 output.

16 But yet, I absolutely endorse the  
17 direction you're moving.

18 COMMISSIONER EDLEY: If I may. I of course  
19 agree with you in principle, Russell. I guess I have  
20 two concerns. One is that, of course, the difficulty  
21 of picking the right measure and the danger that if  
22 you don't pick the right one, you create perverse  
23 incentives.

24 But secondly, second is that we are facing  
25 these enormous resource constraints in the regional

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1 operations. And therefore, it's not, frankly, clear to  
2 me how much we can actually expect them to do in the  
3 way of formal hearings or written reports and the  
4 like.

5 I feel a little bit -- I feel very  
6 uncertain about what a reasonable expectation would be  
7 for outputs. Moreover, I think -- I would expect over  
8 the next couple of years the fiscal situation of the  
9 Agency's going to be even more clouded than it is  
10 currently.

11 So that whatever we might think is a  
12 reasonable expectation for output today would have to  
13 be revisited.

14 COMMISSIONER REDENBAUGH: I think those  
15 are very telling and good arguments for not picking  
16 the measure of input.

17 COMMISSIONER EDLEY: Well, except I would  
18 say that the conference calls are so inexpensive. And  
19 moreover, the -- from the Staff Director's Report that  
20 we have in front of us, there are one or two states  
21 where I noticed that they actually had a couple of  
22 conference calls recently.

23 And you almost got a sense, from reading  
24 the brief comments here, that simply by going through  
25 the process of talking with each other, they got ideas

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1 about things that they should be up to; about  
2 activities that they should try to undertake.

3 It's almost like simply creating the  
4 occasion for them to interact with each other is a  
5 catalyst for them to figure out what kind of output  
6 they should be striving for.

7 CHAIRPERSON BERRY: Are you asking to  
8 speak to this question?

9 COMMISSIONER THERNSTROM: Yes, I am. It's  
10 a question for Commissioner Edley. There seems to me  
11 still a kind of mystery at the center of what you're  
12 saying.

13 That is, you're saying they ought to have  
14 more conference calls. On the other hand, the group is  
15 not likely to accomplish anything. And any ideas that  
16 they have, they can't implement because of budgetary  
17 constraints. And so, therefore, it's not fair to look  
18 at their output, their accomplishments.

19 I mean, there's no point in talking if  
20 you're not going to, in fact, move on to do something.  
21 And so I'm a little confused as to exactly what you're  
22 saying.

23 CHAIRPERSON BERRY: Could I let Elsie  
24 comment, and then you can answer. Oh, you want him to  
25 answer. Is it on the same point? About the SACs?

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1 COMMISSIONER MEEKS: Yes, it is about the  
2 SACs.

3 CHAIRPERSON BERRY: Why don't you make the  
4 point and then I'll see if maybe Christopher can  
5 answer both of them.

6 COMMISSIONER MEEKS: I mean, all the SAC  
7 members that I've talked to, you know, for the last  
8 few years. I mean, they really have been frustrated by  
9 this having one meeting a year, maybe, and not having  
10 the ability to discuss the projects, or possible  
11 projects in between times.

12 And I can't even imagine -- well, I mean,  
13 in Nebraska, for instance, I don't know that they've  
14 met for several years. And so they're, you know, they  
15 came onto the SAC being really enthused hoping to do a  
16 good job. And then no meetings at all, no discussion  
17 at all.

18 And so, I mean I think it's a problem. I  
19 mean, I think that the states that have had one or two  
20 good projects. You know, realistically one project a  
21 year probably is enough. But to move it forward in a  
22 way that it does actually get moved forward.

23 And I mean, some of these reports you can  
24 see they discuss whatever, discussed it three years  
25 ago and they're still discussing it. So, I mean, I

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1 just think we do have to be careful about the outputs,  
2 but I do think there needs to be an output. I mean,  
3 whether it's one project a year or whatever.

4 COMMISSIONER THERNSTROM: But if there is  
5 an output, be sure that we can measure output.

6 COMMISSIONER MEEKS: Yes, yes. But you  
7 know, two to three meetings a year seems --

8 COMMISSIONER THERNSTROM: That should  
9 surely be our focus anyway.

10 COMMISSIONER MEEKS: Yes.

11 CHAIRPERSON BERRY: Did you want to  
12 respond, or do you want to hear Les' comment too about  
13 the same thing, and then respond to all of them at  
14 once, or what would you prefer?

15 COMMISSIONER EDLEY: That sounds fine.

16 CHAIRPERSON BERRY: Go ahead.

17 STAFF DIRECTOR JIN: Yes, Madam Chair. I  
18 was just going to say that regardless, and I actually  
19 do think it's hard, not saying it can't be done, but I  
20 think it's hard for Commissioners as a body to define  
21 measurable outputs.

22 But I can assure you that, irrespective of  
23 what you do on that, I mean that's one of the things  
24 that's a priority for me. So even if you say well,  
25 look, we want to say X number of meetings, but we're

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1 not going to talk about measurable outcomes.

2 When I, you know, in terms of what I talk  
3 to our regional directors about, measurable outcomes  
4 is always a part of that conversation, because while  
5 meetings themselves are valuable, I do believe  
6 meetings are valuable partly because, as Commissioner  
7 Edley says, it stimulates thought and discussions.

8 It allows there to be an understanding  
9 that there are all kinds of civil rights issues out  
10 there, some of them that are fairly discrete in  
11 nature, but have a great impact. And if they don't  
12 have those discussions, it's hard for them to see  
13 that.

14 So that's very important. But I want to  
15 see those measurable outputs. And while I understand  
16 that given the resources, they cannot write as many  
17 reports as they have in the past, and perhaps not as  
18 extensive reports. Some of the ones I think  
19 Commissioners have seen.

20 I still expect them to do some reports.  
21 And there's creative ways they can do that, and that  
22 will always be a part of my conversation with them,  
23 whether or not you explicitly know, kind of define how  
24 that has to be done. So that's very important.

25 CHAIRPERSON BERRY: How about if we,

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1 listening to what everybody said, how about if we just  
2 said that we would -- we appreciate the idea of having  
3 two meetings a year by whatever means, but it would be  
4 wonderful if we could also expect that each SAC would  
5 have at least one report of some kind, whether it's on  
6 a forum or some other activity that they engaged in in  
7 the year, and try to set that as a goal.

8 STAFF DIRECTOR JIN: Madam Chair, my  
9 advice would be give them a little more latitude in  
10 terms of what the measurable output could be. Because  
11 sometimes a measurable outcome, in my mind, doesn't  
12 have to necessarily result in a written report or  
13 anything like that.

14 But there needs to be demonstrable,  
15 measurable outcomes.

16 CHAIRPERSON BERRY: Okay. So one  
17 objectively -- one activity that can be objectively  
18 measured. For example, one thing they might do is, and  
19 I have just thought of what you mean, is work toward a  
20 meeting with their governor, to get their governor to  
21 in fact adopt a certain policy, which some of the SACs  
22 have done.

23 It takes them some time to figure out how  
24 to do that, and to get all the stuff ready for it. And  
25 then they go do it, and they get it done. That's a

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1 measurable outcome.

2 STAFF DIRECTOR JIN: Another example---

3 CHAIRPERSON BERRY: So it may not be a  
4 report, but they got something very important to them  
5 and people in the state done. So if we could just say  
6 that we expect to have some measurable activity in a  
7 year, that you should expect or the staff should  
8 expect, in addition to urging them to have as many  
9 meetings as possible, whether over the phone or in  
10 person, within the constraints that exist.

11 How about something like that for the time  
12 being?

13 VICE CHAIRPERSON REYNOSO: Sounds good.

14 CHAIRPERSON BERRY: I mean, I don't know  
15 how much harder and tougher we could ask you to be. I  
16 mean, it seems to me that that goes a long way towards  
17 trying to do what we had in mind.

18 Russell, is that okay with you?

19 COMMISSIONER REDENBAUGH: Yes, it is.

20 CHAIRPERSON BERRY: Is that okay with you  
21 Christopher?

22 COMMISSIONER REDENBAUGH: It is, it does  
23 serve.

24 COMMISSIONER EDLEY: Frankly, I would pick  
25 a number. I would state that's the expectation, and I

1 would ask the Commission to have an executive session  
2 next month to discuss whether there are personnel  
3 problems that stand in the way of making further  
4 progress on this.

5 COMMISSIONER EDLEY: I mean, I'm looking  
6 here. What I would love to see here is a chart that  
7 shows -- just on a simple page shows by region the  
8 time frames here for -- I mean, the number of states  
9 that just, still, that just haven't done anything is  
10 just not acceptable, folks. It is just not acceptable.

11 And you now have a tool to allow -- that  
12 will permit inexpensive convening of SACs in order to  
13 move forward. And if there is resistance to doing so  
14 on the part of some of the staff, either here or in  
15 the regions, then I think we ought to discuss it in  
16 executive session as a personnel matter.

17 CHAIRPERSON BERRY: Okay. So why don't we,  
18 for this time, say that we will -- the sense of, that  
19 you heard the Staff Director, that they should work  
20 toward measurable outcomes, and you should also try to  
21 have at least two, and maybe three.

22 And if there are personnel issues that you  
23 feel you need resolved, that involve some policies  
24 that we can make, that you will discuss these with us,  
25 or tell us that we need to have a meeting to discuss

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1       them, given whatever response you get from the regions  
2       and the staff when you tell them that is what they're  
3       supposed to be doing.

4                   STAFF DIRECTOR JIN:     Okay. Thank you,  
5       Madam Chair.

6                   CHAIRPERSON BERRY:    So let's just leave it  
7       at that, if that's okay with everybody, for the  
8       moment. People had other things.

9                   COMMISSIONER REDENBAUGH:  Yes, I have.

10                   CHAIRPERSON BERRY:    Everybody seems to. I  
11       don't know who was first. Do you guys remember who was  
12       first?

13                   COMMISSIONER THERNSTROM:     It doesn't  
14       matter. Let Russell go first.

15                   CHAIRPERSON BERRY:    Okay, Russell.

16                   COMMISSIONER REDENBAUGH:  Thank you. This  
17       is a follow-on, actually. I hadn't anticipated  
18       Commissioner Edley's move in this direction, but I  
19       think following along with that, I think I have a  
20       recommendation that we as Commissioners make -- need  
21       more visibility into the administration of the  
22       Commission at a very high level, sort of at a project  
23       level.

24                   And I've prepared a motion to that effect,  
25       which if the Chair would entertain, my colleagues

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1 could read at this time.

2 CHAIRPERSON BERRY: Okay. Sure.

3 COMMISSIONER KIRSANOW: Yes, I would like  
4 to read it for Commissioner Redenbaugh. And  
5 Commissioner Redenbaugh's motion states as follows. I  
6 move that the Staff Director provide a detailed,  
7 quarterly report of the Commission's finances to the  
8 Commissioners.

9 This report shall include, one, quarterly  
10 costs by project and office; two, the differential  
11 between expected costs and actual costs by project and  
12 office; three, payment of any fines related to the  
13 resolution of EEO complaints and the source of the  
14 payments; four, all payments to outside contractors  
15 and/or vendors during the reporting period; and five,  
16 costs of travel associated with regularly scheduled  
17 Commission meetings.

18 This reporting system is to start with the  
19 2003 Fiscal Year, and the first quarterly report  
20 covering January through March 2003 shall be due to  
21 Commissioners at the May 9, 2003, meeting.

22 Thereafter, each quarterly report shall be  
23 given to Commissioners at the first regularly  
24 scheduled meeting following a 30-day period after the  
25 conclusion of each quarter.

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1 And that's the substance of the motion.

2 COMMISSIONER THERNSTROM: I second it.

3 CHAIRPERSON BERRY: Okay. Discussion?

4 Okay, yes.

5 COMMISSIONER BRACERAS: Well, this was a  
6 question I was going to ask before, but it seems that  
7 this may be a good time to bring it up, because it has  
8 -- it goes to our financial situation as an  
9 institution.

10 I know, and I noticed in the materials,  
11 that the appropriation that we have received is  
12 obviously significantly less than the appropriation  
13 that was requested. And so I'm wondering, in light of  
14 that, and in light of the memo that you sent on when  
15 the environmental justice report would be done, you  
16 had commented on lack of staff and other reasons why  
17 that report wasn't done yet.

18 And so I'm wondering how we're handling  
19 the tension between needing to complete projects and  
20 finish our work, and the fact that we haven't gotten  
21 as much money as you thought was necessary to complete  
22 many of these projects.

23 I know also that the Special Assistants  
24 had requested new computers, because my sense from  
25 having used some of them is that they're very

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1 outdated, and that there wasn't enough money in the  
2 budget to get those new computers.

3 And so basically, my global question is  
4 what are we doing to meet the shortfall in revenues.  
5 Are we going to have to have a hiring freeze? Are we  
6 going to have to scale back some of the projects that  
7 we've already voted to go forward with? How does this  
8 affect prospective travel? How are we going to meet  
9 the shortfall?

10 STAFF DIRECTOR JIN: Okay. Well, I think  
11 that clearly any time you're in a situation like we've  
12 been now for almost a decade, where we've essentially  
13 had our budget frozen, flat line, and then with the  
14 consequence of inflation, for example, that we have to  
15 eat the cost-of-living increases for staff, and so  
16 forth.

17 You know, after awhile, that's going to  
18 create some real challenges, no doubt about that. I  
19 think that we came up with something a little while  
20 back that indicated that the -- essentially the same  
21 nine million dollars that we have now, that we had  
22 eight, nine years ago was probably worth maybe \$7.7  
23 million or something like that.

24 So obviously there's challenges every  
25 year. It's just an additional belt-tightening. You

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1 know, we did not know the magnitude of the concern  
2 until recently, because of course the budget just  
3 passed I think probably five or six weeks ago.

4           Additionally, to make things even more  
5 challenging, and of course, you know, I'm all for  
6 cost-of-living increases and so forth, but I think we  
7 were expecting all along a 3.1 percent cost-of-living  
8 increase, and right now I'm not sure it's totally  
9 official, but everybody accepts it's going to be 4.1.

10           But there was a recision --

11           COMMISSIONER BRACERAS: Say that again.  
12 I'm sorry, there's going to be --

13           STAFF DIRECTOR JIN: It's a 4.1 percent  
14 cost-of-living increase, rather than a 3.1 percent. So  
15 it's an additional percent that was a total surprise.  
16 And then on top of that, we were just told a few weeks  
17 ago that each of the government agencies were required  
18 to -- were subjected to a recision of slightly less  
19 than one percent. I think something like 0.7 percent.

20           So clearly --

21           COMMISSIONER BRACERAS: All right, so  
22 given all that, how are you responding?

23           STAFF DIRECTOR JIN: Well, I mean, we've  
24 responded from actually day one, in the sense that  
25 earlier this year we lost a couple of very senior

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1 managers. Important positions.

2 COMMISSIONER BRACERAS: Which positions  
3 were those?

4 STAFF DIRECTOR JIN: The director of  
5 Central Regional office, and the head of the  
6 Administrative Services. And basically, we have  
7 reconfigured staff to fill those responsibilities, but  
8 we have decided -- I've decided not to hire in those  
9 positions at this point.

10 COMMISSIONER BRACERAS: So those functions  
11 have been absorbed by the senior staff?

12 STAFF DIRECTOR JIN: Those functions have  
13 been absorbed, at least short-term. There have been  
14 other positions where we have not done -- where we've  
15 left open. We have not totally frozen all hiring, but  
16 essentially at this point that's what's going to  
17 happen for at least the foreseeable future. At least  
18 for --

19 COMMISSIONER BRACERAS: One thing I read,  
20 I believe it was in the Washington Post, was that DOC  
21 is having to furlough employees. And is that something  
22 that we've had to consider?

23 STAFF DIRECTOR JIN: No, we don't expect  
24 to do that, because I believe that if we -- we're  
25 going, and we're going to -- again, for the next three

1 or four months at least, we'll see where we are. We're  
2 going to cut travel way back.

3 We, in terms of the computer issue you  
4 raised, I mean, obviously, yes, you know, if the issue  
5 is simply can we afford to buy a computer, the answer  
6 is yes. But in context of all the other decisions  
7 we're making, we're trying to essentially freeze all  
8 equipment purchases, except those that are essential.

9 COMMISSIONER BRACERAS: Okay, so equipment  
10 purchases are frozen?

11 STAFF DIRECTOR JIN: We're trying to  
12 freeze, except for the most essential things. But yes,  
13 we are.

14 COMMISSIONER BRACERAS: I mean, I guess,  
15 consistent with Commissioner Redenbaugh's motion, this  
16 is the type of information that I think would be  
17 useful for Commissioners to have on a quarterly basis,  
18 and for the Commissioners to help in performing our  
19 fiduciary duties to provide guidance on these types of  
20 issues, because I think we probably vastly over-  
21 budgeted in terms of both what we -- you know, we've  
22 taken on a lot given what we've -- the resources we've  
23 been given.

24 STAFF DIRECTOR JIN: Can I --

25 COMMISSIONER BRACERAS: In the budget. And

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1 I, you know, I wonder in retrospect if the travel we  
2 did around the country over the past few months was  
3 wise.

4 I still haven't gotten a full break-down  
5 on the cost of some of those things, but I think that  
6 that's the type of information we need to have so that  
7 we can decide going forward how to best use our  
8 resources, and how to best decide when we travel, you  
9 know, which places have priority and those types of  
10 things.

11 Because it seems we've gotten a little far  
12 afield from the appropriation we've been granted. And  
13 I want to make sure we're financially sound.

14 CHAIRPERSON BERRY: Commissioner Meeks?

15 COMMISSIONER MEEKS: I guess I wasn't  
16 aware when I came onto this Commission that we had  
17 fiduciary responsibility. I mean, we're not like a  
18 Board of Directors, is that right?

19 CHAIRPERSON BERRY: No. And the Staff  
20 Director is responsible for the financial management  
21 of the Commission, not us. We delegated that to him.  
22 We can take it back.

23 COMMISSIONER BRACERAS: Well, certainly I  
24 think --

25 CHAIRPERSON BERRY: We can take back any

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1 delegation.

2 COMMISSIONER BRACERAS: My point is that  
3 if we're to serve any purpose as Commissioners, then  
4 certainly an important purpose would be to at least  
5 provide guidance on budgetary issues, and on  
6 priorities.

7 And I think, you know, if we're going to  
8 completely abdicate that role, then we might as well  
9 just have a free-standing staff and no Commissioners.  
10 I mean, clearly part of our job is to provide  
11 leadership, both in terms of substantive priorities,  
12 and I believe financial management.

13 Obviously, we don't do the day-to-day  
14 budgeting, but it seems crazy to me to think -- I  
15 mean, what else is our role if not to provide  
16 leadership on both procedure and finances on the one  
17 hand, and substance on the other? That's our job.  
18 That's what we're here to do.

19 CHAIRPERSON BERRY: Vice Chair Reynoso.

20 VICE CHAIRPERSON REYNOSO: Yes, Madam  
21 Chair. It's my understanding that we as a Commission  
22 set policy, and then manifest in we get a response  
23 from staff as to whether or not we have the resources  
24 to do that, or whether it can be done.

25 We've decided as a matter of policy, for

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1 example, to have these meetings as much as possible in  
2 the regions. I personally think they've been very,  
3 very effective. We've been received warmly, and people  
4 have really been pleased to see us.

5 Then if, by chance, the resources turn out  
6 to be that we just can't do it, that the staff would  
7 tell us. Because, you know, we have a split  
8 personality in a way administratively in this  
9 Commission, where we set policy, but it's the staff  
10 that runs things.

11 COMMISSIONER BRACERAS: I don't disagree -

12 -

13 CHAIRPERSON BERRY: Just a moment. May we  
14 be in order, please. Let's not do this again. We come  
15 to Washington to meet. Now we have a meeting, and now  
16 we have people who refuse to be in decency and in  
17 order when we are trying to manage the meeting.

18 When we meet outside Washington, we don't  
19 have this problem. Something about this room. Must be  
20 something in the air. People can't wait to be  
21 recognized. No one can wait to be recognized.  
22 Everybody wants to talk at once.

23 Pretend, you know, that in the Chair, I'm  
24 a faceless individual, but I'm the Chair, okay? Of the  
25 Commission. Now, I will recognize you in order.

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1 Commissioner Redenbaugh said something out there in  
2 the netherworld, and I'm recognizing him. Are you  
3 still there, Russell?

4 COMMISSIONER REDENBAUGH: Yes, I am.

5 CHAIRPERSON BERRY: You are recognized.

6 COMMISSIONER REDENBAUGH: Thank you. Yes,  
7 I want to speak to a managerial issue as I see it. And  
8 as you all know, this is an area that I probably think  
9 more about than I do think about other areas.

10 Clearly, our role is to set policy. I  
11 agree fully with what you've said, Cruz. We are to set  
12 policy. But we also, however, can't set, or direct, or  
13 prescribe policy in a vacuum. And we can't do so, we  
14 can't set policy, or priorities, for example, we can't  
15 decide between Worthwhile Project A and Worthwhile  
16 Project B without more financial disclosure than we  
17 have asked for in the past.

18 So I certainly don't want to get us into  
19 the accounting business, or the financial management  
20 business, but I know from running all kinds of  
21 organizations, there is one and only one way to do  
22 that well, and that is follow the money.

23 And we can't do our policy job without  
24 better financial reporting, and financial awareness on  
25 our part. And shame on us for not asking for it

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1 sooner.

2 I think we astonishingly accepted the  
3 assurance that we could, in fact, do all of these  
4 things. But we need now more of the facts about this.  
5 Staff Director is right. We have been in a condition  
6 of scarcity, he said for ten years. I think it's  
7 actually longer than that, Les, but I won't quibble.

8 I mean, 12 or 15 years. But because it has  
9 been so long, that fact has survived, and I think we  
10 need to better adapt our approaches to a permanent  
11 condition of scarcity.

12 CHAIRPERSON BERRY: Commissioner  
13 Thernstrom.

14 COMMISSIONER THERNSTROM: Well, I  
15 appreciate very much what Commissioner Redenbaugh just  
16 said. And I'm a little bewildered as to what the  
17 downside of the Staff Director reporting to us, as  
18 Commissioner Redenbaugh has suggested.

