U.S. COMMISSION ON CIVIL RIGHTS

COMMISSION MEETING

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FRIDAY

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FEBRUARY 20, 2004

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SEATTLE, WASHINGTON

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The Commission convened at 8:40 a.m., in the Paris Ballroom, Hotel Monaco, 1104 45h Avenue, Seattle, Washington, Chairperson Mary Frances Berry, presiding.

PRESENT:

MARY FRANCES BERRY, CHAIRPERSON
CRUZ REYNOSO, VICE CHAIRPERSON
JENNIFER C. BRACERAS, COMMISSIONER (via telephone)
CHRISTOPHER EDLEY, JR., COMMISSIONER (via telephone)
PETER N. KIRSANOW, COMMISSIONER (via telephone)
ELSIE M. MEEKS, COMMISSIONER
RUSSEL G. REDENBAUGH, COMMISSIONER (via telephone)
ABIGAIL THERNSTROM, COMMISSIONER (via telephone)

LESLIE R. JIN, STAFF DIRECTOR

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STAFF PRESENT:

DEBRA CARR, ESQ., Deputy General Counsel
 (via telephone)

IVY DAVIS, Chief, Regional Programs Coordination Unit

TERRI DICKERSON, Assistant Staff Director
 (via telephone)

PAMELA A. DUNSTON, Chief, ASCD

THOMAS PILLA

JOYCE SMITH, Parliamentarian

ALEXANDER SUN

AUDREY WRIGHT

TIFFANY WRIGHT

COMMISSIONER ASSISTANTS PRESENT:

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

A-G-E-N-D-A

I.	Approval of Agenda 4
II.	Approval of Minutes of 4 January 9, 2004 Meeting
III.	Announcements5
IV.	Staff Director's Report
V.	Program Planning
VI.	Presentations from Alaska, Hawaii, Idaho, 42 Oregon, and Washington State Advisory Committee Chairpersons
VII.	Presentations from Individuals and 92 Organizational Representatives on Civil Rights Issues Facing The Pacific Northwest

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1	P-R-O-C-E-E-D-I-N-G-S
2	I. Approval of Agenda
3	CHAIRPERSON BERRY: The first item on the
4	agenda is the approval of the agenda. Could I get a
5	motion to approve the agenda?
6	VICE CHAIR REYNOSO: So moved.
7	COMMISSIONER REDENBAUGH: Second.
8	. CHAIRPERSON BERRY: All in favor indicate
9	by saying aye.
10	(A chorus of ayes.)
11	CHAIRPERSON BERRY: So ordered.
12	II. Approval of Minutes
13	CHAIRPERSON BERRY: The next item is
14	approval of the minutes of the January 9, 2004
15	meeting. Could I get a motion to approve the minutes?
16	VICE CHAIR REYNOSO: So moved.
17	CHAIRPERSON BERRY: Second anyone? Could
18	I get a second?
1,9	COMMISSIONER KIRSANOW: Second.
20	CHAIRPERSON BERRY: Any discussions or
21	changes to the minutes of January 9, 2004?
22	VICE CHAIR REYNOSO: Looks fine to me.
23	CHAIRPERSON BERRY: Hearing none all in
24	favor indicate by saying aye.

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(A chorus of ayes)

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CHAIRPERSON BERRY: Opposed? So ordered.

III. Announcements

CHAIRPERSON BERRY: The next item on the agenda is announcements. I have a few and then other people may have some.

COMMISSIONER THERNSTROM: I have one myself, Chairperson.

All right. CHAIRPERSON BERRY: Sure Sure thing. The first thing I want to do is thing. to point out, if you didn't know, and just for the record that Mrs. Ruth Blumrosen, who was here before us with her husband Alfred Blumrosen to give the presentation on persistent employment discrimination in the workplace that they put together from Equal Employment Opportunity data, was killed in an auto accident since the last meeting on January 15, 2004. And it is a great loss. Ruth and Al both have been experts in this field since the 1960's when President Lyndon Johnson first asked them to serve in key positions in the EEOC when it first opened. And he -they both have taught for years at the Rutgers School of Law in Newark.

And in lieu of flowers, Mr. Blumrosen asked that if anyone wants to make a donation in his wife's name, they should make it to the Leadership

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Conference on Civil Rights.

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But in any case, she was a wonderful person and it was a freak sort of accident. And I guess most accidents are. And Al has our sympathies and really sorry to hear this.

National 12, 1909 the February Association for the Advancement of Colored People, (NAACP) was organized. And the name -- the colored part was, of course, put in because W. E. B. DuBois had already said that the problem with the 20th Century was a problem of the color blind, and he and others insist that they should talk about color, not just black people, but that in terms of the movement of the organization that it was for people of color. That is why they got the name. It was organized by a group of black and white citizens committed to helping to right social injustice, people like Mary White Ovington, Oswald Garrison Villiard, and DuBois, and Ida Wells-Barnett and others.

On February 1, 1960, four black freshmen at the North Carolina Agricultural & Technical University in Greensboro decided to sit down at lunch counters to challenge segregation, which began the sit-in movement. They were a generation that was disappointed by the slow pace of the Brown decision

being implemented, the 50th anniversary of which we celebrate this year. They walked into a segregated downtown Woolworth in Greensboro and refused to leave.

And then sit-ins, of course, became epidemic and wait-ins and read-ins and kneel-ins and all sorts of things and non-violent direct action was, of course, emblematic of the civil rights movement.

One of the darker moments in our history was February 19, 1942. During World War II, Franklin Roosevelt signed Executive Order 9066 authorizing the Secretary of War to exclude persons from certain areas under which order all Japanese and Americans of Japanese ancestry were removed from Western coastal regions to guarded camps in the interior. Some 110,000 Japanese Americans were removed from their homes and sent to internment camps. Thirty-four years later, the Executive Order was rescinded by President Gerald Ford.

February tenth marks the 40th anniversary of the passage of the Civil Rights Act of the 1964, which was the second major piece of legislation passed since Reconstruction, the first being the 1957 Civil Rights Act under which this Commission was first authorized. But this '64 Act prohibited discrimination in public accommodations, employment and the like; and

was a major piece of legislation introduced first by President Kennedy. And after his assassination, President Johnson pushed the bill through the Congress.

This is also February, like every other year, is Black History Month, which happens to be in February only because Abraham Lincoln and Frederick Douglass were both born in February. I think about that every time I am out doing Black History Month and it snows all over the place and the planes are cancelled, that the reason why it is not in May and February is because of their birthdays. And the Commission has already issued statements calling upon people to acknowledge this period.

Do other people have -- Commissioner
Thernstrom, you said you had an announcement?

As everybody on the Commission must know, a D.C. voucher bill has now became law, and that, in my view, is wonderful news for the children of the Nations capital, most of whom are members of minority groups. One good definition of a middle class family is that it can chose the schools to which its children attends, either by choosing a place of residence or by paying tuition to a parochial or private school. What

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is good enough for middle class families should be good enough for low income families. There is now, in that fundamental sense, an equal playing field. And I think an issue involving fundamental racial and ethic equality has been addressed in a small way with the passage of this bill.

CHAIRPERSON BERRY: I don't mean to be disagree with entirely, Ι you contentious but In fact, the jury will be Commissioner Thernstrom. out until there is an evaluation done of the impact of this bill. You know that as a social scientist. that until the bill was actually implemented and we see what happens to the children in the District of Columbia we have nothing except our hopes, and hopes are always valid and they're always good, to figure out whether this happens.

And the playing field is not equal because the amounts of money that are in the voucher are not enough to pay for real choice on the part of those families. They're choices, as we know from the factual evidence in the District of Columbia, are to attend schools where the price is such that they can go. And we already know what those schools are because it has been announced publicly in the press.

Also, you know, because you are a social

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scientist, that there is no evidence as yet as to whether schools that are funded by voucher programs, in fact, have enhanced academic achievement of the kind you want and I want for those children, opposed to other kinds of schools.

Yes, it gives them a choice. But whether or not that choice is any more valid and will be any more effective, I won't know, none of us will know, until the program is implemented and there is some evaluation of it and some evaluation of its impact on the other children in the District of Columbia who are not in such program. I myself await the outcome of the evaluation and will look with great interest without reaching any conclusion as to whether or not it works.

COMMISSIONER THERNSTROM: Well, we all are, both of us, believe in very rigorous evaluations of such programs. And you are perfectly right that to imply that there are good voucher schools and poor voucher schools and we cannot predict an across the board win. But we can say that the National Assessment for Educational Progress made just recently in a trial urban assessment looking at ten urban districts, and really only nine, because they counted Charlotteis not a Mecklenburg which shouldn't count. Ιt

central city district, so really looking at nine, we can say that D.C., along with Los Angeles, are at the very bottom of that group and that the D.C. children are being very poorly served by the existing public schools. And I would hope that -- my belief is that those children have nowhere to go but up. And my hope, of course, is that there will be some good returns.

So inevitably, of course, the picture will be somewhat mixed. But choice itself, choice itself — a lot of middle class parents choose poor schools for their children. Or low income parents who have minimal change in their pocket to send their children to a parochial school with a very, very low tuition, not all those schools are good, of course, but at least those parents are making the kinds of choices that only parents who can afford to do so are normally able to exercise.

CHAIRPERSON BERRY: I have no disagreement with anything you just said.

I think other people may have announcements to make. Commissioner Meeks, did you have an announcement?

COMMISSIONER MEEKS: Yes. Actually, I had a couple of announcements. The South Dakota Supreme

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Court recently announced the formation of an Equal Justice Committee, which was a direct result of the work that the State Advisory Committee did there when I think that was in '97. they held the forum. there was a subsequent report that came out, "The South Dakota Native Americans Erosion of Confidence in Justice System". And a number of the the Commissioners attended this forum. It was very well attended.

And the purpose of this Equal Justice Committee is to identify any possible areas in the judicial system in which there is a perception of unfairness based on race or ethnicity. And they appointed an 11 member commission and, you know, a couple of the Commissioners or the people that are appointed to that I know are very good people.

And then I have one more. The National Congress of American Indians contacted me the other day, and they have awarded the U.S. Commission on Civil Rights with an award of excellence because of the work that the Commission did, work that it has done in Indian country, and specifically the report, Quiet Crisis, Federal Funding in Indian Country. That has just been very well received and utilized on a lot of different levels and Mary is going to accept the

Fabulous.

you

have

level

1 award next week. CHAIRPERSON BERRY: I just think that is 2 3 wonderful. THERNSTROM: COMMISSIONER 4 5 That's great. CHAIRPERSON BERRY: And wonderful for the 6 staff. I think that was the Office of Civil Rights' 7 evaluation, Terri's shop that put that together. 8 they ought to be congratulated. 9 Commissioner Edley, did 10 11 something? Well, I just wanted COMMISSIONER EDLEY: 12 to let fellow Commissioners know that a few reports 13 have been issued recently by the Civil Rights project 14 15 at Harvard; three reports on the state 16 implementation of the No Child Left Behind Act, that 17 are really quite rich with data, both quantitative and 18 qualitative, as well as the report that we have done 19 jointly on dropout rate with Chris Swanson of 20 Urban Institute which we are going to release at the 21 National Press Club this coming Wednesday. And I am 22 going to send copies of all of those around to my 23 fellow Commissioners because I am sure they don't get 24 enough paper in the mail. Anyway I just wanted to 25 alert folks.

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chairperson Berry: And when you speak, each of you out there in telephone land, could you speak up a little more clearly because the court reporter, we can hear you, but the court reporter was having trouble hearing what everyone was saying.

And also, if you could, remember to identify yourself when you speak, that will be helpful to the court reporter too. Otherwise, I will try each time to ask who the person is, who is speaking. And I am asking not because I don't know, but because the court reporter may not know.

The other thing that I wanted to announce is that a new Civil Rights Act has been introduced in the United States with numerous of the Congress And it is a Civil Rights Act which is co-sponsors. designed to attend to some of the problems that are court decisions of the on perceived with some employment issues and others that have taken place over the last few years. So it is one of these Omnibus acts, which is called Fairness to Civil Rights Act 2004. And it addresses equal access to publicly-funded services, protection for older workers and workers returning from military service, from job loss, on-the-job discrimination, and equal pay for women in the work force.

And it also has provisions about students 1 being protected from harassment based on race, gender, 2 national origin, color, and disability. And the bill 3 as of February 11 had 79 House sponsors and 12 Senate 4 sponsors. And they say it is going to be a multi-year 5 long-term effort to try to get it passed. No one 6 expects it to pass right away but it is a new Omnibus 7 civil rights bill which the staff will be analyzing to 8 see what its implications are and what the details 9 10 are. Does anyone have anything else? Hearing 11 12 none, we return to the staff director's report. 13 IV. Staff Director's Report CHAIRPERSON BERRY: Are there questions on 14 the -- comments on the staff director's report. 15 16 One issue I wanted to raise is that the --17 is this the place to raise the Arizona SAC's? STAFF DIRECTOR JIN: 18 Yes, it is, Madam 19 Chair. 20 CHAIRPERSON BERRY: Our Arizona SAC chair, 21 Dr. June Web-Vignery, is that right? 22 STAFF DIRECTOR JIN: Yes, it is. 23 CHAIRPERSON BERRY: -- has asked us if we 24 will support a bill which is in the Congress which is 25 called HR

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STAFF DIRECTOR JIN: 731.

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CHAIRPERSON BERRY: -- which relates to the problems that the Tohono O'Odham Nation of Indians have because they are a people who live on both sides of what to them is an artificial border between the United States and Mexico, if I have it right, and which need to go back and forth because their families live on both sides of the border. And this bill gives them some paperwork which would make it possible, if the bill were passed, for them to easily pass back and forth to the -- remain connected with their families.

STAFF DIRECTOR JIN: Yes, Madam Chair. Makes them citizens.

CHAIRPERSON BERRY: Yes -- - on both sides for the purpose of going back and forth. And they, the SAC, would like consistent with our long interest in these border problems and the issue of problems of Native Americans and discrimination for the Commission to say that it supports this legislation which has bipartisan support on the Hill insofar as I can understand. Is that right, Commissioner Meeks?

COMMISSIONER MEEKS: That's right.

CHAIRPERSON BERRY: And I wonder if there is any desire on the part of the Commission, are there

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-- would there be objections to our writing a letter of support to the Congress on this subject?

VICE CHAIR REYNOSO: Madam Chair, this has been an issue since the Mexican/American War. understand it, not just with this tribe but maybe with some others, and -- but as time has, initially was not much of an issue, but as time has gone by it became harder for them to cross the border. become more and more of an issue. So it seems to me that this is an appropriate step to take. It may mean dual citizenship for these folks, but Mexico has a dual citizenship concept as we do. We have dual citizenship with several countries including Israel and Ireland, for example. So I think there is nothing contrary to our tradition or to the Mexican tradition, governmental tradition, so it seems to me appropriate to try to accommodate folk who indeed have suffered from an artificial border that doesn't comport to their traditional lines.

CHAIRPERSON BERRY: Other comments?

COMMISSIONER REDENBAUGH: Yes, I have. This is Commissioner Redenbaugh. Cruz, do you have any sense of how widespread or large this problem is? This follows on an article that I circulated to all of us about a month or two ago --

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COMMISSIONER REDENBAUGH: about 2 ambiguity of that border with respect to indigenous 3 population. 4 The numbers, as I 5 VICE CHAIR REYNOSO: understand it, Commissioner Redenbaugh, are not great. 6 You know, we are dealing at -- even looking beyond 7 this tribe at maybe a couple of thousand people, if 8 And presumably the American government would 9 look at each individual to make sure there was no 10 problem in terms of criminal background and so on as 11 to each individual before affording this opportunity. 12 So I have no concerns that there will be some adverse 13 effect to our own country. 14 just COMMISSIONER REDENBAUGH: 15 Ι was trying to get a sense of the scope of it because my 16 understanding, I don't know anything about this, the 17 instant case, but the same logic could and should 18 apply to a much larger population, not limited to what 19 20 we call Native Americans. I am just unclear on the 21 history of this. 22 CHAIRPERSON Much larger BERRY: population? I didn't hear the --23 24 Not limited to COMMISSIONER REDENBAUGH: 25 Native Americans.

VICE CHAIR REYNOSO: Right.

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CHAIRPERSON BERRY: Who else would it 1 apply to? I am just trying to be clear about what you 2 3 are saying. COMMISSIONER MEEKS: It's --4 Well 5 COMMISSIONER REDENBAUGH: go ahead. 6 BERRY: Just minute. 7 CHAIRPERSON Commissioner Meeks, I think, has some information for 8 9 us. COMMISSIONER MEEKS: Right. I mean, the 10 bill is just focused completely on the Tohono O'Odham 11 enrolled tribal members. So the Tohono O'Odham 12 Nation, you know, has a tribal enrollment, and it 13 14 would only apply to those members. 15 Just to expand a little bit, you know, one 16 of the really important issues is that tribal members 17 living in Mexico are prevented from using the tribal 18 clinics on the U. S side. And it is a right that 19 they're entitled to. So this, you know, would allow 20 members of the same nation, the Tohono O'Odham to be 21 able to utilize all their rights. 22 CHAIRPERSON BERRY: And in the State 23 Advisory Committee report, I think they sent it to us 24 again, that the Arizona SAC did on this, one of the 25 members states that on the Mexican side there are

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about 1,400 people. And on the U.S. side, we are talking about 7,000 members, all of whom are enrolled members of the tribe. So they know how many people are Tohono O'Odham. And the statue, the proposed statute only refers to that group. So we are talking about 1,400 on the Mexican side and 7,000 enrolled members on this side who are identified.

COMMISSIONER KIRSANOW: Madam Chairperson, I have a question with respect to --Kirsanow here. this is a follow up to Commissioner Redenbaugh's Is there or does anyone know, is there a question. reason why this particular nation, Tohono O'Odham, is being singled out when presumably there are other nations , both on the Mexican border and Canadian border, to whom the same situation applies. I know there have been court cases in the past related to other tribes, particularly along the Canadian border where there has been a question as to whether someone born in British Columbia, for example, coming to the United States could be naturalized pursuant to the normal procedure under which, you know, the treaty of the nation is recognized and there is some type of mechanism by which someone becomes a citizen. Is there a reason why this particular tribe is being singled out?

CHAIRPERSON BERRY: As far as I know the 1 only reason why is because the Arizona SAC did a forum 2 in which among the issues that were raised with them 3 is this tribe came forward to tell them about the 4 border issue in that state. I suspect, although I 5 don't know and maybe Vice Chair knows, that there 6 probably are people who belong to other nations on 7 other borders as you point out, Commissioner Kirsanow, 8 who may have some similar -- Commissioner, I am caught 9 10 between Meeks and Reynoso. Who should I -- okay, Commissioner Meeks. 11 COMMISSIONER MEEKS: This is the only case 12 they actually have tribal 13 know of that 14 enrollment for the same people on both sides of the 15 border. And I think, you know, there is this issue on 16 some of the Canadian tribes and that border the U.S. 17 but they have maintained separate enrollment. So, you 18 know, I think that is why this one has raised its head 19 more than --CHAIRPERSON BERRY: 20 Oh, I see. They're 21 all enrolled on the same rolls? 22 COMMISSIONER MEEKS: Yes. Tohono In 23 O'Odham. 24 CHAIRPERSON BERRY: And they know who they 25 are?

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COMMISSIONER MEEKS: Yes. Oh, absolutely.

One thing too, I want to say the treaty of Guadalupe Hidalgo and Gadsden Purchase recognized the rights of indigenous people to maintain their land, regardless of political religion culture, and And it is those transactions that form boundaries. the basis for uninhibited travel across the border for Tohono O'Odham tribal members. So it has already been a treaty right and `shouldn't be withheld because of these unusual boundaries in this particular case.

Commissioner KIRSANOW: COMMISSIONER Meeks, what does the enrollment consist of? I went through the SAC report --

Meeks, Commissioner CHAIRPERSON BERRY: Meeks.

