

REPORTER'S TRANSCRIPT  
of the ORIGINAL  
NEVADA ADVISORY COMMITTEE  
to the  
UNITED STATES COMMISSION ON EQUAL RIGHTS

May 4, 2006 at 9:00 a.m.

Rio Hotel and Casino  
3700 West Flamingo Road  
Las Vegas, Nevada

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Reported by: Dawn Oaks, Nevada CCR No. 838

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ATTENDANCE LIST

Committee Members in Attendance

David M. Sanchez, Chairperson  
Michael D. Pennington, Reno  
Belen G. Gabato, Las Vegas  
John Marini, Reno  
Doris M. Femenella, Henderson  
Fafie Moore, Henderson  
Tony Sanchez III, Las Vegas  
Kay P. Kindred, Las Vegas

Western Regional Office Staff

Tom Pilla  
Grace Hernandez

Panel One Presenters

Dean Ishman, President, NAACP  
Louis Overstreet, Executive Director,  
Las Vegas Urban Chamber

Panel Two Presenter

Rod Jett, Assistant Sheriff,  
Las Vegas Metropolitan Police Department

Panel Three Presenters

Rozita V. Lee, President,  
National Filipino Federation  
Dr. Rene Nora, M.D.  
Wayne Tanaka, Vice President,  
Japanese American Citizens League

Panel Four Presenters

Brian Nelson, Enforcement Supervisor,  
U.S. Equal Employment Opportunity Commission  
Theresa Nix, Acting Administrator,  
Nevada Equal Rights Commission  
Deborah Madison, Administrator,  
Nevada Equal Rights Commission

Panel Five Presenter

Professor Ann McGinley,  
Professor of Law, William S. Boyd School of  
Law, University of Nevada Las Vegas

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Meeting Transcript  
of the  
NEVADA ADVISORY COMMITTEE  
to the  
UNITED STATES COMMISSION ON CIVIL RIGHTS  
May 4, 2006

DAVID SANCHEZ: Good morning. This meeting of the Nevada Advisory Committee to the United States Commission on Civil Rights will now come to order.

My name is David Sanchez. I am the chairperson of the Nevada Advisory Committee to the United States Commission on Civil Rights.

A couple of administrative matters before we get started. I would ask that all in attendance please turn their cell phones off or you put them onto the vibrate mode so that we are not interrupted.

The Commission on Civil Rights is an independent agency of the United States Government established by Congress in 1957 and directed to:

One, investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices.

1 Two, study and collect information regarding  
2 legal developments constituting discrimination or  
3 denial of equal protection of the laws under the  
4 constitution because of race, color, religion, sex,  
5 age, handicap, or national origin, or in the  
6 administration of justice.

7 Three, appraise federal laws and policies  
8 with respect to discrimination or denial of equal  
9 protection of the laws.

10 Four, serve as a national clearinghouse for  
11 information about discrimination.

12 And, five, submit reports, findings, and  
13 recommendations to the President and Congress.

14 Advisory committees, such as ours, were  
15 established in each state and the District of Columbia  
16 in accordance with enabling legislation and the Federal  
17 Advisory Committee Act to advise the Commission on  
18 matters pertaining to the discrimination or denials of  
19 equal protection of the laws because of race, color,  
20 religion, sex, national origin, age, handicap, or in  
21 the administration of justice; and to aide the  
22 Commission in its statutory obligation to serve as a  
23 national clearinghouse for information on these  
24 subjects.

25 The purpose of the meeting today is to obtain

1 information on the status of civil rights in Nevada.  
2 Based upon the information collected at this meeting, a  
3 summary briefing memorandum will be prepared for the  
4 use of the Advisory Committee and submission to the  
5 United States Commission on Civil Rights.

6 Other members of the Nevada Advisory  
7 Committee are Doris Femenella, Belen Gabato,  
8 Kay Kindred, Dr. John Marini, Fafie Moore,  
9 Michael D. Pennington, Margo Piscevich,  
10 Tony Sanchez III, David Spurlock, and Steve Walther.

11 Also present with us today is Thomas V. Pilla  
12 and Grace Hernandez of the Commission's Western  
13 Regional Office in Los Angeles. Please seek Mr. Pilla  
14 or Ms. Hernandez out if you require any assistance  
15 today.

16 This meeting is being held pursuant to  
17 federal rules applicable to state advisory committees  
18 and regulations promulgated by the United States  
19 Commission on Civil Rights. All requests regarding  
20 these provisions should be directed to Commission  
21 staff.

22 I would like to emphasize that this a  
23 briefing meeting and not an adversarial proceeding.  
24 Individuals have been invited to come and share with  
25 the Committee information relevant to the subject to

1 today's inquiry. Each person who will participate has  
2 voluntarily agreed to meet with the Committee.

3 The record of this meeting will remain open  
4 for a period of 30 days following its conclusion. The  
5 Committee welcomes additional written statements and  
6 exhibits for inclusion in the record. These items  
7 should be submitted to Western Regional Office of the  
8 United States Commission on Civil Rights at 300 North  
9 Los Angeles Street, Suite 2010, Los Angeles, California  
10 90012. Any member of the Commission staff should be  
11 able to assist you in the process for submitting  
12 information.

13 Let us proceed.

14 I would like to, at this time, for the record  
15 have the members of the State Advisory Committee  
16 introduce themselves, starting with Mike.

17 MR. PENNINGTON: Good morning. My name is  
18 Michael Pennington from Reno, Nevada.

19 MS. GABATO: Good morning. I'm Belen Gabato  
20 here in Las Vegas.

21 MR. MARINI: Good morning. John Marini from  
22 Reno.

23 MS. FEMENELLA: Good morning.  
24 Doris Femenella from Henderson.

25 TONY SANCHEZ: Good morning. Tony Sanchez

1 from Las Vegas.

2 MS. KINDRED: Good morning. Kay Kindred from  
3 Las Vegas.

4 DAVID SANCHEZ: Before we get started, I  
5 would like to make two announcements.

6 No. 1, Mr. Sanchez is no way related to me  
7 for the record. And, secondly, I am here voluntarily  
8 even though it is my birthday.