19 That is, it seems to me it can only  
20 enhance the effectiveness of this Commission, and  
21 we're not asking to micro-manage, or Commissioner  
22 Redenbaugh's not asking to micro-manage budgetary  
23 affairs here, but simply this is a process of  
24 responsible reporting to a responsible agency.

25 What is the downside?

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1 CHAIRPERSON BERRY: Commissioner Braceras,  
2 and then Commissioner Edley.

3 COMMISSIONER BRACERAS: Well, of course, I  
4 want to just endorse what Commissioner Thernstrom just  
5 stated in the form of a question, and also everything  
6 that Commissioner Redenbaugh has said.

7 This is -- The point of Commissioner  
8 Redenbaugh's motion, as I understand it, is you know  
9 not to -- not to devalue the work we've done by going  
10 out into the field and meeting with community leaders  
11 and representatives of the SAC, but simply to say that  
12 we were asked to delegate all authority about travel  
13 to the staff, and that was approved in May of last  
14 year.

15 And we delegated that authority without  
16 any context of what it would cost. And so we  
17 delegated, essentially, both the financial picture, as  
18 well as the substantive picture at that time.

19 And so the staff has basically been  
20 running the show without any reporting to us about  
21 what our projects were costing, and whether we could  
22 continue to do the many things and the many good ideas  
23 that come up at each of our meetings.

24 So it's not to say that I don't think any  
25 particular trip that we took was not valuable, as

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1 suggested by the Vice Chair. That's not what I believe  
2 at all. It's simply that, and this is why I voted  
3 against the motion back in May of last year, I feel  
4 that for each project we undertake in a time of lean  
5 financing, that the project has to be justifiable from  
6 a budgetary standpoint.

7 And in order for us to make a  
8 determination as to whether to go forward with a  
9 particular project, we need to know the financial  
10 context and the financial constraints that we're  
11 operating under so that we don't get to a point  
12 halfway through the year where we can't get new  
13 computers, or we may have to furlough staff, or things  
14 that we don't want to see happen.

15 CHAIRPERSON BERRY: Commissioner Edley.

16 COMMISSIONER EDLEY: Let me start by  
17 saying that I'm strongly inclined to support this  
18 motion, but not in its current form. I think that to  
19 my mind, there is an important and legitimate role for  
20 Commission members to be sufficiently familiar with  
21 the financial condition of the agency and the  
22 constraints facing the agency, so that we can make an  
23 informed judgment about program and policy priorities.

24 I think it's also important for us to have  
25 enough information about financial and other

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1 management matters to exercise our general supervisory  
2 responsibilities as regards the Staff Director, so  
3 that we know if there are serious problems, that it's  
4 time to think about getting another Staff Director.

5 But I don't believe it's the role of the  
6 Commission to try to substitute ourselves for the  
7 Staff Director with regard to the ongoing issues of  
8 fiscal management, or personnel management for that  
9 matter, but rather for us to be selective, very  
10 carefully selective about those issues in which we  
11 ought to be involved.

12 I feel that way -- I feel that on the  
13 issue, for example, of the state advisory committees  
14 crossed my threshold on that some time ago. I'm ready  
15 to be intensely involved in trying to fix what I see  
16 as being a continuing problem in that area, but that's  
17 just me.

18 But look. Let me be candid. I think that  
19 there have been some members of this Commission, and  
20 certainly people on Capitol Hill, who have an interest  
21 in harassing the Commission and the staff of this  
22 Commission, what I view as harassment.

23 Not trying to support what they're up to,  
24 but trying to score points and create difficulty. So  
25 for me, the problem with the motion, Commissioner

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1 Redenbaugh, is that I think it suggests a level of  
 2 detail, and a format which, while understandable, I  
 3 think creates too many opportunities for devilish  
 4 interference with the administrative responsibilities  
 5 of the staff.

6 A motion that I would support, however,  
 7 would be something that required quarterly reporting,  
 8 but that was less intrusive with respect to the level  
 9 of detail, and that was framed in a way that made  
 10 clear that it was information intended to actually  
 11 enable us to set policy priorities, make programmatic  
 12 choices, rather than second-guess the accounting and  
 13 financial judgments made by the staff.

14 So just to recap, in its current form, I  
 15 would oppose the motion, but I can readily imagine  
 16 amendments or alternative forms of the motion that I  
 17 would support. And just in the interest of trying to  
 18 be constructive, it might be, Russell, that if you and  
 19 the Chair, or you and the Staff Director, could work  
 20 out something that the Staff Director could indicate  
 21 would not be overly burdensome, and we could bring  
 22 this back next month, then perhaps it would be  
 23 something that I could be prepared to support.

24 CHAIRPERSON BERRY: Commissioner Meeks had  
 25 her hand up, and then Commissioner --

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1 COMMISSIONER THERNSTROM: I think  
2 Commissioner Redenbaugh also wants to talk.

3 CHAIRPERSON BERRY: Yes, I know, but  
4 Commissioner Meeks had her hand up first.

5 COMMISSIONER MEEKS: I just had one quick  
6 question. I mean, have we run into deficits every  
7 year?

8 STAFF DIRECTOR JIN: I always see to it,  
9 my job is to make sure that all the management  
10 responsibilities are taken care of and still make sure  
11 that this Commission's priority projects are taken  
12 care of.

13 And I think I'm going to very simply --  
14 One point I want to try to make is that, again,  
15 ultimate judge, of course, is the Commissioners, but  
16 to the extent that the basis for this is somehow  
17 feeling that we've not delivered on your projects in a  
18 timely basis, or quality, or as many, I think that's  
19 just not true.

20 Because, I mean, in terms of time since  
21 I've been here, I think that we've delivered on  
22 everything that you've asked of us. I think we've  
23 delivered on a timely basis, and in some ways more  
24 time than perhaps in the past when you had more  
25 resources.

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1           And I think that the more projects, higher  
2           quality. So again, I'm biased, of course, but if the  
3           explanation is that somehow you need to do this in  
4           order to make sure that your priorities are taken care  
5           of, I don't think that the recent history supports  
6           that.

7           COMMISSIONER BRACERAS: I'm sorry. What  
8           was the short answer to Commissioner Meeks' question  
9           about a deficit?

10          COMMISSIONER EDLEY: No, there can't be a  
11          deficit. It would be illegal.

12          CHAIRPERSON BERRY: Right. It's illegal.

13          COMMISSIONER BRACERAS: No, I understand  
14          that. That's why --

15          CHAIRPERSON BERRY: The answer is no.  
16          Commissioner Kirsanow.

17          COMMISSIONER KIRSANOW: Thank you, Madam  
18          Chair. It strikes me that this is not excessively  
19          burdensome or intrusive kind of information that we're  
20          asking for, but the sort of information that on a  
21          daily basis, or on a weekly basis, a cumulative basis,  
22          that staff would be preparing and analyzing with  
23          respect to discharging its functions.

24                 The information requested by Russell  
25          Redenbaugh's motion is very simple and

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1 straightforward, and doesn't even go close to the kind  
2 of information that is kind of the Sarbanes-Oxley sort  
3 of information you look for in terms of good  
4 governance.

5 We're only looking for quarterly cost by  
6 project. I think that's something that's typically  
7 done by staff anyway. Differential between expected  
8 cost and actual cost by project. This is, the third  
9 item is something we addressed last year, and that is  
10 any payment of any fines, anything that may have been  
11 extraordinary, unexpected. Payments to outside  
12 contractors and the cost of travel.

13 And I think that's not an unreasonable  
14 request. I think that we do have, if not legally,  
15 colloquially, a fiduciary responsibility to monitor  
16 these kinds of costs. And aside from any kind of  
17 supervisory or fiduciary responsibility that we may  
18 have, in order for the Commission to operate in an  
19 efficient manner, it seems to me that we should have  
20 some global understanding as to what our costs are so  
21 that we can direct staff as to what types of projects  
22 would be undertaken, and how they should be  
23 undertaken.

24 CHAIRPERSON BERRY: Commissioner  
25 Redenbaugh.

1 COMMISSIONER REDENBAUGH: Thank you.

2 CHAIRPERSON BERRY: Russ?

3 COMMISSIONER REDENBAUGH: Well, I -- the  
4 Commission, my threshold on this project management  
5 issue, and the governance issue was -- as yours was on  
6 the SACs, mine was crossed -- threshold was crossed on  
7 this quite some time ago.

8 And I -- much of what I was intending to  
9 say has been well said by Pete. I don't find in any  
10 way this level of detail burdensome or intrusive or  
11 inappropriate.

12 I, for my point of view, met the minimum  
13 standard. I don't want to be in a situation again that  
14 we're in now. You know, which is we're not able to do  
15 all that we intended to do just a few months ago, and  
16 the reality hasn't changed, only our awareness of that  
17 has changed.

18 CHAIRPERSON BERRY: Okay. Let me -- I'm  
19 going to recognize the two people whose hands are up,  
20 then I'm not going to recognize anybody else in the  
21 interest of time. We have to bring this to some kind  
22 of closure, because there are people waiting for us to  
23 start at 10:30 with them.

24 I think Commissioner Thernstrom had her  
25 hand up before you, but it's -- you're sitting next to

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1 each other, so. Commissioner Thernstrom?

2 COMMISSIONER THERNSTROM: I'm just -- I  
3 guess this is my third moment of bewilderment in the  
4 morning. I just frankly do not know what Commissioner  
5 Edley is talking about when he accuses some  
6 Commissioners, and I suspect I'm on that list --

7 CHAIRPERSON BERRY: Why do you have to be  
8 on the list?

9 COMMISSIONER THERNSTROM: Well, because --  
10 (Laughter.)

11 CHAIRPERSON BERRY: It's not all about  
12 you, Abigail.

13 COMMISSIONER THERNSTROM: It's a good  
14 guess. A guess based on some experience.

15 COMMISSIONER EDLEY: You're at the top,  
16 Abigail.

17 COMMISSIONER THERNSTROM: I thought I was  
18 at the top, right. I am bewildered at being accused of  
19 harassing the Commission on the Hill, of engaging in  
20 devilish interference. I think I have done neither. I  
21 don't think anybody on this Commission has done either  
22 one.

23 And there is no intention of second-  
24 guessing the Staff Director. And I think that question  
25 has already the limits of what we're proposing here,

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1 and the fact that we're not second-guessing the Staff  
2 Director has already been addressed by both Russell  
3 Redenbaugh and Pete Kirsanow.

4 But you know, just to repeat my first  
5 point, I frankly resent that charge. I've never  
6 engaged in either one.

7 CHAIRPERSON BERRY: The -- It's Peter  
8 Kirsanow, not Pete. He doesn't like to be called Pete.

9 COMMISSIONER KIRSANOW: No, the other way  
10 around. I don't like Peter.

11 CHAIRPERSON BERRY: I mean the other way  
12 around.

13 COMMISSIONER KIRSANOW: Yes, that's right.

14 CHAIRPERSON BERRY: That's right, I was  
15 calling you Peter, and that's -- got it. Yes,  
16 Commissioner Braceras.

17 COMMISSIONER BRACERAS: Yes. I agree that  
18 I don't think that asking for accountability can or  
19 should be interpreted as harassment. The desire to  
20 impose some managerial order and to try to help reform  
21 a previously frankly out of control organization is  
22 not harassment, it's discipline. So that's the first  
23 thing.

24 The second thing I would say is I am also  
25 bewildered by the resistance to providing information

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1 which is both very basic and not burdensome. And I  
2 would simply ask what are you hiding. It seems to me  
3 bizarre that the information wouldn't be forthcoming.

4 And the third point I would like to make  
5 is that, basically, at least during the time that I've  
6 been on this Commission, and from my study of the  
7 Commission, I know for many years prior, Commissioners  
8 have basically been asked to delegate complete  
9 financial authority and priority-setting to the Staff  
10 Director, as well as all project-planning and  
11 implementation authority to the Staff Director.

12 We've been told on numerous occasions when  
13 we raise questions about projects to essentially shut  
14 up and let the staff do their job. And in light of  
15 those things, I guess I'm wondering what the hell are  
16 we doing here. Because if we have no role to play, and  
17 we're going to completely delegate to the staff, then  
18 there's no point in us even coming to these meetings  
19 or existing.

20 One of the reasons I agreed to take this  
21 position was to try and -- to try and give some  
22 guidance to the staff, and to impose some order on  
23 this organization that's previously been found to be  
24 in disarray.

25 And I think that many of the projects that

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1 have been discussed at our meetings, and authorized at  
2 our meetings, are very worthy projects. But when our  
3 financial house is not in order, we can't complete  
4 those in effective fashion.

5 So I don't think that what Commissioner  
6 Redenbaugh has asked for is burdensome. I think it's  
7 quite reasonable, and the resistance to providing it  
8 is very revealing to me that something's amiss.

9 CHAIRPERSON BERRY: The --

10 COMMISSIONER EDLEY: Question?

11 CHAIRPERSON BERRY: I want to bring this  
12 to a closure. And I'm going to say something and call  
13 the question. If you wish to work on a motion with  
14 Commissioner Redenbaugh, or do whatever Edley  
15 suggested about it, fine. But I do think it's  
16 important to state clearly for the record, since we're  
17 now going to have another GAO report, which will say  
18 words like "management out of control", blah blah  
19 blah, because we know they'll ask for it, that the  
20 budget here has been balanced.

21 I have the floor. The budget has been  
22 balanced every year, as it must be in the government.  
23 No one is running any deficits. Secondly, the Staff  
24 Director has done a good job of seeing to it, that it  
25 was managed effectively and that our projects were

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1 carried out, that we voted for and approved.

2 Thirdly, the Commission delegated  
3 authority to the Staff Director to run the Agency, not  
4 us. It was done years ago, long before any of us were  
5 here. And the Commission may at any time take away  
6 authority to manage the affairs of the Agency from the  
7 Staff Director. It only has to do so by a motion, and  
8 by voting to do so. It may do so piecemeal, or it may  
9 do so all at once.

10 So, and I also have not heard the Staff  
11 Director say nothing about furloughing any employees  
12 at this meeting. If you have information that the rest  
13 of us don't have, you might share it with us.

14 Then thirdly, as I understood it, the  
15 Staff Director asked that buying some computers, which  
16 was the only thing I heard discussed here, would be  
17 deferred, and he said something about tightening  
18 travel for the time being.

19 Every single year, every Staff Director  
20 has had to make decisions, given the way our budget is  
21 handled, about seeing to it that we come in at the end  
22 of the year with the budget balanced the way it's  
23 supposed to be.

24 Our projects have been on time. In recent  
25 years, we had a problem a few years ago with projects

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1 being on time. The staff has done a great job of  
2 getting the projects done on time.

3 If there is a desire, we will call the  
4 question for this motion. It's already been called.  
5 And I want to do that, because we have two other  
6 items, and we have to go to the audience that is  
7 there, and the people who have come to hear us talk  
8 about substantive matters, and I would appreciate it  
9 if we do so.

10 And I am all for financial management. I'm  
11 all for fiscal responsibility. And I think the Staff  
12 Director has so far behaved fiscally responsible.

13 All those in favor of the motion that is  
14 on the floor indicate by saying, "Aye."

15 (Chorus of "Ayes".)

16 CHAIRPERSON BERRY: Those opposed to the  
17 motion, indicate by saying, "Aye." I mean, "No." I'm  
18 sorry, I meant to say, say, "No."

19 (Chorus of "Nos.")

20 CHAIRPERSON BERRY: Okay. Roll call.  
21 Berry, no. Braceras?

22 COMMISSIONER BRACERAS: Yes.

23 CHAIRPERSON BERRY: Edley?

24 COMMISSIONER EDLEY: No.

25 CHAIRPERSON BERRY: Kirsanow?

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1 COMMISSIONER KIRSANOW: Yes.

2 CHAIRPERSON BERRY: Meeks?

3 COMMISSIONER MEEKS: No.

4 CHAIRPERSON BERRY: Redenbaugh?

5 COMMISSIONER REDENBAUGH: Yes.

6 CHAIRPERSON BERRY: Reynoso?

7 VICE CHAIRPERSON REYNOSO: No.

8 CHAIRPERSON BERRY: Thernstrom?

9 COMMISSIONER THERNSTROM: Yes.

10 CHAIRPERSON BERRY: The motion fails. It's  
11 4-4. Yes, Vice Chair.

12 VICE CHAIRPERSON REYNOSO: I'd just like  
13 to suggest that maybe Commissioner Edley and  
14 Commissioner Redenbaugh might get together on a motion  
15 that we could all agree on. Because I think we all  
16 agree that we need to know what the fiscal status is,  
17 and we need not to interfere with the staff.

18 And if they could agree on something,  
19 maybe we could take it up next month.

20 CHAIRPERSON BERRY: I think that's an  
21 excellent idea. Russell, would you be willing to do  
22 that?

23 COMMISSIONER REDENBAUGH: I'd be willing  
24 to entertain --

25 CHAIRPERSON BERRY: To have a discussion

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1 with Edley?

2 COMMISSIONER REDENBAUGH: Yes. I'd be  
3 happy to talk with you, Commissioner Edley.

4 COMMISSIONER EDLEY: Great.

5 COMMISSIONER REDENBAUGH: . But why don't  
6 you start with a proposal for what you would find  
7 useful and not burdensome.

8 COMMISSIONER EDLEY: Great.

9 COMMISSIONER REDENBAUGH: I am skeptical,  
10 that our assessments will match on that.

11 COMMISSIONER EDLEY: Let's be hopeful. Be  
12 hopeful.

13 CHAIRPERSON BERRY: Try your hand at it.  
14 Yes, Commissioner Thernstrom.

15 COMMISSIONER THERNSTROM: Madam Chair, I  
16 had a motion on the education project, but in the  
17 interest of time it obviously has gotten very late,  
18 I'd like to send it as a poll vote by memo to my  
19 colleagues, if you would permit that.

20 CHAIRPERSON BERRY: Would you tell us what  
21 the motion is?

22 COMMISSIONER THERNSTROM: Well, I'm  
23 extremely interested in this project. I would like --  
24 the timeline we've received indicates that two weeks  
25 from now, on April 1, the Staff Director expects the

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1 educational report would be drafted.

2 There are several of us on this Commission  
3 who are experts on education. I do think that the  
4 racial gap in academic achievement is the civil rights  
5 issue of our day. And I would like to have some  
6 meetings before this, you know, with a draft in place,  
7 but before this report is public in any form.

8 For interested Commissioners to meet with  
9 the staff, go over the text, make suggestions, and be  
10 part, in other words, of the drafting process of the  
11 final document.

12 I think that there are members of this  
13 Commission, including Commissioner Edley, who have a  
14 great deal to say on this subject. And I feel once  
15 again, that the expertise of this Commission is being  
16 -- hasn't been drawn upon, and as you know, I have a  
17 great deal of expertise in education myself, and am  
18 coming out with a book on it, and served for almost a  
19 decade on a State Board of Education.

20 CHAIRPERSON BERRY: And since we're all  
21 going to talk about what we used to do, I used to run  
22 federal education programs for a number of years.

23 COMMISSIONER THERNSTROM: Good. So you  
24 should be part of these meetings too.

25 CHAIRPERSON BERRY: So I do know something

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1 about it. But in any case, Staff Director, can we,  
2 without the necessity for a motion, simply say you  
3 will defer what you're doing with the draft until such  
4 time, we'll put it off for how long do you want? What  
5 period of time do you want to arrange your meetings  
6 and go over it?

7 COMMISSIONER THERNSTROM: Well, the  
8 timeline is up to the Staff Director. I don't want to  
9 micro-manage the Staff Director.

10 CHAIRPERSON BERRY: Well, what do you need  
11 from the --

12 COMMISSIONER THERNSTROM: Well, I would  
13 like, when they have a draft, I would like to have  
14 some time to read the draft, and then time to meet,  
15 and with any interested Commissioners to go over the  
16 draft. And see if we can transcend any political  
17 differences on this Commission and come to some kind  
18 of report. Maybe that's -- Commissioner Edley is  
19 looking at me skeptically here, but you know, we could  
20 make a try.

21 CHAIRPERSON BERRY: I would rather do that  
22 in a Commission meeting. Why don't we set aside a  
23 whole lot of time at a Commission meeting where the  
24 draft will be before us, and we can discuss it, just  
25 like we used to do years ago on the Commission.

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1           And we can go over it in detail, and  
2 discuss it, and debate it, and make our points, and  
3 say whatever we want, without any vote being scheduled  
4 that day.

5           COMMISSIONER THERNSTROM: Well, I would  
6 like to do this before a draft -- discuss this before  
7 a draft is in the public arena.

8           CHAIRPERSON BERRY: Well, then you'd have  
9 to have a meeting of the Commissioners privately with  
10 the staff.

11          COMMISSIONER THERNSTROM: Only the ones  
12 who are interested.

13          CHAIRPERSON BERRY: Well, that wouldn't be  
14 fair. I mean, if everybody's interested, then we'll,  
15 you know, we have to have a public meeting.

16          VICE CHAIRPERSON REYNOSO: I'm interested.

17          CHAIRPERSON BERRY: I'm interested.

18          COMMISSIONER REDENBAUGH: I'm not.

19          (Laughter.)

20          CHAIRPERSON BERRY: There you go. If we  
21 have a quorum, then we have to have a public meeting.

22          COMMISSIONER THERNSTROM: Sure. I mean, if  
23 there are --

24          CHAIRPERSON BERRY: So why don't we try to  
25 work out doing this without voting on it, so that in a

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1 way you can have time. And we'll say that the Staff  
2 Director will work within these time lines.

3 Why don't you have your Special Assistant  
4 talk to him and his assistants and see if they can  
5 work out something? And for Edley, and for anybody  
6 else. And if not, we'll have a meeting and discuss it.

7 Why don't we just do that, rather than --  
8 And if that doesn't work, then we'll do something  
9 else. Okay? Can we try that and see if it works?