The SAC report from I am sorry, Kirsanow. the testimony indicated that enrollment was a function of the original enrollment back in 1937 and that the tribe, someone or some committee within the tribe, would update that, based on application to such enrollment and also that certain people could be adopted into the enrollment process. Do you have any information about what that means, what the enrollment means and the mechanism by which it is conducted?

> Well, I am assuming COMMISSIONER MEEKS:

it is like the tribes I am familiar with and, in
particular, my own. And you have to prove family
heritage and Native American heritage within the
family line. And I think in most cases adoption has
been done away with.
CHAIRPERSON BERRY: As a basis?
COMMISSIONER MEEKS: Yes, as a basis for
enrollment.
CHAIRPERSON BERRY: So you have to prove
in your actual family line that there is someone who
is a member?
COMMISSIONER MEEKS: Yes. You have to be
able to prove Native American heritage.
VICE CHAIR REYNOSO: Madam Chair, I was
just going do say that it is my impression that, in
fact, there may be some other tribes that have similar
issues. But I don't think that should detract us from
going forward with the tribe as well organized as this
one where they have an enrollment list. And if this
bill passes, we'll see how well it works. And maybe
it will be a precedent for some other folks that have
similar problems.
COMMISSIONER THERNSTROM: Madam Chair?
CHAIRPERSON BERRY: Yes. Commissioner
Thernstrom.

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1	COMMISSIONER THERNSTROM: Yeah. I just
2	want to say I am going to abstain on this, simply
3	because I feel too ill-informed. I wasn't able to
4	have the time to read through the SAC report. I like
5	to read the actual Congressional bills before I
6	support them. So my abstention will simply signal
7	inadequate preparation on my part to vote on this
8	issue.
9	CHAIRPERSON BERRY: Okay. Would you like
10	to have a motion to see if there is support?
11	COMMISSIONER MEEKS: I would like to make
12	a motion.
13	CHAIRPERSON BERRY: Okay. Commissioner
14	Meeks would like to move the endorsement of the SAC
15	request.
16	COMMISSIONER EDLEY: I'll second it. This
17	is Edley.
18	CHAIRPERSON BERRY: Is there further
19	discussion?
20	COMMISSIONER REDENBAUGH: One question I
21	have.
22	CHAIRPERSON BERRY: Yes.
23	COMMISSIONER REDENBAUGH: One question I
24	have. I am in the same position as Commissioner
25	Thernstrom, and that is being unprepared for this.

And particularly if it is going to be a larger issue
than this one particular tribe, I would want to inform
myself before what is the timing of the pending
legislation? Does this have urgency for this month's
meeting?
COMMISSIONER EDLEY: Would it matter if we
put it over a month?
CHAIRPERSON BERRY: Well, it is on the
we have a copy of the bill, let's see, that they sent
us and the SAC report. Let's see. What does the bill
say? I have it right here somewhere.
VICE CHAIR REYNOSO: We all received a
copy of it.
STAFF DIRECTOR JIN: The bill, Madam
Chair, is at the front. It won't say, you know,
coming up for a vote soon or not.
CHAIRPERSON BERRY: So we don't actually
know. We don't know right now the answer to your
question. So we can either vote on it now, or we can
give people an opportunity to read it, but we don't
know whether it is coming up or not. We don't know
what is happening.
COMMISSIONER EDLEY: Madam Chair?
CHAIRPERSON BERRY: Yes.
COMMISSIONER EDLEY: This is Edley. Can I

1.	recommend that if we don't know that it is urgent, I	
2	think just out of deference for the couple of	
3	Commissioners who feel they need more information,	-
4	that we put it over until next month, unless the staff	
5	finds out that there is a pending vote. And if there	
6	is a pending vote we do notate, notational voting on	
7	it before the next meeting.	
8	CHAIRPERSON BERRY: Would that be	
9	acceptable to the maker of the motion?	
10	COMMISSIONER MEEKS: That's fine with me.	
11	I don't think it is coming up.	
12	CHAIRPERSON BERRY: Okay. Commissioner	
13	Meeks doesn't think it is coming up in the next month.	
14	So why don't we with unanimous consent to do so, agree	
15	that we will discuss this again and vote on it at the	
16	next meeting? And that unless we find out that there	
17	is some vote coming up that we don't know about. And	
18	if that happens we will do notational voting in that	
19	we will poll Commissioners to find out if they're in	
20	agreement that we should support it.	
21	COMMISSIONER EDLEY: And then as staff	
22	director, this is Edley again, the staff director can	
23	just circulate whatever information we need in order	
24	to make an informed judgment.	
25	CHAIRPERSON BERRY: Right. The main thing	(

is what the status the 1 give us you can deliberations are, and make sure we have copies of the 2 bill, which I think we do, but just to make sure in 3 the SAC report. 4 5 Is -- did anyone object so I can say that there is unanimous consent? Is there anyone who 6 7 objects to going forward in that way? COMMISSIONER REDENBAUGH: I have 8 no 9 objection. CHAIRPERSON BERRY: Is there anybody who 10 does object? Hearing none, then we will proceed in 11 12 that way. Thank you. COMMISSIONER EDLEY: Madam Chair? 13 CHAIRPERSON BERRY: Yes. 14 15 COMMISSIONER EDLEY: I am sorry. This is 16 Edley again. I just wanted to -- I read in the Staff 17 Director's report the dramatic back-and-forth Perils-18 of-Pauline description οf trying to extract 19 information from the Department of Justice to the 20 language barriers report, and I just wanted to commend 21 the staff for persistence in getting what was needed 22 to get this report done. Seemed like no minor 23 bureaucratic accomplishment. That is all. 24 CHAIRPERSON BERRY: Okay. All right. Is 25 there anything else on the Staff Director's report?

Migrants

The

vaguely

So what I

STAFF DIRECTOR JIN: Madam Chair, actually

We didn't dispose of it.

Oh, yes.

We

there was a second component to the Arizona SAC

across the border. And I raised that, but I didn't do

second request that the Arizona SAC had was whether we

would support hearings in the Congress. And there are

some of us on the -- the people who died in the desert

and so on, who were dying when they come across from

the Mexican border -- and some of us believe that

recollect that there have been Congressional hearings

would like to do, if there is no objection, is to find

out, have the staff find out. And if so, discuss it

again with the SAC chair to see whether that is still

a report that -- there's something that they're

recommending, and simply defer consideration of that

until we get that information. Is there any objection

KIRSANOW:

Ι

think

I simply ask that

which

probably look at the transcript of the January 2003

in

already been hearings.

since the SAC asked us to support this.

request, having to do with actually hearing --

CHAIRPERSON BERRY:

anything with it.

there have

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Kirsanow here.

Commission

to doing it that way?

COMMISSIONER

meeting

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there

was

Commissioner

the staff



1	testimony that there was about to be a Congressional
2	hearing on that very matter.
3	CHAIRPERSON BERRY: Okay. January 2003
4	transcript, Staff Director.
5	STAFF DIRECTOR JIN: Okay. We'll do that.
6	CHAIRPERSON BERRY: All right. Okay. So
7	' the Arizona SAC chair will be informed of these
8	results of her request for her committee. All right.
9	Anything else on the Staff Director's
10	report?
11	COMMISSIONER EDLEY: Yeah. I demand to
12	know how Kirsanow remembers that.
13	CHAIRPERSON BERRY: Edley.
14	COMMISSIONER KIRSANOW: Copious amounts of
15	alcohol
16	(Laughter)
17	CHAIRPERSON BERRY: That was Edley and
18	then Kirsanow. Okay.
19	The other thing is we have gotten the
20	staff has gotten some requests, and I have, from
21	people in Florida, St. Augustine, Florida, about an
22	alleged incident of police brutality in which a black
23	guy named Lewis Saint King was killed. And there is a
24	great deal of concern and I wonder and the staff
25	has gotten this. I wonder if there is any follow-up

to that, Staff Director. 1 STAFF DIRECTOR JIN: Yes, Madam Chair. 2 think the Commissioners might remember when we were in 3 Florida to do follow-up on the voting in June of 2002 4 that we had a briefing from the Florida SAC. 5 of the more poignant briefings I remember -- were 6 components of it was discussion by the SAC about how 7 they were looking into certain violence issues of this 8 nature in the Jacksonville area. 9 And of course St. Augustine was not that 10 in of Ι think terms my from there, so 11 far recommendation -- after consulting with Ivy Davis, our 12 regional program coordinator -- is that we work with 13 the southern regional office to follow up on this with 14 the Florida SAC and see if that is the best solution 15 and report back. 16 CHAIRPERSON BERRY: All right. Anything 17 else anybody has on Staff Director's report? 18 Hearing none, we'll go to the next item on the agenda. 19 V. Program Planning 20 CHAIRPERSON BERRY: You will recall that 21 we had Program Planning, I guess, last meeting? 22 23 STAFF DIRECTOR JIN: Yes, it was. CHAIRPERSON BERRY: And we didn't actually 24 25 vote on the proposals that would go. We narrowed down

the proposals, but we didn't actually vote on the ones 1 that staff should submit as part of the budget. 2 so the query is -- and then we have also the voting 3 rights proposal, which we agreed the staff would go 4 back and write a proposal, which has been sent to us 5 So the query is whether there is any 6 by e-mail. desire to vote on the proposals, the voting right 7 That is why the item is on the agenda for 8 proposal. discussion at this time. 9 pleasure, 10 What is your ladies and 11 gentlemen? 12 COMMISSIONER EDLEY: Madam Chair. 13 CHAIRPERSON BERRY: Yes. 14 COMMISSIONER EDLEY: This is Edley again. 15 I promise to stop talking so much. I would very much 16 like us to authorize the voting right proposal, simply 17 because I am concerned that collecting the documents 18 and doing analysis is going to take quite a bit of 19 time, year and a half, two years; and if we want to be 20 of any assistance to Congress at all, we've got to get 21 started. And moreover, I think spreading the work out 22 over a period of time certainly will make it more 23 manageable for the two affected offices. 24 CHAIRPERSON BERRY: Why don't you 25 introduce a motion to approve this?

1	COMMISSIONER EDLEY: I would like to move
2	approval of the voting right project.
3	CHAIRPERSON BERRY: Could I get a second?
4	COMMISSIONER REYNOSO: Second.
5	CHAIRPERSON BERRY: Discussion? Anybody
6	have any views on the proposal?
7	COMMISSIONER REDENBAUGH: Commissioner
8	Redenbaugh. You know, I think I still have some
9	concerns about the issues of process rather than
1.0	content. I plan to abstain so that if it is the
11	will of the other Commissioners that this work can be
12	started and go forward. I think Commissioner Edley
13	raises an important point about data collection. And
14	so that is my view. I don't want to be an obstacle to
15	these things, but I'm still not completely satisfied
16	we have the perspective process for the production of
17	this kind of work.
18	COMMISSIONER BRACERAS: This is Jennifer
19	Braceras. I want to take the same approach as
20	Commissioner Redenbaugh for the same reason.
21	COMMISSIONER THERNSTROM: This is
22	Commissioner Thernstrom, me too.
23	COMMISSIONER KIRSANOW: Ditto.
24	CHAIRPERSON BERRY: Staff Director, have
25	you responded to Commissioner Redenbaugh's concerns
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about process as you were instructed to do?

STAFF DIRECTOR JIN: Yes. I think at the last Commission meeting, Commissioners asked that I think about it, talk to my staff and respond one way or another. And so I just sent an e-mail to you all a few days ago, so we did do that.

Madam Chair, if I may just make one small correction in terms of our project proposal on voting rights. I think that it indicates that the lead office on it would be the Office of General Counsel. Actually, the way that Ms. Debra Carr and Terry Dickerson and I designed it was that the lead office would be the Office of Civil Rights Evaluation, when all is said and done.

And one of the other things that the Commissioners had asked me to try to do was to try to make this credited against one office, as opposed to both offices. And the way we designed it, it would be a 2006 OCRE project. And the way we designed it, Debra Carr graciously agreed that it won't be formally credited against her office, even though of course she will have to be involved at various stages.

CHAIRPERSON BERRY: Okay. Do I -- there is a motion on the floor to approve the voting rights proposal. And do I understand you, Commissioner

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Redenbaugh, to say -- what do I understand you to say? 1 COMMISSIONER REDENBAUGH: Oh, that I don't 2 3 want to --You did receive a CHAIRPERSON BERRY: 4 response, but you are not satisfied with it or what? 5 No, I am not. COMMISSIONER REDENBAUGH: 6 7 And we can discuss that. Do you want to do that before we dispose of this motion? I don't want to be 8 an obstacle to the staff beginning their work on this 9 project, and I think we have lots of work to do, if we 10 choose to, on how we might improve the process. 11 CHAIRPERSON BERRY: Well, if you wish to 12 discuss the process you can, because my understanding 13 was that the Staff Director would respond to you, 14 15 which he did do. But if you find the response unsatisfactory for some reason and that is the reason 16 that is deterring you from being willing to consider 17 the project, we might as well discuss what your 18 19 reasons are. Can we -- I would 20 COMMISSIONER EDLEY: 21 like to move the question, though, specifically on the 22 voting rights project, before everybody gets upset with each other and it goes down the tube. 23 24 COMMISSIONER REDENBAUGH: I think that is 25 wise.

1	CHAIRPERSON BERRY: Okay. So.
2	(Laughter)
3	All right. So I understand that is to
4	be ready for the question. All those in favor of the
5	voting rights project, indicate by saying aye.
6	(A chorus of ayes).
7	CHAIRPERSON BERRY: All those opposed.
8	None.
9	Roll call? Abstentions?
10	CHAIRPERSON BERRY: Four abstentions if I
11	understand what everybody was saying.
12	COMMISSIONER KIRSANOW: Kirsanow abstains.
13	COMMISSIONER THERNSTROM: Thernstrom
14	abstains.
15	COMMISSIONER BRACERAS: Abstains.
16	COMMISSIONER REDENBAUGH: Redenbaugh
17	abstains.
18	CHAIRPERSON BERRY: So we have four in
19	favor and four abstentions. So that means that it
20	passes, right? Okay.
21	So we can do voting rights, but now do you
22	want to discuss Russell?
23	COMMISSIONER REDENBAUGH: No, actually
24	not.
25	CHAIRPERSON BERRY: What would you like us
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to do?

would like to -- I would like to -- as I recall at our last meeting there was much unhappy conversation on this topic and no light shed upon it at all, which makes me conclude that a public meeting of all eight Commissioners might not be the -- the happiest way to have the conversation.

CHAIRPERSON BERRY: Okay.

COMMISSIONER REDENBAUGH: So I think it is not the right forum for that. I would say I did find the Staff Director's comments not responsive to the specifics of any of the proposals I was making. But I think this is not the place to air that out.

CHAIRPERSON BERRY: Let me ask you this, are you prepared to -- are you asking, then, that we defer voting on the rest of the projects until this is resolved?

COMMISSIONER REDENBAUGH: No. I would abstain on the others so that the work can go forward.

I don't want to hold those projects hostage against this other conversation.

COMMISSIONER THERNSTROM: This is

Commissioner Thernstrom. I am not sure that holding

work hostage is appropriate when we are talking about

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work so far down the road (laughter) here. So that I 1 am not sure what there is to lose by scheduling some 2 sort of conversation on process, and then going back 3 to the question of projects. 4 BERRY: Commissioner CHAIRPERSON 5 Redenbaugh? 6 REDENBAUGH: You are COMMISSIONER 7 considerably more optimistic than I am, but something 8 might come out of those discussions. 9 I am a process COMMISSIONER THERNSTROM: 10 so I am just trying to get process done, 11 procedure for process correct here. 12 Why don't we do the CHAIRPERSON BERRY: 13 following, keeping in mind that we are talking about 14 projects for 2006, not projects for 2005, which means 15 that all we are really talking about is whether these 16 are projects that one would like to have the staff put 17 in the budget submission, as projects that might be 18 done in FY 2006. That is all this discussion really 19 20 is about. Why don't we actually vote on whether the 21 22 Commission still likes the projects that we winnowed down last time, so they can at least figure out what 23 24 they're submitting for the budget. And then why don't 25 we agree and see if we can vote on those. All we are

1	talking about are titles and what they should submit.
2	And then we could have figure out how we are going
3	to have this discussion that Russell says we need to
4	have.
5	COMMISSIONER REDENBAUGH: Well, we may not
6	need to have it.
7	CHAIRPERSON BERRY: Well, we may need
8	COMMISSIONER REDENBAUGH: We may, but it
9	might not be widely shared.
10	CHAIRPERSON BERRY: Oh, okay. But if we
11	do I think we should have it. So let's see what
12	others think, okay, Russell?
13	COMMISSIONER REDENBAUGH: Uh-huh.
14	CHAIRPERSON BERRY: But in any case, why
15	don't we get a motion and just see if we can get these
16	projects, the titles at least that we winnowed down
17	last time, as titles of projects that the Commission
18	might prospectively wish to do in FY2006, and subject
19	always to change, obviously, and then see what else we
20	do. So could I get a motion to do that?
21	COMMISSIONER REYNOSO: So moved.
22	CHAIRPERSON BERRY: Could I get a second?
23	COMMISSIONER MEEKS: Second.
24	CHAIRPERSON BERRY: Any further discussion
25	of the actual projects?