9 Before we get started, we have a bit of  
10 business to take care of, and I would like to have a  
11 motion approving the minutes of the last meeting which  
12 was held on February 24th, 2006.

13 Do I have such a motion?

14 MS. KINDRED: So moved.

15 MS. GABATO: Second.

16 DAVID SANCHEZ: It has been moved and  
17 seconded that we approve the minutes of the last  
18 meeting.

19 All those in favor?

20 (Affirmative responses)

21 DAVID SANCHEZ: Those opposed?

22 The minutes of the last advisory meeting are  
23 approved.

24 At this time, in accordance with the agenda  
25 before you, we would like to have members of Panel One



1 approach us. Mr. Dean Ishman, President of the NAACP;  
2 and Mr. Louis Overstreet, Executive Director of the  
3 Las Vegas Urban Chamber. Please approach us.

4 MR. ISHMAN: Good morning.

5 DAVID SANCHEZ: Good morning, Mr. Ishman.

6 MR. ISHMAN: I guess we're going to go ahead  
7 and start with me?

8 DAVID SANCHEZ: Yes, but in particular, the  
9 Commission is interested in matters regarding civil  
10 rights in the state of Nevada in terms of employment  
11 discrimination, housing, administration of justice, and  
12 matters pertaining to this hearing.

13 So any comments that you have, any open  
14 statements regarding these issues, we would really  
15 appreciate it, and then I would invite the members of  
16 the Advisory Committee to ask any questions as they so  
17 choose.

18 MR. ISHMAN: Again, good morning, to you.  
19 The short of it is, civil rights as we know it, civil  
20 rights are being reversed. That is a reality for many  
21 of us in the minority community today. And I am going  
22 to make sure I don't leave too much out. I will  
23 improvise a little later. I have prepared something to  
24 read to you.

25 I believe the greatest travesty and offense

1 to civil rights in Nevada is this right-to-work state  
2 attitude that simply means an employer can fire an  
3 employee at any time for no reason or almost any reason  
4 with no legitimate cause.

5 This is a big problem that unfortunately no  
6 legislator or regulatory agency wants to get in front  
7 of or make meaningful changes to.

8 The impression I often get in talking about  
9 this is that, this is the way it is, and if you want it  
10 changed, then you go do it, but not with my help.

11 And the biggest problem I see with this is  
12 that all too often minorities are subjected to racial  
13 epithets, sexual advances, or simply to unequal and  
14 inconsistent treatment by their immediate supervisors,  
15 and then usually it's upheld by the next level of  
16 administration without substantiation or validation of  
17 the allegations, and the accused find themselves  
18 unemployed.

19 Making matters even worse is the fact that  
20 the regulatory agencies paid and charged with remedying  
21 these cases almost always find the cases  
22 unsubstantiated, and I believe that this is due to  
23 slow, poor and/or seemingly no investigation at all.

24 Discrimination and retaliation in the past  
25 was up front and blatant. Today these same acts are

1 subtle, discrete, and often perpetrated in a one-on-one  
2 situation.

3           Where we do find potential witnesses, the  
4 fear of losing their job becomes a staunch reality,  
5 especially when we ask the witness to put their  
6 observations in writing, making it almost impossible to  
7 substantiate any cases.

8           Discrimination is plainly evident to us in  
9 our school systems; that is, the Clark County School  
10 District and our higher education. Disparate treatment  
11 is most evident in the Clark County School District,  
12 but exists in both systems and is perpetrated by  
13 faculty versus students and parents, and by the  
14 administration versus the faculty.

15           There is now a growing number of  
16 discriminatory complaints being filed in the housing  
17 industry, and we encourage you to take a careful look  
18 at complaints coming from this area because we see this  
19 as the next serious area of concern.

20           As affordable housing disappears and job  
21 securities are almost non-existent, we are getting more  
22 and more complaints in this area; and, unfortunately,  
23 we know that the number of complaints will alarmingly  
24 grow.

25           The scales are tipped much too far in the

1 favor of the powerful systems, giving very little, if  
2 any, credibility to the complaint or the complainant.  
3 There is a disparate need for citizen review boards or  
4 advisory panels, such as yours, in the areas of jobs,  
5 policing, education, health, and housing. And that's  
6 pretty much every area that we have so...

7           And these review boards should reflect the  
8 communities that they serve. There is certainly a  
9 greater need for regulatory agencies to get real and  
10 get serious about helping the people they serve and  
11 about bringing a quicker resolve to their problems.

12           Often, too many times, people don't continue  
13 to pursue their case because they soon learn that their  
14 living won't wait six months to a year for an uncertain  
15 resolve.

16           That ends my written statements, and then I  
17 would just go on to say that this is a real problem  
18 here in Las Vegas. And I certainly do, and our office  
19 seems to believe, that too many times these complaints  
20 are not given the serious concern and investigation,  
21 and I want to stress that because the investigations  
22 are not being done.

23           And I don't know where -- I don't really like  
24 to call names, but I don't know where the Nevada Equal  
25 Rights is in terms of clarifying their complaints. In

1 the past, they would just date stamp complaints, and  
2 whether there was a credible complaint or not, it went  
3 by date. So if there is a backlog of six months, a  
4 real, meaningful case would have to wait six months  
5 just to be viewed and heard. And many times then, the  
6 complainant has moved on somewhere else, but the  
7 problems are still there.

8           The racist and discriminatory attitude that  
9 seems to permeate our systems is still there, and we  
10 just need to simply move some of these people out of  
11 the way if it takes that and get a public friendly  
12 attitude and uphold these complaints for which we find  
13 many of them are relevant. And, unfortunately, as I  
14 said early on, too many times witnesses are afraid to  
15 come forward to say what they have heard or seen  
16 because they fear intimidation, retaliation, and those  
17 sorts.

18           And so I would just close with saying, please  
19 give a serious look to these investigations where civil  
20 rights are concerned.

21           DAVID SANCHEZ: Mr. Ishman, before we  
22 entertain any questions from the panel, would you  
23 please describe for us your organization here in  
24 Southern Nevada and your role in the activity of your  
25 organization in monitoring civil rights.

1 MR. ISHMAN: Well, as you said, we are the  
2 nation's oldest civil rights organization, the N,  
3 double A, CP, as you would know it. We like to say  
4 NAACP which is, the National Association for the  
5 Advancement of Colored People.