10 COMMISSIONER THERNSTROM: We can try that.

11 CHAIRPERSON BERRY: All right. Let's try  
12 that. Then the last thing that we'll do --

13 COMMISSIONER REDENBAUGH: Madam Chair?

14 CHAIRPERSON BERRY: We have people  
15 waiting, Russell. The Chief of Police is here, and the  
16 City Manager, and a lot of people who came here to  
17 meet with us starting at 10:30, and they have other  
18 responsibilities --

19 COMMISSIONER REDENBAUGH: All right, I'll  
20 --

21 CHAIRPERSON BERRY: I am sure.

22 COMMISSIONER REDENBAUGH: Yes.

23 CHAIRPERSON BERRY: I'm recognizing you,  
24 but I'm just telling you that as you begin.

25 COMMISSIONER REDENBAUGH: Okay.

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1                   COMMISSIONER KIRSANOW:     Madam Chair? I  
2 understand, in the interest of time I'll be brief, but  
3 I would like to ask the Staff Director one question.  
4 Originally, we were supposed to have a briefing with  
5 respect to affirmative action, and I'm very happy  
6 we're going to be having a briefing on the civil  
7 rights issues affecting Latino community in D.C., but  
8 given that we're on the eve of having an oral argument  
9 on what is arguably the most important civil rights  
10 case in at least 25 years, and some would say possibly  
11 50 years, I'm a little disappointed we're not having  
12 an affirmative action briefing this month.

13                   And I'm wondering are we going to have an  
14 affirmative action briefing prior to the expected  
15 announcement date of the Gratz and Grutter Supreme  
16 Court cases.

17                   STAFF DIRECTOR JIN:        Unless the  
18 Commissioners ask me to, I'm not planning to do that.

19                   COMMISSIONER KIRSANOW: I would then -- If  
20 we're not going to be having any kind of a briefing  
21 with respect to affirmative action, then I would like  
22 to move that the Commission not issue any kind of  
23 statements, or announcements, or press releases  
24 related to Gratz, Grutter affirmative action absent  
25 the affirmative vote, approving vote, by a majority of

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1 the Commissioners.

2 CHAIRPERSON BERRY: We already have a  
3 policy in favor of affirmative action in higher  
4 education, which we have had for years. And unless the  
5 Commission overturns that by affirmative vote, if  
6 that's what you're asking --

7 COMMISSIONER KIRSANOW: No.

8 CHAIRPERSON BERRY: -- then we continue to  
9 have that policy.

10 COMMISSIONER KIRSANOW: Any new vote with  
11 -- any new release or statement that may be coming  
12 from staff or may be generated by staff or otherwise  
13 related to affirmative action in light of the pending  
14 cases.

15 COMMISSIONER THERNSTROM: And specifically  
16 related to the pending cases.

17 COMMISSIONER KIRSANOW: Right.

18 CHAIRPERSON BERRY: You mean after the  
19 cases are decided?

20 COMMISSIONER KIRSANOW: Before or after.  
21 During this entire conference.

22 CHAIRPERSON BERRY: I don't think we can  
23 do that.

24 COMMISSIONER EDLEY: He can make the  
25 motion.

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1 CHAIRPERSON BERRY: Okay, make the motion.

2 COMMISSIONER THERNSTROM: And I second it.

3 CHAIRPERSON BERRY: Okay.

4 (Whereupon, the Motion on Affirmative  
5 Action was moved and seconded.)

6 CHAIRPERSON BERRY: All those in favor of  
7 the motion indicate by saying, "Aye."

8 (Chorus of Ayes.)

9 CHAIRPERSON BERRY: Opposed?

10 (Chorus of No's.)

11 COMMISSIONER BRACERAS: Roll call.

12 CHAIRPERSON BERRY: Berry, no. Braceras?

13 COMMISSIONER BRACERAS: Yes. We're  
14 establishing a record here.

15 CHAIRPERSON BERRY: Edley?

16 COMMISSIONER EDLEY: No.

17 CHAIRPERSON BERRY: Kirsanow.

18 COMMISSIONER KIRSANOW: Yes.

19 CHAIRPERSON BERRY: Meeks?

20 COMMISSIONER MEEKS: No.

21 CHAIRPERSON BERRY: Redenbaugh?

22 COMMISSIONER REDENBAUGH: Aye. Again, I'm  
23 sorry?

24 COMMISSIONER THERNSTROM: Yes, Russell.

25 CHAIRPERSON BERRY: Reynoso?

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1 VICE CHAIRPERSON REYNOSO: No.

2 CHAIRPERSON BERRY: Okay. The motion  
3 fails.

4 COMMISSIONER THERNSTROM: I wasn't --

5 CHAIRPERSON BERRY: The last motion that I  
6 would like you to pass, if it's not --

7 COMMISSIONER THERNSTROM: May I have my  
8 vote recorded? I'm sorry. I wasn't polled.

9 CHAIRPERSON BERRY: Oh, you weren't? Oh,  
10 Thernstrom.

11 COMMISSIONER THERNSTROM: Yes.

12 **V. State Advisory Committee Appointments for**  
13 **Minnesota and Intermin Appointment for Illinois**

14 CHAIRPERSON BERRY: Okay. I thought you  
15 said yes. Oh, you were telling Russell to say yes --  
16 The last item that I'd like a quick motion on and  
17 approval, so we can go to the next session, is on the  
18 State Advisory Committee appointments for Minnesota,  
19 and the interim appointment for Illinois. Can I get a  
20 motion?

21 COMMISSIONER REYNOSO: So moved.

22 CHAIRPERSON BERRY: Can I get a Second?

23 COMMISSIONER EDLEY: Second.

24 CHAIRPERSON BERRY: All those in favor  
25 indicate by saying, "Aye."

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1 (Chorus of Ayes.)

2 CHAIRPERSON BERRY: Opposed?

3 (No response.)

4 **VI. Presentation on Civil Rights Issues**

5 **Affecting the Latino Community in the**

6 **District of Columbia**

7 CHAIRPERSON BERRY: So ordered. Now we go  
8 to the presentation on civil rights issues affecting  
9 the Latino community in the District of Columbia. And  
10 I will apologize for us being about ten minutes late,  
11 which is unusual. We're often later than that, but I  
12 still apologize for our being that late.

13 And we will hear from Latino and other  
14 community activists, as well as D.C. government  
15 officials regarding the progress and existing problems  
16 with the administration of health care, provision of  
17 education, and police relations in the D.C. Latino  
18 community.

19 Community leaders, representatives and  
20 activists will discuss the civil rights implications  
21 of these community, health and social service issues.

22 We all remember 12 years ago, about 12  
23 years ago, when the frustration and anger of many  
24 members of the D.C. Latino community, fueled by  
25 perceptions of discrimination and exclusion, resulted

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1 in civil unrest in the Mount Pleasant, Adams Morgan  
2 and Columbia Heights neighborhoods of Washington.

3 The shooting of an unarmed Salvadoran man  
4 by a rookie police officer was the immediate catalyst  
5 of that three-day disturbance. In the aftermath, this  
6 Commission's Advisory Committee for D.C. immediately  
7 convened a public forum in Mount Pleasant to hear the  
8 concerns of community leaders, and the comments of the  
9 newly formed D.C. Latino Civil Rights Task Force.

10 Mr. Pedro Aviles, the Chair of the Task  
11 Force, described the underlying causes of the  
12 disturbance in terms of serious violations of the  
13 civil rights of Latinos.

14 And he asked for a thorough investigation  
15 of certain allegations, including police abuse of  
16 Latino residents, discriminatory hiring practices that  
17 he alleged by the D.C. government, and a system-wide  
18 failure to provide adequate social services to  
19 Latinos.

20 At the time of his request, the Commission  
21 had a nation-wide project on racial tension. So we  
22 responded by picking the District as our first hearing  
23 site, and began a six-month investigation of the  
24 allegations.

25 And we had a report in 1993 on Mount

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1 Pleasant.

2 TELEPHONE OPERATOR: Hello, Ms. Royal?

3 MS. ROYAL: Yes.

4 TELEPHONE OPERATOR: Mr. Russell's line  
5 has disconnected. Should I redial?

6 MS. ROYAL: Yes, ma'am, please.

7 TELEPHONE OPERATOR: I'm sorry?

8 MS. ROYAL: Yes, please.

9 TELEPHONE OPERATOR: Okay, thank you.

10 CHAIRPERSON BERRY: Thank you for  
11 interrupting. We had a January 1993 report, Mount  
12 Pleasant, which was called, "Racial and Ethnic  
13 Tensions in American Communities: Poverty, Inequality  
14 and Discrimination."

15 And we said that, although the focus was  
16 on civil rights issues affecting Latinos, the findings  
17 were likely -- in D.C. -- would likely apply to other  
18 localities across the nation.

19 Today we have community representatives  
20 here for a presentation on the state of affairs in the  
21 D.C. Latino community, and the decade or so since  
22 those Mount Pleasant disturbances.

23 This is based on an eight-volume update,  
24 which was coordinated by the Washington Lawyers  
25 Committee for Civil Rights and Urban Affairs. The

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1 eight-volume update, as well as the Commission's 1993  
2 Mount Pleasant report, has been given to all the  
3 Commissioners and their assistants.

4 We also have with us today high-level D.C.  
5 government officials to provide a government response.  
6 As I understand it, this presentation was originally  
7 scheduled to take place before our D.C. Advisory  
8 Committee, and indeed the Chair of the D.C. State  
9 Advisory Committee, the Right Reverend, love you,  
10 Louis M. Anthony, who is currently senior -- "Love  
11 you" is not his name. I love him.

12 (Laughter.)

13 CHAIRPERSON BERRY: Who is currently  
14 Senior Pastor of the Metropolitan AME Zion Church in  
15 Washington, D.C. If you could please stand up and come  
16 forward, Reverend Anthony, so we can see you.

17 Additionally, along with the Chair, Mr.  
18 Ted Lozo, a member of our D.C. State Advisory  
19 Committee, I think, is somewhere in the audience. Are  
20 you here, Mr. Lozo? He was? He's out there somewhere.

21 And Reverend Anthony, why don't you sit  
22 down and turn over Mr. Solorzano's name so that they  
23 won't think that's you. And could you please make a  
24 few --

25 TELEPHONE OPERATOR: Excuse the

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1 interruption. Ms. Royal?

2 MS. ROYAL: Yes?

3 TELEPHONE OPERATOR: Mr. Redenbaugh did  
4 not wish to rejoin.

5 CHAIRPERSON BERRY: Could you tell the  
6 operator not to call here anymore, and please don't  
7 interrupt the meeting, please? Could someone do that?  
8 Thank you.

9 Now, could you then, Reverend Anthony,  
10 please proceed with any remarks you would like to  
11 make?

12 REVEREND ANTHONY: Thank you, Madam  
13 Chairman. To the venerable Chairman of the Commission,  
14 and to the distinguished and honored Commissioners,  
15 it's my delight to appear here this morning as the  
16 Chairperson of the State Committee for the District of  
17 Columbia, to join with those who come from the Latino  
18 community in being very celebrative of the Commission  
19 taking this time to focus on this very important  
20 constituency in our city, and more importantly a  
21 greater constituency in our nation.

22 Our nation is one of soaring words. Words  
23 of equity and equitable life. We hold these truths to  
24 be self-evident, that all men are created equal and  
25 are endowed by their Creator with certain inalienable

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1 rights, among them life, liberty and the pursuit of  
2 happiness.

3 Words of inclusivity and community. We the  
4 people of the United States, in order to form a more  
5 perfect union. Words of hospitality and non-  
6 discriminatory invitation. Give me your tired, your  
7 poor, your huddled masses yearning to breathe free.

8 The monuments of this city are the visible  
9 treasury of these words. They must not only be the joy  
10 of tourists who visit here; they must be the reality  
11 for all who live here.

12 As the Chairperson of the D.C. Committee,  
13 I am very delighted that you have taken this focus, a  
14 focus that you had -- that we started ten years ago,  
15 when the circumstances became a public matter in our  
16 city.

17 And we're grateful that the Commission  
18 continues its interest as it rightly should. We  
19 intend, as a local committee, as your advisors, to  
20 pursue these matters at some later depth, not only in  
21 the matter of Latino concerns, but in the broader  
22 issues of police community relations and our planning  
23 forums pending the outcome and report of the  
24 Commission on this matter, so that we can look at the  
25 matter more completely.

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1 Law enforcement must never forget that its  
2 highest duty is to protect America's heritage of  
3 soaring words. Words that Martin Luther King rightly  
4 called, the night before his death, "The great wells  
5 of democracy."

6 Making these words of equity and equitable  
7 life, inclusivity, and community, hospitality, and  
8 non-discriminatory invitation the daily experience of  
9 every person, without regard to race, or sex, or  
10 national origin, represents the last great battle of  
11 the American Revolution.

12 May this hearing and these recommendations  
13 hasten the victory for all. Viva revolution, and viva  
14 justice.

15 CHAIRPERSON BERRY: All right. Thank you  
16 very much. And I see Mr. Ted Lozo has arrived. Would  
17 you like to say anything? Well, welcome, and thank you  
18 for your service on the D.C. State Advisory Committee.

19 MR. LOZO: Yes.

20 CHAIRPERSON BERRY: You might want to make  
21 some brief remarks.

22 MR. LOZO: Well, I came as an observer. I  
23 didn't know I was to be at this table, but I certainly  
24 welcome the opportunity to make a few remarks. Indeed,  
25 I want to start with my fellow Commissioner's last

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1 words.

2 Viva la revolution, indeed, because we  
3 need something revolutionary to happen in the District  
4 of Columbia in regards to the state of Latino affairs.  
5 We're here to talk about these issues. We're here to  
6 hear from some very important and impressive groups  
7 that are about to testify before you.

8 There are serious issues to be addressed  
9 in all areas of social services from the District of  
10 Columbia. It's been too long. It's been way too long.  
11 And the District of Columbia, the federal government  
12 itself, needs to share in addressing the appropriate  
13 services that, not only Latinos, but immigrants in  
14 general and the working families of the District of  
15 Columbia need to receive.

16 Thank you very much.

17 CHAIRPERSON BERRY: Thank you both very  
18 much.

19 REVEREND ANTHONY: Madam Chairman, if I  
20 may.

21 CHAIRPERSON BERRY: Yes.

22 REVEREND ANTHONY: I want to thank the  
23 Commission for its recent appointments to us. Ted came  
24 in as a -- with his feet on the ground, and has given  
25 great import to us, as well as Michelle Morales, who

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1 has come.

2 And for the record, I should like to also  
3 point out that Mark Pentino and Mr. Chun who are staff  
4 that support us, are perhaps the quintessential  
5 expression of great public service, certainly  
6 overworked, and certainly underpaid, but nonetheless  
7 excellent in what they do.

8 It's no mistake that when you're leaving  
9 this city, as you go down 9th Street, the last two  
10 buildings that you see here tell all of what this  
11 country should be.

12 The words that I spoke of are in the  
13 Archives, and the Department of Justice is on the  
14 other side. It is our duty to make sure that the words  
15 are always clothed in justice, and we're grateful for  
16 what you to do today.

17 CHAIRPERSON BERRY: All right. Thank you  
18 very much. Thanks to both of you, and now we'll  
19 proceed with the panels. We will have come up Ms.  
20 Denise Gilman, Marisa Demeo, who's been before us  
21 before, and Mr. Saul Solorzano, and Ms. Yvonne  
22 Martines-Vega, and Ms. Maria Gomez. If you could each  
23 sit behind your name. I appreciate that very much.

24 Ms. Gilman is the Director of the  
25 Immigrant and Refugee Rights Project at the Washington

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1 Lawyers Committee for Civil Rights and Urban Affairs.  
2 She coordinates the representation of political asylum  
3 applicants by pro bono attorneys, and provides legal  
4 support on individual cases and asylum law procedures.

5 She also engages in advocacy on issues of  
6 national, regional and local significance to ensure  
7 that immigration policies are fair and humane, and  
8 that governmental authorities respect the rights of  
9 the immigrant population. She investigates and  
10 litigates individual and impact cases involving  
11 discrimination.

12 Ms. Demeo, who has been here, as I said,  
13 before, is the Regional Counsel of MALDEF, Mexican-  
14 American Legal Defense and Education Fund, which  
15 protects and promotes the civil rights of Latinos  
16 living in the United States.

17 She develops policy positions, legislative  
18 advocacy in all the different areas, and she has been  
19 highly visible in the public arena, educating people  
20 about the issues that are concerns to her community.  
21 She also serves at the moment as an adjunct professor  
22 at Howard University. Before coming to MALDEF, she  
23 was at the Justice Department.

24 Mr. Solorzano is the Executive Director  
25 for CARECEN in Washington. How do you pronounce that?

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1 MR. SOLORZANO: CARECEN.

2 CHAIRPERSON BERRY: I did it right?

3 MR. SOLORZANO: Yes.

4 CHAIRPERSON BERRY: Washington, D.C.

5 CARECEN is a community-based organization -- I know  
6 what it is, I just don't know how to pronounce it --  
7 that provides legal, educational empowerment and other  
8 support services to the Central American and other  
9 Latinos in the Washington Metropolitan area.

10 It was established in 1981 to secure the  
11 rights of Salvadorans and other Central Americans who  
12 fled from civil wars and sought refuge in the United  
13 States. He has been Director since 1992.

14 Ms. Vega has worked at Ayuda,  
15 Incorporated, a non-profit legal services agency that  
16 serves low-income, foreign-born persons in Washington  
17 since 1979. Prior to becoming the Executive Director  
18 in 1985, she was a Volunteer Coordinator and Office  
19 Manager. She oversees all of the affairs of the  
20 organization.

21 Ms. Gomez has been the Executive Director  
22 of Mary's Center for Maternal and Child Care from its  
23 inception in 1988. Is Ms. Gomez here?

24 MS. GILMAN: Unfortunately, she had a  
25 family situation at the last moment and was not able

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1 to join us this morning. We apologize.

2 CHAIRPERSON BERRY: Oh, we can understand  
3 that. All right. We will start off then with Ms.  
4 Gilman. Please proceed.

5 MS. GILMAN: Thank you, and good morning,  
6 Madam Chairwoman, Vice Chair of the Commission, and  
7 members of the Commission. I want to thank you very,  
8 very much for this opportunity to speak before you  
9 this morning on the issue of civil rights and the  
10 matters that are affecting the Latino community here  
11 in Washington, D.C.

12 I would also like to thank the Chairman of  
13 the D.C. State Advisory Committee, and also Ted Lozo,  
14 for their comments, which are extremely encouraging,  
15 as well, regarding the interest of the Commission and  
16 the State Advisory Committee in these issues.

17 As you mentioned, Madam Chairwoman, after  
18 the 1991 Mount Pleasant riots, the United States Civil  
19 Rights Commission prepared an in-depth analysis of the  
20 civil rights issues affecting Latinos, and found,  
21 concluded, that there were serious problems of  
22 discrimination and marginalization in the community.

23 I just want to give you a little bit of  
24 background now on what has happened in the last couple  
25 of years, in terms of follow-up and updating on the

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1 work that the Commission did more than a decade ago.

2 In 2001, which was the actual ten-year  
3 anniversary of the Mount Pleasant disturbances, the  
4 Lawyers Committee began a process of preparing updated  
5 reports on the civil rights issues affecting the  
6 Latino community.

7 The process of preparing the reports  
8 involved really three different components to the  
9 project. Ten well known law firms with offices here in  
10 the area actually prepared the reports from a legal  
11 perspective.

12 And those reports covered the range of  
13 issues that had been addressed ten years' ago, and  
14 really the range of issues affecting the community.  
15 Everything from access to health care, education,  
16 issues of police relations with the Latino community,  
17 and so forth. The system, how it affected the Latino  
18 community, and going on from there.

19 The law firms involved in the preparation  
20 of these reports. I'll just mention a few of them so  
21 you can get a sense of the caliber of legal work, and  
22 the objectivity that went into these reports.

23 The law firm of Vinson & Elkins was  
24 involved, Gibson, Dunn & Crutcher, Holland & Knight,  
25 Hogan & Hartson. I think these are all names that

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1 we're familiar with, and the amount of work that they  
2 put into this was truly incredible, and the dedication  
3 that they showed.

4 So the law firms were really one component  
5 of the work that was done. A civil rights review panel  
6 was also formed, and it was composed of national,  
7 local experts on Latino issues, including the three  
8 individuals that are present today to provide  
9 testimony, as well as several other members.

10 And this panel really was able to oversee  
11 the process, guide the law firms, and provide some  
12 real expertise on Latino civil rights issues, both  
13 from a national and a local perspective.

14 The third component of the process was a  
15 community advisory group that was developed to prepare  
16 the reports. And this group really helped provide  
17 access to Latino community members on the ground, with  
18 specific stories and grievances, and concerns.

19 They arranged meetings in churches, and  
20 did intakes, so that we could gather the experience  
21 type information that we needed to make these reports  
22 come to life.

23 As you mentioned, the final product was a  
24 series, really, of eight reports. They were -- and a  
25 summary document as well, which you have before you, I

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1 believe. The reports were released on May 5, 2002, the  
2 eleventh anniversary, at this point, of the Mount  
3 Pleasant disturbances.

4 I should also note that on September 30,  
5 2002, the Council of Latino Agencies, an important  
6 umbrella group of Latino agencies here in town, also  
7 issued a comprehensive report with extensive data and  
8 recommendations regarding the Latino community. It was  
9 entitled, "The State of Latinos in the District of  
10 Columbia."

11 It was also inspired by the Mount Pleasant  
12 disturbances, and provides really useful demographic  
13 information, which helps to support the types of  
14 conclusions that were reached in the more legal  
15 reports.

16 Both reports found that numerous barriers  
17 exist to the full integration of Latinos into the  
18 social, economic and political life of the District of  
19 Columbia, and we'd be happy to go into any of the  
20 details that you see fit.

21 But I wanted to also get to what has  
22 happened since the release of the reports, and that's  
23 really what the rest of the panel will mostly speak  
24 about.

25 After the release of the reports, the

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1 Latino community initiated dialogue with the District  
2 of Columbia government through a newly formed Latino  
3 issues strategic team, which included the members of  
4 the review panel, but also a broader group of Latino  
5 community representatives.