COMMISSIONER KIRSANOW: Yes, Madam Chair. 1 Kirsanow here. Although many of the projects appeal 2 to me in terms of their substantive value, I am also 3 one of those people who think that process 4 substance are sometimes one and the same, or at a very 5 bare minimum intertwined. And so my vote on a 6 7 substantive project could, I amnot saying necessarily, but could be affected by whether or not I 8 think the process by which we arrive at that 9 10 substantive report is the correct one. probably, at the end of this discussion, abstain from 11 voting on any given substantive project. 12 But that's not to be read as a disproval 13 of the subject matter necessarily, but just that I 14 15 think it is important to resolve first the matter of 16 the process, before we get to substance. 17 COMMISSIONER THERNSTROM: This is 18 Commissioner Thernstrom. I agree completely with what 19 Commissioner Kirsanow just said and very much like the 20 way he put it. 21 CHAIRPERSON BERRY: Other comments? Could 22 I get a call? 23 COMMISSIONER REYNOSO: Call for the 24 question. 25 CHAIRPERSON BERRY: All those in favor of

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1	these titles as project that the Commission might
2	possibly do an FY 2006 indicate by saying aye.
3	(A chorus of ayes)
4	CHAIRPERSON BERRY: Opposed?
5	(No response.)
6	CHAIRPERSON BERRY: Abstentions?
7	COMMISSIONER REDENBAUGH: Redenbaugh
8	abstains.
9	(Multiple speakers)
10	COMMISSIONER THERNSTROM: I think there
11	are four abstentions.
12	COMMISSIONER BERRY: Four abstentions. So
13	just like the other one, four, and so the titles are
14	approved. Beyond that we will have to see what else
15	we do. Yes, Staff Director.
16	STAFF DIRECTOR JIN: Madam Chair, I
17	apologize. I guess I am just slightly confused. When
18	you say the titles are approved, I am not quite sure
19	what
20	CHAIRPERSON BERRY: The projects.
21	COMMISSIONER EDLEY: Madam Chair, this is
22	Chris Edley. I interpret this as meaning essentially
23	that the staff has enough has enough guidance from
24	the Commission members to be able to write the
25	narrative that goes with the budget submission, which
1	

is a very -- which is a very brief statement anyway. 1 CHAIRPERSON BERRY: Yeah. That is all it 2 3 So that is as far as we are going. Okay. Now. is. are you saying you want something else? 4 COMMISSIONER EDLEY: Can't get anything . 5 else. 6 CHAIRPERSON BERRY: What else do you need? 7 8 STAFF DIRECTOR JIN: I apologize. 9 CHAIRPERSON BERRY: If we can provide it, 10 we'll be happy to. DIRECTOR JIN: Well, 11 STAFF my 12 understanding from the last meeting was that 13 feeling of the Commissioners at that point was that if 14 the voting rights project was approved for OCRE, the 15 other project that would be done would be, number two, 16 the religious discrimination in the workplace project. 17 And the two projects were -- Office of General 18 Counsel would be the Southeast Asian American project 19 and the foster care project. So I just wanted to make 20 sure that those are the projects we were talking 21 about, and not all four of the projects. 22 CHAIRPERSON BERRY: Well, it says four 23 possible projects for FY 2006. So we are talking 24 about whatever projects -- maybe the minutes are not 25 right, and that is a problem, because the minutes are

1	supposed to reflect the decisions that we made the
2	first time when we went over the agenda. And all we
3	are saying is that now you can take what we winnowed
4	it down to
5	STAFF DIRECTOR JIN: Okay. Good enough.
6	Thank you.
7	CHAIRPERSON BERRY: and use those for
8	guidance as the plug-in narratives for projects that
9	the Commission might be doing. I mean, that's really
10	all we are saying.
11	STAFF DIRECTOR JIN: Okay. Great.
12	CHAIRPERSON BERRY: What was the next item
13	on the agenda? Does anyone have anything else before
14	we go to the presentations from the SAC chairs?
1.5	(No response)
16	CHAIRPERSON BERRY: Hearing nothing, I see
17	we don't have anything else. All right, so we are
18	finished with this business part of the regular
19	meeting.
20	VI. Presentations from Alaska, Hawaii,
21	Idaho, Oregon, and Washington State Advisory
22	Committee Chairpersons
23	CHAIRPERSON BERRY: And now we will go to
24	the presentation from our SAC chairs who are here, or
25	representatives of our SAC chair are here. SAC

members are from Washington, Idaho, Oregon, Alaska,
and Hawaii. And they will be discussing civil rights
issues in their specific states. We will take a
minute for them to come up.
[Multiple voices. Representatives coming
forward.]
COMMISSIONER THERNSTROM: Madam Chair?
CHAIRPERSON BERRY: Yes.
COMMISSIONER THERNSTROM: With apologies
to those who are going to be speaking at the
briefings, I have a meeting before too long and I have
to get a bite to eat before I go to that meeting, so
that I'll bow out at some early point.
CHAIRPERSON BERRY: All right. Thank you
very much, Commissioner Thernstrom. Did I hear
something else? Did someone else say something?
COMMISSIONER BRACERAS: I just said good
bye to her.
CHAIRPERSON BERRY: Okay.
COMMISSIONER EDLEY: I am in a similar
situation. If we lose you won't have lost a call.
COMMISSIONER KIRSANOW: Same here, Madam
Chair. If you hear a click at some point in the
future, because I have got to go.
CHAIRPERSON BERRY: All right, we will

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understand that. How about you, Commissioner Braceras?

[No response)

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CHAIRPERSON BERRY: The Commission is the State Advisory extremely fortunate to have rich resource in fulfilling our Committees a as collector of information the nation's mandate as the concerning civil rights violations. And Commission voted in May 2002 to travel each month across the country to SAC meetings and forums as a means of maintaining a presence beyond Washington and a connection to the respected community members and activists who comprise the Commission's SACs.

The Commission appreciates the hard work performed by the SACs and state -- and I want to say they play an intrical role, as you know, helping the Commission stay abreast of civil rights issues and disparities that continue to threaten many Americans.

And so we are going to begin with our SAC And then -- as soon as I find the page I am supposed to be reading -- the first we are going to hear from Mr. Norwood Brooks, from right here in Seattle, who is chair of the Washington SAC Seattle Vocational Director of the Executive N.J. Brooks of the Institute, as well as owner

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Construction Company, which probably stands for Norwood J. He has held several elected and appointed government positions, including three-term comptroller for the City of Seattle, to which he was elected, King County assessor, and head of the state's Employment Security Department.

And then we are going to hear from Mr. Rudolph Wilson. Mr. Wilson is from the Idaho SAC, is an insurance counselor with the Knights of Columbus. He is a member of the Community Housing Resources Board and is on the executive board of the Boise National Association NAACP, and he is a member of the Ada County Human Rights Task Force, the Minority Representative Area Agency on Aging, and the president of the Veterans Administration Consumers Advisory Commission.

Then we are going to hear from Gilbert Gutierrez, who is Chair of the Alaska SAC and the employee concerns program representative for the Alyeska Pipeline Service Company. Prior to this position, he served as Director, Tribal Employment Rights Office, Kawerak, Inc., in Nome; executive director of the Anchorage Equal Rights Commission; and program coordinator for the EEOC in the Office of the Governor.

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didn't mean to skip over Τ you, Beverly. I'm sorry.

Ms. Beverly We will hear from Bolensky-Dean of Lake Oswego where she is a member of the Oregon SAC and the senior human relations analyst within the Bureau of Human Resources for the City of She is the primary affirmative action Portland. officer responsible for complaints and for providing training for management personnel. She is a member of the Oregon Council for Hispanic Advancement, the Japan America Society of Oregon, the Portland Urban League, the steering committee for the United Negro College Fund, and a whole array of organizations.

And then we have David Forman -- Hi, Dave was nice enough to take me out to this wonderful dinner when I passed through Hawaii in December, among other things. David is from Honolulu, is chair of the Hawaii SAC, and an attorney with Alston, Hunt, Floyd & Mead, as well as a former staff attorney with the Native Hawaiian Legal Corporation. He is a specialist in environmental law and he has worked on the Sea Grant College Program and National Sea Grant Federal Fellows program, sponsored by the National Oceanic and Atmospheric Administration. I understand, you took your language exams at Harvard

1	in Native Hawaiian, or in Hawaiian, is that correct?
2	MR. FORMAN: It is a long story, but I
3	have been told that I am the first student to ever
4	pass the Harvard language requirement.
5	CHAIRPERSON BERRY: And he is not even a
6	Native Hawaiian, right?
7	MR. FORMAN: No. Filipino on my mother's
8	side, many others.
9	CHAIRPERSON BERRY: Okay. Well, we thank
10	you very much for coming and would you please begin,
11	Mr. Brooks.
·12	MR. BROOKS: Thank you. Good morning. I
13	am Norwood Brooks, the chair of the Washington SAC.
14	And we want to welcome you to Seattle. And mostly to
15	the County of Martin Luther King, Jr. King County is
16	named has been the name was changed to represent
17	Martin Luther King, as opposed to the original name
18	that the King came from. So we have a county here
19	that I think is the first in the country which is
20	named after Martin Luther king. So we welcome you
21	here.
22	I don't know if we have, I think I saw one
23	SAC member, is that right? Yes. Andy. Why don't you
24	introduce yourself.
25	MR. De lOSANGELES: I am Andy De

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losangeles. I had a stroke two years ago, but I welcome the Commission members.

COMMISSIONER MEEKS: Thank you.

CHAIRPERSON BERRY: Thank you very much.

VICE CHAIR REYNOSO: Sir, I should tell you that another SAC member joined us yesterday who has been with your committee for 30 years, she said, and she was very pleased to see us back here. She said it has been a little while since we have been in Seattle.

MR. BROOKS: It has. I don't know if there is such a thing as a charter member, but I think she must have been either that or close to it. Kay Bullett is the person, and she has been very conscientious to the committee, to the SAC.

What I would like to do is just recap what we have done over, say, the last year, to give you some idea what we are doing here in the state of And Andy heads a subcommittee on the Washington. health issues facing Native Americans here, and we have been working with that. Unfortunately, as shared, it was delayed because Andy had a stroke and he is recovering from that now. So that particular study has been delayed while for his wait we recuperation.

The other things that we talked about, one, I don't know what I am supposed to say or how. No one instructed me, so I'll just go ahead. It deals with the teleconferencing meetings that we have, and this has been a real concern to the Washington SAC, and I think to all of the SACs, and I don't know whether they will mention the same thing, but we feel like these meetings are not effective and that we cannot hold forums, conduct investigations, develop resolutions or form close relationships among the appointed members by using this method. We think this will lead to mass resignation of existing members, and it will increase the resignation of our appointed members that we currently have.

As a result, we will not be able to meet our charge, which is to advise the Commission on Civil Rights in the state of Washington. So, from the SAC we wish that there would be some consideration given to that.

There is a place for teleconferencing. You know, once we have done a report of something and we want to maybe discuss the drafts and things like that, that could be done from the standpoint of teleconferencing. But when we are gathering to do an investigation or to begin a study, we need a forum and

we need the opportunity to have people come in and testify. And that is very difficult to do through a teleconferencing process.

The second thing that we spent some time talking about was the Patriot Act. And it is felt that this, I guess everybody around the country has done this, feel that this Act has affected our civil rights and liberties, and in a manner that, as we say, that the enemies of this nation never could have. So as a Washington SAC we agreed to support the report or the initiative that was written by a group of SAC members, protesting the Patriot Act and hoping that we can get some relief for the citizens of this state as well as states around the country.

We also have problems with migrants that we have coming into the community, and as a result there is an organization we have, called the Hate Free Zone is looking into things like that. And we have had a couple of discussions on that. And it has been requested that we do a study on this particular thing, and the impact of different rules and regulations on immigrants that are coming into the country as a result of 9/11 and other things.

Another one we discussed was the impact of Medicare on long-term care, and this is affecting our

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senior citizens, and that the Medicare allotments are not sufficient to cover the cost. And a lot of the long-term care facilities that we have depended on are having to close or are considering closing the operation, because they can't afford to maintain the facilities. And many of our seniors are having difficulty because of that. And we assume at some point that we might want to study that.

I guess there is one other I would like to talk about, which has an impact specifically on the state of Washington, and that is an initiative that was passed here in 1998, and I call it, for lack of anything else, Initiative 200. And Initiative 200 is similar to the initiative that was California, which did away with affirmative action in the state of Washington. And as a result of that it has had some real, what we think, to be very threatening and concerning problems. Because Seattle, as we have always thought, has been one that has been a almost racial-free city, as we call it, that there was an illusion, anyway, that there was not a lot of racism in Seattle.

But we notice as of the passing of I-200, that there seems to be an increased insurgence of racial activities in the city of Seattle. And the one

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in particular that we have monitored very closely and have some real concerns that since 1998, there has been seven killings of blacks by police officers. And that is very disturbing, because that was a significant increase that had occurred in the past. And in each of those instances, we had an inquest hearing on those particular killings, and in each case the officers were expected.

Second thing that I have, in terms of education, the University of Washington, of course, is a major research university in the country, and we know that it is harder to get into the University of Washington, just because it is a major research Seattle, the University of university. But in Washington has been considered like the local college of minorities, because many terms minorities, especially blacks, live in Seattle. And as a result of that, they see the University of Washington as their school.

The day after I-200 passed, the University of Washington put out its new procedures, saying what they couldn't do to support affirmative action. This was before the election was certified. So that caused very big concern among the people in the community.

We have other schools in the state, six

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other institutions, actually four other institutions, five counting Washington State University, where individuals interested in college could go. But most of them don't want to go, because those are outside Seattle and they are in less populated areas, and they don't feel comfortable going to those schools.

It is a combination of budgets and academics, but right now to get into the University of Washington requires a 3.7 grade point average and a 1200 SAT.

The high schools in Seattle are divided by what we call the north and south end. In the north end we have the better performing schools, and the south end we have the least performing schools, and those schools have the greatest number of minorities. And as a result of that, students are not getting the kind of preparation to give them the kind of grades and SAT scores that they need to get into the university.

We have 400 black students that go to Garfield High School, which is right in the center of what is traditionally a black area. And out of the 400, we have over 300 of those students that have one or more failing grades. So that means that they will never get in the university. And of the ones that got.

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in, we had 122 African Americans admitted to the university and of the 122, 93 were athletes who had special permits to get into the university. So we are hurting very badly by that.

earlier about talking You were transferring from school to school, and you were talking about the voucher program earlier. Seattle has never had a mandatory busing program. It has been voluntary all along, and that has been discontinued, and now people have choice. And you can go to any school that you want to in the city of Seattle -provided that, if the school is crowded and they can't take any more, then they have to come up with a criteria in order to admit. And one of the criteria And, of course, that has been challenged was race. And as a result, it is now before the since I-200. state Supreme Court to make a decision as to whether race could be a factor.

But we have come a long ways, in a negative as opposed to race, as a result of I-200. And one of the things that we would like to do is to do a study which shows the impact of race of I-200. And that is probably one of the reports that we will be doing in the future.

Thank you so much for allowing me to make

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a statement.

CHAIRPERSON BERRY: Okay. And we are going to have questions for you after we are going to let everybody talk, and then we'll have questions.

So Mr. Wilson, please proceed.

MR. WILSON: Thank you, Madam Chair. I also would like to welcome you to this area of the good old USA.

In the state of Idaho, we have seen some positive progress due to, I think your Commission and the objective of civil rights that the Commission has applied in trying to eliminate some of the problems.

And on behalf of the members of Idaho, I would like to thank you and the Commissioners for what you all have done.

To give you some idea what has happened, Idaho has been known as the home of the Aryan Nation up in the Northern part of the state. Well, I am happy to say to you today that the Aryan Nation compound no longer exists. It has been demolished. Richard Butler was the chairperson of organization. He was sued. And the judgment was for 6.5 million dollars. And today that compound is being used for educational purposes, for symposium on hate, and various other good things.

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have received a million dollars just recently, to purchase a building for a museum and other educational purposes and to hold different classes on civil and human rights. They have hired a director from India. This individual has worked for the Palestinians in Jerusalem and the building will be located right down

town in Coeur D'Alene. This is good news.

SAC and other civil rights organizations in that area

In addition to that, the members of the

In reference to the election, the last election that was held in Hayden Lake, the former was on the 26th of March of last year. Well, let me say In addition to that, there was an this to you. election that was held in November of last year. Richard Butler ran for mayor of Hayden Lake, who was the former head of the Aryan Nation, and he received And he had one of his other members that 50 votes. was running for the city council receive 42 votes out Now, this goes to show, as I of 2,222 that was cast. was telling you in the beginning, this goes to show how the change has been made in Idaho. You can see. It is not saying that hate groups have gone out 100 percent, but because of your efforts, it has really come down. And this is Idaho. This is outstanding to have these kinds of statistics.

This was so wonderful that on 26th of March of this year, there will be a presentation by members of our SAC and other civil right groups to the City of Hayden Lake for their turnout during this last election. Again, this goes to show how people feel about this group.

In Idaho, our largest minority groups are Spanish speaking people, and of course we as a SAC we had a hearing some years ago concerning the need for bilingual instructions, and we have seen some improvement in this. But this is a continuous thing because of the increase and change of personnel staff and all of that. But we still are working on increasing the concern of bilingual instruction in the school systems.

And of course this relates to testing. When you have people of different languages, different ethnic groups, there is a problem with language when it comes to the testing of these people. But, again, this is being worked on.

Idaho is getting a number of people from Rumania. I am told that we have a need for personnel training for instruction development in this area. And this is something that we will be looking at working on.

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I don't know if the SAC will be getting involved in this or if this is appropriate for civil rights, but I was quite alarmed last week; I found out that that Mexican/Americans in Idaho, to get a marriage license, they have to have a Social Security card. But they can go to Oregon, Washington, and Utah and get married without this. This is something that may be more on a personal basis for me to just look into and see what problems are in this, what is the reason behind Idaho not allowing this and other states are. But I just thought I would share it with you.

And again, I want to thank you for all of the time and efforts that your Commission has given to this, and I truly feel that because of your efforts it has been helpful to Idaho. Thank you.

CHAIRPERSON BERRY: Because of your efforts. Not just our efforts. We are all part of this.

Ms. Dean.

Good morning, and welcome, MS. DEAN: all of you. Ι want to share again, to information with you from a person who lives in Oregon, state who used to have a place called Lake No Negro and where there are still bylaws on the books that say you cannot sell property to someone

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African American, Asian, or Jewish descent. These statistics, hopefully, will dismay everybody. When it comes to the judicial system in Oregon, non-English speaking people appear more in court, and they don't comprehend what is going on because they don't understand the justice system. Too few lawyers speak of non-English speaking and understand languages individuals. Too few minority lawyers practice in Efforts to recruit are inadequate. And as Oregon. far as I know there is one law firm in Oregon.

Two few minorities are called to jury duty. Judges handling family law, they lots of time lack the education on understanding what the culture and practices are. Minorities are more likely to be arrested. Minorities are more likely to be charged. Minorities are less likely to receive bail. Minorities are more likely to be convicted, and they're more likely to be the victims of hate crimes.

And hate crimes are not new for Oregon. We have a long history of them. But there has been a resurgence lately of crimes popping up all over. These organizations are coming, and they're starting to buy up property in outlying areas of the state. And they're going to the suburbs to recruit members for their organizations. They are hitting junior high

schools and high schools and trying to find young people that are not satisfied or dismayed with what is going on at home or with the school. And they're prime targets for these organizations, most of whom are between the ages of 15 and 26. However, they're getting a lot of their information from parents and organizations that were like in the past where the mayor of the city walked down the center of the street in the parade with the Klu Klux Klan person.

So I don't know if Oregon's cup is half full or half empty. We have done really well at some things. We have the coalition against hate crimes. We have Understanding Racism Foundation, some of the statistics I just gave you where a bunch of lawyers got together and they started going into different businesses and having a six-week course of what racism is about and trying to get people to research their own issues around racism.

Last year, there were 104 victims of hate crimes and 37 arrests. A little small town in southern Oregon has 15 white power teenagers that beat Hispanic victims of that particular residential area. But it wasn't categorized as a very large hate crime. Lots of the hate crimes are called gang related. Lots of the hate crimes are called just vandalism.

Burning of a cross was called vandalism. It is big from Grants Pass to Vancouver. And as I said, they're getting into the smaller suburbs now, and Vancouver is — we consider Vancouver kind of like a suburb of ours. And this was last week that people got hate mail put in their mail boxes.

I live in a town called Tualatin and the high school is a block and a half away, and I think it just made me realize that the skin heads are very, very active in that community.

There are five enterprises that just focus on hate. There are two Christian organizations, the Patriot Associates and the Army of God that are focusing on hate. And the issue of profiling is also fairly large. 59,000 stops, 70 percent of the people of color were searched.

What else did I want to share with you? There is a young man that just got convicted for 33 months in jail for vandalizing a cemetery in a Korean church. And there is a professor at Portland State that plans on doing a study of this individual to see how once he sat through being incarcerated, what happens as he comes out of that system to see whether it really does any good to keep people in jail when they have committed crimes like this.

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What I would like all of you to do, if you are up really, really late on Saturday night, 10:00 p.m. on City Confidential, Oregon will be in the news. And they're going to talk about some of these issues on television. I hope you will look at it. I hope you get a chance to see that. Maybe somebody unloaded a little bit of that by breaking down a compound. Ants kind of scatter and Oregon got a little bit. And so it is scary to live there. There are still places that people do not want to go after dark or by themselves. And yet we have come a long way.

So we have got work to do. But we have got some good people that are willing to work. The FBI is working with the community, a couple of the colleges are focused on this. And of course as I said the Coalition on Hate Crime and Understanding Racism Foundation are working hard to try to make our state better. But we have a long way to go.

CHAIRPERSON BERRY: Okay. Thank you very much. There will be questions.

Mr. Gutierrez, good to see you again.