6 I am the President of the Las Vegas branch,  
7 and our main purpose is to ensure equality in  
8 education, in social, political, and economic forums.  
9 We seek to eliminate discrimination and racism in all  
10 of those areas, and we serve everyone. Unlike some  
11 people have said, we are an equal opportunity  
12 organization, and we welcome all members and we  
13 entertain all complaints.

14 I don't know if that kind of answers your  
15 question.

16 DAVID SANCHEZ: Thank you. Again, I will  
17 open it up to the SAC members here for any questions of  
18 Mr. Ishman at this point.

19 TONY SANCHEZ: I have a question and a  
20 comment. The comment part was appreciative of your  
21 participation in the rally downtown this past Monday,  
22 and it got very good remarks, and I was wondering if  
23 you could comment on your thoughts as it does relate to  
24 labor issues of employees and what you have been  
25 presenting before us today.

1 MR. ISHMAN: Well, in terms of labor, I mean,  
2 and that's where the majority of our complaints come  
3 from. And, as I have stated, I believe that  
4 retaliation and discrimination is alive and well in the  
5 work place. And I have shared this with some of the  
6 human resource people, especially in the casino  
7 industry, that a lot of times, administration doesn't  
8 know what the low-level supervisors are doing. And I  
9 have a number of cases where, I mean, it was obvious,  
10 to us at least, that something of a discriminatory or  
11 retaliatory nature did in fact occur. But these people  
12 still keep their jobs or are allowed to still operate  
13 in those positions.

14 Unions are not the answer, but for  
15 minorities, in my opinion, it's the best answer. And  
16 there are concerted efforts to discourage employees  
17 from even entertaining becoming a part of a union.

18 We have, and I know you are familiar with,  
19 coyotes out there working that assist in these efforts.  
20 There are union busters that actually go to people's  
21 homes and discourage them from enjoining. Some of the  
22 properties even have subtle tactics to discourage their  
23 employees from joining unions.

24 But, again, as I say, this is the best thing  
25 in most cases for minorities, especially for

1 minorities, but I believe for everyone.

2 And I just say about the rally, I thought it  
3 was awesome, and this is a cause, and even the  
4 right-to-work attitude, I believe, I wish we could get  
5 everyone to rally around that. And I don't know what  
6 the exact answer is, and no one wants to simplify that  
7 for me, but I wish I could change that right-to-work  
8 attitude that we have here, which simply mean that an  
9 employer can take advantage of their employees at will.

10 I hope that helped.

11 TONY SANCHEZ: I appreciate it.

12 DAVID SANCHEZ: Any other questions?

13 MR. PENNINGTON: Good morning, Mr. Ishman.  
14 Thank you for being here. Appreciate your coming.

15 MR. ISHMAN: Good morning.

16 MR. PENNINGTON: During your testimony, you  
17 made the indication that there is -- could be, and has  
18 been, a strong backlog of cases. And that one might  
19 presume that in order to solve or mitigate that issue,  
20 you would want to find some more funding to potentially  
21 hire more investigators to handle those cases.

22 If that was the case and you did have that  
23 adequate or appropriate level of funding, do you think  
24 that would solve the problem, or is there still further  
25 issues that need to be addressed?



1           And the reason I state that is, last week I  
2 understand the Governor has appointed a new  
3 commissioner for the Nevada Equal Rights Commission, a  
4 new chairman for that, and they are moving forward. So  
5 I would appreciate your thoughts or insights on that  
6 issue.

7           MR. ISHMAN: I don't know who the new person  
8 (inaudible), but I will say this, and I don't mean to  
9 bash any organization, but because at the time  
10 Linda Parvin took over as the administrator, I saw some  
11 changes coming. I don't know what the mechanism was,  
12 but they adopted the EEOC philosophy of then  
13 classifying cases, as opposed to date stamping them, as  
14 I said. So a case that had a lot of evidence, would  
15 not have to wait six months to be viewed and/or  
16 investigated.

17           To your question of more investigators, I  
18 think that's a great thing, but there is also a greater  
19 need for more investigations, not just investigators,  
20 some real, meaningful investigations. Like getting out  
21 of the office, and getting off the phone, and talking  
22 to say these employees.

23           Like I said, many of them are afraid  
24 certainly to put something in writing, but they are  
25 afraid of who might be listening to what they are

1 saying. Many of them will tell you, Yes, I saw that.  
2 If you got in a one-on-one with a witness, they'll say,  
3 Yeah, I did see or hear that. But a lot of them still,  
4 and I'll say this, are still afraid of the retaliation.  
5 And that's a common place in the work place today.

6 So many things are not substantiated simply  
7 because of the intimidation by the low-level  
8 supervisors and the retaliation by the same.

9 MR. PENNINGTON: Mr. Chairman, may I just  
10 follow-up --

11 DAVID SANCHEZ: Certainly.

12 MR. PENNINGTON: -- with clarification.

13 So you would suggest that we need a more  
14 proactive, rather than reactive, process then?

15 MR. ISHMAN: Certainly.

16 MR. PENNINGTON: Thank you.

17 DAVID SANCHEZ: Ms. Femenella?

18 MS. FEMENELLA: This is not a question, but  
19 you were talking about the discrimination in the school  
20 system. Where do we start? The top down? The bottom  
21 up or what have you? Do you have any ideas of where  
22 you would like to zero in on? Because education has  
23 been out there forever.

24 MR. ISHMAN: Exactly. Exactly. Well, in my  
25 humble opinion, I think it starts at the top, and the

1 process needs to work. I often say to folks, I say,  
2 Please forget about the fact or give up the belief that  
3 your vote doesn't count. I tell people all the time  
4 that your vote does count, and you need to make your  
5 vote and your voice heard.

6 Because we put, too many times, the wrong  
7 people in these high positions, and then we don't hold  
8 them accountable. But if you get the right person at  
9 the top, and they believe in equality and equity and  
10 fairness in the work place, in the school district, in  
11 the casinos, in the construction industry, if the right  
12 person is at the top and they make it known that they  
13 are not going to tolerate those acts, then I think it  
14 would trickle down. And certainly if there is some  
15 enforcement by that, then I think it will grow.