6 And that group, which we've begun to call  
7 the LIST, has been meeting with the Mayor and his  
8 Cabinet, and other high-level officials on a regular  
9 basis, pretty much a quarterly basis, to discuss the  
10 reports, and the concrete recommendations that have  
11 been made for change.

12 The dialogue has been productive, there is  
13 no doubt. A number of short-term, immediate  
14 recommendations have been implemented. I'll mention  
15 just a few. The District of Columbia Housing Authority  
16 had implemented a policy for immigration status  
17 verification that was very unwieldy and time-  
18 consuming, and so Latinos were often facing  
19 significant delays in getting Section 8 vouchers, for  
20 example. That policy has now been changed and  
21 streamlined.

22 Another example of positive movement is  
23 that the D.C. Government agencies involved in home-  
24 ownership programs have set specific goals for  
25 increasing Latino home-ownership, and have begun to

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1 implement plans on that front.

2 The D.C. Health Care Alliance, which is  
3 the main sort of arrangement for indigent health care  
4 for those who aren't covered by other programs, at the  
5 time of the writing of the reports didn't have any  
6 sort of enrollment sites in northwestern Latino  
7 neighborhoods. And additional enrollment sites have  
8 now been added at clinics that are frequently used by  
9 the Latino community.

10 I believe you've all received a chart that  
11 we actually did of the recommendations that we've set  
12 forth, and what has happened on them. So that'll give  
13 you a sense of where we are as well.

14 I'd like to sort of initiate the rest of  
15 the conversation by saying it has been more difficult  
16 for us to achieve results on the big picture, the  
17 larger cross-cutting issues, the institutional  
18 problems that are out there.

19 The rest of the panel will discuss those,  
20 cross-cutting changes that have been recommended and  
21 the progress that we have made thus far.

22 CHAIRPERSON BERRY: Marisa is next.

23 MS. DEMEO: First I just wanted to thank  
24 the Commission for the opportunity to testify about  
25 the issues facing the Latino community in Washington,

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1 D.C.

2 I'm going to be focusing my comments on a  
3 cross-cutting issue that can be found really in every  
4 component of the reports that were done by the ten law  
5 firms.

6 CHAIRPERSON BERRY: Do you have your  
7 microphone on? Push it up some, please.

8 MS. DEMEO: The issue that I'm going to be  
9 focusing in on is, in terms of access to services for  
10 Latinos living in the District who have limited  
11 English skills.

12 In my statement I'm really going to focus  
13 on just three subtopics. The first is the actual  
14 findings of the anniversary report in terms of lack of  
15 accessibility to services due to language barriers.

16 The second will be the federal requirement  
17 that federally funded services be accessible to  
18 limited English proficient recipients of services. And  
19 the third, to talk a little bit about the proposed  
20 local legislation that would codify the federal  
21 obligations at the local level.

22 First, with regard to the findings of the  
23 anniversary report. Under every topic included in the  
24 anniversary report, and which the civil rights panel  
25 of which I was a part reviewed and provided feedback,

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1 there was a consistent theme of the District's failure  
2 to meet the language needs of the Latino Spanish-  
3 speaking community, to ensure that they had access to  
4 District services.

5 I was most closely involved with the  
6 reports dealing with relations with the police, as  
7 well as what was called the Access to Justice report,  
8 which included issues related to the D.C. public  
9 defender service, the D.C. Superior Court, the Pre-  
10 Trial Services Agency, and the Office of Corporation  
11 Counsel.

12 For those familiar with the original Mount  
13 Pleasant disturbances, you will recall that it was the  
14 relations between the police and the Latino community  
15 that was our top concern at the time.

16 A key recommendation identified, now 12  
17 years ago, was that the Metropolitan Police  
18 Department, the MPD, needed to do a better job in  
19 removing language and cultural barriers between the  
20 police force and the community.

21 Now, 12 years later, that remains a key  
22 recommendation. In 1991, the MPD had 121 Latino  
23 officers, and at that time an estimated 126 officers  
24 who were Spanish-speaking. In 2001, the MPD had 194  
25 Latino officers, and 93 officers who had been

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1 certified as Spanish-speaking employees through the  
2 MPD's stipend program. This is a new program that was  
3 initiated since the time of the disturbances.

4 COMMISSIONER BRACERAS: What percentages  
5 do those represent of the overall?

6 MS. DEMEO: It's about a five percent  
7 employment rate, I think.

8 COMMISSIONER BRACERAS: Both then and now?

9 CHAIRPERSON BERRY: I would appreciate it  
10 if Commissioners would let -- reserve their questions.

11 COMMISSIONER BRACERAS: I'm sorry. I'm  
12 very interested, and I just wanted --

13 CHAIRPERSON BERRY: Because otherwise  
14 we'll all stop everybody, and then we'll never get to  
15 the end, and hear everybody.

16 COMMISSIONER BRACERAS: I apologize. I was  
17 just --

18 MS. DEMEO: In any case, there's about 93  
19 at this time who've actually been certified as  
20 Spanish-speaking under the stipend program that MPD  
21 runs. And it does provide a minimal stipend if you get  
22 certification to provide services in Spanish.

23 The training opportunities for other  
24 officers to learn Spanish had really been sporadic,  
25 and attracted minimal participation. So really, little

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1 advance has been made in the years since the original  
2 disturbances.

3 After the anniversary report came out, the  
4 MPD actually did do recruitment and hiring of 60  
5 Latino officers from Puerto Rico. And the only concern  
6 we have, even though there's been that hiring, is it's  
7 our understanding that there's been significant  
8 attrition of some of the newly hired officers, as well  
9 as some of the officers who are already on board. So  
10 we're not sure if the increase is as big as the  
11 initial hire.

12 Even more troubling is the fact that, at  
13 the time of the anniversary report when it was  
14 released, there was only one certified Spanish speaker  
15 employed as either a 911 emergency or a 311 non-  
16 emergency operator.

17 Demand for language assistance was not  
18 being met. While some bilingual staff employed as  
19 dispatchers were pulled in to handle calls, and an  
20 unreliable language assistance line was often used,  
21 overall, Latinos with language barriers experienced  
22 difficulty communicating with the MPD in both  
23 emergency and non-emergency situations.

24 Since the time of the report's release,  
25 the MPD has indicated it has hired more Spanish-

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1 speaking employees in the communications department.  
2 However, it had failed to provide any level of  
3 detailed information as to how many were actually  
4 hired, and in which positions they were working.

5 In October of 2002, Ms. Gilman from the  
6 Washington Lawyers Committee for Civil Rights sent a  
7 letter requesting this information, and it was never  
8 responded to. She sent a Freedom of Information Act  
9 request in November of 2002, and also that was not  
10 responded to.

11 However, I found out this morning that  
12 there was a response sent late last night. Based on  
13 that information from the MPD, the MPD currently has  
14 74 employees assigned as police communication call-  
15 takers to answer 911 or 311 calls, and only one is  
16 Spanish-speaking.

17 So there hasn't been any increase in terms  
18 of Spanish-speaking ability to handle those types of  
19 calls. When the MPD does not have sufficient Spanish-  
20 speaking employees to communicate with the growing  
21 Spanish-speaking community, the public safety and  
22 health is jeopardized.

23 A police officer may feel he has to use  
24 additional force, perhaps even excessive force, to  
25 conduct an arrest, simply because the arrestee does

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1 not understand the instructions due to a language  
2 barrier.

3 A caller trying to report a crime in  
4 progress, or trying to report a person in a health  
5 emergency cannot do so because of a language barrier.  
6 Lives can be lost and crimes that could be solved are  
7 not due to these language barriers. I know other  
8 witnesses will talk about language issues in other  
9 areas outside of the police department.

10 My second point regarding the District's  
11 need to comply with federal requirements. As members  
12 of this Commission are well aware, recipients of  
13 federal funds are prohibited from discriminating  
14 against persons on the basis of race, color or  
15 national origin in the implementation of any program  
16 or activity under Title 6 of the Civil Rights Act of  
17 1964.

18 The Supreme Court's decision in Lau v.  
19 Nichols made it clear that denial of a meaningful  
20 opportunity to participate in a benefit or a program  
21 that receives federal funds due to failure to provide  
22 language accessible services is a violation of Title  
23 6.

24 In 2000, President Clinton brought more  
25 attention to the requirements that federal recipients

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1 have under Title 6 to meet the needs of limited  
2 English proficient individuals through Executive Order  
3 13166. The Bush administration reaffirmed its  
4 commitment to implementing this Executive Order in  
5 October, 2001.

6 The U.S. Department of Justice has issued  
7 guidance providing further direction as to how federal  
8 fund recipients should comply with Title 6  
9 obligations. Other federal agencies are charged with  
10 following Justice's model.

11 Most, if not all, of the programs and  
12 services the District of Columbia is offering, within  
13 which it is failing to provide adequate services to  
14 persons with language barriers, receive federal funds.

15 It is urgent that the District come into  
16 full compliance with Title 6, or it risks that  
17 complaint processes will -- they'll have to go through  
18 complaint processes for people who file complaints  
19 with the federal agencies. They risk losing federal  
20 funds, and litigation could also be brought against  
21 them.

22 Finally, in the area of local legislation,  
23 District Councilmember Jim Graham has introduced a  
24 bill in the Council of the District entitled the  
25 Language Access Act.

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1           This act, if passed by the Council and  
2 approved by the Mayor, would provide a clear framework  
3 for the District to meet the needs of the limited  
4 English proficient population, while also meeting its  
5 federal obligations under Title 6.

6           Two of the key components of the bill deal  
7 with provisions of how to provide oral language  
8 services, and the provision of translated written  
9 information.

10           Under both provisions, the bill sets forth  
11 a reasonable guideline for determining when the  
12 District should provide accessible services. It is  
13 clear that the bill, like the U.S. Department of  
14 Justice's guidance, allows for a balancing of factors  
15 to be considered when determining what types of oral  
16 language services need to be provided, and provides a  
17 safe haven for what documents need to be translated.

18           Overall, the Language Access Act provides  
19 a reasonable and clear method for the D.C. Government  
20 to provide vital services in a meaningful way to  
21 persons with limited English proficiency living in the  
22 District.

23           Despite that, the Mayor has failed to  
24 support the act, and the Chief Financial Officer for  
25 the Mayor has issued fiscal impact statements that

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1 estimate the budget consequences of the act at  
2 seemingly higher levels than necessary. Thank you.

3 CHAIRPERSON BERRY: All right. Thank you  
4 very much. Mr. Solorzano?

5 MR. SOLORZANO: Good morning. I want to  
6 thank the U.S. Commission on Civil Rights for the  
7 opportunity to speak here this morning. I will  
8 basically make two points. One has to -- about the  
9 changes in the community, and the second, about the  
10 DCPS public school system.

11 And as a way of introduction, I would like  
12 to say that the City Government has failed you, the  
13 Commission, and also the community, because you issue  
14 a very nice report ten years ago, and if you go back  
15 to that report, you will see that none of your  
16 recommendations were done.

17 What you include in that report has been  
18 taken into consideration. So as I -- so I want to  
19 emphasize that, and I hope that we will be working  
20 together in making sure that District Government will  
21 comply with their obligations.

22 And here, I am not advocating for anything  
23 else but good government and inclusion for Latinos.  
24 And that's the call from the community. In the past,  
25 some people have claimed that Latinos, Salvadorans or

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1 non-Salvadorans did not go to the government agencies  
2 or to the police because they were not familiar with  
3 the system.

4 And that may have been true, but it is not  
5 true anymore. People are familiar with the system.  
6 They know what the role of government is. They know  
7 what the agencies are there for. They know the role of  
8 the police. But what is happening right now is that  
9 when people go to the agencies of the government, they  
10 do not find a friendly environment.

11 And that's what needs to be changed. So,  
12 there is no time for more excuses, talking about a  
13 community that is foreign, that is not familiar with  
14 the way things are here. It is time to improve the  
15 systems and the services that the government provides,  
16 and the community is very sophisticated.

17 Let me add that, in terms of some other  
18 people claim that people don't understand and it's not  
19 politically sophisticated, but people understand  
20 everything that is going on. And the reason why they  
21 don't get involved is because they don't have -- or  
22 they don't find agencies that are responsive to their  
23 needs.

24 In terms of changes in the community, some  
25 few years ago we were talking about a large presence

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1 of undocumented populations. That has changed. And in  
2 the case of the District of Columbia, many people have  
3 temporary protected status, and other immigration  
4 temporary status.

5 And in your report in 1993, you issued a  
6 recommendation calling for legalization of Latinos in  
7 the District of Columbia. We think that it's time to  
8 do the same again.

9 And one of the reasons that may be because  
10 the agencies in the government are not responding to  
11 the needs is because they don't know the population,  
12 and they don't have enough data about the population.

13 So we have been insisting, in meetings  
14 with the Mayor, that there should be a system to  
15 collect that data, and then we can compare and we can  
16 see what are the services and the actions that the  
17 city has taken to include the needs for Latinos.

18 On the issue of public schools, that  
19 should make all of us very sad because now there is a  
20 growing population, the first U.S. generation of  
21 children in the schools that are being failed, and  
22 that are being set for failure in the future.

23 And you already know that DCPS is -- needs  
24 improvement all across the board so if not Latino  
25 children are suffering, but Latinos in particular. And

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1 what is -- I don't even find the word for it, but  
2 since September 18, '91, the U.S. Department of  
3 Education, Office for Civil Rights, began a compliance  
4 review of the District of Columbia public schools to  
5 determine if the District is in compliance with Title  
6 of the Civil Rights Act of '64.

7 And if we jump to May, 2002, we find that  
8 there was approval of a plan. So it took about over  
9 ten years to approve a plan. And now we don't know the  
10 specifics of that plan, and if it's being implemented,  
11 or if they're just responding to the pressure that we  
12 are exercising through this process.

13 So those are the two issues that I wanted  
14 to mention, and again, the perspective that I'm  
15 presenting here is that the Latino community wants to  
16 be included as part of the city, and people pay taxes.  
17 And we are not advocating for something radical like  
18 revolution or anything of that sort. We're just  
19 advocating for people to get their fair share. And  
20 these are people that also pay taxes in contribute to  
21 the development of the city. Thank you.

22 CHAIRPERSON BERRY: Ms. Vega.

23 MS. VEGA: Good morning. I want to thank  
24 Madam Chair and the members of the Commission, as well  
25 as the D.C. State Advisory Committee, for allowing us

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1 the opportunity to meet and to discuss our concerns  
2 regarding the Latino community.

3 I represented the Latino community 11  
4 years ago, and as I began to look at the history prior  
5 to 11 years ago, 22 years ago we also issued a report  
6 regarding the status of the Latino community.

7 During our last report, one of the major  
8 issues was the lack of immigration status, and asking  
9 for information and the support of the temporary  
10 protected status for the Central American community  
11 that was here in a legal limbo.

12 Today, I speak before you to address our  
13 concern now on the lack of understanding regarding the  
14 immigration status of many of the Latino community.  
15 What we recognize are that many in our community are  
16 eligible for public benefits, and unfortunately, there  
17 are certain categories that we understand are eligible  
18 for certain public benefits as a result of the  
19 immigration legislation.

20 However, the lack of understanding creates  
21 a difficulty for many people to access those systems.  
22 And not only is the access to language a difficulty,  
23 but also the understanding of immigration and the  
24 status of many in the -- their immigration status in  
25 the Latino community creates even more barriers for

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1 clients to access those systems.

2 As a director of a legal service  
3 organization that serves the immigrant community, and  
4 represent women who are victims of domestic violence,  
5 I can attest to the fact that many of our clients who  
6 are women of domestic violence, who are eligible for  
7 certain benefits, have been denied because of the lack  
8 of understanding.

9 They have been denied because -- we had  
10 one particular case where a client went in and was a  
11 legal permanent resident, and the front line worker  
12 told her that she was not eligible because she did not  
13 possess a green card.

14 And the reality is that the green cards  
15 have not existed for many, many, many years. And so  
16 there is an incredible lack of understanding with  
17 regards to people. I mean, the reality is that you do  
18 have many in this community that do have legal  
19 permanent resident status, and many that do fall under  
20 the color of law as a result of their -- the war in  
21 Central America which had allowed many to permanently  
22 reside in the United States until a decision has been  
23 made regarding their immigration status.

24 Another example is that many Latino  
25 immigrants were experiencing lengthy delays in getting

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1 Section 8 vouchers through the D.C. Public Housing  
2 Authority because the personnel did not fully  
3 understand immigration issues, and was requiring that  
4 applicants, even those with valid green cards, return  
5 to the Immigration and Naturalization Service to get a  
6 certification for eligible immigration status by hand.

7 And so we were getting a lot of clients  
8 coming to our office saying we don't understand what  
9 the government officials want. I have my green card.  
10 Now they want us to go to the Immigration Service to  
11 get a certification, but the Immigration Service isn't  
12 giving us a certification.

13 The process did take months. Fortunately,  
14 the process has been streamlined by the Housing  
15 Authority, and many agencies still have difficulty  
16 with understanding this issue.

17 Another issue are that recently, a Costa  
18 Rican citizen and a United States permanent resident  
19 with an American father who lives here in the  
20 District, and works at an international organization,  
21 was turned away by the police because the officers did  
22 not believe that he had a legitimate immigration  
23 status.

24 When this person went to report a mugging  
25 at a local police station, the officer asked him about

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1 his immigration status. When presented with a green  
2 card, the officer stated that the document might well  
3 be false, and only the embassy could help the crime  
4 victim.

5 After the release of the reports, we have  
6 asked Chief Ramsey to make a clear statement regarding  
7 the Metropolitan Police Department's commitment to  
8 abstain from enforcing civil immigration laws.

9 A clear statement of policy to this effect  
10 would be in line with federal court precedent,  
11 limiting the ability of local law enforcement to  
12 engage in enforcement of federal immigration laws.

13 Such a statement is appropriate under  
14 long-standing Metropolitan Police Department policy  
15 preventing inquiries to officers into immigration  
16 status except in very limited circumstances.

17 After months of discussions, we have  
18 finally reached an agreement with the Metropolitan  
19 Police Department on a policy document that sets forth  
20 the Metropolitan Police Department's commitment to  
21 refrain from enforcing civil immigration laws.

22 Chief Ramsey has also agreed to make a  
23 public statement regarding this policy. However, the  
24 public statement has yet to be made. It is of utmost  
25 urgency that such a statement be made. Otherwise,

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1 members of the Latino community will continue to fear  
2 interactions with the police, and an effort at  
3 community policing will be harmed.

4 Thank you.

5 CHAIRPERSON BERRY: All right. Thank you  
6 very much. I appreciate all of the discussion from all  
7 of the folks who are here. We would like to see if any  
8 of the Commissioners have any questions for them  
9 before we go to the panel of government people.

10 Is there something you wanted to ask --  
11 yes, Commissioner Braceras?

12 COMMISSIONER BRACERAS: I do. My question  
13 is for Ms. Demeo. I know we've recently been quoted  
14 opposite each other on the Miguel Estrada nominations.  
15 But I want to thank you for your efforts in this area,  
16 and I want to ask you about the Title 6 concerns,  
17 whether you've made those known to the Justice  
18 Department's Civil Rights Division, and if so, what  
19 response you may have received.

20 MS. DEMEO: Well, I'll tell you that the  
21 Justice Department has in the past investigated. In  
22 fact, I was at Justice at the time that there was a  
23 Title 6 investigation going on. So there has been  
24 memoranda of understanding that was entered into as a  
25 result of that investigation that was done.

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1           And there were a number of mechanisms that  
2 the MPD was supposed to adopt as a result of the  
3 resolution of the complaint. There were -- It was very  
4 similar to the complaints we're hearing now. I guess  
5 the bottom line is it may be that we need to bring it  
6 back to Justice again, but Justice has been involved.

7           COMMISSIONER BRACERAS:    Is there -- I  
8 guess -- is there any way that we can be helpful in  
9 contacting the Justice Department, not necessarily on  
10 your behalf, but in addition to you also doing that?

11           MS. DEMEO:        I think that would be  
12 excellent.

13           COMMISSIONER BRACERAS:        Maybe the  
14 Commission, we can agree to send a letter about these  
15 issues to make sure that the Justice Department is  
16 following up on that.

17           MS. DEMEO:        That would be great.

18           COMMISSIONER BRACERAS:    On that letter of  
19 agreement and maybe we could pass along, if we have  
20 your permission, a copy of your testimony.

21           MS. DEMEO:        Sure.

22           COMMISSIONER BRACERAS:    Written testimony.

23           MS. DEMEO:        That would be fine.

24           CHAIRPERSON BERRY:    Is there any objection  
25 to doing so? Without objection, so ordered.

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1 Does anybody else have any comments at  
2 this time?

3 Yes.

4 VICE CHAIRPERSON REYNOSO: I have a  
5 question for any of you that know what has been the  
6 progress in terms of the housing issue, that is, the  
7 percentage of Latinos that now own houses or own  
8 condominiums. That's one of the most critical  
9 elements in the economic well-being of the Latino  
10 community and there have been problems in the past. I  
11 wonder what's happened. What's the current situation.

12 MR. SOLORZANO: The most immediate or  
13 urgent issue in the community has been to avoid  
14 displacement of the community. A couple of years ago,  
15 four tenant associations and the Washington lawyers  
16 filed a suit against the city landlords because the  
17 city was implementing a revitalization plan and part  
18 of the program was to force tenants out of their  
19 buildings so that landlords will fix their properties.

20 So obviously, we felt that that was not fair and then  
21 we have that civil case that is still going on.

22 In terms of home ownership, many Latinos  
23 are being able to buy homes, but without -- outside  
24 the system of -- assistance from the city and the city  
25 programs offer very limited opportunities for Latinos.

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1 MS. GILMAN: May I just add on to that  
2 just a little bit? We have received some updated data  
3 from the D.C. governmental agencies which I don't have  
4 with me. I apologize for that. I can give you the  
5 figures that we had at the time of the release of the  
6 reports last year which were quite depressing. The  
7 Latino home ownership rate in the District was under  
8 25 percent. And when you compare that even to 48  
9 percent in Maryland, about 45 percent in Virginia,  
10 it's quite problematic.