MR. GUTIERREZ: Good morning. Good to see all of you again and welcome to Seattle and the northwest again. Hope you enjoy your stay here. As you know we did do a study in 2002 on racism's

frontier in Alaska and since then SAC Advisory
Committee, has met once face-to-face and another
telephone conference. We have discussed what has
happened since this study has gone out. And one of
the things that has come out of these meetings is that
an attorney for the victims of the hate bomb attacks
CHAIRPERSON BERRY: Okay. Can you try
talking more direct. Let's shake it up a bit. Say
something again.
MR. GUTIERREZ: Hello. Can you hear me
now?
COMMISSIONER EDLEY: Great. Great. Thank
you.
MR. GUTIERREZ: At any rate our study was
racism in Alaska and or the relationship of racism
throughout the state. And one of the things come out
of that is that there is the victims have, asked a
private attorney to file suit.
CHAIRPERSON BERRY: These are the paint
ball incidents.
MR. GUTIERREZ: This is paint ball attacks
with paint guns. Several natives were hit and people
were arrested and certain things took place from the
city, but it was just a misdemeanor at that time. At

any rate, the attorney did file suit. Went to the Department of Justice to have the civil rights issues enforced and were basically denied by the Department of Justice. And it seems to be a pattern that natives going to the department for enforcement of civil rights are being denied for a period of time here.

Probably one of the most compelling statements that was made at that meeting was by Mr. Larry Ashenbrenner who is an attorney. And he was talking about the issue regarding, not so much the idea of the justice system after you are arrested, but it is the number of arrests, as this lady was talking about, and how they are selected or not selected, you know, targeted people to be arrested and most of those are Alaska natives and other minorities by the way.

We sponsored a resolution in one of our meetings related to the findings in our report and which documented discrimination. And this resolution was sent to the Department of Justice. Two minority legislators at the present, Georgiana Lincoln, an Alaska native; and senator Betty Davis who is a senator in the legislature are introducing hate crime bills related to these issues. So we have impacted some people in that regard.

We are going to invite the U. S. Attorney

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there at the local district office to our next meeting and ask if they're aware of these problems that have surfaced regarding these suits. And if so, you know, we want to know if these are actual things that have happened and what are they doing to reduce in the future.

We have had some reports that the state exam to exit in high schools has slammed the door for the mentally impaired primarily, and physically impaired, so there is an issue there that has to be dealt with on the statewide level again.

There has been an increase in leafletting of hate literature and vandalism against Jewish establishments in Alaska since that report was given out.

We have also have some positive things happen. People have become much more aware of racism in Alaska. We have had several workshops relating to race all throughout the state as well as within the individual companies. And my company, Alyeska in the past Pipeline, sponsored these has workshops and brought in people for -- employees to work these problems out within a period of six weeks or longer depending. And we have them at different sites in Anchorage and Valdez and Fairbanks so that is

an encouraging part of this. And we are using staff to do that. So business is getting involved in it. Doesn't mean it is all going away. It is just an issue that we are looking at real hard at. Thank you.

CHAIRPERSON BERRY: Okay. Thank you. We will have some questions.

MR. FORMAN: Nice to see Madam Chair, Vice Chair and Commissioner Meeks, three people who have had some substantive interaction with the people of Hawaii either through the forums that we have held in 2000 or Madam Chair on her visit through our Island. And also I would like to thank Commissioner Edley for the assistance he provided at the D.C. press release for our June 2001 report. And I look forward and hope I'll have the chance to meet some of the other Commissioners as well.

I think that -- the 2001 report I notice, in addition to the Alaska report, is also available out front for anybody in the audience who hasn't had a chance to see it. It is a very substantive report that we think has had a positive impact on the relationship between Native Hawaiians and the United States.

There have been many changes since that

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report that we are continuing to monitor. A number of lawsuits in both federal and state courts. The recently dismissed lawsuits have been federal initially on standing grounds, most recently political question ground partly because there is legislation, an earlier form of which is discussed in The most recent form has bipartisan the report. support, In addition to Senator Stephens of Alaska, who has a longstanding relationship with our senior Hawaii senator.

We also have Senator Orin Hatch from Utah signed on and Senator Smith from Oregon has also signed on. So we are optimistic that the legislation which would provide a formal process to recognize a political relationship between Native Hawaiians and the United States will receive a hearing on this in the Senate sometime in may. We are hopeful. We have been hopeful in the past and it hasn't happened.

CHAIRPERSON BERRY: Maybe this time.

MR. FORMAN: The legislation had passed the House in earlier form. It would have to go -- it isn't scheduled for a vote in the House currently, but in a prior Congress it passed on unanimous consent. We are optimistic that will be the case again this time around.

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The reason this issue is important is because Native Hawaiians are the only native people in the United States that haven't been given opportunity to bring their claims against the United States in to an independent body. So we are still waiting.

am wearing today a pin from the went on a visit with Tulalip Tribes. Ι Commissioners and had an opportunity to interact with And it was very encouraging to see how much progress the Tulalip people have made since adopted their constitution in 1936. Of course the Native Hawaiians were not made part of the Indian Reorganization Act in 1934 or the amendment that to have this formal allowed the Alaskan natives process of recognition. So Hawaiian people have been waiting for quite a long time.

In addition to the federal lawsuits that I mentioned, there are also some state lawsuits that filed versus the State of Hawaii also dismissed on the political question grounds. deals with the ceded lands revenues that approximately one million out of four million acres that formerly government and belonged to the crown and transferred through the republic to the State of Hawaii, and are impressed with a trust. One of the

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five purposes codified in the Admissions Act provides that revenues from the trust are to go towards the betterment of conditions of Native Hawaiians. And unfortunately until recent years no portion of those revenues had been allocated to Native Hawaiians. there was legislation passed that provided for 1/5, since there are five purposes, 1/5 of the revenues would go toward the betterment of the conditions of But that legislation has been Native Hawaiians. invalidated because of the conflict with the Federal Aviation Law because the airports are on ceded lands. So there are restrictions on the use of revenues. And so we have that before the legislature now to determine a formula for calculating the revenues.

Other issues, the University of Hawaii is also located on ceded lands. And so there are claims to revenues generated there. One of the responses that the state of Hawaii has taken is to provide tuition waivers for Native Hawaiians at the University of Hawaii. However, there have been civil rights complaints filed as a result of those tuition waivers. These are the ongoing equal protection oriented challenges that are discussed in the report and in the context of the Rice versus Cayetano decision.

Another case is the Kauai challenge to the

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transfer of ceded lands. The state was the -- went to transfer trust resources for development purposes and they wanted other lands to trade with another entity. And there were many favorable factual findings by the state court, but again, ultimately concluded that this was a political question and that these issues needed to be resolved first before the claims regarding the ceded land could be heard.

The plaintiffs basically argued that the breach of fiduciary duty questions, did not matter whether there was a legitimate claim for the ceded lands or not, but if you have beneficiaries that have claims on those lands that they should not be transferred out until those claims are resolved. This is on appeal before the state supreme court. These decisions were very recent, so we are continuing to monitor them.

We recently had a telephone conference with eight resource persons around the state. We held this in May. Some of the folks talked about these federal and state cases effecting Native Hawaiians. We had Amy Ogbayani from the University of Hawaii Student Equity Excellence Adversity Committee, talked about the affirmative action issues at the university and the programs at the law school, at the medical

school, and at the university itself and in the 1 context of the recent Michigan challenges. 2 Also she spoke about the issues involving 3 employment for civil rights government 4 the disadvantaged groups and for blacks and Filipinos and 5 Samoans, under-represented in our government services. 6 You may be interested or may not have known that the 7 plantations screened Filipino laborers for literacy 8 because they wanted a docile labor force. And any 9 10 educated Filipinos were eliminated from those --VICE-CHAIRPERSON REYNOSO: Overly-11 12 qualified. Very interesting case, too. 13 MR. FORMAN: The Filipino gentleman, Simon Roban, who aced the 14 civil service exams but was denied placement because 15 16 of his Filipino accent. He lost that case in the 17 Ninth Circuit. 18 I mentioned I have been fortunate. 19 mother immigrated in the mid 60's and so, you know, those restrictions were no longer in place. There has 20 21 been progress in the state of Hawaii but we still have 22 significant language barriers. Executive Order 13166 23 has been watered down in the prior administration and 24 there are some serious concerns that the state of 25 Hawaii, individual departments, are not meeting their

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obligations, that they are being excused from their obligations. Many federal laws, the signage that is posted is only in English. Another significant -- so this is one area that civil right activists in Hawaii are encouraging some form of audit perhaps, if we have federal agencies who are providing funds to the state agencies to come in and audit the state for their compliance with federal law.

There a number of folks. legal are permanent residents in Hawaii, who are not covered by health care in the state of Hawaii. Federal law does not require the states to provide health care and cash assistance to legal permanent residents. But, you know, we have got folks, pregnant Marshallese women who are coming to our state and can't get the medical care they need. Fortunately, the current administration has submitted a bill that would provide coverage for pregnant women who are in Hawaii. But the IHAA, Immigrant Health Assistance Act is capped at \$2,000 a year. Clearly not enough room there to provide medical services that are needed. And even the funds for that program were cut substantially last year because the economic situation in Hawaii is not as good as it might be. And we are still recovering from the effects of the Gulf War in 1991, much less

more recent issues.

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I see my time is up. One other thing I wanted to mention. Our host from the Washington State commented some the Advisory Committee on SAC discussions that took place between the And I just wanted to say that we had a chairpersons. very constructive conversation last night with the Chief, of regional programs Ivy Davis and Tom Pilla from the western regional office. Gill and Rudy and Beverly and I were there. And I think they listened and took some of our suggestions to heart. encouraged that there will be follow up in the western regional office and headquarters will pursue those suggestions and be better able to assist the State Advisory Committee and their mission in the future.

I think that opportunity to meet face-to-face with them was very constructive. And I am looking forward to following up and seeing that the State Advisory Committees are given the tools they need to fulfill their very important mission. Thank you for being here.

CHAIRPERSON BERRY: We have a lot of questions. I am sure that other people do. But I am going to take the opportunity to ask two or three myself, if it is okay with everybody. I guess it is.

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Things that none of you mentioned, and then I have questions about all of the things you did mention.

I am curious as to -- we have under our justice jurisdiction, the administration of possibility of considering issues related to sexual orientation even though sexual orientation is not one of the principal mandates of the commission. wonder, on the issue of same sex marriage or this very hotly contested issue which is being discussed in the the state of play from your country now, what perception is in the communities where you come from in terms of public attitude, in terms of what the discussions are, if any. And I know in Hawaii, and David, you can correct me if I am wrong, didn't you have a constitutional amendment to change the state constitution to outlaw same-sex marriage after those Supreme Court cases? I'll start with you.

MR. FORMAN: We did. There was a Supreme Court case, Baehr v. Lewin that, subsequent to that case the legislature put a constitutional amendment before the people of Hawaii gave the legislature the power to enact legislation prohibiting same gender marriage. The legislature has not acted on that, but that constitutional amendment passed. So the legislature does have the power to do so.

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And in the aftermath of that very divisive debate in our community, one of the issues that was discussed in our May 2003 telephone conference call, was a continuing bullying and harassment of gay and lesbian students. This is, you know, an issue that is considered to be very significant and in a community that, you know, a lot of folks would believe is very tolerant. There have been very serious incidents. group of campers on the island of Kauai were attacked and their tents were burnt down. These are gay individuals who were out enjoying the beaches of Kauai. And, you know, other incidents like this and very serious issues that we are continuing to monitor. CHAIRPERSÖN BERRY:

Now David, in the legal state of play in Hawaii, in the absence of action by the state legislature, what, in fact, can people do or not do?

MR. FORMAN: There have not been, unlike the city of San Francisco, there haven't been any attempts to issue marriage licenses. I am not aware of any attempts by individuals to seek licenses. Ι think the community, you know, after the very positive reaction among gays and lesbians to the Baehr v. Lewin decision, there was very deep concern resulting from constitutional the amendment and that debates

1 very offensive. One showed a gentleman walking on the 2 beach with his dog, the suggestion that this man and 3 his dog could get married. This was the level of the 4 debate on the constitutional amendment. 5 CHAIRPERSON BERRY: So in other words, the 6 legislature hasn't acted, which means the door may be 7 and the one has really tried to, 8 open but no legislature could act any time. 9 And legislatures FORMAN: Correct. 10 MR. were targeted. This was a major issue in elections 11 passage of the constitutional 12 subsequent to the positions that people took 13 amendment, 14 constitutional amendment, were, one of the issues that 15 affected the outcome of the election. That was back when the constitutional amendment passed that was 16 significant. You know, we have more pressing issues 17 of our economy that the legislatures are focusing on 18 What happens in the future remains to be seen. 19 20 CHAIRPERSON BERRY: Anything going on in the other states on this issue? 21 Well, Alaska the 22 MR. GUTIERREZ: in legislature is introducing bills now for one man one 23 24 woman kind of marriage, and that is where it is at. 25 Pretty cold out there now so really no demonstrations

followed. You know, the commercials that came out were

or anything. 1 CHAIRPERSON BERRY: Okay. Same in Oregon? 2 I wish I could tell you I knew MS. DEAN: 3 what the legislature is doing, but I can tell you what 4 the city is doing. The city is very tolerant as far 5 as sexual orientation is concerned. And, as a matter 6 7 of fact, it is written into the administrative rules in the city that we won't tolerate any type of 8 discrimination. 9 CHAIRPERSON BERRY: I see. Anything going 10 on in Idaho? 11 MR. WILSON: Our legislature is in session 12 right now and it is being discussed. 13 cannot tell vou if a bill has been drafted or is in 14 15 place. 16 CHAIRPERSON BERRY: Okay. 17 MR. BROOKS: We haven't had any serious 18 legislation come up in this session addressing that 19 issue, even though Seattle is a very tolerant city and 20 we do have a large gay community in Seattle. 21 have not tried marriage. They have gone to Frisco and 22 they have gone to Massachusetts, but they have not 23 tried it here. 24 CHAIRPERSON BERRY: Okay. The other 25 question I had was about budgets and economic problems

1	In each one of your states. Tou mentioned that in
2	Hawaii, David. To the extent that your state has
3	resource problems, you know, taxes, budget deficits,
4	how has that affected the civil rights and program
5	activities related to civil rights in terms of, for
6	example, people with disabilities and programs for
7	them in the school and any of the other programs and
8	activities in terms of what you know about it, have
9	any of these been effected in terms of cuts and
10	MS. DEAN: I can definitely tell you it
11	has affected Oregon. I was attending a meeting back
12	in November, and the disability community was stating
13	that there had been 13 suicides based on the fact that
14	people were no longer getting their medication. And
15	so that is an issue, and we have huge budget issues.
16	. CHAIRPERSON BERRY: I guess part of the
17	northwest is a depressed economic area. I guess
18	Alaska isn't because you have all of that oil money.
19	MR. GUTIERREZ: That's true.
20	CHAIRPERSON BERRY: And you have Ted
21	Stevens.
22	MR. GUTIERREZ: Ted Stevens, that's
23	correct. The problem is we have a huge budget deficit
24	also.
25	CHAIRPERSON BERRY: You do too?

MR. GUTIERREZ: Yeah. And they're trying 1 to deal with that issue. I mean, there are monies 2 available, but how do they do that in order to do it 3 across the board? For example, the city of Anchorage 4 is having to cut 22 point some million dollars from 5 budget which affects all programs. school 6 7 Fairbanks is cutting back something like 18 million. Most cities, they're rural and really pretty small. 8 9 They just have the mayor there now going in to stoke 10 the fire once in a while. But there is no real management and they have been cut too. State services 11 across the board have been cut. 12 13 So it is a question now of how and what 14 kind of budget can be put together by a Republican 15 legislature and a Republican governor. And we are all 16 pressing for, let's say, a little bit of income tax, a 17 little bit of permanent funds, a little bit of 18 everything. But nobody wants to tax anybody and that 19 is unfortunate. It is solvable. 20 CHAIRPERSON BERRY: Don't tax you. 21 tax me. Tax the fellow behind the tree. 22 (Laughter.) 23 MR. GUTIERREZ: That is unfortunate. 24 CHAIRPERSON BERRY: Mr. Brooks, a specific 25 question I wanted to ask you. Is there any -- and we

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can ask other panelists that when we have some of the people coming before us -- but do you sense any discussions or movement or organized effort to try to figure out some proposals to implement the equity concerns in education and employment and the like, What I mean by that is, in some despite I-200? communities there have been novel approaches taken. Instead of saying you want to designate people on the basis of race, we can base them based on levels of poverty or you can designate them based on people who have certain specific, you know, characteristics, like you need so many hockey players, you know, at the You need so many people that play steel university. drums or so many people who do XYZ. Has there been -or modified admission criteria in such a way that you take into account the potential that people have without worrying about -- because there is no rule that says you have to admit people to colleges and universities based on SAT scores and even grades. can have a variety of different ways to do it without mentioning race, which, in fact, will capture and target a population of people who are under-served. Do you see any indication that people are thinking that way around here?

MR. BROOKS: Not that much. But of course

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with athletes, special provisions for athletes. 1 there is no question that they get in with low scores. 2 We have a sort of complicated issue. 3 talk about budget, and what the schools are doing is 4 they are using the budget issue to reduce the number 5 of admissions. So they just increase the admissions 6 requirements in terms of grade point and SAT scores in 7 order to reduce the eligible number of people admitted 8 to the school. 9 10 And because of the school system that we have, the public school system by and large, and those 11 schools in which the large minority of populations are 12 going to are not really preparing the students as 13 well; and, therefore, they're not getting in. 14 The only thing they do is offer the 15 16 students an opportunity to give an essay, and they use the essay in addition to the grades and SAT. And in 17 that, if there is some indication of hardship or other 18 19 things of that nature, they might take that into 20 consideration, depending on how close they are in 21 terms of SAT scores. 22 CHAIRPERSON BERRY: In part, it is how 23 much will people have. 24 MR. BROOKS: Right. And they really don't

have the will at this point. And that is what is such

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a concern to us because education is the way that we see to get out of some of the problems that we are in. And it seems as though by not supporting education, then denving the kindergarten up, and from opportunities to get into college, it is having a disparate impact on the minority community. In fact, had pre-kindergarten programs, that proven successful. And those programs have been cut as and thereby supporting them, opposed to advantages away from some of the minority student.

CHAIRPERSON BERRY: David, you had wanted to say something.

MR. FORMAN: Sure. Just to follow up on what Mr. Brooks was saying. I think that issue of political will is an important one to look at because funding limitations have been an excuse for the state of Hawaii not to fulfill its obligations, not only in the areas that I mentioned before but we were under an ongoing consent decree in the area of education. The case was formally called Felix versus Wahey then it was Felix versus Cayetano, and now it is Felix versus Lingel.

The children who have a right to a free appropriate public education are not receiving it.

And despite ongoing litigation very committed folks,

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including a partner in the law firm Burke. I have been pressing the state on this issue but there has been very little progress. And I think the federal judge is very irritated but, you know, not a lot of confidence that, despite the litigation that, you know, there is going to be substantial improvement unless the judge really brings the hammer down. But when the budgets are tight everybody realizes, well, there is only so much you can do. And it depends on where the political will is.

Another significant issue in Hawaii that I didn't mention was gender equity. Kind of ironic concerning the fact that Congresswoman Mink was the primary architect of Title IX. Hawaii is the only state in the nation where the girls' basketball season is different from the men's basketball season. basketball players distinct women are at disadvantage when it comes to recruiting for college and feel very strongly that, you know, the situation is detrimental to their potential educational impact, scholarship opportunities that the they might if get their season was, you consistent with the boys and fit in with recruiting schedules of the colleges.

Hate crimes, another example. We finally

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1	passed legislation, but there is ongoing debate about
2	the issue of collecting statistics. You know, kind of
3	chicken before the egg issue. Not collecting
4	statistics so obviously there is no hate crime problem
5	in Hawaii. But now I think it is a little bit more
6	encouraging that some of those statistics will start
7	to be gathered, and we'll see what is really happening
8	in the community.
9	CHAIRPERSON BERRY: Anyone else have any
10	questions, or did I sort of absorb all?
11	COMMISSIONER MEEKS: I'll refer to
12	VICE CHAIR REYNOSO: We all have
13	questions, but I don't know how long we should go.
14	CHAIRPERSON BERRY: Oh, I see. We are
15	supposed to let other people talk. Sorry about that.
16	I won't ask any questions. I promise. Okay. Then I
17	guess we need to we'll be talking to you further.
18	And did you have something?
19	COMMISSIONER MEEKS: We do have questions.
20	I thought we both made it clear we had questions.
21	(Multiple speakers)
22	CHAIRPERSON BERRY: Go right ahead.
23	COMMISSIONER MEEKS: When we were in
24	Alaska, we heard a lot of testimony about violence
25	against women and also the Indian Child Welfare Act.