16 If they are not doing the right thing, then  
17 they're not the right person, get them out of there,  
18 and get some people who hold fast to equity and  
19 equality.

20 MS. FEMENELLA: Thank you.

21 MS. KINDRED: Could you be a little more  
22 specific with respect to the school system, either  
23 Clark County system or higher ed, whichever you choose  
24 to address, what you see as particular problems or the  
25 most immediate problems.

1 MR. ISHMAN: One of the most, and I don't  
2 know if that's the most immediate, but it's the most  
3 evident problem I see, is that there is no equal  
4 disbursement of the process RPCing and suspending  
5 children.

6 I have viewed and read so many complaints  
7 where a minority child is quickly RPCd or suspended,  
8 and then -- it's outrageous the indefinite suspensions.  
9 These kids will never get out of school. They suspend  
10 kids for weeks and for months. To me it's criminal,  
11 but that's another forum. But that's a serious  
12 problem.

13 And on paper, we see it simply where in fact  
14 a white child will have instigated the situation and  
15 caused the offense or whatever that is, but it's the  
16 minority child that will be RPCd or suspended.

17 And usually from what we see or we hear from  
18 the grapevine so to speak is, Oh, well, yeah that  
19 child -- and, unfortunately, because their parent is  
20 active in the PTA or their child is a member of the  
21 cheerleaders, because that was one of the examples,  
22 evident examples, that we had, that particular child  
23 was a cheerleading captain or something, and so they  
24 gave preferential treatment to this one. Somebody had  
25 to go, so no representation, so let's get rid of this

1 child.

2           These kids are -- and these are, I'm talking  
3 about little kids, seven to ten years old being  
4 handcuffed and just crazy things go on in the Clark  
5 County School District. That's just one side.

6           Then there is the faculty or administrations  
7 of faculty abuse where we get complaints where, to us,  
8 it is discriminatory favoritism in a lot of these  
9 issues. And, again, that's administration versus the  
10 teaching staff. And right now, I can't recall any  
11 specifics because I really focus on these issues with  
12 kids. Because too many times, as I said, we always see  
13 this RPC thing. It just happens too quick, and the  
14 suspensions are definitely too long. I mean, no kid  
15 can graduate school when they are out and suspended for  
16 15 to 30 days. That's crazy.

17           And then the parents are so frustrated  
18 because they are called to have a meeting with someone  
19 to discuss it, and it's taken lightly. Oh, well, okay,  
20 we will make it next week. And I know some of these  
21 parents are not as responsible as they should be, but  
22 the concern should be for the children. They may have  
23 a bad parent, but somebody in the school system ought  
24 to make themselves readily available, even if they set  
25 up an office and have one person always ready to hear

1 these things to at least initiate some type of  
2 understanding about why this kid has been RPCd or  
3 suspended.

4 MS. KINDRED: Has this increased in response  
5 to the zero tolerance Policy? Have you seen a rise in  
6 that in recent years?

7 MR. ISHMAN: Well, I would say, yes. And,  
8 again, there is no equality. It's zero tolerance, but  
9 how that is utilized is still in a discriminatory  
10 nature.

11 DAVID SANCHEZ: Mr. Ishman, has the NAACP  
12 attempted to establish a dialogue with the Clark County  
13 School District? And, if so, what has the result been?

14 MR. ISHMAN: Well, there has been some  
15 shuffling, of course, as you know, with the  
16 administration. Actually, we are working, and do work,  
17 closely with the Caucus of African American Nevadans.  
18 And, actually, we have a date, and I think it's next  
19 week -- it was cancelled. It was supposed to be this  
20 week to meet with Walt Ruffles to discuss some of those  
21 issues and just that and some other things as well.  
22 But, in the past, yes, we have met with Carlos Garcia,  
23 and it seems his hands was tied.

24 And I'll tell you one of the biggest problems  
25 is the hold and the click that exists on the School

1 District Board of Trustees. All you have to do is  
2 attend and hear how the votes go and see what happens  
3 with that system to know that there is a serious  
4 problem. And I don't know if there are going to be  
5 some changes, but we're watching closely.

6 But, in my opinion, Shirley Barber was  
7 someone who should have been the chair or president of  
8 that board for a number of years, but there was always  
9 a click, and I am not calling names, of four people who  
10 would seek to make sure that she does not get this  
11 seat.

12 And if you attend these things each year, it  
13 would become plainly evident to you. And I call it a  
14 bone when they made -- what's his name, the  
15 president? -- Larry Mason, it was a concerted effort,  
16 Well, here's just another step, we will get Larry in  
17 there, because Larry always voted up Shirley Barber.  
18 But the board would not hear of such a thing, and she  
19 would never get to sit in that seat, and it's not  
20 changing, at least not to today.

21 DAVID SANCHEZ: Any other questions?

22 MS. GABATO: Thank you for comments,  
23 Mr. Ishman. I have two questions or comments.

24 You mentioned the right-to-work laws in our  
25 state. Now, how would you propose to change that

1 regulation?

2           And No. 2, you mentioned about work place  
3 intimidation, sexual intimidation, fear, and loss of  
4 jobs and that you have met with some of the human  
5 resources departments in those work places. When you  
6 meet with them, what did you get out of these meetings?  
7 Were they open to your suggestions? Do they address  
8 the issues? Do they just dance around it?

9           MR. ISHMAN: Well, I think the dance, yeah,  
10 is the appropriate word for it. In many cases, it's a  
11 dance. And, in most cases, as I said, it seems to me  
12 anyway, that a lot of times that low-level supervisor  
13 as I spoke about is a friend of the human resource or  
14 the assistant-somebody or is a cousin or a close friend  
15 to someone, and so they're not going to be chastised  
16 for their actions or anything, or the complaint is not  
17 upheld because this is someone's friend who has  
18 actually perpetrated this action.

19           And so there is a favoritism that definitely  
20 goes on, and I have shared this many times with MGM  
21 properties because I have worked with them, and I  
22 commend them on their process, their diversity efforts,  
23 because, in the past, we did have a number, quite a  
24 large number of complaints, and, I mean, three years  
25 ago perhaps, from their properties.