11 Now, of course, home ownership is lower in  
12 the District than in the suburbs for everybody because  
13 of the nature of the city, but if you also compare the  
14 home ownership rate to sort of the national average  
15 over the whole metropolitan D.C. area, the home  
16 ownership rate for Latinos is significantly lower.  
17 It's lower than the national Latino home ownership  
18 rate. It's about 44 percent to about 47 percent. But  
19 it's also significantly lower than any other group,  
20 including African Americans even.

21 VICE CHAIRPERSON REYNOSO: Are there any  
22 programs that try to lower that gap? Because to me,  
23 that seems to be like a crucial element.

24 MS. GILMAN: Well, as Saul mentioned,  
25 there are several agencies in the District of Columbia

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1 that manage subsidy programs. Unfortunately, I don't  
2 believe we -- any of us had asked those individuals to  
3 come forward today and we can certainly do some  
4 follow-up on that.

5 Our fear is that those entities have some  
6 of the same problems we've discussed. They don't have  
7 the language access. In fact, the report that was  
8 done on home ownership pointed that out, but even  
9 simple things like web pages and basic reception was  
10 not available in other languages. And then perhaps  
11 even more importantly is that although there is now  
12 this goal for increases in Latino home ownership which  
13 is extremely commendable, we still don't have a plan.

14 We need the District government agencies to  
15 mainstream these issues and just as they have  
16 performance goals for every other issue and the Mayor  
17 has been very good about setting goals and asking  
18 agencies to develop plans to get to those, we need  
19 that to happen with Latino issues as well.

20 MR. SOLORZANO: One of the recommendations  
21 that we have been discussing with the Housing  
22 Department is that since there is a good law in the  
23 District of Columbia, the first right of refusal,  
24 which gives tenants the opportunity to purchase the  
25 properties where they live if they are on the market,

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1 we are suggesting that the city should have kind of a  
2 revolving fund within the Housing Production Trust  
3 Fund and under any other program so tenants from those  
4 buildings that go on the market can have access to  
5 that money to buy or purchase the property and later  
6 on they can repay the city. So that's an opportunity  
7 that can be explored.

8 CHAIRPERSON BERRY: Commissioner  
9 Thernstrom.

10 COMMISSIONER THERNSTROM: This is a  
11 question to Mr. Solorzano. You said that the D.C.  
12 children were set up for failure and indeed D.C.  
13 spends something like, I believe, \$10,500 per pupil in  
14 educating its children. And as you acknowledged  
15 across the board, the results are appalling. Kids are  
16 leaving school in 12th grade without basic skills and  
17 knowledge.

18 But I'd be interested in hearing you say  
19 something more specifically about the distinctive  
20 problems that make you say that Latino children,  
21 specifically, distinctively are being set up for  
22 failure, separate from the larger picture of  
23 educational catastrophe in the District.

24 MR. SOLORZANO: It would be easier for me  
25 to answer why Latino children are not set up for

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1 failure because we don't have very much in the area,  
2 right now we can say that the District is making an  
3 attempt to improve the conditions, but just take an  
4 example. For example, a child who enters school,  
5 maybe he will be speaking Spanish at home. Then he  
6 will not learn English at school and then this child  
7 will be facing some tremendous difficulties and the  
8 school doesn't have capacity or the personnel to  
9 handle the situation. So we have a lot of parents  
10 that come to our offices or to our churches and tell  
11 us that their children don't feel welcome in the  
12 schools and the parents, also when they go to schools,  
13 also don't feel that they are welcome.

14 So we have a lot of instances that point  
15 to an environment where it will be very difficult for  
16 our children to succeed.

17 COMMISSIONER THERNSTROM: And you say  
18 they're not learning English in school. Now surely  
19 the schools do have programs for limited English  
20 proficiency children. What is the specific failure  
21 there, the programs are not being implemented  
22 properly? There's not qualified personnel? Tell me  
23 some more.

24 MR. SOLORZANO: All of the above and I'll  
25 offer to give you a list of specifics, not right now,

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1 but I will provide them to you.

2 But the point that I want to make here is  
3 that the system is not working in the sense that it is  
4 making children to fail and I think that that's the  
5 major issue that needs to be reviewed. And there is  
6 the compliance plan that was finished, but we haven't  
7 seen all the details. We don't know about the  
8 implementation and it took about 10 years to get it  
9 ready. So I think that that is enough information to  
10 see that something is not working.

11 CHAIRPERSON BERRY: Maybe we can ask the  
12 School Superintendent about that when he comes  
13 forward. ==

14 COMMISSIONER THERNSTROM: That would be  
15 nice.

16 MS. GILMAN: Might I -- again, I'm sort of  
17 the data person. I'll try to respond a little bit to  
18 that and the response in part is lack of data. So it  
19 is hard to identify exactly where the problems are.  
20 We know now after many years of fighting this out  
21 there, is a formula for the number of bilingual  
22 teachers that should be in the system per number of  
23 non-fluent English speaking students. But we don't  
24 know how many bilingual teachers there are in the  
25 system. We've repeatedly requested that data and have

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1 not been able to get it. We understand that it's part  
2 of the annexes to the compliance plan, because that's  
3 not formally finalized and we don't have access to  
4 that. We don't know.

5 I can say there's only one immersion  
6 bilingual school in the District and in general, our  
7 understanding is that there are few very good  
8 bilingual programs in a couple of schools, but what  
9 has failed to happen is for the District to recognize  
10 the dispersion of primary Spanish speaking students  
11 throughout the school system. The programs are very  
12 much focused on a couple of schools and there also  
13 seems to be sort of a lack of centralization regarding  
14 what is considered to be a good bilingual program.  
15 It's sort of up to the individual schools to decide  
16 whether they really need one, whether it's an  
17 effective program, what kind of program. So there's  
18 not sort of the accountability, I think, that people  
19 would be looking for.

20 CHAIRPERSON BERRY: D.C. has the Oyster  
21 School.

22 MS. GILMAN: That's the one.

23 CHAIRPERSON BERRY: Which are known to be  
24 the bilingual schools and when we say bilingual we  
25 don't just mean quote bilingual education, but

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1 different forms of teaching people who don't know  
2 English.

3 MS. GILMAN: Oyster is true immersion.

4 CHAIRPERSON BERRY: And I guess what Mr.  
5 Solorzano was simply just telling us that whatever is  
6 going on, he's telling us about the experiences of  
7 people who go there and who then say we can't learn  
8 English or we go there and nobody speaks Spanish and  
9 we don't know what they're saying and you're telling  
10 us about the experiences of people, right?

11 MR. GILMAN: Yes, and it's important to  
12 get information, for example, how many hours of  
13 bilingual instruction per week the students receive  
14 and how many schools. This is all the data that we  
15 need and we have a lot of anecdotal data and studies  
16 from people, but if you ask the right questions you  
17 will see the gaps that exist.

18 CHAIRPERSON BERRY: Okay, I'll take you,  
19 Commissioner Edley, and then we have to go on to the  
20 next panel.

21 Go ahead.

22 COMMISSIONER EDLEY: As I look at the  
23 materials and listen to the testimony, I feel  
24 overwhelmed by the number of very, very important  
25 issues and by the complexity and I can't help but have

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1 in the back of my mind what we all know about the  
2 fiscal and other challenges that are facing the  
3 District government and indeed, most state governments  
4 around the country now.

5 So my question really is how were these  
6 issues, in general, presented to the District? Is it  
7 18 different groups each going to the Mayor's Office  
8 and one or another agency saying please work on this,  
9 please work on that, please work on the other?

10 Or is there a coalition mechanism that  
11 identify and if there isn't, if there is an effective  
12 coalition mechanism, is it a coalition mechanism that  
13 compiles all of the concerns or does it prioritize the  
14 concerns and try to negotiate over those priorities  
15 for the attention of the District and the Council and  
16 the School Board?

17 MS. VEGA: I think it's really important,  
18 especially when you highlighted in your opening  
19 statement in terms of your question with regards to  
20 the fiscal challenge. We recognize that the District  
21 has a fiscal challenge, just like any other  
22 jurisdiction does. But these are cross cutting issues  
23 that have been cross cutting issues for the last 20  
24 something years.

25 COMMISSIONER EDLEY: Please let me

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1 interrupt. No, I understand completely and fiscal  
2 challenge is not an excuse for inaction, but all I  
3 mean to indicate is that it's quite clear that they're  
4 not going to do everything and what I'm wondering is  
5 whether or not from the organization of the way in  
6 which the concerns are posed for the District, is it  
7 posed in a way that allows them to essentially mount  
8 some kind of a fiscal or administrative defense to  
9 everything, rather than at least being able to agree  
10 with you that these are the 14 things that are number  
11 one priorities for the current fiscal year.

12 MS. VEGA: I wanted to say kind of the  
13 fiscal challenge because that's the constant response  
14 that we hear. There are a lot of issues that have  
15 been raised that are cross cutting issues that in  
16 reality don't cost a lot of money to actually  
17 implement. But in terms of the coalition of  
18 organizations, what we have done is we had a  
19 commission which was the five organizations of  
20 national and local levels that were comprised to deal  
21 with the issues that we felt were the cross cutting  
22 issues regarding health, regarding housing, regarding  
23 education, regarding access, language access,  
24 regarding implementation of education.

25 Through those five organizations, those

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1 five commissions, we implemented a community advisory  
2 group. That community advisory group was to  
3 incorporate emerging leaders, but at the same time  
4 individuals that don't necessarily work just within  
5 community-based organizations, but that do have an  
6 array of different expertise. So that we would not be  
7 you know sort of incestuous, if you will, in bringing  
8 in the same old, same old faces because we recognize  
9 that that also at a level in terms of the emerging  
10 leadership but creating.

11 Through that community advisory group,  
12 they're the ones who really work at the ground level  
13 in terms of trying to incorporate through community  
14 education and letting the other groups -- but  
15 together. We adopted what was called the LIST, Latino  
16 Initiative Strategic Team. Out of the five groups  
17 that oversee the cross-cutting issues, we incorporated  
18 different individuals that had specific areas of  
19 expertise to deal with the administration, while at  
20 the same level we had the community advisory group  
21 continuing to work at this level, but also to educate  
22 the communities about what these issues were and to  
23 also gather the data and the information because one  
24 of the core things that we have recognized is that the  
25 data collection for the District is lacking. And so

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1 it's difficult to argue you're responding to our needs  
2 if you're not collecting the data that will help us to  
3 help you to address those needs.

4 CHAIRPERSON BERRY: Okay, we have to --

5 MR. SOLORZANO: I would just only add one  
6 thing and that --

7 CHAIRPERSON BERRY: It has to be quick  
8 because the other people are waiting.

9 MR. SOLORZANO: Less than a minute. We do  
10 have two reports, one report of the Washington  
11 Lawyers' Committee and another one from the Council of  
12 Latino Agencies and then we have a group of people  
13 that we call Latino Issues Strategy Group and these  
14 include the directors of agencies and members of the  
15 community and we are meeting with the public elected  
16 officials. So in a way, we have a unified voice  
17 presenting these issues.

18 CHAIRPERSON BERRY: All right, well, let  
19 me thank you very much for laying the ground work here  
20 and for all the good work that you have produced and  
21 now we will hear from the responsible person in the  
22 D.C. government, and we appreciate your patience and  
23 we appreciate your coming forward.

24 We have with us Mr. John Koskinen who is  
25 the City Administrator, Deputy Mayor; Mr. Charles

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1 Ramsey, who is the Chief of Metropolitan Police  
2 Department; Mr. James Buford who is the Director of  
3 the Department of Health; and Mr. Paul Vance, who is  
4 the Superintendent of District of Columbia Public  
5 Schools.

6 At least two of you I'm accustomed to  
7 seeing on channel -- whatever that channel is on TV  
8 that I turn on late at night and you're always on  
9 there. Whenever I turn it on, you're on there. So  
10 you are familiar faces.

11 MR. KOSKINEN: The closest thing to  
12 immortality is Channel 16.

13 (Laughter.)

14 CHAIRPERSON BERRY: I think it's a repeat  
15 sometimes.

16 MR. KOSKINEN: It's a repeat most of the  
17 time.

18 CHAIRPERSON BERRY: Right, and we also  
19 wanted to acknowledge, I think Mr. Reyes-Lopez,  
20 General Counsel to the Mayor. Is he here or is not?  
21 He is. Would you identify -- there you are. Thank  
22 you very much for joining us.

23 Let me say that there has been, according  
24 to what we can see, some progress and according to  
25 what the advocates have said on the issues that

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1 concern the Latino community since the time that we  
2 did the Mount Pleasant report. That's clear.

3           Everybody acknowledges that. And I think  
4 that everybody and probably including you would  
5 acknowledge that there's a lot more that could be done  
6 on these issues, as well as the other issues. And so  
7 we would ask you first of all, is there anything in  
8 particular you would like to say because I'm told  
9 we're supposed to ask you questions, but you'll have  
10 presentations. So why don't you go forward with your  
11 presentation and then we'll ask the questions.

12           MR. KOSKINEN: Thank you, Madam Chairman,  
13 we'll try to be brief in our presentations. The Chief  
14 and I have to leave at about 12:15 to go test our  
15 emergency preparedness systems.

16           Good morning, Madam Chairman, Members of  
17 the Commission. My name is John Koskinen and I'm the  
18 City Administrator, Deputy Mayor of the District of  
19 Columbia.

20           I'm pleased to have the opportunity to  
21 appear before you today on behalf of Mayor Williams to  
22 provide the government's perspective on civil rights  
23 issues affecting the District's Latino community with  
24 a focus on the government's response to the May 2002  
25 report issued by the Washington Lawyers Committee for

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1 Civil Rights and Urban Affairs.

2 It's my understanding that the Commission  
3 is particularly interested in the government's  
4 response, the concerns raised in the report that  
5 relate to education, health care access and the  
6 relationship between the Metropolitan Police  
7 Department and the Latino community and therefore, I'm  
8 pleased to be joined here today, as you know, with  
9 Chief Charles Ramsey of the Metropolitan Police  
10 Department; Jim Buford, the head of the Department of  
11 Health; and Paul Vance, the Superintendent of the  
12 District of Columbia Public Schools. Each of these  
13 officials will address the areas under their direct  
14 authority.

15 I will address the District government's  
16 overall response to the report by describing key  
17 aspects of the administration's effort to improve  
18 access to service and programs for the Latino  
19 population.

20 Let me start by saying we view the report  
21 as an important and constructive document that the  
22 Mayor welcomed in terms of being able to start to  
23 highlight areas of concern. As Commissioner Edley  
24 stated, in a time of constrained resources, it is  
25 important for us to prioritize where we're going and

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1 the order in which we're doing it and the report did  
2 that and our first meetings highlighted critical  
3 issues that were -- could be done in the immediate  
4 short term and a number of those as you see, we have,  
5 in fact, responded to affirmatively. There is still  
6 work being done on those and information being  
7 provided.

8 But in the wake, as you know, we did and  
9 have begun and actively working collaboratively with  
10 representatives from the Latino community developing  
11 those common set of priorities. Given the importance  
12 of the issue, we think it is critical for the  
13 government to partner with the community, to enhance  
14 compliance with the applicable law and increase access  
15 to programs and services for Latinos.

16 You've heard we've established with the  
17 advocates in the community, the Latino Issues  
18 Strategic Team, or LIST as it's known. The Mayor and  
19 I are both members of that team. I chair, co-chair  
20 those meetings and other high ranking government  
21 officials and community representatives participate in  
22 the process.

23 We found those meetings to be a  
24 constructive forum for dialogue and problem solving  
25 and although we haven't adopted all of the

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1 recommendations made by the community representatives  
2 at this time, we've adopted many of them. Many are in  
3 progress and we have deepened clearly our  
4 understanding of the issues and the need for  
5 solutions. We have used the LIST meeting to structure  
6 a series of smaller work groups staffed with community  
7 and government representatives who have contributed to  
8 the overall success of this initiative thus far. But  
9 as the Chairman noted, we all understand there's more  
10 to be done and it will take us some time to get to  
11 where we want to be.

12           Prior to the issuance of the committee's  
13 report, the government had initiated actions to  
14 enhance access to programs and services to persons  
15 with limited English proficiency. For example, during  
16 the 2000 calendar year, the Department of Personnel  
17 surveyed key District agencies to determine service  
18 capacity. Among their findings the survey showed, not  
19 surprisingly, that Spanish was the language requested  
20 most frequently. And Agency materials that had been  
21 translated were most often translated into Spanish as  
22 opposed to other languages.

23           The survey respondents reported providing  
24 Spanish language access through a combination of  
25 methods including deployment of bilingual staff,

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1 utilization of contract interpreters and reliance on  
2 language translation telephone service. The survey in  
3 2002 was used as a springboard to a successful  
4 language access initiative for those with limited  
5 access proficiency who speak various Asian and Pacific  
6 Islander languages. In December of 2002, after the  
7 report, and after we began working with the coalition,  
8 the District's Office of Latino Affairs began to  
9 implement a similar initiative based on the success we  
10 had had in the Asian and Pacific Islander model. As a  
11 result, 17 agencies are targeted and have been  
12 required to develop action plans to address the  
13 following: increased translation of Spanish  
14 information related to critical services and programs;  
15 increased recruitment of bilingual front line  
16 employees; increased delivery of multicultural  
17 sensitivity training; enhanced partnership with the  
18 Latino community and increased outreach to that  
19 community.

20 Agency progress in each of these  
21 categories will be monitored, evaluated and subject to  
22 a public report in process.

23 In addition to the initiative by the  
24 Office of Latino Affairs in the Mayor's Office, the  
25 District has also developed a language access pilot

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1 program, coordinated by the Deputy Mayor of  
2 Operations. The goal of the program is to work with  
3 four pilot agencies, the Department of Human Services;  
4 the Department of Health; the Department of Employment  
5 Services and the Department of Housing and Community  
6 Development, to create a comprehensive limited English  
7 proficiency program within each of those four  
8 agencies. They're working with their Federal  
9 Government counterparts. There was a reference  
10 earlier to the Department of Justice. They are  
11 working with the Department of Justice and other  
12 federal agencies to ensure that the current programs  
13 and any planned enhancements comply with Title VI of  
14 the Civil Rights Act, Executive Order 13166 and  
15 applicable Department of Justice guidance.

16 The pilot program involves assessments of  
17 current limited English proficiency functions within  
18 each agency and develop other implementation plans  
19 that target all front line contacts.

20 Additionally, the pilot program includes  
21 an assessment progress and development of action plans  
22 for increased cultural sensitivity training,  
23 communication and outreach, diversification of the  
24 work force, data collection -- which we all agree is  
25 critical -- and monitoring.

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1           Upon completion of the pilot program, a  
2 follow-on report will be issued, including  
3 recommendations for implementation of a city-wide  
4 program.

5           We recently made a commitment to enhance  
6 the government employee training program in several  
7 respects. We expect to bolster training related to  
8 cultural competence, as well as to bolster training  
9 for employees who administer benefit programs that  
10 include immigration status requirements.

11           Although there is unquestionably a need  
12 for significant continued progress and ultimately for  
13 refinement of our program for limited English  
14 proficient Spanish language speakers, a number of our  
15 agencies have made notable strides in recent years.  
16 For example, the Department of Employment Services has  
17 translated a host of critical documents into Spanish,  
18 launched a bilingual recruitment initiative, located a  
19 satellite office in predominantly Spanish language  
20 communities, developed a Spanish language orientation  
21 for agency customers, deployed bilingual staff in  
22 front line positions and fully translated all on-line  
23 screens into Spanish.

24           We obviously live in a wonderfully  
25 culturally diverse, multi-culturally and diverse urban

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1 area and the Mayor and his administration remain fully  
2 committed to assist in the programs and services that  
3 ensure meaningful access to all in a context where we  
4 understand we have a ways to go before we reach that  
5 goal.

6 We welcome the opportunity to discuss  
7 these matters with you and I would be pleased to  
8 respond to your questions after you hear from the  
9 other presentations.

10 CHAIRPERSON BERRY: All right. Thank you  
11 very much.

12 MR. KOSKINEN: We haven't practiced  
13 before, but why don't we have Chief Ramsey go next.

14 CHIEF RAMSEY: Thank you very much,  
15 members of the Commission, staff and guests. Thank  
16 you for the opportunity to present this testimony  
17 regarding police-Latino community relations in the  
18 District of Columbia and the Metropolitan Police  
19 Department's on-going efforts to strengthen and  
20 improve those relationships.

21 Just for your information, the text of my  
22 statement is posted on the Police Department's  
23 website, [mpdc.dc.gov](http://mpdc.dc.gov).

24 The Mount Pleasant disturbances of 1991  
25 represented a low point in the relations between

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1 D.C.'s Latino communities and its Police Department  
2 and while those events predated my arrival in the  
3 District of Columbia by seven years, I certainly  
4 appreciate the history and the gravity of that time.  
5 I recognize that Mount Pleasant will forever serve not  
6 only as an important moment in our city's history, but  
7 perhaps more importantly as a starting point for  
8 rebuilding the relationship between Latinos and the  
9 Metropolitan Police Department.

10 I applaud the Commission for the  
11 leadership role its taken over the years in analyzing  
12 that event and helping us understand the underlying  
13 issues that contributed to the Mount Pleasant  
14 disturbances. And I also acknowledge and commend the  
15 Commission, the Council of Latino Agencies, the  
16 Washington Lawyers' Committee and many others for  
17 keeping these issues in the forefront and monitoring  
18 our progress along the way.

19 I also want to assure the Commission that  
20 during my time as Chief, relations with the Latino  
21 community have been a priority and they remain a  
22 priority today. And in recent years, the pace of  
23 reform in this area has accelerated and accelerated  
24 dramatically. Certainly the results of our efforts  
25 have been equally dramatic.

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1 Today, I'll outline our progress,  
2 accomplishments and challenges in four key areas.  
3 Recruiting, hiring and retention, deployment of  
4 resources, community outreach and police integrity.

5 Because many of our reforms in these areas  
6 have come about in just the last several months, these  
7 efforts are not fully covered in the Council on Latino  
8 Agency September 2002 report, so I appreciate the  
9 opportunity to bring the Commission up to date on the  
10 full range of our reforms.