Has there been any improvements or changes?

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MR. GUTIERREZ: The violence against women issues did come up several times again. There has been some progress towards resolution. They did arrest some people there that were committing those crimes, and they're going to trial now. And, of course, this is all coming back out in the community and how they're relating to what is happening. One of the victim's daughter did write our office and ask about some other issues. And we sent a letter, of course, to the L. A. Office.

And I think they sent them a letter as to they could proceed with different kinds complaint processes. In regard to ICWA some of my staff in the Atna, Inc., group are dealing with that because we have so many tribes that we deal with. And my assistant happens to be president of the tribal council. So she is always asking to, you know, to give it some time to deal with --

(Person leaving, noisy)

-- and a lot of the cases that are coming forward now are people that are saying, well, we have a relative over there in the lower 48 and going to quantum -- but in that regard I think that is working well in the outer region to that extent. That is the

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only issue that has come up as far as I can see. 1 The time people need to do those things 2 are important so we provide that. It is important. I 3 many other countries that. 4 know how Something we have to deal with. 5 Mr. Wilson, how are COMMISSIONER MEEKS: 6 7 the Native American tribes in Idaho doing? Is there any particular issues with them? 8 Yes. There are issues. The 9 MR. WILSON: same probably as in various other areas. We have two 10 major areas that have casinos. And so these are 11 casinos that have been helping out, for those that are 12 living on the so called reservation. They seem to be 13 doing well, but those that's off, you find them 14 struggling like anybody else. 15 And they're being treated about the same way, and in some cases are 16 worse, by law enforcement; jobs; looking at 17 housing condition which some of them have to, be 18 provided, pretty rough. It is not nice. 19 20 COMMISSIONER MEEKS: I haven't had -although I will in March have an opportunity. 21 22 MR. WILSON: On the reservation though, 23 you know, where the casinos are, they employ a large 24 number of people. The casino employs a large number 25 of people and you will find it is worthwhile.

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this same subject, Ι had the On opportunity in flying here from Idaho, to be sitting a young man professor at Boise State University, and he was telling me that they can't keep any, tribal members at the university. They just stay there for maybe one semester, two semesters and then they leave because they don't feel welcome by the community, I was kind of amazed to hear that. So there are problems.

COMMISSIONER MEEKS: And David, just one quick question. On the Akaka bill, if it passes, when it passes I'll say, have they decided whether this is going to be a blood quantum requirement? I know that there was some discussion of that when we were there fifty percent versus --

MR. FORMAN: No. Of course that is a serious, very divisive issue. When the Hawaiian Home Admission Act was passed in 1920, this was a fifty percent blood quantum that was imposed on the Native Hawaiian communities. Subsequently it has been modified slightly to allow to send grandchildren who may be 25 percent to be eligible for the Hawaiian homestead leases.

But the Akaka bill provides for an enrollment process that is not limited to blood

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quantum. Basically the position is that this is a decision for the Hawaiian community to make. And that this would be part of the discussion, forming constitution that Native Hawaiians would engage in. There is an attempt to impose that in the Akaka bill.

And just on that note, I would take the opportunity, I was remiss in not thanking the folks that made this report possible, starting out with Tom Regional Office. Former Pilla in the Western Commissioner Lee pushed very proactively to help us get this done. Mireille Zieseniss from the staff and Dawn Sweet from the headquarters put a tremendous And of course, one of the amount of time into it. reasons why this report got done was that we had our former chair, Charlie Maxwell, who is a retired police officer and respected cultural and religious practitioner in Hawaii, and it is very difficult to say no to Uncle Charlie, so I know that that was one of the very important reasons that cooperative effort helped us get this very effective report out. And I hope that the other states have the opportunity to do that with the Commission.

CHAIRPERSON BERRY: Vice Chair.

VICE CHAIR REYNOSO: I know we are out of time so I just have one question for Mr. Brooks. You

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mentioned you have a system of choice in the Seattle 1 School District, is that correct? 2 MR. BROOKS: That's correct. 3 VICE CHAIR REYNOSO: I have always been 4 curious to one issue pertaining to choice, so I just 5 want to ask you about that. Choice is supposed to 6 give students the opportunity to go to the better 7 8 schools. Presumably everybody wants to go to a better 9 school. What happens when everybody signs up to go to 10 You don't expand the number of the better schools? 11 schools presumably. What has been your practical experience thus far? 12 13 BROOKS: Well, that is where this MR. 14 problem came up of having to come up with the tie breaker, as they call it, when this occurs. 15 they go by distance away from the school. And so if 16 17 you are in the neighborhood, you have a better chance of getting into the school than if you are not. 18 Second, they go by other siblings. 19 20 have a sibling already in the school, or if you have a 21 sibling that just had been in the school, then you get 22 that as a second part. 23 VICE CHAIR REYNOSO: Let me interrupt. I 24 can understand the concept that you mentioned earlier 25 about having to come up with criteria, but my question

is what happens to the choice of all those who don't get in?

MR. BROOKS: Then they have to go to the next best school, and then the next best, and finally many of them wind up at actually the worse school, the school they were in.

VICE CHAIR REYNOSO: That is what I thought might happen. Choice appears to be somewhat of an elusive concept unless you are going to make every school the top school that everybody wants to go to. Sort of like the notion in some community every child is above average.

MR. BROOKS: Yes.

absolutely hit on something. Because, you know, we used to talk about magnet schools all of the time and people getting into them. And I used to say, why can't we make every school a magnet school. So why can't we fix all of the schools? I don't mean just here. But I mean everywhere.

When people start talking about choosing, like earlier, we were talking about the voucher program in D.C. What about all of those thousands of kids who are still in -- because there isn't enough money and the program is too small to pay for all of

the kids who are left in the schools? And one time I 1 was talking to a major educational expert who was 2 And I said, why proposing all of these alternatives. 3 don't you just close down the public school system and 4 immediately find places for all of the children in 5 what you call better private schools and pay for them 6 to go and create them. And then you won't be leaving 7 -- you will leave no child behind because you won't be 8 leaving all of those thousands of other people there 9 while you go play with these that you want to play 10 11 with. She said, well, she did not want to take up the enormity of the task of trying to deal with it. 12 But if you are really serious about it, it 13 14 depends -- the Vice Chair is right. It depends on 15 where your focus is. Are you focusing on some small 16 number of people who you might give what you call 17 choice, or are you focusing on thousands of people 18 who, you aren't doing a doggone thing about it. 19 I know the time is up, but have you got any No Child Left Behind problems in your state, or is 20 21 your state all doing No Child Left Behind? Or are 22 there any issues at all? 23 MR. BROOKS: We have problems. 24 We have simply left them MR. WILSON: 25 behind.

MR. GUTIERREZ: They have been left behind in Alaska too. And even the State Board of Education is thinking of scraping the whole thing, but, you know, it is that kind of a deal. It is not good.

CHAIRPERSON BERRY: Okay. Thank you very much. And we appreciate all of your work. And we'll talk to you some more as the day goes by. Thank you very much for coming.

(Panel coming forward)

(Multiple voices)

VII. Presentations from Individuals and Organizational Representatives on Civil Rights Issues Facing the Pacific Northwest

CHAIRPERSON BERRY: We are ready to begin. This panel is going to discuss incarceration, hate crimes, and minority contracting, and civil rights issues in the Pacific Northwest. We want to welcome you and tell you how much we appreciate you and are sorry for the delay that has taken place.

First of all, we are going to hear from Professor Katherine Beckett who is in the Department of Sociology and Law Societies and Justice Program at the University of Washington. And she will be speaking to us about the disproportional incarceration rates for African Americans in the Seattle area as a

civil rights implications. 2 Her areas of academic interest include: 3 Medical sociology, law and society, punishment and 4 social control, and gender and reproduction. 5 And then we are going to hear from Mr. 6 Carl Mack, who is the president of the Seattle Chapter 7 of NAACP, and he will be highlighting the civil rights 8 impacts of I-200 on minority contractors. And he has 9 been living in this area and working as an engineer at 10 Metro and King County, and he coordinates the County's 11 minority internship program. And he has brought two 12 persons with him who are experts (door shutting), Mr. 13 Rosco Bass and Mr. Eddie Rye, who is from the National 14 15 Black Chamber of Commerce so we are going to begin with you, Professor Beckett, please. 16 MS. BECKETT: Nice to be here. Thank you 17 for this opportunity. I will be reading my comments. 18 I hope that's okay. 19 CHAIRPERSON BERRY: Do you have them to 20 submit for the record? 21 I will shortly. My research 22 MS. BECKETT: 23 is on local law enforcement practices and how, particular, drug law enforcement contributes to racial 24 25 disparity and incarceration in the state and

result of local drug enforcement policies, and their

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nationwide. Most efforts to investigate this topic are hampered by the fact that it is very difficult to get meaningful information about illicit drug markets, who is involved, to what extent they are involved. And also about arrests, how they occur, where they occur, when they occur, and so forth.

And in Seattle, we are now in a very fortunate position of having some of this, some data that is very helpful in sorting these things out. So the report, the research I will be describing to you is somewhat unique in that sense. The study that I am engaged in we hope will explain both the local, the high black arrest rate locally for drug offenses. And also I think it will suggest a mechanism by which high arrest rates are being produced across the country.

I am sure that you are aware that the number of people incarcerated in the United States has skyrocketed. This trend has sharply and disproportionately affected racial minorities. Sixty percent of today's inmates are black and/or Latino.

The drug war is an important cause of this trend, both of them. Between 1980 and 1997 the number of annual drug abuse arrests increased to over 1.5 million. That was a tripling. And it is now stabilized at about 1.1 million a year. During this

time the already high black drug arrest rate increased by over 200 percent. By contrast, the white drug arrest rate increased by roughly 130 percent. So the number and the rate of drug arrests for both whites and blacks grew, but it grew more substantially for blacks. As a result, the ratio of black to white drug abuse, the rates changed from 1.8 to 1 to 6.5 to 1.

These developments clearly are impacting who is going to jail and prison. The number of inmates serving time for drug offenses increased by 1,000 percent between 1980 and 1999. And 80 percent of those serving time in state prison for drug offenses are black and/or Latino.

In many states, being convicted of a drug offense has a long-lasting effect. Congress now allows states to prohibit anyone convicted of a drug, felony drug offense, from receiving welfare or food stamps. Twenty states, including Washington state, enforce this ban. In addition, federal laws adopted in the 1990's allow public housing agencies to deny housing to anyone who has ever engaged in any drug related activity, and render anyone ever convicted of a drug offense ineligible for federal educational loans. These provisions apply only to drug offenders, the vast majority of whom are non-violent.

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Meanwhile, drug treatment programs continue to be woefully underfunded and long waiting lists exist in nearly all cities in the country including Seattle. So, it is very clear that the war on drugs has contributed to the expansion of the prison and jail populations to racial disparities in those populations.

It is also clear that policies adopted as part of the war on drugs are making it more difficult for people enmeshed in drug markets to extricate themselves from those markets.

What is less clear, and what I hope my research can contribute to, is how and why this is occurring. Many scholars have looked at post arrest practices and policies to try and figure out if discrimination operating in the court and in prosecutorial offices, is contributing to these outcomes. And there are many studies that have found that black drug defendants are treated more harshly than white drug defendants after arrest.

This does not appear to be true in the state of Washington, however. In Washington state researches have concluded that black and Latino drug offenders do not receive differential treatment once in the criminal justice system. The question then

becomes, who is getting into the criminal justice system? And the quote or the conclusion from the Minority Justice Commission was, quote: There is no evidence that race and ethnicity are important factors effecting charging decisions for drug offenders. But they did also recommend further studies of law enforcement practices.

So this is per se, the focus of my current research. In particular, I am trying to explain, again, the extraordinarily high black drug abuse rate, or excuse me, drug arrest rate in Seattle. The evidence suggest this phenomena is not a consequence of who is using and delivering drugs in Seattle. A recent survey of those utilizing the services of Seattle's five needle exchange sites, found that the majority of those who inject cocaine, methamphetamine and heroin are white. A much smaller percentage of those injecting each of these substances are black. These results are consistent with a variety of other measures of drug use that we have.

Similarly needle exchanges were most likely to identify the person from whom they obtained those drugs as white. A smaller percentage -- Latinos were the next largest group of drug deliverers and blacks the third. A smaller percentage of cocaine

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deliverers and a much smaller percentage of heroin and methamphetamine deliverers were identified as black.

So how can we explain the fact that over half of those arrested for drug possession and roughly 65 percent of those arrested for drug delivery in the city are black? I have preliminary analyses that I can share with you, and I am happy to send along the these when is finished. But final report it preliminary analyses of drug arrests suggest be explanations. First, blacks do appear heroin and methamphetamine over-represented among compared with the needle arrestees as delivery exchange survey result. That is, seven percent of the needle exchangers identified their heroin source or their methamphetamine source as black. But 15 percent of those arrested for heroin delivery and 18 percent of those arrested for methamphetamine delivery are So something is occurring whereby blacks black. selling those drugs are at a greater risk of arrest than are whites selling those drugs.

But the most important explanation for this pattern is the SPD striking an overwhelming focus on the crack cocaine market. This appears to be overwhelmingly what explains racial disparity and arrests. About 60 percent of all of the narcotic

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arrests and about 80 percent of those for delivery involve crack cocaine. This is in a city that is for its heroin problem and also have an exceptionally high rate of methamphetamine use. Of those arrested for delivering crack about 80 percent Now, because crack is not commonly were black. we can't use the result of the needle ingested. exchange surveyed to assess whether blacks over-represented those crack arrestees. among Nonetheless, it is very clear the focus on the crack market is what is driving racial disparity in drug abuse arrests.

Now, some have argued that law enforcement's tendency to focus on crack is a product of the crack market's unique characteristics. And what I am -- the analysis that I have conducted are showing that there are some differences between the crack cocaine market and other drug markets, but that these differences cannot explain why so many of the arrestees are arrested for crack offenses.

That is true for several reasons. First of all, while it is true that crack users tend to make more frequent purchases of crack than users of other drugs, and it is also true that crack users of the group are slightly more likely to make those purchases

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outdoors. So if you have a crack user and a methamphetamine user, on average the crack user will tend to engage in transactions that put him or her at higher risk of arrest.

However, if you are interested in drug markets as a whole or the nature of outdoor drug transactions as a whole, you need to combine that information with some estimate of how many people are using each drug. When you take all of that information together, it becomes very clear that the arrests outcomes are not reflecting what drugs are being sold outdoors in Seattle.

Just to give you some concrete numbers. My preliminary estimates suggest that about 10 percent of all outdoor drug transactions involve crack. percent of all drug over 60 have seen transactions, or excuse me, arrests in this city, involve crack. So the frequency with which crack is sold cannot account for the fact that the SPD is overwhelmingly arresting people enmeshed in the crack market.

This supposition that I have just put forward is further supported by observations of two outdoor drug markets in Seattle. A local health expert and director of Street Outreach Services, Chris

Neural was asked to conduct extensive observations of two local drug -- outdoor drug markets in Seattle. According to his observations, the downtown market which is where the disproportionate number of arrests are occurring, is actually dominated by heroin. And yet the vast majority of the people arrested there are arrested for crack.

What appears to be going on there is that the heroin market is racially heterogeneous but dominated by whites. The crack market is dominated by blacks. And so somehow the arrests that are occurring downtown involve crack offenders who are disproportionately black.

So again, we have an outdoor drug venue that is dominated by heroin, and yet the arrests that are occurring are arrests -- are leading to the arrests of crack offenders.

The second point I would make is that there is no evidence to suggest that the Seattle crack market is more violent than other drug markets. Although the crack trade has been associated with high levels of violence in some cities at some times, this does not appear to be true in Seattle during the current time. And actually that is even the position of Chief Gill Kerlikowske, who has reported that the

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crack trade in particular is more quality of life issue than an issue of violence.

from the SPD's obtained records We anti-crime teams who conduct a lot of the narcotic And according to those operations in the area. records, crack offenders are actually less likely to have guns in their possession at the time of their arrests. Specifically during the 28 month period we are studying the team conducted thousands of narcotic operations, but seized only 58 guns. Fourteen of these were seized in conjunction with crack arrests, fourteen with powder cocaine arrests and seven were heroin arrests. Given that most of those operations were directed against crack offenders, those numbers actually suggest that crack is less associated with gun ownership than the other drug markets that I mentioned.

And third, there is no compelling public health rationale for a focus on crack. Although crack certainly has adverse health effects, it is extremely difficult to focus what the SPD to explain or justify the SPD's focus on crack in public health terms.

Between 1999 and 2001 the Office of the King County Medical Examiner attributed 248 deaths to heroin overdose, but 99 deaths to cocaine overdose and

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that includes both powder and crack. Furthermore, the health consequences of intravenous drug use, which is and secondarily likely to involve heroin methamphetamine and powder cocaine, are arguably far greater than those posed by crack use. That begs the question of whether we should be addressing a public health question through law enforcement. But in any case, there is no public health rationale for the current focus and prioritization of crack cocaine.

So in conclusion, it appears that racially disparate drug arrest rates in Seattle are largely a function of the SPD's focus on crack cocaine. It is not clear to me at this point whether the SPD is targeting blacks and therefore arresting primarily crack offenders, or if they are targeting crack and therefore primarily arresting blacks. But in any case, this may be an irrelevant distinction, insofar as there is no racially neutral explanation for focusing on crack.

It appears that the -- the focus on the crack market reflects a racialized conception of who and what comprises the drug problem in Seattle, and I conjecture across the nation as well. Law enforcement's enactment of this conception means that some drug users and deliverers are much more likely to

1	be arrested and punished than other similarly-situated
2	drug users and dealers.
3	As a result of federal and state policies
4	that deny drug offenders social services, access to
5	public housing, and eligibility for educational loans,
6	this may amount to a life sentence. Thank you.
7	CHAIRPERSON BERRY: Thank you. We will
8	have some questions for you. We will go to the other
9	witnesses and come back to you, but I am dying to ask,
10	how do you take crack?
11	MS. BECKETT: Smoke.
12	CHAIRPERSON BERRY: Smoke it. In a pipe
13	or something?
14	MS. BECKETT: Yes.
15	CHAIRPERSON BERRY: They don't make
16	cigarettes like marijuana?
17	MR. MACK: Sometimes they can lace it like
18	that, Ms. Berry, sometime.
19	CHAIRPERSON BERRY: All right. Mr. Mack,
20	please.
21	MR. MACK: Thank you.
22	CHAIRPERSON BERRY: Thank you for coming.
23	MR. MACK: Yes, Ma'am. Thanks for the
24	invitation. So again I am chief servant of the Seattle
25	King County branch of the NAACP. Our organization
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resides in the city that at one time was considered the most liveable city in the country. But now I can say that I think I live in a county named for an individual whose name is synonymous with civil rights and equality, and yet I have witnessed that name being used effectively, I might add, to justify the erosion of those civil rights and equality while organizations with names like Washington State Commission on Civil Rights, EEOC, Seattle Office of Civil Rights have become nothing more than agents for that erosion. Agents because they are sitting there as lions, but they're toothless and clawless. They won't do anything even in the face of discrimination.

And I understand I offer somewhat negative and subjective opinion to that, but let me offer this as witness or as facts as to why the country's oldest civil rights organization in the city, the oldest civil rights organization with us being 90 years old here in Seattle and 95 nationally. Let tell you or offer this as witness to why we feel that way.