1           Since they became -- have started this  
2 project Diversity Champions that instead have  
3 instituted, that has number has dropped dramatically,  
4 and the attitude has changed dramatically. There's  
5 more reception, perceived perception anyway, of a  
6 complaint and concern for that person, and so that is  
7 good.

8           I said to them, I wish you would share this.  
9 Of course, that's not good for the industry, at least  
10 not for their properties to share what they are doing.  
11 I said, First off, I love that it started at the top,  
12 but now it needs to trickle down. And their comments  
13 to me was that, Well, unfortunately low-level  
14 supervisors are the ones that are always are constantly  
15 moving, and they are programmed -- they don't really  
16 want to go everywhere, as I see it, as I have read  
17 that.

18           But there certainly needs to be some efforts  
19 to look closely at what these low-line supervisors are  
20 saying and/or doing, especially when it comes to  
21 someone's job.

22           MS. GABATO: What about the right-to-work  
23 laws?

24           MR. ISHMAN: I'm sorry. That's where we were  
25 supposed to go. I thought I had a segue into that,

1 but...

2           The right-to-work, I will be perfectly  
3 honest, I am not clear on what that process is. I  
4 believe it is a legislative process. And I have talked  
5 to legislators and others, and it's something that no  
6 one wants to, as I said early on, get in front of or  
7 even map out and say, Well, here's the ABCs, here's  
8 what you need to do in a concerted effort.

9           And I would be happy to get in front of  
10 that -- some people such as the Caucus and the Urban  
11 Chamber, the combined chambers, to move that agenda,  
12 the labor industry. Because I think we all agree that  
13 the system that we have is just not working and it is  
14 not equal.

15           MS. GABATO: Thank you.

16           DAVID SANCHEZ: Mr. Ishman, you did raise the  
17 issue about the Nevada Equal Rights Commission. For  
18 the record, I would like to indicate that I have in  
19 hand here a March 24th, 2000, letter that I sent to  
20 the Honorable Kenny C. Guinn, Governor of the State of  
21 Nevada. I have not received a response in six years  
22 from the Governor.

23           I want to read in part into the record the  
24 following: The Advisory Committee, that's us, has had  
25 a long-standing concern about the decreasing

1 effectiveness of the Nevada Equal Rights Commission.

2 In the past, the Advisory Committee has  
3 received complaints alleging significant delays in the  
4 handling of complaints, lack of communication regarding  
5 the status of complaints, and the lack of agency  
6 independence.

7 The Advisory Committee has met with past  
8 directors of NERC who have cited budget concerns, lack  
9 of independence, and staff resources as hindrances to  
10 their responsibilities.

11 The Advisory Committee believes that you can  
12 play a significant role in the resurgence of this  
13 important State Commission by again establishing the  
14 NERC as independent agency with adequate resources to  
15 accomplish its role.

16 We have not received response from the  
17 Governor, but I did want to put on the record that we  
18 have approached the Governor regarding your concern  
19 about NERC.

20 MR. ISHMAN: Thank you.

21 DAVID SANCHEZ: Any other comments from the  
22 panelists?

23 MR. MARINI: Can I ask a question? Just an  
24 informational -- is there a regional office of the EEOC  
25 in Las Vegas?

1 MR. ISHMAN: No. They are talking about  
2 bringing one here, and I don't know where it's at right  
3 now. But I understand that one should be opening, I  
4 guess, some time in the near future.

5 DAVID SANCHEZ: May I address that. I have  
6 just received an email from Santos Albarran from the LA  
7 office of the EEOC, and he says the office will be  
8 established some time in this summer. He couldn't give  
9 me any further details, but he has also asked that our  
10 state Advisory Committee be the liaison to work with  
11 other community-based organizations in setting up a  
12 first meeting with the EEOC once they do establish this  
13 office.

14 MR. MARINI: Thank you.

15 MR. PENNINGTON: Thank you, Mr. Chairman.

16 Mr. Ishman, during your testimony, you also  
17 alluded to the fact that one of the major issues was  
18 housing, affordable housing, workforce housing, et  
19 cetera.

20 I just wanted to allow you the opportunity to  
21 potentially expand on that issue as it is a statewide  
22 issue that many people are facing right now and many  
23 actions and initiatives are being considered and  
24 recommendations are getting ready to move towards the  
25 next legislative session. I just wanted to get your

1 thoughts on that issue since you brought it up as well.

2 MR. ISHMAN: We have made some small attempts  
3 to talk to some of our legislators. And, actually, we  
4 have a meeting set. And, again, this is -- the NAACP  
5 works closely with the Caucus of African American  
6 Nevadans. We are going to be meeting tomorrow with  
7 black elected officials and make sure that they are  
8 uniquely aware, and certainly we know that they are.  
9 Anyone who is in Las Vegas with their eyes open knows  
10 that there is a serious problem with affordable  
11 housing.

12 Out of that comes the opportunity for more  
13 discrimination or retaliation as these apartment homes  
14 become the place that most people have to turn to now.  
15 And their attitude is simply that if I don't like you  
16 and you're not being subservient or if you speak up for  
17 your rights for whatever the case maybe and I don't  
18 like it, I'm going to retaliate against you and make  
19 your life miserable.

20 And we get those complaints now in an  
21 increasing number. And, as I said earlier, we know  
22 that's going to grow because most of the people are  
23 going to be funneled into the same areas. And so those  
24 few affordable housing complexes are going to be  
25 inundated with people, and their tolerance level is

1 going to drop dramatically. And so we are going to see  
2 more and more of that.

3 But we are working with the labor industry.  
4 And I know some of the folks who are at the school  
5 unions, NSEA, CCEA, are working diligently. There's a  
6 coalition -- and I believe the meeting was cancelled or  
7 I was out of town because I know it was due to happen  
8 some time in the recent past, but I was unable to make  
9 it. There was a big forum to identify the real problem  
10 areas, and that was going to be a legislative issue.

11 But, as I said, I was not there, so I don't  
12 have the relevant information that would prove that  
13 this is, you know, going to be a real problem in the  
14 near future.