11 Recruitment, hiring and retention. One of  
12 the most obvious and glaring facts revealed by the  
13 Mount Pleasant disturbances was the under  
14 representation of Latinos on the Metropolitan Police  
15 Department. In 1991, just 2.5 percent of the sworn  
16 members of the Metropolitan Police Department were  
17 Latino, compared with nearly 5.5 percent of D.C.  
18 residents who identify themselves as being of Latino  
19 origin. For any community, this type of under  
20 representation creates issues of perceived fairness,  
21 sensitivity and equality. For Latino communities,  
22 however, the issues go beyond mere perception. They  
23 involve a whole range of language and cultural  
24 barriers that can impede policing effectiveness. So  
25 increasing the percentage of Latino officers on the

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1 Police Department must be a priority.

2 In its latest report, the Council reported  
3 that MPD had 177 Latino officers or 4.9 percent of the  
4 total force. Today that number stands at 207 or about  
5 5.7 percent of the total. One hundred sixty-one of  
6 those members are police officers, master patrol  
7 officers or recruit officers. Twenty-eight are  
8 detectives or investigators. Seventeen are sergeants,  
9 lieutenants and captains and one is an assistant  
10 chief, Jose Acosta who I promoted last year to  
11 Assistant Chief in charge of Regional Operations  
12 Command, East. He is the first Latino in the history  
13 of the Metropolitan Police Department to achieve the  
14 rank of Assistant Chief and I'm very proud to have had  
15 the opportunity to recognize his leadership, talent  
16 and promote him to an executive command position that  
17 he most definitely deserves.

18 The percentage of Latino officers in the  
19 Metropolitan Police Department still lags behind the  
20 percentage of Latinos in the city population. But  
21 we've made significant progress in closing the gap and  
22 we've made our Department more rich, more diverse and  
23 more skilled in the process.

24 Part of our success has been the result of  
25 a new recruiting campaign on the Island of Puerto Rico

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1 which has proven to be a fertile area for highly  
2 qualified, well educated bilingual officers. Last  
3 spring, a team of MPD recruiters working with the  
4 Puerto Rico Department of Labor and Human Resources,  
5 visited several locations and tested hundreds of  
6 potential applicants, both entry level and experienced  
7 officers who would qualify under our lateral entry  
8 program. Last month, I had the honor of swearing in  
9 the first group of 26 lateral officers from Puerto  
10 Rico. There are other Puerto Rican officers still in  
11 training and we are continuing discussions with Puerto  
12 Rican labor authorities about further streamlining the  
13 recruitment process. For example, by allowing entry  
14 level tests and physical examinations to actually be  
15 conducted on the island.

16 I recognized that much of the District's  
17 Latino population has roots in Central and South  
18 America, not Puerto Rico. Still, the expeditious  
19 hiring of officers from Puerto Rico is helping to  
20 increase the number of Latino officers in the MPD and  
21 helping us immediately bridge important language  
22 barriers.

23 At the same time, we've stepped up our  
24 efforts to attract and retain officer candidates from  
25 our Latino communities here in the Washington, D.C.

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1 area. In recent years, we opened a walk-in recruiting  
 2 center in the lobby of Police Headquarters and added a  
 3 Spanish speaking officer to that facility. We've  
 4 placed recruitment ads in various Spanish language  
 5 newspapers, as well as radio and television and we  
 6 continue to appear at various job fairs geared toward  
 7 Latinos.

8 Last spring, our Department teamed up with  
 9 Univision and Telefutera to develop a series of  
 10 recruitment public service announcements, 260 of these  
 11 recruitment ads were broadcast free of charge, leading  
 12 up to our Career Expo last April. One other tool I  
 13 established to help recruit and retain Latino members  
 14 is a language stipend. Any member, sworn or civilian  
 15 who can be certified in a language other than English  
 16 including American sign language is paid an additional  
 17 \$50 per pay period or \$1300 per year. There are  
 18 currently 90 members, 82 sworn and 8 civilians who  
 19 have been certified as Spanish speakers.

20 So in the area of recruiting and hiring  
 21 and especially within the last year, I believe our  
 22 Department has come a very long way since the Mount  
 23 Pleasant disturbances. That's not to say that we've  
 24 achieved our goals because we have not, but we have  
 25 put in place the programs, the systems and the new

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1 partnerships that will help us continue to move  
2 forward.

3 Deployment of resources. In addition to  
4 hiring more Latino officers, we have also made  
5 significant progress in the deployment of our Latino  
6 personnel. One of the issues that came out of Mount  
7 Pleasant 12 years ago was not only that our Department  
8 was under represented with Latino officers, but also  
9 that we did not effectively deploy the Latino and  
10 especially the bilingual officers that we had. Today,  
11 we made a concerted effort to assign our Latino and  
12 bilingual officers where their skills, talents and  
13 effectiveness can be maximized. For example, the vast  
14 majority of the newly hired officers from Puerto Rico  
15 were assigned to the Third and Fourth Police Districts  
16 which have the highest concentrations of Latino  
17 residents in the city. Of course, all of our members  
18 must be given and are given the opportunity to compete  
19 for specialized assignments and promotions and this  
20 can result in some Latino officers moving out of the  
21 neighborhood assignments. But to the extent possible,  
22 we try to assign our Latino and bilingual officers to  
23 our Latino neighborhoods.

24 But even with more Latino officers and  
25 more of these officers being assigned to Latino

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1 neighborhoods, I still recognize that our Department  
2 is not providing the depth and quality of service that  
3 our Latino residents deserve. So last summer, I  
4 created a dedicated Latino Liaison Unit, housed in the  
5 heart of the Adams Morgan community at 18th Street and  
6 Columbia Road, Northwest and staffed by a group of  
7 highly motivated, dedicated, bilingual officers and  
8 detectives.

9 The Latino Liaison Unit is city-wide in  
10 scope, although many of its efforts are focused on the  
11 upper end of 3D and the lower end of 4D. Every day of  
12 the week, officers are assigned to this neighborhood  
13 to patrol neighborhoods, investigate crimes, provide  
14 translation services for the districts, help crime  
15 victims, mediate neighborhood disputes and otherwise  
16 promote community policing within our Latino  
17 communities. The creation of the Latino Liaison Unit  
18 has been an important and long overdue reform that has  
19 reaped tremendous benefits in the short period of  
20 time.

21 Another critical area for deployment is  
22 our Public Safety Communications Center which answers  
23 all 911 and 311 calls in the District. The PSCC  
24 currently has eight employees, including one  
25 supervisor who are bilingual in English and Spanish.

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1 Six of these employees have been certified through the  
2 Department's Language Skills Program. We have just  
3 recently posted a job announcement for another  
4 bilingual operator. Unfortunately, this level of  
5 staffing does not guarantee that a Spanish speaking  
6 operator is available during every shift. However, if  
7 a bilingual operator is not available, Spanish  
8 speaking callers to 911 or 311 are immediately  
9 transferred to the Language Line Service which  
10 provides translators in well over 100 languages and  
11 dialects, 24 hours a day, 7 days a week.

12 Approximately 92 percent of our Language  
13 Line referrals are currently for Spanish, so we are  
14 providing that critical 911 life line in Spanish.

15 Finally, I have appointed a Latino Affairs  
16 Coordinator for the Department, Mr. Enrique Rivera who  
17 is here today. He is responsible for overseeing all  
18 of our various programs, policies and initiatives  
19 involving the Latino community to ensure we are  
20 addressing their issues in a comprehensive,  
21 coordinated and effective manner.

22 Community outreach. The creation of the  
23 Latino Liaison Unit has brought about a measurable  
24 increase in both the quantity and quality of our  
25 outreach efforts to the Latino community. I will

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1 admit that in the past, Latino residents have not  
2 always been able to participate fully in our community  
3 policing strategy. But we are working very hard at  
4 the grass roots level to close the gap.

5 Our newest initiative in this area is our  
6 Home Visits Program. Members of the Latino Liaison  
7 Unit, along with officers from the Third or Fourth  
8 District arranged to have a Latino family convene a  
9 meeting in their home in which MPD officers and  
10 officials discuss crime and safety issues with a small  
11 group of family members, friends and neighbors who  
12 attend the meeting. The intimacy of these sessions  
13 helps break down barriers and build trust which in  
14 turn empowers the participants to get more actively  
15 involved in broader community policing activities.  
16 This program is still in its infancy, but I'm very  
17 excited about its prospects.

18 Other outreach efforts include having  
19 established a Latino Citizens Advisory Council which  
20 began in the Fourth District and was subsequently  
21 expanded to include 3D as well. In addition to  
22 advising the 3D and 4D commanders on issues respecting  
23 the Latino residents, the Advisory Council has been  
24 instrumental in the development of the Home Visits  
25 Program and as well as before and after school

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1 violence prevention programs and a recent briefing I  
2 held with the Spanish language media.

3 The Advisory Council is planning a  
4 community assembly for May 3rd to coincide with the  
5 anniversary of the Mount Pleasant disturbances. We've  
6 also been working with the Aspira Association to  
7 conduct a specialized outreach in education campaign  
8 for Latino residents on the importance of seat belts  
9 and child safety seats as part of our Click It or  
10 Ticket initiative.

11 And I want to make one final point about  
12 the community outreach. I realize that it's not the  
13 responsibility of just the Latino Liaison Unit to  
14 perform this function. All MPD members must work with  
15 this community. All of our officers and civilian  
16 personnel must adopt the type of community service-  
17 based attitude that will allow us to succeed in all of  
18 our communities. That's why our policies and training  
19 continue to emphasize cultural awareness and  
20 sensitivity. All recruit and lateral officers now  
21 complete a 20-hour diversity awareness and sensitivity  
22 training program. The class provides officers with an  
23 understanding of how biases, prejudices and  
24 stereotypes impact effective law enforcement with a  
25 special focus on Latino, Asian Pacific Islander and

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1 Arab cultures. We also have a one-day diversity in  
2 the work place workshop which is presented to the vast  
3 majority of our experienced officers and civilian  
4 personnel and our Institute of Police Science or our  
5 Training Division continues to update its diversity  
6 and training.

7 Police and integrity is the last area I  
8 just want to cover very quickly. Policing and use of  
9 force and other integrity issues are very, very  
10 important. The Mount Pleasant disturbances  
11 represented much more than anger and frustration over  
12 a single use of deadly force. It really revealed deep  
13 seated distrust on how MPD trains for and in response  
14 to and investigates uses of force generally.

15 In 1998, if you recall, the Washington  
16 Post had a series of articles about MPD's use of  
17 force. We totally revamped our training. It's now 16  
18 hours worth of training and we've had a dramatic  
19 reduction in use of force. We also entered into a  
20 memorandum of agreement with the U.S. Department of  
21 Justice. Since our reform effort began, police  
22 involved in shootings have declined substantially.

23 Part of our MOA requires that we work with  
24 the Office of Citizens Complaint Review to enhance and  
25 better explain the citizen complaint process and we

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1 work very, very hard to meet this obligation and we  
2 have brochures printed in Spanish as well.

3 Lastly, we also participated in a Bias  
4 Policing Project. We do with the D.C.-based Police  
5 Foundation and what we're doing is working very  
6 aggressively at working on ways in which we can  
7 further enhance our relationships with a variety of  
8 minority communities and address the issue of  
9 profiling specifically so that we can be well ahead of  
10 the curve when it comes to getting at these kinds of  
11 issues before it becomes something that our  
12 communities are concerned with.

13 Finally, let me just say that the Mayor's  
14 Memorandum 8441 makes District policy in the area very  
15 clear about our asking questions regarding immigrant  
16 status. MPD officers are prohibited from making  
17 inquiries of subjects, directly or indirectly, about  
18 citizenship or residency. This policy has been  
19 incorporated in our General Order 201.26. Officers  
20 are trained in this policy and are expected to follow  
21 the policy or they will be disciplined if they do not.

22 So I would like to thank Members of this  
23 Commission for allowing me to have this time to speak.

24 CHAIRPERSON BERRY: So Chief Ramsey and  
25 Mr. Koskinen, with the indulgence of the other folks

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1 who are as busy as you are, I'm sure, if we could take  
2 like five minutes to see if anyone has questions, just  
3 to make sure we get to you before you have to go.  
4 Would you indulge us for that, Chief?

5 CHIEF RAMSEY: Yes.

6 MR. KOSKINEN: Yes.

7 CHAIRPERSON BERRY: And do I understand  
8 and I'll ask the Commission if there are any  
9 questions, your last statement, Chief, to mean that  
10 you are in fact, publicly announcing the policy that  
11 the first panel asked you to publicly announce  
12 concerning the immigration, civil immigration laws?

13 CHIEF RAMSEY: Yes. We do not have a  
14 policy of total noncooperation. There are some  
15 legitimate law enforcement reasons why information is  
16 passed from one law enforcement agency to another.  
17 However, we are not immigration officers. We do not  
18 stop people for the sake of stopping them and asking  
19 for their immigration status or whatever. Should  
20 warrants come up, if the person is in our custody,  
21 obviously we would refer that warrant to the agency  
22 that had the warrant taken out as part of a criminal  
23 investigation what have you, but just engaging in  
24 immigration types of activities like that, no, we do  
25 not do that.

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1 CHAIRPERSON BERRY: And then the only  
2 other thing is could you just succinctly tell us what  
3 kind of data the Metropolitan Police Department  
4 gathers and makes public regarding arrests, crime  
5 reports, claims of police misbehavior and are they  
6 disaggregated by race, ethnicity and national origin.

7 CHIEF RAMSEY: We do publish an annual  
8 report. The annual report for last year is due some  
9 time this spring, I believe. It should be available,  
10 once all the data is in. We break it down by a  
11 variety of categories. Quite frankly, I don't know if  
12 the -- if it's done by race, although I know as far as  
13 our victimization goes and our offending goes, it's  
14 broken down by race. The number of citizen  
15 complaints, however, I don't know if that's broken  
16 down by race. We do have an Officer Citizen Complaint  
17 Review that is managed by the Police Department and I  
18 do not know how they capture their data, but with our  
19 Office of Professional Responsibility, we could break  
20 it out by race, but I don't believe that's part of the  
21 annual report.

22 CHAIRPERSON BERRY: Then for me, Mr.  
23 Koskinen, what is the reason why and is it true that  
24 the Mayor doesn't support the Language Access Act  
25 which I think was introduced by Mr. Graham?

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1 MR. KOSKINEN: Yes. The Mayor has not  
2 opposed it. The Mayor is concerned about --

3 CHAIRPERSON BERRY: Is he for or against  
4 it?

5 MR. KOSKINEN: At this point he's  
6 concerned the financial impact statement overstates  
7 the cost, that the CFO is an independent office of the  
8 government and that's their view and we are concerned  
9 about adding additional burdens beyond the  
10 requirements we already have at the federal level  
11 which we are anxious to pursue and deal with, so that  
12 some representations have been made that we're just  
13 implementing at the local level the federal law, but  
14 the analysis by the CFO's office is that there will be  
15 additional requirements and at this stage, we think  
16 it's important for us to comply with the federal law  
17 and the federal orders without necessarily -- it's  
18 hard enough to do that without adding further  
19 requirements at this time that we both may have  
20 difficulty meeting and also what will add an  
21 additional burden. So we are working with the Council  
22 Member on this in reviewing it, but it is clear that  
23 the Mayor has said that he has concerns about whether  
24 adding to the federal requirements at this stage in  
25 the range of activities we have under way is the most

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1 effective way for us to spend our time and resources.

2 CHAIRPERSON BERRY: Are there other  
3 Commissioners who have questions?

4 VICE CHAIRPERSON REYNOSO: I have a  
5 question for the Deputy Mayor and for the Police  
6 Chief. Do you folks have a list of nongovernmental  
7 organizations that have interest in these various  
8 matters that you send out regular communications to  
9 them about what's happening or invite them to come and  
10 talk to you about it?

11 It seems to me that involving interested  
12 groups in the issues as the policies are being  
13 formulated, for example, would be a very valuable  
14 thing. I just wonder if there's any such system here  
15 in D.C.

16 MR. KOSKINEN: As I noted, there's been  
17 actually now by statute it created an Office of Latino  
18 Affairs in the Mayor's Office whose main  
19 responsibility is outreach to the community. That  
20 office has up to \$2 million of grants that it makes to  
21 nongovernmental organizations in the Hispanic  
22 community and has an ongoing dialogue with them, but  
23 one of the reasons we were -- well, nobody likes to  
24 have a report that says you haven't done much in the  
25 last 10 years, one of the reasons we were delighted to

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1 start this dialogue was because as you heard, it's  
2 been a very efficient organized way of reaching out to  
3 all groups and like every community there are  
4 different groups and sometimes they talk to each other  
5 and sometimes they don't and this group of the list,  
6 the strategic team that we've gotten now together is a  
7 way for the community to have kind of one stop  
8 shopping because we have a number of city agencies  
9 there and it's a way for the city to have one stop  
10 shopping to make sure we've got as broad a  
11 communication network as possible.

12 VICE CHAIRPERSON REYNOSO: And does the  
13 communication take place while you're thinking about  
14 maybe changes in policy, not just sort of announcing  
15 the policy to them?

16 MR. KOSKINEN: Well, one of the things,  
17 again, the Latino Affairs Office has a regular  
18 outreach program. The Chief was talking about their  
19 on-going outreach program, so we're easy to find. Our  
20 real question has been and as I say right now to try  
21 to in a more organized way to have a dialogue.

22 VICE CHAIRPERSON REYNOSO: Good.

23 CHAIRPERSON BERRY: Yes, Commissioner  
24 Edley?

25 COMMISSIONER EDLEY: Just two quick

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1 questions for the Deputy Mayor who I should  
2 acknowledge on the record I have the great and good  
3 pleasure of working with for a couple of years in the  
4 Clinton Administration.

5 MR. KOSKINEN: So these are going to be  
6 soft questions?

7 (Laughter.)

8 But in the good old days we actually did  
9 spend about three years working together.

10 COMMISSIONER EDLEY: He's absolutely the  
11 finest public servant that I've ever had the privilege  
12 of knowing. And bar none. Of course, when I worked  
13 with him, he had a full head of curly blond hair.

14 MR. KOSKINEN: The Commission was what  
15 caused me to lose my hair.

16 COMMISSIONER EDLEY: First, I just want to  
17 note that the federal Title VI requirements really do  
18 represent the bare minimum required under federal  
19 anti-discrimination law. So they don't in any sense  
20 represent a proper aspiration for what would  
21 constitute good service. It's only what would  
22 constitute nondiscriminatory service.

23 So I really hope that you and the Mayor  
24 will look at this proposed legislation which I haven't  
25 seen with an eye towards figuring out whether that

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1 might represent an appropriate aspiration for good  
2 service as opposed to simply nondiscriminatory  
3 service.

4 On the language access issue though, you  
5 and I used to talk a lot about outcome measures and  
6 performance measures and the like. And I'm wondering  
7 what you are trying to put in place, if you have  
8 anything in place, that would tell you whether or not  
9 your various efforts to improve language access are  
10 working, whether they're good enough. How do you  
11 know? Is there a system of audits that's in place?  
12 Is there a system of -- it doesn't strike me as an  
13 easy problem to get a handle on, but you obviously can  
14 measure the effectiveness of the strategy simply by  
15 counting the number of bodies or the number of phone  
16 lines that are available.

17 So how are you planning to go about  
18 gauging whether you're doing all that you think  
19 necessary?

20 MR. KOSKINEN: In some areas it's easier  
21 than in others. As noted, the housing task force  
22 working group has -- I think it was noted, has come up  
23 with bench marks trying to increase the percentage of  
24 Hispanic Latino home ownership in the District. We  
25 can track participation in the housing programs we

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1 have, limited as it might be, so we can do that.

2 As noted, our personnel system, which we  
3 are revamping and we'll have a new system up in about  
4 12 months is famous for not being able to -- having  
5 trouble issuing paychecks, let alone creating better  
6 data.

7 (Laughter.)

8 And so we do have though, in specific  
9 agencies, the Chief has talked about tracking now more  
10 effectively the number of Hispanic officers, the  
11 number of bilingual speakers. One of the things we're  
12 doing as we put together this pilot program in the  
13 four major areas, four major agencies, is to develop  
14 some benchmarks, as you say, won't necessarily tell  
15 you about effectiveness, but will at least tell you  
16 about activities in terms of the number of Hispanic  
17 employees, the number of bilingual speakers, the  
18 percentage of agency information that's bilingually  
19 translator.

20 COMMISSIONER EDLEY: If I can just say I'm  
21 with you completely, but of course, almost all the  
22 things that you've mentioned outside the housing area,  
23 almost all the things you've mentioned are input  
24 measures rather than outcome sort of things. For  
25 example, in the Chief's very helpful testimony, if

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1 there are eight or so 911 bilingual operators  
2 available, but then there's this hotline to the  
3 language translation, I don't know whether that's good  
4 or not, whether that's enough or not. I don't know  
5 whether if it were instead of 8 it were 15, would that  
6 be the right number? Would it not be the right  
7 number. And it seems to me a hard thing to get. So  
8 you can mark progress in terms of added inputs, but to  
9 get a sense of whether or not that's actually  
10 delivering the quantity or quality of service that a  
11 community needs, it would seem there would have to be  
12 some negotiation with the community to agree on what  
13 those outcome or those performance benchmarks might  
14 be.

15 MR. KOSKINEN: And the difficulty with  
16 that is in a number of these areas, you have to  
17 distinguish the anecdotal from the actual impact.

18 COMMISSIONER EDLEY: Exactly.

19 MR. KOSKINEN: So it's important for us  
20 and that's why we are delighted with this working  
21 relationship to respond to individual events and  
22 circumstances to see if they're systemic problems that  
23 are being revealed or anecdotal.

24 The hardest thing is to say when have we  
25 actually provided appropriate access to services and

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1 the question is can you survey people, can you find  
2 advocate groups that are important and community  
3 groups are an important input to that, but a lot of  
4 that is still anecdotal. So those are the most  
5 difficult when you're talking about qualitative  
6 issues. You can measure whether you have access in  
7 terms of are there people, but the point that we've  
8 made, for instance, is it a hospitable environment?  
9 Do people feel welcome when they come to the service  
10 and that's much harder to measure, but that's  
11 ultimately the measure you want. You want people to  
12 feel that it's their government, a government for all  
13 and that they're welcome. They're welcome in schools.  
14 They're welcome in dealing with the police. And  
15 that's a much harder measure to get at.