First of all, we live in a quote, liberal state, that is only one of two states that have ever outlawed affirmative action.

Second, I live in state where we make up roughly three percent of the population statewide.

Yet ten times that amount of our people are incarcerated. I live in a city, I live in a county that regardless of the circumstances has never brought a law enforcement officer to trial for the killing of an African American, yet they saw fit to arrest me for protesting such a killing. And I had to face a jury of my peers.

I live in a city, I live in a county that on the eve of fifty years since Brown versus Board of Education, one could easily argue that my children are doing far worse in education today with all of the resources that we have, with two of the richest men in the country living in this area than we were when I went to school 25 years ago.

Twenty-five years ago when I went to school I went to an all black high school, two, three, four hundred graduated out of my class. Maybe, maybe three African Americans didn't graduate. Maybe a handful were in special education. Today, at the flagship schools in this city, Garfield, damn near half of my children are in special education. Over half of them are failing one or more courses.

One could probably argue that part of this reasoning is because I live in a county where I have seen districts justify slamming my children into

lockers, handcuffing them and then in some cases handcuff them so tight that they needed the fire department to come and remove those handcuffs, cut them off.

I live in a county, I live in a district where I have seen a teacher, and I should debate as to whether or not I should call him a teacher, an individual who because my child used the term gay to describe an assignment saw fit to now call my child a Niger in front of his classmates and the whole country as far as we are concerned. And his punishment for that was not -- it was merely a slap on the wrist by the Seattle School District. That same school district loses 34 million dollars.

I live in a county where I have seen a senator in this state down in Olympia in an argument with another senator in his quest to insult him in the most derogatory way he can, tells him he is like a Niger in a wood pile. And what does the Senate assembly do? They give him a standing ovation.

I live in a county where a public institution, the University of Washington, takes an individual who is a known racist, a well-documented racist, and against the cries of this organization and this entire African-American community, they erect a

1 | statute for him on public grounds.

I live in a county where hundreds of millions of dollars of tax payer dollars are flowing through this county through organizations like City of Seattle, Seattle Housing Authority, Seattle School District, Sound Transit, and the Port of Seattle. And then they look at us and offer us 1/8 of one percent of those contracts and say everything is equal.

But I also live in a county named for a man who has told me it is okay because he promised me it would not be easy. He promised me that we may get stirred up a bit in fighting for it. But he gave us the resolve to continue to fight to agitate.

And I live in a county where fortunately I can still hear the cries of Frederick Douglas when he talks about agitation. And he said this: "Any man who professes to favor freedom but detests agitation is a man who wants crops without plowing his field. He wants the ocean without its awful roar. He want rains without thunder and lightening."

So even though I live in a county with these kinds of problems, I live in a county that is going to see us as thunder and lightening. I'd like now, for Mr. Bass to speak on the issue of education.

CHAIRPERSON BERRY: Go ahead, Mr. Bass.

MR. BASS: I am a retired administrator of the Seattle Public Schools, and I have been preparing lately to make a presentation on the symposium that is going to be held in April and it is concerning the Brown and the civil rights movement in the northwest.

I was a principal at Garfield High School which was considered the elite school in the city of Seattle. And I became the principal of that school when it was on the verge of closing. I had a lot of responsibility because that was the focus of our community much like our churches, school.

I should mention that I am from Kansas. I know the difference between de facto and jury. Although Kansas was de facto, I understand what it is like to go to an all black school until I got ready to go to high school. And then they said we couldn't go to the two middle schools. I used to have to walk past all of our schools to get to my school, which was Douglas.

But I'm also proud to say that I just attended my 60th high school class reunion, a little town called Pittsburgh Kansas. And there were only five of us in the year book that year. There was only five of us still living that are black that attended that high school. I was really proud to go back to

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that when I had failed to go back many times to give them my experience. I had experience of having to attend that class or that school.

I am very disappointed Garfield High School. I have been attending many, many meetings concerning that school. Over 61 percent of the students are getting D's and N's. I am surprised that we talk about privatization and charter schools, and we have a foundation that funded a school for almost eight years, and now we are talking about testing of students and not one student in that school passed a WASL test in math. And every student there got \$5,000 more dollars per pupil than any other school in the district.

am challenging the In all fairness I district because that same foundation has now been authorized to open another school. And again, they will have \$5,000 more dollars per pupil. challenged the school district that they have done something illegal. Now they understand that they are going to write a Memorandum of Understanding that says that the interim superintendent, who is superintendent of the Seattle School District, will school board Memorandum present tó the a Understanding that will then make it legal. I haven't

gotten that yet, but they promised to address those 1 I have asked for public disclosure on what 2 are you going to do with all of these interim schools? 3 When I first started with the Seattle 4 School District, we had almost 100,000 students in 5 And now we are down to less than 6 this district. 50,000, in fact, less then 47,000. It bothered me 7 that we can pass a levy and we can spend more money 8 9 than the capital funds putting roofs on leaky buildings that are empty, and they have not yet told 10 11 me what they are going to do with the interim schools. I used to travel quite a bit when I worked 12 down at the district office, particularly to implement 13 14 the desegregation plan that we implemented in the 15 Seattle School District, and by the way, we are the 16 only school district that ever implemented a plan 17 without the court order. 18 (Loud noise.) 19 CHAIRPERSON BERRY: What was that? 20 VOICE: It was the light. It was ready to 21 go to red and fell down. 22 MR. BASS: Ι amgoing to stop mγ 23 presentation right now, but I am prepared to -- I 24 think that was a signal for me to stop. So I am going 25 to.

1	(Multiple voices)
2	MR. BASS: But I just want to say I am
3	very concerned about what is happening in the Seattle
4	School District because I can say that our students
5	are worse now.
6	And I just want to make one quote. Julian
7	Bond: The battle for equal education for students of
8	color has moved from the segregation of schools a half
9	a century ago to high stake testing. Public education
10	was a civil rights issue then and it is a civil rights
11	issue now. And we are still involved, and Seattle has
12	not completed that mess. Thank you for your time.
13	CHAIRPERSON BERRY: Okay. Thank you very
14	much. Mr. Mack, what do you have?
15	MR. MACK: Mr. Rye.
16	CHAIRPERSON BERRY: You want Mr. Rye to
17	speak now?
18	MR. MACK: Yes.
19	CHAIRPERSON BERRY: Okay. Go right ahead.
20	MR. RYE: Eddie Rye, Jr. One of the
21	cofounders of Black Contractors Coalition of Seattle.
22	Currently, the first vice president and former
23	national board member of the National Black Chamber of
24	Commerce
25	I am here to address specifically some

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issues that have been around for a number of years. discrimination in business it has been And As Mr. Mack alluded to, this state opportunities. passed Initiative 200 in November of 1998. And it was because of the fact that a lot of people were alleging people of color, and particularly African that Americans, seem to receive the brunt of this were receiving preferential treatment.

In 1996 the state of Washington had a disparity study done by a firm Mason/Tilman out of Oakland, California. And just to give you a guick highlight of what people were opposing. Between 1994 1996, African Americans represented 4.76 available firms. They received 0.33 percent of the contacts. Caucasian males represented 72.74 percent of available firms. They received 89.36 percent of architectural the prime contracts. In and engineering, African Americans represented 3.56. received 1.23. Caucasian males represented 57 percent They received 85 percent of the of available firms. contracts. In consulting services African Americans represented 6.12 percent. They received 0.12 percent. And Caucasian males represented 55 percent. received 86 percent of the contracts. The list goes on and on and on. And this is in 1996. And the state

just rushed to eliminate. I guess people aren't satisfied when they don't get 100 percent. I am going to make all of this information available.

In 1987 one of the contractors went to the FBI to talk about fraud and abuse of the contracting system that was going on. This person has a letter here from the Justice Department. I will give you a copy of that. There are notes from the FBI's file. There are other information about where the feds were investigating these contracts.

Well, two lawsuits were filed. First of all the Grand Jury finished — the task force finished their work in 1990. It was referred to the U. S. Attorney. It sat on his desk for six months. It was determined the U. S. attorney was on the board of trustee at Creighton University with the chairman of one of the firms being investigated, Peter Kewek and Son. He moved that findings on to Washington D. C.

In 1993 the United States government filed suit against two firms even though as many as 20 majority male firms were involved. They filed false claims suit against two. All of African Americans that they ran out of business were never made whole. We lost 80 percent of the black contractors by the time I-200 even passed. And the fact is that the

companies that committed these egregious violations never missed a paycheck. But all of the folks they ran out of business never received anything. And to fine somebody a slap on the wrist is just ridiculous. I have documentation I am going to leave with you

And we have a very difficult time when we can't get -- and the Grand Jury agents told us wide-spread fraud abuse indictments are eminent, but, you know, we have a report filed with the U. S. Attorney in 1990, a lawsuit filed against two by the Justice Department in '93. And in '96 they announced that they slapped two people on the wrist. So between 1987 when this Grand Jury investigation started, to

1996, the wheels of -- they say justice delayed is

justice denied. In this case as far as black folks go

justice delayed is justice denied.

The only time there is swift justice is when they are putting black folks in jail. One of the reasons why we have so many young black men going to jail right now is because on publically funded contracts, the city, county, and state have no requirements, whether it is federal money or not, to mandate black folks work. We pay taxes, we die in Iraq like we have died in every war this country has

ever fought. But we always comes back second class citizenship. It needs to end. All of the information is there.

There is a Grand Jury file that is sealed right now that has all of the wrong doing in it. We want people to unseal that. Let's see what is going on. A lot of black families that could be made whole. So one of the reasons why we have a problem with so many young black men going to jail, they don't see black men working on contracts that we are paying for as taxpayers. So you paint a very horrible picture when young black men are getting out of the school, walking past construction site, never seeing a black man work.

My folks can't afford no \$150 for these tennis shoes. I am going to do what I have to do. They call it being a man. But sooner or later they are going to end up going to jail. And the reason that happens is because we have got some stupid thing called mandatory sentencing guidelines. Seventy percent of the Martin Luther King, Jr., general budget is used for the criminal justice system. The Justice Department gets 80 percent of the general fund money.

We, this state has so many folks in jail, we have a contract with Nevada. We have 200 inmates

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VICE CHAIR REYNOSO:

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I have a question so

far as I know your study might be the first study that 1 actually looks at patterns of arrest. Is that your 2 understanding? 3 There are others who have MS. BECKETT: 4 looked at national trends and arrests. It is hard to 5 get the kind of detailed information that we have for . 6 Seattle, you know, type of operation, whether it was 7 crack or powder cocaine. Those kinds of details are 8 not typically available in the national data set. 9 VICE CHAIR REYNOSO: It seems to me that 10 the study that you are involved in may be one of the 11 more important studies along these lines because it 12 gets back to the issue of how the arrests take place. 13 Have you also looked at the regulations or 14 practices of the local police department that has led 15 to the statistics that you gave us. Seems to me that 16 is vital. And I assume, frankly, from figures that we 17 see nationwide, that other police departments may have 18 the same practices that local police department has. · 19 Seems to me that aspect would be very important. 20 21 have you found along those lines? 22 MS. BECKETT: Couple of things. 23 has actually a higher black drug arrest rate than most 24 other U.S. cities. The population is eight percent

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arrestees who are black is higher in Seattle than most other cities.

VICE CHAIR REYNOSO: Percentage wise?

MS. BECKETT: Percentage wise, yeah. If you calculated that into a rate it would be even higher. So I do -- I think that this is part of what it going on nationally, however, I do think it is more pronounced in Seattle. I can't confirm that because again the national data isn't broken down by crack versus powder in terms of arrests.

VICE CHAIR REYNOSO: I saw a study one time by the Ninth Circuit asking the question whether or not disparity on the basis of race and ethnicity in terms of the sentencing by federal judges, and the conclusion of that study was that it was not. That it is based on the regulations and statutes that the federal judges might have to utilize. And in some ways I really can't quarrel with that, but as you indicated it is a matter of who gets into the system and manifests in terms of the folks being sent to Ninth Circuit judges. prison by Ιt is way disproportionately Latino and black.

So the real issue, seems to me, is who gets into the system. And seems to me your study and perhaps similar studies are beginning to get into that

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issue, which I think is perhaps the most vital issue in the administration of justice, because when all is said and done, you look at the prison system and you what the percentage of African American and Latinos in the prison system or Native Americans in invariably Dakota, and South like places minorities are way over-represented. And so you break it down, and there isn't discrimination in certain aspects of the sentencing process, but the reality is that far greater percentage of minorities seem to get into the system and therefore end up in the prisons. Does that make sense to you?

MS. BECKETT: Yes. Yes. That is sort of the philosophy behind doing -- focusing on law enforcement in the first place.

I do think as I mentioned in my -- a few minutes ago, there is some evidence that there is also discrimination, prosecutors exercise a tremendous amount of discretion. They're deciding who to charge and what to charge with. It can be a source of discretion and discrimination. And in many places that does occur also.

Increasingly mandatory sentencing laws tie the hands of judges. But I do think that -- it is not . to say that there is discrimination in the courts, but

clearly this is an important part of the pictures. 1 VICE CHAIR REYNOSO: Thank you. 2 I had a few questions 3 CHAIRPERSON BERRY: just quickly. First of all, is Ms. Pramila Jayapal 4 here? No. 5 Let me just say that first of all, we did 6 this study in South Dakota that Commissioner Meeks was 7 8 mentioning earlier on the administration of justice, 9 the Native Americans and we found pretty much what you And we found that there was disparity. 10 11 were disparities in the use of prosecutorial discretion. And when we -- everything from arrests, 12 all the way through the system. 13 14 And we -- when we first -- our State 15 Advisory Committee did that study, the first reaction 16 from the political officials in the state was that we 17 didn't know what we were talking about. And they 18 denounced us and called us a bunch of dirty names. 19 But the guy who called me those names, I guess he is 20 going to go to jail for something else. He is in 21 jail. But anyway, the Lord works in mysterious ways 22 his wonders to perform. 23 But in any case, then finally 24 conceded we might have a point and they had a 25 professor do another study which confirmed what we

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found. And now we have a task force or commission to work on the issues. So it doesn't surprise me that you found this.

But what I would be interested in is, what does the police department say when it is made aware of the kind of data that you have unearthed in the interpretation?

MS. BECKETT: The reason I have access to this data is that I am working with the Racial Disparity Project out of the Defenders Association. And they obtained access to the arrest data base as a judge ordering, granting discovery. result of a Normally -- Seattle is not one of the many cities in the country that reports its arrest statistics to the federal government. So normally, that information is not available and that is actually one of the key They have been working very sticking points here. hard to make it difficult to get access to that It was again only obtained because of information. litigation by the Racial Disparity Project.

So the data -- so it is in that context. It is in the context of a criminal case in which the defense is arguing that, I believe it is 12 black defendants, the evidence should be dismissed because it was collected in a discriminatory way. So it is in

the context of that criminal case I obtained.

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So far Chief Kerlikowske has reiterated that their department has an anti bias policy and has assured the public that arrests are made in a lawful manner, which may or may not be true, but really isn't the point the study is addressing.

Well, in CHAIRPERSON BERRY: other communities where we have done studies, I just gave you the South Dakota example and what happened, but in when we did our big police like other places investigation in New York City and other places where we have been, the immediate reaction has been to say nothing is wrong and whatever. But eventually the recommendations that we make are implemented by the political officials in a very low key way. We don't make public announcement. Now we are implementing -after they have been screaming and yelling for months about how we don't know what we are talking about, they figure out that they might as well do whatever it is because it makes sense, and because they won't get sued so much and have all of these civil cases. maybe the Seattle folks will come around to the same conclusions.

But when you gave us the testimony, it is so graphic, because what strikes you again and again

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in these cases is how unfair it is to — when we know that drug addiction, which is behind a lot of these people that get involved in selling and trading because they're addicted, and we know it is a medical problem, and we know the absence of treatment so then you get people sucked into it. And then they get arrested for being sucked into it. And arrested according to your study, if they are involved with crack as opposed to something, which medically does not really have that much difference, and then they get to go to jail. And then it is not only the impact on the people, but the impact on the community from which they come, the families, the community, the children.

And elsewhere, I don't know about here, but elsewhere, disproportionately women, Latino and African America women are being arrested in larger and larger numbers. I was in Ohio the other week, and one of the members of the parole board told me that disproportionately, black women and Latino women coming through their system in the same way in much larger numbers while we still talk about the men.

Anyway, your testimony was depressing but, it was very, very useful and informative. And I look forward to seeing the study that you submit.

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That has become the new

to change their culture.

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MR. MACK: I wouldn't say it is culture.

Whereas 25 years ago, if what you are

Mr. Mack, something struck me that you and

Mr. Bass were talking about how the school system was

years ago. And you said 25 years ago arguably, people

were getting a much better education in those all

know, a lot of people nowadays say the reason why

black and Latino children drop out and are not passing

the standardized tests at the same rate and all, is

that we culturally are not interested in education;

say we don't have culture. And then they go away, and

they come back, and say we don't have it. And so now

it is a mantra that we are just not interested in

education, and that one of the things we have to do

for the have nots is to find a way to make them

What has happened to the culture of black people if

saying is correct, and in schools at Garfield people

would graduate and do all of that and now they don't.

What happened if it is culture. What happened to the

culture of black people from 25, years ago to now in

It comes around about every 40 years; they

that we have bad culture.

interested in education,

that is true?

black schools than now if I heard you right.

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I don't think anything has happened to it. It has You know, Ms. Berry, Ι from denied. ambeen Mississippi, from Jackson, Mississippi. So my -- when I speak of 25 years ago I am talking about 25 years ago at my all black high school. And I would dare say in my very informal survey of talking to other black folks not many of us can remember that, you know, 40, 50 percent of our black children not graduating. None of us can remember that. None of us can remember that large of percentage of us being placed in special education.

But I'll say this, I would think there are four components wrong with the educational system: children, schools, community, and parents. Of the least of those I would blame children. First and foremost I would blame black parents, so I am not twisted in that sense.

But I will say this. The one thing that schools don't do. I first learned about you maybe ten years ago when I finally began to fulfill my education, because I looked at education as having four components. There is a spiritual component which makes you believe in something bigger than yourself. There is a cultural component by which you need to know who you are. There is a training component,

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which is what schools do. And then there is a 1 financial component. 2 I never had the cultural component until I 3 graduated and came here and furthered my education. 4 And I learned about your greatness as a black woman 5 and you inspired me, along with many of our other 6 ancestors, past and present. I think that is what is 7 8 missing from our children. They don't know who they They're being defined by society, by the press, 9 by the media. We can't raise our children the way we 10 11 used to. What has happened to our culture? 12 13 been absorbed. We've allowed it to be turned over and 14 defined by America. The same way we raise our 15 children. You remember when you did wrong and what 16 would happen in your community to you by everybody in 17 your community, extended family and otherwise. 18 same with me. 19 Today society is trying to tell me I can't 20 discipline my own child. You heard 21 staggering number with the cost of what they are doing 22 with building prisons here. 23 I quarantee you with the one -- I got a 13 24 month old right now. Should he act a fool, I am going 25 to put discipline on him because that discipline I put

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on him is going to keep him out of those prisons. And if society tries to come and tell me I can't do it, they are going to have an issue with me. So the culture has never been there from the standpoint of teaching our children. And then we as a people, because we are chasing the almighty dollar we are letting it erode.

But the schools, they have no understanding of how to deal with our children. They're quick to place them on this medication, they're quick to throw them in special ed, they're quick to throw a high level of discipline on them. They're quick to give up on them.

I got a letter right now in our presence where an official from the Seattle School District, and I know I got some board members here from the Seattle School District and I can see them and we are very proud of them. Sister Flynn is in the But I got a letter from one of background. schools in West Seattle who said that because the child was failing he needs to seek different alternatives, so they basically have given up on him. So that is what is quickly happening here. Education -- educational institutions are quickly giving up on our children, yet come every year come levy time

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they're asking us to give more money. They are trying to make me feel guilty as though if I don't vote for that levy I am hurting my child. How much more can I hurt my child?