15 DAVID SANCHEZ: Any further questions before  
16 we call our next panelist?

17 One last comment. Thank you, Mr. Ishman, for  
18 being here. I want to mention to the panel that almost  
19 a year ago, May 24th, 2005, Mr. Ishman and I appeared  
20 on a civil rights panel at the Clark County building,  
21 and it was called Civil Rights, the Unfinished Agenda.  
22 So I'm glad to see that you're here, and I appreciate  
23 your comments. Thank you, Mr. Ishman.

24 MR. ISHMAN: Thank you all for listening.

25 DAVID SANCHEZ: Our next panelist, will you

1 please introduce yourself and your organization and  
2 your role in the organization.

3 MR. OVERSTREET: Yes. Good morning. My name  
4 is Louis Overstreet. I'm the Executive Director of the  
5 Urban Chamber of Commerce.

6 I see with two gentlemen on the panel with  
7 the last name of Sanchez, I hope you won't mind if I  
8 call one "the good looking Mr. Sanchez" and "the other  
9 guy."

10 DAVID SANCHEZ: Senior and junior will do.

11 MR. OVERSTREET: First, I would like to say  
12 that our organization, as a matter of public record,  
13 has been very critical of what we perceive to be the  
14 total ineffectiveness of the Nevada Commission on Equal  
15 Rights.

16 I won't pull any punches, and I think,  
17 Mr. Chairman, as we indicated when we first met about  
18 in 2000, that was a concern. And we have similar  
19 letters that you have to the Governor asking the  
20 Commission to be placed back under his direct control  
21 and out of his office. He presently is housed in  
22 (inaudible), and, like you said, we haven't gotten any  
23 action there for a number of years. So we are glad to  
24 see the EEOC is coming in. I think in that regard, you  
25 have a situation with (inaudible) challenging the

1 effectiveness of the organization. It was determined  
2 they were getting about 5 or \$600 to close a case.

3           Knowing the history of this state, it is also  
4 inconceivable that the Commission would find no  
5 probable cause in nearly two-thirds of the complaints  
6 filed with the agency as recently as 2001. During  
7 public hearings, they indicated that they found no  
8 probable cause in 63 to 64 percent of the cases filed  
9 with them.

10           This sad state of affairs moved our  
11 organization to convene a Blue Ribbon Committee on Race  
12 in 2001, comprised of a 30-person panel representing  
13 the broad cross-section of the citizenry of Clark  
14 County to include participation by Mayor Goodman.

15           The Committee held four public hearings on  
16 the topical areas of employment,  
17 contracting/employment, social services, and the  
18 criminal justice system.

19           I will briefly read into the record a  
20 recommendation from each of the four referenced areas.  
21 Also, I have a limited number of copies available for  
22 distribution, as well as the list of persons who served  
23 on the committee and the persons who copies of the  
24 report was forwarded to. The report was in bound form  
25 and it was about this thick, so you can understand that



1 we put quite a bit of work in on that.

2 After my remarks, I'm going to answer any  
3 question you might have of me, particularly in the  
4 areas of education. I think Dean was a little  
5 reluctant to naming names, but let me give you the four  
6 names on the board: Ruth Johnson, Mary Beth Scow,  
7 Sheila Moulton, and Susan Brager-Wellman has been the  
8 main source of our problems with the School District.  
9 So I have no problem adding that to the public record.

10 Also, we are researching whether or not the  
11 statement in the constitution applies to term limits of  
12 school board members. Right now, it's a 12-year term  
13 limit, but we are uncertain whether that applies to  
14 state school members or as well as trustees of local  
15 school districts. That is going to be very critical to  
16 allow these people that have been on their for 12  
17 years, so hopefully there will be a turn-over in that  
18 area.

19 In the area of education, it is strongly  
20 recommended that the Clark County School District  
21 establish an incentive process to encourage qualified,  
22 seasoned, and effective teachers to continue their  
23 assignment for several years at schools where the  
24 students are most challenged.

25 It is recognized that funding and collective

1 bargaining may be elements tending to inhibit  
2 implementation of such incentive plans. If not, then  
3 the community should be prepared for the alternatives;  
4 i.e., functional illiteracy, higher crime rates,  
5 expanding social services requirements, and a steadily  
6 falling academic achievement and economic growth. All  
7 of these undesirable attributes translate into  
8 demonstrably higher costs to the public.

9 In the area of contracting, Clark County's  
10 Business Development Advisory Council should continue  
11 to serve as the coordinating body for data gathering as  
12 well as serving as the drafting body for public  
13 policies and initiatives when trying to impact the  
14 public process.

15 Employment, a formal request should be made  
16 to our congressional delegation to have the U.S.  
17 Commission on Civil Rights perform an in-depth study of  
18 the failure of federal EEO efforts in Nevada as  
19 administered by the Nevada Commission of Equal Rights.

20 In the area the social services, ways to make  
21 child care and learning environments affordable for the  
22 working poor must be identified.

23 And criminal justice system, a comprehensive  
24 study needs to be undertaken to determine the  
25 following:

1           One, overcharging persons of color for  
2 alleged criminal offenses.

3           Two, indisparity (sic) based on race in the  
4 setting of bond for similar offenses.

5           Three, indisparity (sic) in the sentencing  
6 and time served by persons of different races for the  
7 same crime.

8           And four, any disparity in granting a parole  
9 as a function of race.

10           Those are my prepared remarks, and I hope  
11 that those of you who may have received a copy of this  
12 report of number a years ago or if you have any  
13 particular areas of concern, probably education. I  
14 think committee sanctions and I and a number of other  
15 people have been working on this.

16           But the reality of this district is, as the  
17 recent statistics indicate, there is 38 percent Latino,  
18 38 percent White, 15 percent African American,  
19 8 percent Asian. So you have a minority and majority  
20 school district compromised of about 61 percent of  
21 persons of color. And, it's unfortunate that, as Dean  
22 pointed out, we have a school board that's so out of  
23 touch with the changing demographic of this county, and  
24 particularly the School District.

25           I'm ready to answer any questions.

1                   DAVID SANCHEZ: Thank you. Any questions  
2 from the SAC?

3                   MR. OVERSTREET: I know I wasn't that good.

4                   MS. FEMENELLA: Mr. Overstreet, thank you for  
5 coming.

6                   You touched upon the board. Members have  
7 served on there for a period of time, 12 years. They  
8 are in elected positions, and wouldn't that have to  
9 come before the legislature?