16 CHAIRPERSON BERRY: Okay, on that same  
17 point, Chief, do you measure, do you guys measure how  
18 many people called and weren't understood and  
19 therefore nobody could do anything with them?

20 CHIEF RAMSEY: That's a very interesting  
21 question and I was sitting here thinking as Mr.  
22 Koskinen was responding. We can very easily track the  
23 number of calls where the language line is involved.  
24 However, if one of our bilingual call takers receives  
25 a call and responds in Spanish, it is simply captured

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1 as a call for service. It's not captured as a call  
2 with that particular language skills needed because  
3 our computers they just count the number of calls  
4 coming in. They don't know what language you're  
5 speaking. They just know how many calls are coming  
6 in. So what we would have to do is we would have to  
7 get a log of some kind where people would have to  
8 literally say that today I translated five times. I  
9 had five calls or I needed to use my Spanish speaking  
10 skills or whatever language it would be and then  
11 manually record that and keep that data somewhere.  
12 Because otherwise, I don't know how you would do it  
13 because we simply -- we get 1.9 million calls for  
14 service last year is what we had.

15 COMMISSIONER EDLEY: You tape them, don't  
16 you, you tape them all?

17 CHIEF RAMSEY: They're all taped --

18 COMMISSIONER EDLEY: For a while?

19 CHIEF RAMSEY: But to recover the tapes  
20 you have to check the dates and times. So they're  
21 only maintained for a certain period.

22 CHAIRPERSON BERRY: And Chief you would  
23 keep how many calls came that people couldn't deal  
24 with because there was nobody there who knew the  
25 language at the time?

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1 CHIEF RAMSEY: Well, actually, we know  
2 that by the language line because if we can't, we  
3 simply use the language line.

4 COMMISSIONER EDLEY: Madam Chair --

5 CHAIRPERSON BERRY: You said there was  
6 nobody there all the time though who spoke the  
7 language 24 hours a day.

8 CHIEF RAMSEY: Right, but what we would do  
9 is connect them right into the language line. That is  
10 24 hours a day, 7 days a week.

11 COMMISSIONER EDLEY: My general point is I  
12 think this is an interesting researchable slash model  
13 project, this line of investigation, just off the top  
14 of my head on the 911 lines, collect a bunch of tapes,  
15 ask NSA to use their computers to just analyze for you  
16 the distribution of languages on the incoming calls.  
17 There might be something that simple that could be  
18 done.

19 But I guess the general proposition that  
20 could be experimented to try to develop a few outcome  
21 based measures of whether you're doing as good a job  
22 as you and the community groups would like.

23 MR. KOSKINEN: And maybe going back to the  
24 issue in the absence of an easier way to do it,  
25 anecdotal information is important. In other words,

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1 while it may only be anecdotal, it is important to  
2 track that so as we have a Civilian Complaint Review  
3 Board, while those instances you hope are anecdotal,  
4 on the other hand, the volume of them give you at  
5 least some indication and similarly, that's while  
6 again a more organized -- I think your question is  
7 well taken by the Commissioner, were organized working  
8 relationship with the full community in terms of they  
9 are just questions of dissatisfaction. You can begin  
10 to measure are those going down? Did we have 50  
11 people last year and now it's 30? Or did we have 500  
12 last year and now it's 300. Are they going down or  
13 up? That, at least, will give you some indication as  
14 to the measure of satisfaction, the measure of comfort  
15 that people have, albeit not statistically valid, but  
16 it's the best statistics I think you can get in this  
17 interim period.

18 CHAIRPERSON BERRY: We took you to your  
19 time that you had to leave.

20 MR. KOSKINEN: I could stay for another  
21 five minutes. I'd be happy to hear what my cohorts  
22 say.

23 CHAIRPERSON BERRY: This took longer than  
24 we thought, so we'll go on to the Superintendent. I'm  
25 very sorry, I apologize, five minutes got to be

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1 longer.

2 Superintendent Vance, please.

3 SUPERINTENDENT VANCE: Thank you, Dr.  
4 Berry and ladies and gentlemen. I am pleased to be a  
5 part of this discussion on issues affecting the Latino  
6 community in our nation's schools.

7 Since the disturbances, the District  
8 public schools have sought to address the needs and  
9 concerns of the Latino community. To us, this  
10 disturbance signaled the cry for attention to their  
11 needs, particularly as they impact our schools. As a  
12 consequence we listened.

13 Although I'm pleased to report that we  
14 have substantial progress in addressing concerns in  
15 the Latino community, we're still working to address  
16 challenges that exist and opportunities that we should  
17 pursue more vigorously.

18 As we address these challenges, it is  
19 important to understand the background on the  
20 educational progress we have made at DCPS since the  
21 riots. First, it is important to understand that the  
22 District of Columbia Public Schools serves 8,287  
23 linguistically and culturally diverse students which  
24 is approximately 12 percent of the total DCPS  
25 population of students. Of that number, 5,363 or 8

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1 percent are English language learners. And so our  
2 culturally diverse students come from 138 different  
3 countries and speak 112 languages.

4 Spanish speaking students make up almost  
5 three fourths of the total population of these  
6 students which represents approximately 75 percent.  
7 They also represent three fourths of the population of  
8 English language learners and these data were provided  
9 by Office of Bilingual Education as of October 2002.

10 According to the Office of Bilingual  
11 Education report dated October 26, 1993, there were  
12 210 bilingual ESL teachers; 10 bilingual counselors;  
13 and 20 bilingual translation aides on board 10 years  
14 ago serving over 4,051 students. DCPS currently  
15 employs 268 English as a Second Language teachers to  
16 serve English language learners in 118 of its 146  
17 schools. This is a ratio of 1 bilingual ESL teacher  
18 for every 20 English language learners and that is  
19 really above the ratio and the formula.

20 The District also employs 38 bilingual  
21 counselors and 63 bilingual translation aides, the  
22 majority of whom are Spanish speakers, to provide the  
23 services these students need and deserve. This  
24 represents a 308 percent increase in bilingual  
25 counselors from 10 years ago and a 23 percent increase

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1 in bilingual ESL teachers from 10 years ago.

2 The publication, "Educational  
3 Opportunities in the District of Columbia", 1992-2002,  
4 a report by the Washington Lawyers' Committee for  
5 Civil Rights and Urban Affairs, published in May 2002,  
6 detailed the range of problem areas DCPS is  
7 experiencing in serving it's ESL students in the  
8 school system.

9 We are addressing these inadequacies in  
10 the following ways in the Office of Bilingual  
11 Education. The matter of access and identification.  
12 The report noted although Office of Bilingual  
13 Education has procedures in place for the initial  
14 identification of all English language learners,  
15 schools do not always follow the procedures. All  
16 students identified on the home language survey upon  
17 registration in DCPS and their families are being sent  
18 to the Office of Bilingual Education's intake center  
19 for orientation and assessment, following enrollment  
20 in their home school.

21 The Office of Bilingual Education  
22 conducted extensive training as part of the  
23 system-wide registrar training in August of 2002 to  
24 ensure that school registrars complied with these  
25 procedures. Across office effort is currently taking

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1 place to monitor school-based services to these  
2 youngsters. As part of the monitoring, schools are to  
3 show documentation that all of the children have come  
4 and are coming to the Office of Bilingual Education  
5 intake center. Follow-up training is also being  
6 conducted for our principals and bilingual service  
7 providers.

8 Also cited in the report is the  
9 observation that teachers appear to lack knowledge and  
10 understanding of DCPS procedures regarding the limited  
11 English speakers. One of our greatest challenges is  
12 ensuring that not only bilingual ESL staff who are  
13 well versed in these areas, but also general education  
14 teachers who work with these youngsters have the  
15 knowledge and skills needed to serve this population.

16 And so over the past three years, the Office of  
17 Bilingual Education has implemented a federal grant  
18 sponsored program entitled "Training for All  
19 Teachers." This grant has allowed us to provide  
20 general education for teachers and high English  
21 language learners population schools with the tools  
22 they need to better serve this population. And note,  
23 it's not limited to just one school. This effort  
24 needs to be widened and enhanced and DCPS plans to use  
25 new Title II funds for this purpose.

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1           In the area of curriculum and staffing,  
2 the report calls for more opportunities for Latino  
3 students to learn in bilingual programs. Its efforts  
4 to expand bilingual education in DCPS, the Office of  
5 Bilingual Education has recently hired a bilingual  
6 programs developer. This person is currently  
7 conducting in-depth needs assessments so that the  
8 Office of Bilingual Education may conscientiously and  
9 systematically support the development of additional  
10 bilingual programs in our school system. This staff  
11 person is also identifying alternative funding sources  
12 to support these programs.

13           In the area of resources and staffing, the  
14 report also cited lack of books in our schools for our  
15 English language learners. Last year, as part of the  
16 system-wide adoption process, Spanish reading  
17 materials were purchased for all of our elementary  
18 schools with bilingual English-Spanish programs. And  
19 supplementary English language development materials  
20 were purchased for all grade levels.

21           During the current school year, English  
22 language development textbooks are being adopted for  
23 the grades pre-K through 12th grade. Middle school  
24 content material is also being adopted in Spanish in  
25 the areas of mathematics, science, social studies and

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1 literature for our evolving bilingual middle school  
2 program.

3           The report also cites the need for  
4 specialized training for general education teachers  
5 who serve English language learners. Once again, the  
6 "Training For All Teachers Grant" has enabled us to  
7 provide training in developing the skills and  
8 knowledge needed to serve English language learners  
9 for individuals who are not professionals in bilingual  
10 education and ESL. In five elementary schools during  
11 the previous three year this occurred. Although the  
12 grant ended last school year, funds from the new Title  
13 III allocation will be used to continue these efforts  
14 in additional schools.

15           In addition, more than 100 teachers and  
16 administrators are being sponsored to attend the TESOL  
17 and I'm told that is Teachers of English to Students  
18 of Other Languages Conference in Baltimore, half of  
19 whom are to be general practitioners. The Office of  
20 Bilingual Education is sponsoring two 3-credit  
21 graduate courses for all teachers on topics related to  
22 better meeting the needs of our English language  
23 learners. "Foundations of ESL and Bilingual  
24 Education" and "Reading and the English Language  
25 Learner." Office of Bilingual Education sponsors

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1 workshops as part of the professional development  
2 institutes which all of our principals and teachers  
3 are encouraged to attend.

4 The staff of Office of Bilingual Education  
5 is available upon request to provide professional  
6 development in schools. The Office of Bilingual  
7 Education Handbook for the Year 2002-2003 describes  
8 professional development opportunities available from  
9 the Office of Bilingual Education.

10 We do have difficulties, however, in  
11 parental contacts with individual schools and our  
12 school system. The Office of Bilingual Education  
13 continues to provide translation services for all DCPS  
14 central offices so that all central office communiques  
15 to parents are available in Spanish. Interpretation  
16 services are provided to both central offices and  
17 individual schools as needed. And when it's needed,  
18 we do send notices home to parents and guardians,  
19 members of the extended family in five different  
20 languages.

21 Schools are responsible for providing  
22 communication to their parents. This is an area in  
23 need of great improvement. I readily acknowledge  
24 that. As part of the monitoring of services to  
25 English Language Learners at the school level,

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1 documentation is now being required to detail and  
2 ensure that schools are providing the information to  
3 parents in the language they are able to understand.  
4 Findings from the monitoring will be used to develop  
5 policy and supports to further these much needed  
6 services.

7 The status of the LEP compliance plan that  
8 has been mentioned here earlier, has been negotiated  
9 between the District of Columbia Public Schools and  
10 the Office of Civil Rights at the Department of  
11 Education.

12 The U.S. Department of Education's Office  
13 for Civil Rights has provided oversight of educational  
14 activities for English Language Learner students for  
15 the past five years. Currently, the U.S. Department  
16 of Education is reviewing the English Language Learner  
17 plan for formal signing. The Office of Civil Rights  
18 has been providing technical assistance to DCPS on the  
19 development of the formal written plan. DCPS is  
20 making final revisions to the comprehensive plan based  
21 on their counseling advice and services to English  
22 Language Learner students. It is expected that the  
23 Office of Civil Rights will approve the finalized plan  
24 by March 2003 and it hasn't happened yet. Formal  
25 signing of the DCPS/OCR English Language Learner Plan,

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1 we believe will take place by April 2003.

2 During the course of the development of  
3 the plan, DCPS has been providing services to English  
4 Language Learner students in compliance with Title VI  
5 Civil Rights Act of 1964. The District has been  
6 providing to the Office of Civil Rights an annual  
7 program evaluation of services to these students.

8 There are items that we can distribute  
9 that will represent a sample of these initiatives.

10 What I have just outlined is just a part  
11 of the plan in which the District of Columbia Public  
12 Schools has been deeply involved. As I said at the  
13 outset, there are a number of legitimate concerns that  
14 have been expressed to us by individuals and groups in  
15 the Latino community.

16 I am proud of the close ties that we have  
17 been developing with a widening cross section of the  
18 Latino community. We have made some progress, but not  
19 nearly enough. And we still have a ways to go.

20 I do believe strongly though that the  
21 signs and symbols of progress have to start at the  
22 top, the top meaning the Superintendent's Office. I  
23 have been the Superintendent for two years, 7 or 8  
24 months. I retired, served eight years as  
25 Superintendent, Montgomery County Public Schools,

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1 Montgomery County, Maryland. And I came out of  
2 retirement to come back to accept this superintendency  
3 here.

4 I just want to share with you what has  
5 happened. The Superintendent, of course, is the Chief  
6 Administrative Officer and under the Superintendent, I  
7 have five Chiefs responsible for the day to day  
8 management of the school system. Three of the five  
9 Chiefs are Latinos and this was as a consequence of a  
10 national search. Our Chief Academic Officer who is  
11 here today is Dr. Paul Ruiz, a Latino. The Chief of  
12 Finance is Mr. Robert Morales, Latino. The Chief of  
13 Facilities is Louis Erste, Latino. He's not only  
14 Chief of Facilities, but he's Chief of Operations of  
15 all fiscal capital planning and management operations  
16 of the school system.

17 In the second tier of officers of the  
18 school system, the Assistant Superintendent for Middle  
19 Schools and High Schools is Dr. Patricia Watkins,  
20 Latina. The Director of the Office of Civil Rights,  
21 Compliance and Multicultural Affairs, Ms. Margie,  
22 Ruiz, Latina. We have a Parent Officer assigned to  
23 the area offices, Mr. Arnolando Ramos and we have -- my  
24 list bit of information is the need for that, we have  
25 five principals, but we have been recruiting and we

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1 have recruited some really dynamic persons who have  
2 been placed on our principals pool and the number of  
3 principals will increase.

4 As I mentioned earlier we have 268  
5 teachers, 15 counselors and 63 bilingual aids. I have  
6 time. I'm going to be here if for no other reason  
7 than to respond to some of the questions that were  
8 asked of the previous panel. There's data that I'd  
9 like to share with members of the panel if it's  
10 necessary to provide them with the information.

11 CHAIRPERSON BERRY: All right.

12 MR. KOSKINEN: Madam Chairman, again, we  
13 appreciate your allowing us to quietly fade away here.

14 Let me just end by saying you're in very good hands.  
15 You'll hear from Mr. Buford of the Department of  
16 Health. Obviously, we're all delighted that  
17 Superintendent Vance came out of retirement two and a  
18 half years ago to take over the schools. So we  
19 appreciate having had the opportunity to talk with you  
20 and let me close by thanking Commissioner Edley for  
21 his very kind comments which I genuinely appreciate.

22 CHAIRPERSON BERRY: We appreciate your  
23 coming. Thank you very much. You were very helpful.

24 Thank you very much.

25 Mr. Buford, Dr. Buford, would you please

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1 proceed?

2 DR. BUFORD: Thank you very much. Good  
3 afternoon, Dr. Berry, Commission Members. Dr. Berry,  
4 it's good to see you again. And it's been so long ago  
5 since our paths crossed I'm reluctant to try to remind  
6 you of the time.

7 CHAIRPERSON BERRY: Go ahead, remind me.

8 DR. BUFORD: It wasn't the Clinton  
9 Administration it was the Carter Administration.

10 CHAIRPERSON BERRY: The Carter  
11 Administration.

12 DR. BUFORD: We were both working on the  
13 7th floor there at HEW.

14 CHAIRPERSON BERRY: Oh yes.

15 DR. BUFORD: For Joe Califano.

16 CHAIRPERSON BERRY: I remember, yes.

17 DR. BUFORD: I was manager of the St.  
18 Elizabeth's Hospital.

19 CHAIRPERSON BERRY: Oh yes, a mighty man,  
20 Joe Califano, yes.

21 DR. BUFORD: I thank you for the  
22 opportunity to present a brief statement on the  
23 Department's efforts to improve access to health care  
24 services to the Latino community in the District of  
25 Columbia.

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1 I'd like to begin by sharing my enthusiasm  
2 about the progress some of our major programs are  
3 making in providing health care services, health  
4 education and health promotion materials in Spanish  
5 and other languages.

6 Understanding that the Hispanic Latino  
7 community comprises, according to the 2000 Census,  
8 about 7.9 percent of our population, we're striving to  
9 ensure the recruitment of more Spanish speaking staff  
10 to extend the services we provide to the Latino  
11 community.

12 A few facts that I'd like to highlight  
13 include one, our Maternal and Family Health  
14 Administration which has served over 8,000 Spanish  
15 speaking clients, representing about 9 percent of all  
16 the clients that we serve, essentially achieving or  
17 improving health outcomes for our women, infants and  
18 children.

19 Two, the HIV/AIDS Administration's Spanish  
20 speaking client population comprises about 9 percent  
21 of clients being served through our prevention and  
22 intervention initiatives.

23 Three, to date, our Addiction Prevention  
24 and Recovery Administration has served 208 patients  
25 for treatment, representing 6 percent of the total

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1 population and four currently Spanish speaking clients  
2 represent 21 percent of our total, Women, Infants and  
3 Children nutrition enrollment.

4 While these percentages do not tell the  
5 whole story, they are a measure of the extent to which  
6 we are serving the Latino population.

7 I want to focus for the most part on  
8 health access which deals with the Health Care  
9 Alliance. As you may know the District of Columbia  
10 Health Care Alliance was established in 2001 to  
11 provide health care services to District residents  
12 with family incomes up to 200 percent of the federal  
13 poverty level who are uninsured and do not qualify for  
14 Medicaid. The implementation of this program has  
15 increased access to health care services for residents  
16 across the District and it has substantially increased  
17 the number of pathways to health care for low income,  
18 uninsured, Latino residents.

19 What makes this system of service delivery  
20 important to our residents is the network of health  
21 care providers who work together to ensure that the  
22 Alliance members get the care they need and get the  
23 quality of services that we're all entitled to. The  
24 network of providers currently consists of five  
25 hospitals, Greater Southeast, Providence, Howard,

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1 Children's, George Washington and over 30 community  
2 based clinics, 13 of which are major providers for the  
3 Latino community and several hundred specialists are  
4 available to provide specialty care.

5 As we look at almost two years of data,  
6 we're seeing a continuous increase in the number of  
7 Latinos served. I'm pleased to share with you a  
8 snapshot of the populations served by the Health Care  
9 Alliance. We have enrolled over 28,000 members over  
10 the last 22 months and of that number, 22 percent of  
11 those members self-identify their origin as Hispanic  
12 Latino. The Health Care Alliance is made all the  
13 stronger because it includes a number of health care  
14 facilities that serve a predominantly Hispanic  
15 population including the Mary's Center, La Clinica del  
16 Pueblo, Spanish Catholic Center.

17 VICE CHAIRPERSON REYNOSO: Pretty good.

18 (Laughter.)

19 DR. BUFORD: Unity at Upper Cardoza,  
20 Community of Hope and Walker Jones. These are clinics  
21 that provide service to the majority of the Hispanic  
22 population eligible for and enrolled in the Alliance.

23 A goal of our program is to ensure that we  
24 reach District residents eligible for the program.  
25 The Alliance partnership has strengthened by number of

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1 referral centers, places where we conduct enrollment  
2 drives which include very important outreach sites and  
3 locations. The Central American Resource Center,  
4 Ayuda, Legal Clinic, Hispanic Workers Rights Clinic,  
5 the Council of Latino Agencies and Carlos Rosario  
6 Adult Education Center, all partners in our efforts to  
7 increase our outreach to the Hispanic population.

8 As we continue to build the program, we  
9 are taking action to strengthen our outreach effort to  
10 create a culturally relevant environment, to establish  
11 additional capacity for translation services and build  
12 our community relations program.

13 We're also embarking upon restructuring  
14 the program that will streamline the enrollment  
15 process, provide administrative efficiencies and build  
16 upon case management principles of the program.

17 I'd like to say a word about the  
18 District's Immigrant Children's Insurance Program.  
19 Recognizing the need to serve immigrant children, the  
20 Department resources 850 slots for children to receive  
21 health care services. Additionally, the Health Care  
22 Alliance serves over 500 children which the Immigrant  
23 Children's Insurance Program cannot cover, for a total  
24 of current population of about 1400 children.

25 Madam Chair, in our outreach efforts to

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1 District ethnic communities are significant on-going  
2 component of the Alliance services. Within the past  
3 six months, Alliance Outreach enrollment staff has met  
4 with many Latino community leaders and organizations  
5 to provide information on the Alliance. These  
6 includes the Central American Resource Center, Nova  
7 Beta and Ayuda. Additionally, 4 out of 12 Alliance  
8 customer service representatives are Spanish speaking  
9 and the Alliance provides access to 24 hour AT&T  
10 language line.