So I, you know, it is -- I don't have a panacea for the fix on it. I think there are a lot of different elements that come into play. And certainly, like I said, I think those four components all have something to do with it. And I'll cut my long-winded answer.

CHAIRPERSON BERRY: Okay. I want to thank the panelists for coming.

Yes, Mr. Bass.

I wanted to respond to the MR. BASS: question about the culture. I personally reject the notion of black inferiority. I personally reject And as principal at Garfield High School, I think the most important thing that I could have done for that school was to develop a climate where the students, staff, parents, community felt good about And that was my highest priority. I guess I am it. few principals that took over of the all discipline, suspensions, and all of that in the school because I wanted, at that time I wanted to hold the parents accountable, the teachers accountable, and the

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students accountable, because all of them had a definite role to play in the education of those students. The attendance in that school went up to 89 percent of attendance.

My graduates, I am proud to see them And some of them have gone through the penal institutions. also know some that But Ι prosecuting attorneys, they're lawyers, they're doctors, they're dentists, and they're in the other professions. No, we were not doing no high class testing at that time, but they were clearly able to demonstrate those kind of proficiencies that have made them successful in the world of work.

I think that is one of the primary things we must do now is to restore in our youth that you can make it. I hear people reject sports in the program. But as a young black man, or woman, where do they see accomplishments every day on the TVscreen and Sports is a way. When I was newspaper, et cetera. coming up and some of us, it was education was our only hope. That was the hope that we lived for. I am personally proud to say that of all of the people who came to this country, that were stripped of everything and denied the right to read, to write and compute, and all those things, I think that we have

come a long ways in spite of all of the things that 1 they have done to discourage us and to limit the 2 access to education. 3 Thank you. I CHAIRPERSON BERRY: Okay. 4 5 think --Berry, can I say this 6 MR. MACK: Ms. before I leave. Just one quick thing. And that is in 7 listening to testimony before we came up and in 8 9 listening to all of this, the one thing I haven't heard, even when the professor gave her data, and the 10 11 gentleman responded to it, race does matter. It still 12 matters. People want to blame the process. They want 13 to blame whatever. Race matters. That is why the cops are arresting us at alarming rates. 14 That is why we 15 are disproportionately in prisons. And I would love 16 to hear this Commission fully and loudly say race 17 Don't hide behind no data. matters. Don't hide 18 behind procedures and processes and guidelines. It is 19 race. 20 CHAIRPERSON BERRY: Okay. Thank you very 21 much for coming. We appreciate it. 22 will ask the last panel Wе 23 forward. Dean Knight, Ms. Darlene Flynn and Ms. Maria 24 Rodriguez Salazar, you can come up. Is Ms. Maria 25 Rodriguez Salazar here? Yes, she is. You are right

over there, Ms. Rodriguez. Okay.

Dean W.H. Joe Knight, Jr., of the School of Law at the University of Washington is going to speak to us about the impact of I-200 on higher education in Washington State. In particular, it's effect on diversity and enrollment at the University of Washington Law School. As everyone I am sure recalls, I-200 was passed in 1998 and prohibits the state from using race or ethnicity in deciding student admissions and in forming contract awards.

Before arriving at the University of Washington in 2001 to serve as dean, Dean Knight was a professor at the University of Iowa, College of Law where he specialized in commercial law and in Iowa City occasionally went to the Hamburg Inn and had a pork loin sandwich. Or at least he knows what I am talking about. He never went there because he is a vegetarian.

From 1997 through 2000, Dean Knight served as vice pro host of the University of Iowa, is that correct? DEAN KNIGHT: Yes, Ma'am.

CHAIRPERSON BERRY: All right. Then we are going to have Ms. Darlene Flynn then.

Well, let me introduce Maria Rodriguez
Salazar next. Ms. Maria Rodriguez Salazar is the

president of LULAC, League of United Latin American 1 Citizens, Esperanza council in Brewster, Washington. 2 And she will be speaking about the challenges and 3 obstacles faced by Latino students and children of 4 in obtaining equal opportunity, 5 migrant workers equality K-12 education in her locality in Eastern 6 7 Washington state. She has been a diligent worker in the 8 health care field and as a Catholic youth minister for 9 13 years. She has been active in coordinating and 10 helping medical teams to deliver health care to rural 11 areas in the United States, Mexico, and Honduras. 12 We are going to begin with you, 13 Knight, and I'll introduce Ms. Flynn when she arrives. 14 15 Please proceed. 16 Thank you, Dr. Berry. DEAN KNIGHT: delighted to know that you do know something about 17 18 Iowa city. I do not eat pork, but I do know the 19 Hamburg Inn. 2.0 (Loud noise). 21 I am honored to be here before members of 22 the United State Commission on Civil Rights. 23 have some slightly prepared remarks, I quess we could 24 say. But before I make my prepared remarks, I want to 25 leave you with three words that I think are the most

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important when we talk about I-200: environment, pipeline, and support. And as my remarks continue, those will be the focus of the things we talk about, environment, pipeline, and support.

Historically at the law school at the University of Washington, we have valued diversity. Our very first class, which was established in 1898, our very first class had 12 members in it, and three of those members were women, one person was an African American, and one person was a Japanese American. So we have valued diversity throughout our history. are a comparatively small law school as law schools Our total student body enrollment for the Juris Doctorate degree is 702 students, excuse me, it is 550 students. Our total enrollment is 702 students and that includes roughly 145 graduate students who are either seeking the Ph.D. or the LLM degree in law.

Washington state, on the other hand, is a comparatively small minority populated state. add all African Americans, all American Indians and all Hispanic Americans, and exclude Asian Americans, the total of black American, Indian, and Hispanic is 12 and a half percent in our state.

Within our enrollment in the law school, when I include both the JD and LLM and Ph.D programs,

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there are 130 minority students, which represent 18 and one half percent, which to many people sounds as if it is a great number. However, if we begin to analyze that percentage and those numbers, we discover that within that 702 students a total of only 55, 7.8 percent are under-represented minority students. And under-represented minority students have African American, Latino and Hispanic included American, and Native American students.

Law school minority enrollment breaks down as follows; the total population in the law school. There are 15 Native There are 15 African Americans. There 25 Hispanic and Americans. are Americans. And there are 75 Asian Pacific Islanders and Asian heritage Americans in our law school. The 55 under-represented minority students at the School of Law constitute 44 percent, I want you to hear that number, 44 percent of all of the professional students at the University of Washington. That includes dental That includes medical school. That includes school. pharmacy school. That includes the law school. professional schools. We account for 44 percent of the enrollment. So on the one hand one can, in fact, refer and look at our history in the context and in the context of the University of Washington we haven't

done so badly as a law school.

However, I think there is much more than we, in fact, can do. And I think that there is much more that our University, in fact, can do.

I-200 was a Washington state voter passed initiative in 1998. It occurred slightly after California's Proposition 209 was passed, because the same people who proposed Proposition 209 then left California to identify Washington as its next target state.

And I-200 has as its essence, a prohibition of the use of race as a consideration in admissions or state employment. And following the passage of I-200, the enrollment of under-represented minority students fell from 81 in 1997 - '98 to 39 in the span of two years. Since then we have gone from 39 under-represented minorities to 55. We are making some progress there but clearly not enough progress.

And I think that part of the reason we are not making more progress is that we are -- first word I left you with, environment. It is truly important to understand that the concept of environment is one that students perceive very quickly, that faculty members perceive very quickly, that staff and community members perceive very quickly. And I am

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afraid to say I believe we have not created the best environment. We aren't seen as welcoming an I-200 to anyone who is not a citizen of the state of Washington and to many citizens of the state of Washington is a statutory effect from a proposition that, in fact, discourages, and, in fact, signals that we are an unwelcome community to people historically of color. That is a problem for us.

The second problem for us that is part of you heard earlier. That is the issue what The pine line is a problem because we are pipeline. going do have to recruit students not just Washington, but we are going to have to recruit students of color from around the country. And we are going to have to find and make certain that many of color and all students are properly prepared for graduating professional education.

Our law school is unique in the fact that we have historically prided ourselves on very low tuition. Our tuition up until two years ago was \$6,500 for a law school education per year, which is really unheard of.

CHAIRPERSON BERRY: Is that out of state or in state?

MR. KNIGHT: That was in state. The out

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of state tuition was \$10,000.

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CHAIRPERSON BERRY: Still cheap.

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Incredibly cheap. MR. KNIGHT: But our diminishing set of support for higher education from our state, the state of Washington provides for the University roughly 15 percent of the University's operating budget. And the state of Washington, with respect to the law school, provides roughly 21 percent of our operating budget. So when you are looking at 80 percent of your budget coming from other places, what we have had to do over the course of my deanship, which has not made me very popular, has been to double our tuition. And so our tuition is still relatively cheap in comparison to most quality law schools in the country with \$13,510 being the resident tuition and

But the change in the tenor, the change in the environment of our law school is also detrimental with respect to recruiting students of color. All highly-ranked law schools have tremendous scholarship and fund raising opportunities. I myself went to Columbia University Law School, and when I went more than 25 years ago, I received a half scholarship that paid for literally half of my tuition and half of my living expenses. We aren't at that point as a public

\$18,510 being the non-resident tuition.

institution at the University of Washington.

We are caught in a very terrible cycle of having to escalate tuition, not having sufficient state support, and having students who are, one, already encumbered by substantial undergraduate debt, now looking at graduate school debt, and looking at themselves and saying, if they have the offer of receiving financial support from another institution, they will go to that other institution.

And we are losing students. Most of the students that -- admitted students that we lose, admitted students of color, and in particular most of these admitted students we lose principally go to similarly qualified and similarly situated law schools around the country and they do so on the basis of merit and need based scholarships.

There are a host of things when you talk about environment. And I see I have a couple of minutes left. There are a host of things you talk about when you talk about environment that I think we have to pay attention to with respect to I-200 and its effect on the University of Washington. And that is faculty, staff, students, alumni and community. There is a perception, unfortunately, that our environment is not good. That perception can became reality. And

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that perception more closely becomes reality when we allow the language to be hijacked. And I think that we have allowed the language to be hijacked, and I would encourage the Commission to not allow it to diversity, Hijacking of word such as continue. affirmative action, quota, the myth of merit, words that somehow when we talk in the terms of people of color we think it is negative. That any person of color that was in a school got there because that person was of color, not because of that person's unfortunately achievements. Ι accomplishment or believe that we indeed have some faculty members and some administrators at my school who believe that.

The challenge is for us to change the time and quality of discussion. I believe that we can do that. I have encouraged our governor and our governor and legislatures have, in fact, suggested that after the Grutter decision at the University of Michigan Law School last summer, I encouraged the governor, and the governor has introduced legislation that would attempt to bring I-200 more closely into alignment with the prescription from Justice O'Conner's decision and the Grutter decision, which says race is and can be a factor. Historically race has never been the factor with respect to people of color gaining opportunity.

It has been the factor with respect to people of color 1 being denied opportunity. 2 look at But the challenge now is to 3 Grutter and recognize race can be one of many factors 4 with respect to providing different and quality equal 5 6 opportunity. My time is up so I thank you very much. 7 I have to tell the Commission that I do 8 have another engagement that requires me to leave at 9 10 about 15 minutes from now, so I'll stay as long as I 11 can, but I'll have to leave. CHAIRPERSON BERRY: What shall we do? 12 13 Shall we ask him questions or go on and then after the 14 next presentation ask questions? 15 VICE CHAIR REYNOSO: Let's ask a few 16 questions now. 17 CHAIRPERSON BERRY: Go right ahead Justice 18 Reynoso. 19 VICE CHAIR REYNOSO: What are the politics 20 of the state? Is there a possibility the state will, 21 through initiative, change I-200 in such a way that at 22 least in the educational field race and ethnicity can 23 be taken into account pursuant to the U. S. Supreme 24 court rule --25 DEAN KNIGHT: I think it will be very

difficult. Fifty-nine percent of Washington voters who voted in 1998, in fact, voted to establish I-200. So I think -- and that is the reason that we suggested to the governor and to some of our legislators that instead of proposing an outright ban or abolitional repeal of I-200, what we should do is we should modify and bring ballot initiative into comport with the United States Supreme Court decision. So I don't think we are going to succeed right at this particular moment.

And that is not to say that I am calling my citizens, my fellow citizens in the state of Washington racist or anything in that nature. I think the that the ballot initiative process is a difficult one in the Pacific Northwest and throughout the west where it tends to exist. Ballot initiative process, if you have very well organized individuals, they can present a matter that in many ways doesn't quite actively present the case that is really being voted upon. And we have some very skilled people in the state of Washington doing that.

VICE CHAIR REYNOSO: And I take it that despite I-200, and you talked about particularly the environment that have developed, the issues of pipeline and support can go a long way to ameliorate

the situation of I-200. And if the state puts a lot of emphasis on pipeline and support, despite the report we heard earlier about the problems in the state, that would at least in the future have some good effect.

DEAN KNIGHT: In my pipeline and support comment, which I did not get to because I was, unfortunately longwinded, I intended to tell you about some of the programs we tried to establish at the law school. They include freshmen and junior seminars that introduce students to the law. They include separate classes and workshops on diversity and admissions in law school. They include, and we urge law, we urge undergraduate students to take the law school admissions test preparation course. And we have actually been able to solicit private donors, financial support, to encourage students to do that.

Long term, we recognize we have to make outreach into our high schools and our junior high schools and elementary schools. And every year, we bring at least five different school loads of children to the law school from the fifth grade until seniors in high school to introduce them to the law and to talk with them about the ways in which they have to prepare themselves in elementary, in junior high and

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senior high and in college to be ready for the opportunity of law school.

VICE CHAIR REYNOSO: That you represent 44 percent of all of the students in all of the professional schools, is both a compliment to the law school but an element of disgrace for the other schools, because they clearly have not been doing what the law school has been doing in terms of pipeline and support seems to me. Thank you very much.

CHAIRPERSON BERRY: Well, one of things that happens with this whole topic is before Grutter was decided I was speaking to the, I think the law school, ALS or something, in which I said that if Grutter went the other way the likelihood would be that institutions would start opting out of the SAT and eventually opting out of the LSAT, because clearly justify excluding could not demographically you taxpayers children as things change based on especially the standardized test scores when organizations that produce the test scores tell you that you should not use them as the only predictor. And many schools continue to do that because it is easy to sort things that way.

Well, everybody who was at that meeting sort of agreed with me. But then the case comes out

differently, which I think reinforces those who wish to maintain the hegemony of standardized test as if they somehow end all and be all of everything. And I continue to find it appalling because all of us know very bright students who don't do well on standardized tests. And we know students who do well on them, who as I tell everybody the story about my law school the guy who did almost a perfect score on the standardized LSAT flunked out the first year because he never could learn the rule against perpetuities or anything else about property.

(Laughter)

But in any case, so that -- and I have sent students to places that did well on LSAT and not. So anyway, we got this hegemony of test scores.

One of the things I wonder about, why California seems to behave differently than Washington state in response to the ban on affirmative action. For example, in the University of California when Atkinson (phonetic) was the president, he came up with some modifications in admissions requirement, for undergraduates at least, so that you would minimize the impact of those standardized tests without taking on the issue of race or without trying to overturn the proposition that was passed there.

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Is there any sign in Washington, and I already asked Mr. Brooks this, is there any sign in Washington state that anybody sitting around trying to figure out ways to deal with this issue rather than just head on confronting, can we change, you know, what the voters passed? There are lot of ways to have requirements for people without bluntly saying that you are doing it based on race.

At our university I believe MR. KNIGHT: that we have a weddedness to rankings, a weddedness to we objectify ourselves as or how how we use institution. And as you point out, Dr. Berry, notion of standardized testing, I sat on the board of trustee for the law school admissions council for two And one of the more of the past three years. interesting things that the people who create the test tell you, it is a very good predictor and it is the best predictor we have. It predicts at a 70 percent accuracy rate likely success in the first year of law school.

CHAIRPERSON BERRY: And that is it?

MR. KNIGHT: That is it. It does not predict success in the profession. It does not predict success in terms of passing the bar; does not predict success in the second or third year of law

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school, only in the first year. And as I like to tell students and my faculty colleagues, I think that we are always looking to try to make something easy and admissions to law school should not be easy. And the fact of the matter is, in higher education you have far more people seeking to get into a very limited number of spaces.

And we in the university have not figured out a way to accommodate. We can't bring everyone in, so we have to figure out how we narrow the base. we narrow the base on the basis of what we objectify as numbers. And so we objectify the numbers and say a 4.0 is better than a 3.8. Now if the 4.0 that you have in history, Dr. Berry, is the same thing as a 4.0 that I have in basket weaving, most admissions people don't believe that. If the 4.0 that you have, Dr. Berry, from the University of Pennsylvania versus the 4.0 that Ι have from the Joe Knight Evening Correspondence College, it is not the same thing.

So are already making subjective decisions in our admissions process with respect to grade point average. We indeed even make subjective decisions with respect to the LSAT. The real significant tests and predictabilities, the performance level, predicted performance levels of

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students, really don't change until you have a ten point spread. So a young person who has a 160 on the LSAT is likely to do better than someone who has a .150, statistically showing. But someone who has a 158 is not anymore likely to do better than someone who has a 160 or a 162. You really have to get to a ten point spread.

our admissions make most of Yet we decisions in law school based on the numbers alone. In the university, University of California, to get to your specific point, I think that there is a little It is a much larger state. bit more creativity. California is now a majority minority state, and people do not like to talk about that, but it is. I think politically there is much greater pressure in California to begin to address matters than where we have 12 1/2 percent of our population, and if we included all Asians in our population, we still would be roughly only 1/5 of the total population.

CHAIRPERSON BERRY: Well, if Ms. Flynn and Ms. Rodriguez Salazar will indulge us for just another moment.

It seems to me, Dean Knight, that I don't why someone hasn't brought litigation understand precisely on the question of the use of criteria that

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don't predict and excludes them from fact in something. I don't care whether -- not on the grounds of race, but just simply summarily excluding people from law school or whatever it is based on some predictor that the people who formulated the predictor has already told you. It shouldn't be used that way. I mean, that in effect, in a way it is fraud or misrepresentation or misuse of criteria, so I don't understand that and why universities should be permitted to do that.

Also, when you say rankings, colleges and universities are concerned about rankings. My own university where I teach, we are very concerned about rankings. Most people are concerned about U. S. News & World Report, I guess, which somehow now has come the place to rank people. Don't tell me why.

But we manage despite that to use some play in the joints of the system to come up with certain levels of diversity.

And also, finally, we all know that law schools and probably including yours, admit lots of folks or some people whether or not they're black, white, Hispanic, or whatever, who don't have good test scores. A lot of them are not even blacks or Hispanics. They may be white. For all sorts of

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reasons, whether they have political connections or whether they are going to give some money to the school, or whether somebody has just used influence to get them in.

In fact, I have done that with people in law schools. Called up and told the dean, you know, I got to get this person into school. And they weren't black people. And it happens. So I don't understand why we can't crack this nut and why we can't be more flexible. Why we worry about rankings and why we worry

about all of these things.

MR. KNIGHT: Because we believe in tradition, I would suggest to you that is the answer. As academics we are dedicated to the past as opposed to looking forward to the future. We study the past. We praise the past, and we don't really ask as much about the future. And if we were to ask about the future, I think that we could indeed change things.

I have a mathematician on my faculty, a colleague that sits on the admissions committee. And he and I have had many a wonderful debate in his office about the ways in which we —he wants something objective that he can use as a basis. And then he says, well, let's do it this way. Let's define the floor. What is the minimum that it takes?

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And I would suggest to you of the 2,756 people that applied for our 191 spots last year, almost all 2.756 could be successful in our law school. So the floor, we could set at a very low level, and what he then suggests, Michael Townsend, suggests that we could actually throw darts at all of the names, pure random selection —

CHAIRPERSON BERRY: Which I agree it.