10                  MR. OVERSTREET: Here's where we are  
11 uncertain that that was the case. If it does -- and  
12 Tony can certainly speak to this, Mr. Sanchez can  
13 certainly speak to this better than I can in terms of  
14 whether or not that would require a constitutional  
15 process. Because right now, it was our lay  
16 interpretation that they not be able to serve after the  
17 12 years.

18                  I think Ms. Brager, I believe, has announced  
19 that she is going to run against Lynette Boggs-McDonald  
20 so that may be one of the problems that we have.

21                  But here again, you have people internally  
22 unprepared to handle a \$3 billion school district. The  
23 capital and operating budget combined is over  
24 \$3 billion a year. At the time we did the study, it  
25 would have ranked at like the 78th largest corporation

1 in the Fortune 500. And if you took that school board,  
2 would you want those people managing a \$3 billion  
3 corporation? And we try to phrase it in that manner --  
4 and ask (inaudible) this a very difficult situation.

5 I think Dean also mentioned that Walt is  
6 coming out of the community. But you have to realize  
7 given -- I was a part of that process when we tried to  
8 go to New York and recruit a gentleman to be a part of  
9 this community. There was tremendous political dealing  
10 behind the scenes. So, obviously, Walt would be  
11 beholden to the four people who insisted that he remain  
12 there. I think the vote was 4, 3 with Terri Janison,  
13 Shirley Barber, and Larry Mason supporting the  
14 gentleman out of New York, with Susan Brager being the  
15 swing vote. There was a tremendous amount of politics  
16 taking place at the School District in terms of the  
17 future of how we are going to be challenged.

18 But I think Walt, to his credit, has picked  
19 up with some of these school autonomy zones and some  
20 other kind of issues that hopefully would impact the  
21 academic achievement.

22 It's like there was a minute in the public  
23 record on the proficiency tests. Fortunately, my  
24 daughters have graduated from college and started their  
25 own careers. But if I kid a who performed satisfactory

1 for years in high school and they introduced a  
2 proficiency test there was not in phase with the  
3 minimal graduation requirement, I would have certainly  
4 sued the School District.

5 That is so important that I think we are  
6 going to try and look at that under our able group of  
7 advisors of Latin/Latinos for education. That is just  
8 a major concern if you have factoring polynomials on  
9 our proficiency test, and you took basic math in high  
10 school as a graduation requirement, that's patently  
11 unfair to the people who went through that. So they  
12 are trying to get it back in phase where you would be  
13 tested on, I guess, information -- I know I probably  
14 couldn't have passed a proficiency exam to get out of  
15 college on some stuff I took as a freshman.

16 You know, so I think that that was hastily  
17 put together by a couple people who have agendas of  
18 their own. And, unfortunately, in this political  
19 climate, you just can't get people to step forward  
20 because of two things: Fear of criticism and fear of  
21 failure.

22 You have some very talented people who are  
23 very knowledgeable about the educational processes, and  
24 you meet with them in small group settings like this  
25 and not on the record, you'll have tremendous ideas

1 about how things can change. But you ask them to come  
2 to a public forum and put their name or credibility on  
3 line, they will not do it.

4 MS. FEMENELLA: Unfortunately, those  
5 proficiency tests come under the guise of the No Child  
6 Left Behind which comes out of Washington D.C.

7 MR. OVERSTREET: Doris, I think that they had  
8 admitted that proficiency a year or two before No Child  
9 Left Behind, or I can stand corrected.

10 MS. FEMENELLA: I can't say, but I don't  
11 think so. Having sat upon the state board, I don't  
12 recall that. But I do recall that, and do know, that  
13 this comes under the guise of the No Child Left Behind,  
14 so unless state acts on it and says that we -- you  
15 know -- then you can do something about.

16 MR. OVERSTREET: You could leave that  
17 \$122 million a year we get from the feds. You know, on  
18 a \$3 billion budget, I could find 122 million  
19 guaranteed.

20 So if that is a concern and you are concerned  
21 with getting federal monies, then just let the federal  
22 money go back, and let's try to do what's right for our  
23 kids in the state of Nevada.

24 DAVID SANCHEZ: Mr. Overstreet, you mentioned  
25 the issue of criminal justice system. This State

1 Advisory Committee held a public hearing in the early  
2 1990's in Reno regarding community/police relations.

3 From your perspective, from the African  
4 American community, the minority community, what is the  
5 relationship, in your opinion, between the minority  
6 communities here in Southern Nevada and law enforcement  
7 in general?

8 MR. OVERSTREET: I think, in all honesty,  
9 it's improved somewhat under Bill Young. Bill Young  
10 grew up in West Las Vegas, and he has good credibility  
11 with persons of color. He has done a lot of recruiting  
12 with the bilingual police officers which I think helped  
13 a lot in our city given the large Latino population.

14 So to be fair about at that level, I think he  
15 has done a credible job. The problem is with the  
16 judges and the sentencing patterns. I know when I was  
17 president of the (inaudible) black caucus for eight  
18 years, when we did a disparity study, it was clear it  
19 impacted -- that persons of color was getting  
20 four times the amount of time a white person was for  
21 similar possessions with drugs.

22 And I am sure some of these judges wouldn't  
23 just automatically get re-elected if it came out how  
24 biased they are in their sentencing practices. I think  
25 we would have a change in their attitudes since they



1 would be open to public scrutiny.

2 DAVID SANCHEZ: Thank you.

3 Are there any other questions for  
4 Mr. Overstreet before we take a break and start the  
5 next panel?

6 MR. ISHMAN: If I may?

7 DAVID SANCHEZ: Mr. Ishman, did you want to  
8 come forward? Michael, do you have a question?

9 MR. ISHMAN: Just briefly on that subject  
10 while Louis brought that up.

11 First off, the judicial system I think is  
12 really broke. It's that Judge Judy attitude that seems  
13 to permeate the system right now.