11 The Department has established a Latino  
12 component for the Consumer Health Access Team which we  
13 refer to as our CHAT Team. CHAT provides assistance  
14 to District residents, former D.C. General clients and  
15 D.C. Health Care Alliance clients to access health  
16 care at the Health Care Alliance or other appropriate  
17 programs such as Medicaid, D.C. Families and others.  
18 To address specific consumer health care needs, the  
19 team members in addition to assisting in Health Care  
20 Alliance enrollment provide clients with health  
21 information and referrals as well as follow-up on  
22 Alliance grievances and encouraging clients with  
23 appropriate use of medical homes.

24 What I have provided in my statement, if I  
25 haven't circulated it, I will circulate it, I've

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1 included details with respect to activities underway  
2 in the Department to increase language access for the  
3 Latino communities and I'd like to refer to those in  
4 the statement that I circulate, as well as activities  
5 that deal with work force training throughout the  
6 Department to assist our current work force to  
7 interact with and expand services to the Hispanic  
8 community.

9 I want to close by saying that we're  
10 working to become a culturally and linguistically  
11 competent Health Department and we're committed to  
12 fine tuning our approach as we extend our reach into  
13 the Latino community.

14 For your information also, I'll leave two  
15 documents which will inform you with an inventory of  
16 the programs and services provided by the Department  
17 and those services that are directed to the Latino  
18 community and also a document that will provide more  
19 details on outreach activities. I will submit to you  
20 at a later date the work force of the Department that  
21 includes our Hispanic population.

22 Thank you for the opportunity to share  
23 this update with you.

24 CHAIRPERSON BERRY: All right, thank you  
25 very much. You answered most of the questions that I

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1 had written down to ask you, so that was very nice.

2 (Laughter.)

3 I actually only and I'm going to turn to  
4 others, I usually turn to others first, but this time  
5 I will not.

6 I only have three questions, short ones,  
7 two for you, Dr. Vance and one for you, Dr. Buford.

8 The ones for Dr. Vance is the LEP  
9 Compliance Plan that you mentioned?

10 SUPERINTENDENT VANCE: Yes ma'am.

11 CHAIRPERSON BERRY: You said in April  
12 2003, it would be concluded?

13 SUPERINTENDENT VANCE: Yes.

14 CHAIRPERSON BERRY: Is there some way for  
15 you within the process at the end to share and have  
16 meetings with people in the community, you or someone  
17 to explain to them what is the plan, what is to be  
18 expected and the like? Can you do that?

19 SUPERINTENDENT VANCE: Yes, and that would  
20 be a continuum of what we have been doing in this  
21 entire process in developing a plan and giving the  
22 direction and support we've been given. But yes, we  
23 do have plans to continue to do that.

24 CHAIRPERSON BERRY: Because a number of  
25 the advocates on the first panel talked about not

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1 knowing what was in it and what was going to happen  
2 and so on, so could you make sure that that  
3 information, people have an opportunity --

4 SUPERINTENDENT VANCE: I certainly would  
5 and I was dismayed with that and I'll accept  
6 responsibility for us having not been more thorough  
7 and we'll certainly correct that.

8 CHAIRPERSON BERRY: The only other  
9 question was do you know how many employees working  
10 with the public schools special education program are  
11 bilingual or speak some language other than English?

12 SUPERINTENDENT VANCE: I'll just defer to  
13 staff who are all over the room in back of me. I'll  
14 ask -- Margie?

15 CHAIRPERSON BERRY: Does anybody know?

16 MS. RUIZ: We have approximately 15.

17 CHAIRPERSON BERRY: Are they mostly  
18 Spanish speaking?

19 MS. RUIZ: Mostly.

20 CHAIRPERSON BERRY: Okay, the only  
21 question for the Health Department I had was what  
22 steps has the government taken to ensure that the  
23 Medicaid contractors, specific medical service  
24 providers, provide language to Spanish speakers?

25 DR. BUFORD: In the last contract or the

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1 most recent contract that we have with managed care  
2 providers included in the agreement that we have with  
3 them stipulates that they should take necessary steps  
4 to have language specific services and staff.

5 CHAIRPERSON BERRY: Okay. Do others have  
6 questions for the panel?

7 Commissioner Thernstrom?

8 COMMISSIONER THERNSTROM: I have a  
9 question for Dr. Vance. I'm a long admirer of yours,  
10 by the way as we're handing out bouquets here.

11 I'm always very -- this is the second time  
12 I've done this this morning -- well, I had just said  
13 that I was a long admirer of Dr. Vance's and was  
14 delighted to see him here. And I was about to refer  
15 to a discussion in the last panel. I am always  
16 unhappy about the formulation that children have been  
17 set up to fail. It has much too conspiratorial tone  
18 to me and I see the racial gap in academic achievement  
19 much more complicated than that statement suggests.  
20 And I wonder if you would be willing to talk about the  
21 broad picture of persistent racial gap between non-  
22 Asian minorities on the one hand and whites and Asians  
23 an don the other hand and obviously this is a national  
24 picture and not simply a D.C. picture and you've had  
25 experiences in other jurisdictions as well. But a few

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1 words on the subject.

2 SUPERINTENDENT VANCE: I dare say that  
3 that issue is the bane of every superintendent in a  
4 public school system in the United States and every  
5 chief school officer. It just has defied corrective  
6 actions. It just has defied explanation. In the  
7 school systems, Montgomery County, for one, I'll use  
8 that, what happened there was as African American and  
9 Latino youngsters were making progress because of the  
10 initiatives that were put into place, what happened  
11 was the high achievers, the Asian and the white  
12 students who were recipients of those same activities,  
13 so they made spikes. They really jumped up. So as a  
14 consequence of what you had two years consecutively  
15 before I left, you had Asian youngsters achieving the  
16 highest SAT scores, for example, and white students  
17 achieving some of the highest AP scores, 4s and 5s, in  
18 the United States. That's what happens and when that  
19 happens while you're making progress, it's tough to  
20 explain to your constituents why you haven't caught up  
21 and that's the phenomenon that occurs.

22 So that's what we're doing and here in the  
23 District, the issues really is more Neanderthal. We  
24 finally have made major accomplishments and we can say  
25 now that in each of our high schools we have Advanced

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1 Placement classes. In each of our high schools we  
2 have honors classes. We've known for decades the high  
3 correlation between high scores on the SATs and the AP  
4 are attributed to the extent to which young people  
5 take the more demanding courses.

6 I'm not trying to stray from your  
7 question, but over the past two years we have  
8 increased by a little over 2,000 the number of  
9 youngsters taking the SATs and we've increased by  
10 about 60 percent the number of youngsters taking the  
11 AP exam. Those scores aren't anything to write home  
12 about, but we're starting. We've hired and trained  
13 teachers who can teach those courses. We've gotten  
14 children and parents excited about taking those  
15 courses and given the tuition plan which Congress has  
16 passed for the District, we're sending more of our  
17 youngsters upon graduation to college. We're not  
18 pleased in all instances of how well prepared they  
19 are. And so we're tracking them and at the end of  
20 last fiscal year, the information provided to us by DC  
21 CAP was that approximately 73 percent of those  
22 youngsters had survived their freshman year and gone  
23 on to their sophomore year. That's great news.  
24 That's higher than the national average.

25 And with the SATs, you know, the

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1 conventional wisdom is that many youngsters taking the  
2 SATs over a period of two years being added to the  
3 base, and the scores coming down, but you have more  
4 youngsters taking it and the quality decreases. Well,  
5 the SAT scores for the white youngsters, African  
6 Americans have increased. It wasn't great. It wasn't  
7 a spike, but they increased. And that was very  
8 positive news for us.

9 Getting back to the question and I'll shut  
10 up, we just haven't found the magic bullet for that.  
11 There are explanations all over.

12 CHAIRPERSON BERRY: Sure.

13 SUPERINTENDENT VANCE: But I have not  
14 found one that is really sufficient.

15 COMMISSIONER KIRSANOW: Dr. Vance, I think  
16 you indicated that approximately three quarters of the  
17 English Language Learners are Hispanic and one quarter  
18 are non-Hispanic.

19 SUPERINTENDENT VANCE: Yes.

20 COMMISSIONER KIRSANOW: The preceding  
21 panel suggested that the primary reason for the  
22 failure, although that wasn't defined, the presumption  
23 is failure means low grades and failure to graduate,  
24 of Latino students had to do with language  
25 difficulties, language barriers, language inadequacies

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1 in terms of provisional services by the public  
2 schools.

3 Number one, do you share that assessment  
4 in terms of the reason for the purported failure? And  
5 number two, are there failures, as I've previously  
6 defined, also within the cohort of students that  
7 consist of the quarter of English Language Learners  
8 who are not Latino?

9 SUPERINTENDENT VANCE: The answer to the  
10 first question. No, I don't share that contention  
11 because of the progress we've made. We've made  
12 incredible progress. And the availability of services  
13 across the school system and the availability of  
14 counseling of teachers who are well trained to be ESOL  
15 bilingual teachers, so no, I don't share that.  
16 Because the services are there.

17 Now the problem still is, unfortunately,  
18 in the District is accessing those services. What I  
19 will readily admit is that we have not been  
20 sufficiently thorough in making it known to the  
21 constituent what the availability of those resources  
22 are and that's a problem that we're working on. Those  
23 resources are there now. It's a question of are the  
24 constituents accessing them.

25 The other question -- it's interesting

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1 because our second largest group of 4.5 percent is  
2 Asian and the Asian families do not subscribe to  
3 bilingual education. They reject it. They insist on  
4 immersion. They want their kids thrown into the  
5 classes with the English speaking youngsters. It's an  
6 amazing fact that within seven months they speak  
7 English and they become, here as in Montgomery County,  
8 the high flyers. That's different.

9 The youngsters from Israel, it's the same  
10 thing. No bilingual education for them. They want  
11 immersion and immersion support.

12 We have a large group also from West  
13 Africa, a number of youngsters have come up from West  
14 Africa. Those would be the three largest groups that  
15 help make up that 25 percent.

16 COMMISSIONER KIRSANOW: Doctor, among  
17 Latinos who subscribe to immersion approach, how do  
18 you think they fare compared to those who aren't in  
19 that program?

20 SUPERINTENDENT VANCE: I guess I'll sound  
21 like, more like a sociologist now than a school  
22 teacher. They tend to be families of upper  
23 socio-economic status, upper middle class, coming out  
24 of the embassies. They do quite well. They would do  
25 well anyway. The youngsters we're talking about,

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1 they'd learn calculus in a darkened cave.

2 VICE CHAIRPERSON REYNOSO: [Presiding]

3 Other questions?

4 COMMISSIONER EDLEY: One for each of you.  
5 Superintendent Vance, what do you -- what's your  
6 expectation about the number of schools in the  
7 District who are going to be designated as needs  
8 improvement, No Child Left Behind Act? And also, I  
9 think given the difficulty and the mystery, as you  
10 described it, of this problem of the disparity,  
11 achievement disparities, you see --

12 SUPERINTENDENT VANCE: On the first  
13 question, do you mind repeating it?

14 COMMISSIONER EDLEY: Right. It's sort of  
15 the number of schools that you think are going to fall  
16 into the needs improvement category.

17 SUPERINTENDENT VANCE: Last year, we  
18 developed new metrics and we identified 15 schools.

19 COMMISSIONER EDLEY: Out of a total of how  
20 many?

21 SUPERINTENDENT VANCE: 146. As the lowest  
22 achieving schools. We have done that again and we  
23 will have between 15 and 17 schools and we'll make  
24 seats available to them. We've just gone through that  
25 process of identifying how many seats there in schools

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1 and giving parents an opportunity --

2 COMMISSIONER EDLEY: A choice.

3 SUPERINTENDENT VANCE: To make the choice.

4 We've gone through the lottery, not for them, but  
5 others with the out of boundary transfers. Those  
6 seats are promised them.

7 COMMISSIONER EDLEY: Right.

8 SUPERINTENDENT VANCE: They go in first.  
9 So we've gone through that.

10 The other matter is what we have in the  
11 District of Columbia is that I've created a city-wide  
12 position called Chief of Early Childhood Education.  
13 And the purpose of that position was to work with all  
14 of the other public and private agencies and  
15 organizations in the city that would involve early  
16 childhood education.

17 I was astounded when I discovered, after  
18 coming here, the amount of money and the number of  
19 agencies and organizations involved in early childhood  
20 education that weren't speaking to each other.  
21 Different standards for certification, no standards  
22 for certification at all. No standard curriculum. No  
23 standard for professional development of the teachers  
24 and aides.

25 Our effort, and we've been relatively

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1 successful in a period of one year of helping to put  
2 all of that together, so much so that we're sharing a  
3 lot of those resources I just mentioned.

4 In DCPS now, given local legislation, we  
5 provide, much before the rest of the nation has fallen  
6 in line, all-day kindergarten for youngsters. We've  
7 moved down our early childhood education, Head Start  
8 early childhood education to age two and a half and  
9 three.

10 What we've done is trained our teachers  
11 and instructional assistants, given the most recent  
12 range of development research coming out of NIH on the  
13 capability of those young minds now to be taught, that  
14 it's not fun and games. It's part of it, but they can  
15 have cognitive development. And we know from that  
16 research as early as age 3, you can begin working with  
17 them in geometric designs and figures and precursor to  
18 aggregate formula. That's what we're doing. And it  
19 is exciting. It is just exciting.

20 I believe starting at that early age,  
21 those youngsters, catching them before they get to  
22 school because again the research is very clear, there  
23 are some youngsters in an urban setting by age 6,  
24 you've lost them. You've lost them. And we're  
25 working hard to prevent that and we've had just

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1 incredible success with our sweep of children in the  
2 District who are eligible for those services.

3 I believe that is extremely important, but  
4 also in our plan is the Blue Ribbon Panel's report on  
5 the transformation of the high schools and we're in  
6 the process now of transforming each high school.  
7 When I mentioned earlier about the SAT and the AP  
8 initiatives in the high schools and the retesting of  
9 our teachers and sending our teachers in math and  
10 science back to school for more content training.  
11 We've got a couple of grants to help us do that. We  
12 think it's extremely important, created the Principals  
13 Institute for the retraining of all of our senior high  
14 school principals with just one emphasis and that  
15 emphasis was teaching our senior high school  
16 principals how to be instructors because again, that's  
17 what the research says. That's what works.

18 So I guess what I'm trying to say I think  
19 the solution rests in our adherence to proven research  
20 that works. I think it will work for us too. And  
21 it's exciting.

22 COMMISSIONER EDLEY: Thank you,  
23 Superintendent.

24 Dr. Buford, there's been a ton of  
25 research, more than a ton, a ton and a half of

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1 research and peer-reviewed studies on unequal  
2 treatment of racial and ethnic minorities in health  
3 care systems and I'm particularly referring to the,  
4 for example, to the meta-analysis that the Institute  
5 of Medicine put out last year on this issue.

6 And many people, of course, assume that  
7 with regard to Latinos that the disparities and the  
8 kind of treatment that's provided to them by  
9 physicians, by other health care practitioners and  
10 institutions and I'm talking about people who present  
11 with the same symptoms and are accorded different  
12 treatment for the different treatment. The assumption  
13 is that a lot of it has to do with language, that  
14 somehow it has something to do with cultural  
15 competence or whatever and I'm just wondering whether  
16 or not you have any kind of a handle on the extent to  
17 which this issue of disparate treatment -- I'm not  
18 talking about unequal access, but literally disparate  
19 treatment correlated with race and ethnicity, after  
20 controlling for income and insurance status. Would  
21 you have any kind of a handle on the extent to which  
22 that problem exists here in the District? And in  
23 particular, exists here in either public providers or  
24 contractors in the delivery system? Have there been  
25 any studies that you know of that have done that?

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1 DR. BUFORD: I'm not aware of specific  
2 studies that conclude -- that reach the same  
3 conclusion that you've reached. However, we certainly  
4 are aware of the studies that draw that conclusion  
5 with respect to the population that we serve, low  
6 income, uninsured populations.

7 The Health Care Alliance is an organized  
8 system of service delivery which we view as an  
9 opportunity to begin to change that. We're looking at  
10 some very basic principles that will allow us to begin  
11 to address that population, looking at disease  
12 management, looking at -- beginning with case  
13 management and looking at the whole issues around  
14 disease management, looking at a medical home. I  
15 think if you look at the population that was serving  
16 in the Alliance where an individual enrolls, he is, in  
17 fact, assigned to a medical home. That gives us the  
18 opportunity as well as the member, the opportunity to  
19 continue to receive treatment for us to assure some  
20 continuity of the care that that person receives and  
21 for us to focus on those particular disease entities  
22 that at the end of the day will change the outcome and  
23 improve the health status of the individual as well as  
24 the community.

25 So recognizing the results of those

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1 studies and looking at how we're currently organized  
 2 to deliver services, I think that we will benefit from  
 3 those lessons learned. By the same token, I think the  
 4 population we serve will be, the health status of that  
 5 population will be improved, therefore, reducing the  
 6 disparities to a certain degree.

7 COMMISSIONER EDLEY: Let me just recommend  
 8 that maybe somebody on your staff could take a look at  
 9 some of that literature because I think that apart  
 10 from the questions of -- wholly apart from the  
 11 questions of access, this is just very basic  
 12 nitty-gritty stuff of whether identical patients, one  
 13 minority, one non-minority, with the same disease,  
 14 same symptomology, etcetera, whether their pain is  
 15 managed in the same way or whether they have access to  
 16 the same -- to the same richness of intervention  
 17 strategies and the like. Again, as I say and that's  
 18 after controlling for insurance status and  
 19 socioeconomic group and so forth and it really does  
 20 just strike me that particularly for the Latino  
 21 population, if this exists and if it's related to  
 22 issues of language or issues of cultural competence in  
 23 the health care providers, that there's a real  
 24 opportunity here in the District because of the role  
 25 in the powers that your office has to really lead the

1 nation in trying to get to the bottom of it and figure  
2 out what kinds of strategies might be effective in  
3 addressing it. So I simply commend all of them to  
4 you.

5 SUPERINTENDENT VANCE: Thank you.

6 VICE CHAIRPERSON REYNOSO: I have just a  
7 couple of short questions. Dr. Vance, I assume you  
8 have a Research Department?

9 SUPERINTENDENT VANCE: Now we do, yes.

10 VICE CHAIRPERSON REYNOSO: Is that  
11 Research Department taking a look at what succeeds  
12 with Latino students? I just have in mind some  
13 experiences we had in California where in Calexico,  
14 for example, a very low income, predominantly Latino  
15 group of students, not only doing well now, but I used  
16 to live in Imperial County. It's been doing well for  
17 decades and so it's interesting to ask how come  
18 they're doing well. They have other similar schools  
19 that you have your sort of typical not doing well type  
20 student in a general sense, who are none the less are  
21 doing very well and perhaps your research team can  
22 look at those.

23 SUPERINTENDENT VANCE: One of the things I  
24 mentioned earlier as the Chief Academic Officer, Dr.  
25 Paul Ruiz, and Paul was partner and associate in the

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1 Education Trust, left the Trust to come to us. One of  
2 the many reasons he did, and of course, that was one  
3 of his passions, raised and went to school in the  
4 Southwest and the accountability arm under which  
5 research and development is a part of that reports to  
6 Paul. And Paul not only has them seeking out  
7 successful practices, but given the breadth of his  
8 broad experiences, he has brought a lot to the school  
9 system in terms of success with families.

10 What I'm preoccupied with successful  
11 practices is continuity and longevity.

12 VICE CHAIRPERSON REYNOSO: Sure.

13 SUPERINTENDENT VANCE: What I've seen  
14 during my long career is successful practices, I have  
15 found, will all too frequently they depend on (1) the  
16 Hawthorn Effect -- first two years everybody does well  
17 and/or they depend on the strength of the personality  
18 of the leader, normally the principal.

19 The past two years, the principal gets a  
20 promotion, becomes a superintendent and boom, the  
21 scores go down.

22 And what we've talked about is what we  
23 want to do is to plagiarize, imitate those successful  
24 practices in these United States that have been  
25 successful. We have a colleague who has spent some

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1 time in Russia. I'm sorry, in Cuba. That's really  
2 Freudian. In Cuba. In Cuba, and you know came back  
3 saying in Cuba everybody reads. Everybody reads.  
4 Well, why? Why? Why can they teach with that poor  
5 economy and they have everyone reading and we can't.

6 VICE CHAIRPERSON REYNOSO: And they're  
7 pretty poor.

8 SUPERINTENDENT VANCE: Absolutely. We  
9 have to find out. What we want to do is  
10 institutionalize successful practices.

11 VICE CHAIRPERSON REYNOSO: Could you have  
12 your staff make available to our staff by chance the  
13 textbooks that you mentioned, the Spanish language or  
14 bilingual textbooks? I'd appreciate that.

15 SUPERINTENDENT VANCE: Sure.

16 VICE CHAIRPERSON REYNOSO: And just a  
17 quick question for Dr. Buford. What's been the  
18 success, I think that the program you have for serving  
19 those who are just twice over the poverty line. It's  
20 a very exciting one. What success have you had in --  
21 this is access of getting folk into that program, of  
22 the percentage that in the District are -- fit that  
23 category of being twice above the poverty line?

24 DR. BUFORD: I'm not sure what program  
25 you're referring to. I mentioned the Immigrant

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1 Children Program.

2 COMMISSIONER EDLEY: The Alliance --

3 DR. BUFORD: The Alliance Program is for  
4 single adults, families basically, not the children.

5 VICE CHAIRPERSON REYNOSO: Oh, that's only  
6 for single adults.

7 DR. BUFORD: However, the Immigrant  
8 Children Program that is operated by a Medicaid  
9 program has about 850 slots. When those slots are  
10 filled, and the population that still needs those  
11 services, we will serve them in the Alliance, only for  
12 the reason that if they don't fit, or there's not  
13 capacity on the Medicaid side.

14 VICE CHAIRPERSON REYNOSO: Good. Thank  
15 you very much. I passed a note earlier to our Staff  
16 Director saying that I think our staff has done a  
17 terrific job on who they invited to talk to us, both  
18 the community representatives and you folks who work  
19 full-time at this.

20 So thank you very, very much. This has  
21 been very helpful to us.

22 If there's nothing further to come before  
23 us, the meeting is adjourned.

24 (Whereupon, at 1:09 p.m., the meeting was  
25 concluded.)

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