MR. KNIGHT: -- and would actually do a better job with respect to diversity than what we now use with respect to grade point average and law school test scores. I think that makes many of my colleagues uncomfortable and what Ι have challenged and my have also made my colleagues comments some of uncomfortable.

If you have people who are predicted to be successful in law school and you admit them and they are successful in law school, we haven't really done much as educators. The real challenge for any of us as educators, Ms. Flynn is an educator at the K-12 level. Any of us as educators, the real challenge is to take those who aren't predicted to be successful, and to help them learn to become successful.

And I am not certain we are yet willing at the University of Washington, in higher education

generally, even in public education K-12, I am not sure we are there yet. I hope we get there in my lifetime.

CHAIRPERSON BERRY: All right. We are going to thank you for coming. And you have not solved the problem, but you have shed light on it and we appreciate it very much.

MR. KNIGHT: I regret that I can't stay any longer, but I thank the Commission for this opportunity, and I hope we will see you again in Seattle sometime soon. Thank you.

CHAIRPERSON BERRY: Ms. Darlene Flynn is a school board member of District 2 in Seattle, and she is going to tell us about K-12 issues. She is going to give us the real story on providing equal educational opportunity and how Leave No Child Behind is really operating and Washington Assessment of Student Learning and charter schools and school voucher issues, and academic tracking. It is a big set of issues.

In 2003, Ms. Flynn was elected to the school board following her work as project leader on the Seattle Race Conference Organizing Committee. From April 1999 to December 2003, she served as a neighborhood development manager where she coordinated

the implementation of neighborhood development plans. Please proceed, Ms. Flynn. Thank you for coming.

MS. FLYNN: Good morning. It is an honor to be here. Thank you very much. I am going to stick close to my assignment though there are many things I could say based on some of the testimony I heard this morning with regard to public education, K-12 education here in Seattle. I am going to try to stick to my notes so forgive me if I read. I will fit in more that way.

I am a recently elected school board member here in Seattle. My background is that I am an accidental official, by which I mean that as recently as one year ago, running for school board and being on the school board was not part of my life plan.

I am first and foremost a former public school parent, advocate and activist for improved and equitable academic outcomes. So I am no apologist for pubic school system failures. I ran because of them and because of the untapped potential to deliver on public education promise of access for all.

To the degree that we continue to fail to deliver effective educational outcomes to all our children, we have a civil rights issue. There is no question about it. Quality education is critical to

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an individual's quality of life, access to economic security and ultimately to their freedom, happiness, health, and their ability to contribute to their community as a whole. The wealthy have always had access to education and to the degree that they believed it to be important throughout history they have educated their young. This has not been the case for under privileged members of society and is still an equity issue in our nation today. Because of this --I public education in 12 believer in absolute 13 shortcomings, with an on

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however, am, its spite commitment to behalf all addressing those shortcomings children and the society they will continue to build after you and I are gone.

So let me say that I also represent a district that is nationally known for voluntarily implementing aspects of charter schools, choice and even No Child Left Behind out of the belief that these theories are solutions to addressing the equity issues that manifest itself in the achievement gap.

elements that used The we specifically are collection of disaggregated data, we have been doing that for over 20 years, decentralized

board decision making to encourage 1 school entrepreneurialism and creativity, competition through 2 school choice and targeting available resources to 3 students most in need through our weighted student 4 5 formula. regret to report that in spite of 6 implementation of all these strategies, achievement 7 for our historically under served populations has not 8 improved undoubtedly because what is actually needed 9 10 is still missing, and that is why I ran for school 11 board. 12 I did not know when I decided to run, that 13 instead of having the opportunity to provide leadership for meaningful system improvement, 14 15 stage had been set for me to preside over 16 dismantling of the very public school system that I so 17 believed in. 18 potential loss of this uniquely The 19 American public asset is perhaps the most fundamental 20 civil rights issue related to, No Child Left Behind, 21 Charter Schools and the "Standards" Movement high 22 stakes movement in general. 23 Public schools exist because of the 24 inherent economically driven need for access 25 education that most impacts underprivileged

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communities who are most often discriminated against in other settings as well.

And without resources to meet the unmet needs of these populations we could lose our public schools pretty quickly in the state of Washington. As currently configured, our very high standards in conjunction with No Child Left Behind average yearly progress, will begin to declare our schools failures, drain the students and resources out of them, and send them into receivership with the only alternative provider being the private sector within two years.

We would then begin to return to a privatized school system (now to be subsidized by public dollars) where the quality of the child's education will be solely determined by their ability to access well resourced schools that are able to close the funding gap, with no locally accountable system charged with striving for equality and equity.

These heavily promoted strategies also take on civil rights ramifications of their own when they purport to address the needs of under served, "left behind" populations, without providing the resources at the state or federal level to implement strategies known to meet those needs.

Examples of proven strategies that I'm

referring to include substantially smaller class size and all day kindergarten, adequate salary to stabilize urban teaching corps, extended learning time, necessary curriculum reform and fully funded special ed and bilingual services.

Instead of addressing these needs, our state (and I am sure we are not alone) has opted to adopt world-class achievement standards, some of the highest in the nation and high stakes testing, without funding the services to support these performance expectations.

In 2003 a local non-partisan think tank, the Rainier Institute, did a study and identified the funding shortfall in Washington in a report that they called "What Will it Take".

They said that they defined adequacy as providing an amount of funds sufficient for schools to enable all students, or at least all but the most profoundly challenged -- to meet federal, state and district proficiency standards within the context of a high-quality overall education.

Without backing off from high standards, they designed prototype elementary, middle and high schools based on proven practices for bringing students to those standards and calculated the cost of

running those schools.

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They concluded that based on current standards, funding in Washington State would need to increase by around 30% in order for our schools to be adequately resourced to achieve standard with most, but even still not all students.

Unfortunately there is no proposal to provide this funding currently before our State Legislature or in the governor's proposed budget thus continuing to leave local districts like mine in Washington with the challenge of achieving caviar cost standards on a peanut butter and jelly budget.

The equity/civil rights issue here is obvious. Well resourced families will be able to buy as much education service as needed to enable their children to meet state standards, graduate from high school, and those who cannot close the resource gap will once again be left behind.

Now our legislature is currently aggressively pursuing passage of a charter school bill as an educational tool that purports to address the needs of underprivileged populations.

Unfortunately, charters present and encourage the same inequitable scenario. Assuming that a charter school's leadership is qualified to run

a quality school, it like any public school can still only be successful if necessary services are adequately funded.

Therefore, charters affiliated with well resourced communities will supplement the public funding with private resources until they get students over the bar -- thus creating a new opportunity for publically subsidized high-quality private education for some.

In under-resourced communities charters will at best only be able to attempt to be effective, standardized test preparation operations that, of economic necessity, offer far less than a high-quality overall education and in many cases will just plain fail leaving under served students farther behind than they started.

All three of these scenarios have and/or are playing out in charter school experiments across the country, but nowhere have charter schools fulfilled their promise to close the achievement gap in any school system, either directly by providing successful models that spread throughout the whole system, or indirectly through classic competition models.

Charters also have the added disadvantages

of draining public resources out of already under-funded systems, exempting charters — even though publicly funded from state regulations and meaningful public oversight, and setting up small economic units that will conveniently not be able to serve students who are profoundly challenged, that regular schools will continue to be responsible for.

Unfortunately, No Child Left Behind does nothing to improve this picture and much to propel us headlong toward the inevitable train wreck. The civil rights issue here is that simple logic tells us which children will most likely be on the train when the public education system crashes.

No Child Left Behind imposes additional unfunded mandates; annual testing, transportation for homeless students, set asides for supplemental assistance to be carved out of existing precious Title funds, et cetera.

And after No Child Left Behind has further strained the resources available for actual instruction, it provides the mechanism for dismantling the only education safety net that exists for truly under served students -- under-privileged students.

Under funding public education is inherently a civil rights issue because it sets up a

second class education system, no matter how you organized those inadequate resources, to serve those who cannot afford to pay which perpetuates a disadvantaged class.

Upping the ante with high stakes and punitive consequences does nothing to address the inequity within the system if there are not adequate resources available to level the playing field and implement the reforms and services actually needed to leave no child behind.

With or without a balanced approach, which I define as strong accountability coupled with realistic resources, our work in Seattle will focus on effecting everything within our control to improve academic outcomes for every student, every school in our system. Effective leadership for transformation, focus on closing the achievement gap, implementation of as many proven practices as we can afford and continued advocacy for equitable funding.

There is no point in striving for less and no other good reason for me to be here at all. Thank you very much.

CHAIRPERSON BERRY: There will be some questions. Just wait for a few minutes.

Mr. Marie Rodriguez Salazar please.

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I hope you can RODRIGUEZ SALAZAR: hear me. Okay. First of all, thank you for having me here today. I am very excited actually, because this is the very first time that the League of United Latin American Citizens has ever been represented in this state. We are the first council in the 75 years that the league has been in existence.

One thing that I have to say is that I am I am new to Washington. I am originally a newcomer. And when I came here I was in shock from Texas. because in my opinion this is probably one of the worst states when it comes to education. My talk and my focus is going to be pretty much in a specific area of the state.

You will notice that when the quality of changes simply when you cross over education mountain pass. I live in Okanogan County, and that is predominantly an agricultural area and depressed area. Most of the work in the agricultural business there is -- the work force there is the Latino community. The school district that my council is in, 80 percent the school district the Latino population is Latino, 80 percent.

And I want to talk a little bit about the LULAC education agenda from the year 2002. And we

talked about the challenges and recommendations that we saw just at a national standpoint. And I just want to read briefly a little bit about it and then I'll go into some of the challenges that I see that have been happening in the Okanogan County area.

In 2002 LULAC formed the National Education Task Force to address the countless issues affecting Hispanic students. The Task Force consists of members with a rich diversity of backgrounds from around the country who share a keen concern about the state of education of Latinos in America. This issue brief presents some of the challenges facing the Hispanic community in the education system and offers some recommendations for improvement.

This issue brief marks the first attempt to establish a LULAC National Education Agenda to serve as a guide for LULAC members in their advocacy efforts. This brief also serves as a notice to policy makers who make decisions about education regarding what LULAC educators are witnessing in their classrooms and what they expect.

One third of the Latino population is under the age of 18. One in five Hispanics in the United States between the ages of 16 and 24 left American schools without either a high school

education or an alternative certificate. We are faced 1 with a situation of crisis proportions and must 2 challenge the country to secure the future of both our 3 young people and the United States. Although Hispanic 4 children are the largest minority group in American's 5 schools today, they lag behind non-Hispanics in almost 6 all categories of education. 7 The numbers are alarming. Latinos remain 8 the most likely to drop out, the most likely to be 9 found in large urban, high poverty schools, and the 10 least likely to enroll in college. 11 Lastly, and of great concern, according to 12 Issues Conference Policy Recommendations 13 the 2000 Report of the Congressional Hispanic Caucus Institute, 14 there are more male Hispanic children of school age in 15 detention and prison institutions than there 16 enrolled in regular school and educational programs. 17 18 This education brief is a call to action. 19 Challenges. History of neglect from educational and 20 21 political communities. 22 Weak national education policy. Inequity of resources in urban schools. 23 School size/school bureaucracy. 24 Preschool education. 25

1	High stakes testing.
2	Cultural/language conflicts.
3	Low income/poverty factors.
4	Migrant students.
5	Low expectations.
6	Grade retention.
7	Early Hispanic dropout rates.
8	Lack of advocacy.
9	Weak higher education participation.
10	From this education task force,
11	recommendations were made to develop dropout
12	prevention policies that are locally based and expand
13	the criteria for high-stakes decision making.
14	Increase funding for schools and improve
15	access to funding for community based organizations to
16	assist school systems.
17	Promote improvement of teaching and
18	counseling standards.
19	Professional development of standards in
20	practice.
21	'National cultural competency programs and
22	increased diversity in the teaching/administrative
23	body.
24	National program for school counselors.
25	Guidance post/secondary program.
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Improve and expand Head Start, Even Start 1 programs and sites. 2 Increase parental involvement. 3 Access to technology. 4 improve schools and Build 5 more infrastructure of existing schools. 6 undocumented of Address the needs 7 8 children. Address the needs of migrant children. 9 Expand bilingual education. 10 Expand outreach to Latino youth and their 11 parents to create a support system regarding the 12 importance of higher education. 13 And last but not least, to hold elected 14 officials and government agencies accountable. 15 You will have to bear with me if I get 16 emotional because our counsel has been working on a 17 particular incident in the school of Brewster Jr. High 18 Seventy-five percent of the teachers in the 19 school district have a master's degree, four years in 20 a row, four school years. Latino children have not 21 passed the state mandatory testing. They are in 22 23 school improvement. We have seen that Latino children are 24 25 purposely encouraged to drop out. They use extreme

measures of discipline. There is an incident that took place that our counsel is investigating where 27 Latino students were taken into the library. They were racially profiled and taken into the library and locked. On November 6 of 2003, they were locked in there because of a school fight that had taken place.

And the principal said he acted out of frustration and took them and decided he was going to have a talk with them. And his instructions to staff were not in any way for them to be able to differentiate okay, well, it is only students that have been getting in trouble. He said, "bring Latino students to a meeting this morning, and anyone who would benefit from my talk about gangs, or you think that are in gangs."

So they randomly gave student's names and were taken into the library and were locked in there. And were also allowed to bring the police department in. So with school staff standing in front of the door, in the library and police officers standing next to them, they were told by the principal that Latino students score lower on WASL scores. They have less respect than the Anglo students. They bring each other down, and that Anglo students come to school to come to school.

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Police officers also had their opportunity of telling the students that the future of the Latino students is that of their parents, working in the orchards and were told to sign a contract.

And one of the things we have seen again, are extreme measures of discipline. They were told to sign this contract and this contract, A) if they are caught in their former gang activity that they would be suspended from school for 30 days, and their policy says if you are absent more than 30 days, you fail or are expelled.

We have seen various different scenarios in these schools. I personally myself, moving to that community have had things happen to me. I have had by racial remarks made Ι nurse to me. amprofession, and I remember one morning going to work, and there was a group of Anglo community members at a store where I stopped to get gas. And just clear out where I could hear it, this remark was made: "Τ didn't know one of them was a nurse."

It is very common in this county for racial slurs to be made. But, we are addressing and we are looking into the legislation that needs to take place. And this law, the state laws here are basically where they give control to these school

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districts. So the policy makers, the decision makers are all -- in the school district so we really need to look at, I think, legislation in this state because they are not for our children when it comes to equal opportunity of education. Thank you.

Thank you very much. CHAIRPERSON BERRY: Anyone have any question for the presenters?

VICE CHAIR REYNOSO: I don't know if I have a question because both of you have capsulized, I issues that are facing real think, the education. And I must confess that I have impression from some of the things that I read and hear from high officials in Washington and those who influence them that there seems to be in many quarters a complete lack of confidence in public education and they hope that the public education will, in fact, fail and we will all go to a private system where the wealthy will get a good education and the poor will not, so they can continue working in the orchards. And so, I don't know that I have any questions because I think that these two pieces of testimony have so capsulized that reality.

Now, I must say I think most Americans disagree with that. I think most Americans still believe that the public school system is one of those

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problems.

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that those things that I hear in Washington are from those think tanks really represent the American ideal. It seems to me that you've pointed to the I think the promise is that if we continue to point to these issues that are so in variance, I

think, with the American ideal, perhaps the public will respond to that with the resources that are needed and with the policies that are needed to indeed

get closer to those ideals of having equal education

great equalizers that will give folks a chance to be

good citizens, that being one of the concepts, to be

educated citizens and to do well for themselves and

their families in their communities. So I am not sure

for all our children.

CHAIRPERSON BERRY: I have one questions for each one of you. First question is for you, Ms. Flynn. What would you say to someone who responded who was a proponent of charters or vouchers or any of these things or who thought No Child Left Behind was great or whatever, what would you say if they said, . okay I heard everything you said, Ms. Flynn. I heard the entire list of things you talked about and I agree with you that we don't have any evidence yet that these things work. I agree with you about everything you say, but isn't it true that schools are so bad

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now, public schools, and the graduation rates and the dropout rates and all of the rest are so bad now that we need to do something, so why are you opposed to us trying to do something different, when in fact we all agree and don't you agree that things are really bad, so why are you opposed to us trying to do some of these other things to see if they work?

MS. FLYNN: I would say we know what works. Fifteen years of education reform has taught us We know what it is. We don't just need what works. to try something. We need to create the political determination as nation, will and the as community, as a state, you know, name your level, to do what we know works. These are proven practices. And they cost money. And I would suggest to them that if this is what was needed to educate middle class white children, we would simply be doing it. wouldn't be saying, well, let's just try something . Let's just privatize. When has privatization of public resources ever done anything for the underprivileged? Why just try something that we know is not likely to work when we have a list of strategies that we know will if we would just do it.

CHAIRPERSON BERRY: And it was all those things you listed, small class size?

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MS. FLYNN: Yes, Ma'am. Proven practices.

CHAIRPERSON BERRY: Which we already know they do in good private schools and good suburban schools already do those things.

Any successful Exactly. MS. FLYNN: a charter school, be it a private school. be it be it a public school, because there are school, public schools that have been successful at setting themselves up that way. Usually, it is temporarily because it is not sustainable. They are using grant money or something like that. We know it works. why just try something. I think there are ulterior motives to that something, and it is instead of stepping up to our responsibilities, specifically around our responsibility to educate all of our citizens.

Salazar, same similar kind of questions. Isn't it indeed the case among the Latino young people in your county, which there are 80 something percent of the school, Latino, that there are major problems with gangs. There are major problems with kids not meeting the test score requirement. And that they are in a whole array of problems. And someone needs to take some kind of strong hand in trying to deal with these

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issues.

say, first of all, the school has said that there is a But there is a small group. problem with gangs. There has not really been a lot of proof. an investigation that proved that there were kids that But the police department can't even were starting. prove that there has even been any gang activity in So, yes, there are scenarios there the community. that the school has used in trying to justify the reason why they are disciplining these students.

MS. RODRIGUEZ SALAZAR: Well, I have to

I have to say that I believe in a public education. I got one and I was never denied access to And I am very proud to have been a student of public education So our organization also supports We do not nationally support school vouchers or anything like that. However, we live in rural areas, so the area in which I live is a rural area. We don't have the luxury of if one school, if the high school, our child doesn't like that high school that they can go to another high school. We don't.

And we have a school literally 15 miles away, two schools that are 15 miles away that are both under school improvement. We don't even have a choice. Parents, this No Child Left Behind is a joke,

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because parents don't have choices. We can't even send our child to another school, so that is not even

an option for us. So what do we do?

By the way, there was a bill for the no charter schools, and it died out. So that didn't go through. But at this point, you know, we have kids. We are losing our kids. We are losing our kids. They're dropping out. They're purposely being discouraged from pursuing education because of their race. They are being branded as you are not going to — just because you are Latino, don't even bother to come to school because, you know, you are going to go work in the orchards. So they're not. We're losing them. We can't even look at them going on to college because they are not even getting out of high school.

And we need to have stronger accountability for those people. It is a joke. Seventy-five percent. There should not be any reason why students at this school should not be doing well and passing those scores when you have that much knowledge. Seventy-five percent of those teachers held master's degrees.

CHAIRPERSON BERRY: Okay. Well, we have come to the end of the discussion. And I want to thank everyone, the SAC members and staff in our

regional office who helped pull this event together. And I thank all of you who made presentations. have learned a great deal which we will use as we continue our work as we jointly all try to work together to create a real opportunity to people without discrimination.

I need to announce there There is a reception next door after the reception? close of this meeting. Thank you very much. If there is no objection we are adjourned.

(Meeting adjourned at 12:42 P.M.)

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