14 And whether it's real or perceived power that  
15 these judges have, it's outrageous. And, I mean,  
16 before a person opens their mouth -- and we get those  
17 kind of complaints too -- they're told, You're lying,  
18 we don't believe you, this and that. And there are  
19 some cases where it may seem like it's not the truth,  
20 but, in fact, it is the truth.

21 And their patience seems to be short with  
22 trying to extract the real truth out of someone's  
23 testimony. It's just -- I'm not hearing it, get out of  
24 here. And, I mean, their attitude tone is demeaning to  
25 a lot of people. And that is something that really

1 needs to, truly needs to be looked at.

2 And in terms of the police department, Metro  
3 has made some great strides. They have a civilian  
4 review board -- well, yeah, citizen review board that  
5 is operating. And I believe North Las Vegas and  
6 Henderson really needs to have one and certainly North  
7 Las Vegas.

8 We right now hear of too many issues, and I  
9 guess because they have the gang task force and they  
10 operate in North Las Vegas, that we have a high number  
11 of complaints, but I have spoken to Chief Perisi about  
12 this. I have spoken to one of our upcoming speakers  
13 and Sheriff Young about the attitude. And, actually,  
14 we are going to further those discussions.

15 But I learned, and I am a retired police  
16 officer, that you should initiate -- or I believe you  
17 should initiate contacts with a  
18 you're-okay-and-I'm-okay attitude. And I often say you  
19 let the person, meaning the officer, let the person  
20 decide how this is going to go. If I approach you in a  
21 respectful manner, say, Ma'am, Sir, you were speeding,  
22 may I have your license and registration. Now, if they  
23 get irate, then I have to perhaps meet that level.  
24 And, ideally, you want to de-escalate a situation, but  
25 in order to get control, you may have to go there.

1 But a lot of times, the attitude is just  
2 simply, I'm the boss, you know, and you are just going  
3 to take whatever abuse I have to dish out. And the  
4 attitude is that there is no real reason for what you  
5 did and you're wrong. And that's --

6 DAVID SANCHEZ: Did you have a question?

7 MR. OVERSTREET: Let me follow-up on what he  
8 said in terms of the perceptions of crime in this  
9 community.

10 We have put a black or brown face on crime in  
11 this community. And a typical example, we did a study,  
12 I think it was 2003, where we clipped the front pages  
13 of stories relating to crime. Almost without fail if  
14 the perpetrator was black or brown, his or her picture  
15 would be on the front page. If the perpetrator was  
16 white, the victims of the crimes picture would be on  
17 the paper.

18 That creates a tremendous perception problem  
19 in this community. And so we have to understand what  
20 that does because we are more than likely the victim of  
21 a crime so it's a (inaudible) support.

22 It's like another -- I'm sure, David, you're  
23 very familiar with that. You know, you almost have no  
24 possibility of being killed by a person of another race  
25 that you don't know. Black folks are killing black

1 folks, brown folks are killing folks, white folks are  
2 killing white folks.

3 If you had a situation in this country where  
4 people of different races were killing people of other  
5 races, crime in this country would be stopped and dealt  
6 with immediately. But as long as crime is on people of  
7 similar backgrounds as yourself, you know them, it  
8 ain't going to change.

9 DAVID SANCHEZ: Thank you.

10 Any questions?

11 MR. PENNINGTON: Thank you. Mr. Overstreet,  
12 thank you again for appearing here today.

13 I want to go back to your opening remarks and  
14 your opening statement and discuss some opportunities  
15 that may be presented to the State and this Committee.

16 You were quite critical about the  
17 effectiveness and the history of the Nevada Equal  
18 Rights Commission, and you were quite supportive about  
19 the opportunity for the EEOC to open up a Las Vegas  
20 office.

21 Knowing that the Governor has appointed  
22 Deborah Madison who has worked in the Nevada Equal  
23 Rights Commission for a while to the new administration  
24 and the fact we have to the EEOC office coming in, what  
25 recommendations might you pass along to us as this

1 Committee gets ready to work with that transition to  
2 bring the EEOC office here to seek and collaborate in  
3 forums or issues to focus on?

4 And I might just conclude my thought with the  
5 fact that knowing that there are two different  
6 jurisdictions that are kind of delineated between state  
7 law and federal law, how can that collaboration kind of  
8 be better brought together from your point of view?

9 MR. OVERSTREET: I think, as I indicated,  
10 there has to be a strong public support for the efforts  
11 of the Commission, and that has to come from the  
12 Governor. And we have an opportunity now, those of us  
13 who are working in the various campaigns for persons  
14 seeking the office of Governor, to stress that it is a  
15 desire on the part of the people we represent that that  
16 office be housed as an independent agency (inaudible).

17 And, secondly, you need to in-service staff.  
18 There are numerous complaints, and I know Dean hears  
19 this and maybe Tony when he was President of the Latin  
20 Chamber, is that people are discouraged from filing  
21 complaints by the staff themselves. And here again,  
22 sometimes the documentation may not be critical -- I  
23 mean, complete or what have you, and there are some  
24 cases where, you know, we got to play the race card  
25 unfortunately when there is no merit to the playing of

1 such a card.

2 But their staff that is to be in-service so  
3 there is a consistent level of understanding of how  
4 laws should be enforced in this state.

5 And, as I think Dean also indicated, you  
6 don't belittle people when they have a concern. And I  
7 think when I lived in Alaska, they have the friendliest  
8 people in the world. And I think people here in --  
9 when I first came to Las Vegas, they were almost as  
10 rude as the people I met in Chicago, so we have to  
11 change that in that regard.

12 So I think it's a more attitudinal kind of  
13 shift and a refocusing. I think as our community grows  
14 and grows that it's important upon our communities to  
15 exercise those political kinds of opportunities to make  
16 change.

17 I think there has been a dominant group in  
18 charge based on a religious preference in this state  
19 that has made some -- and to their credit, that have  
20 had influence well beyond their numbers. So not only  
21 has the numbers shifted, people who have attitudes that  
22 are similar to the ones I hope I possess, that we can  
23 elect fair-minded people to public office.

24 DAVID SANCHEZ: Thank you, Mr. Overstreet.

25 Any other questions before we take a break?

1           TONY SANCHEZ: I just have one brief  
2 observation. I think I worked with Mr. Overstreet on  
3 almost a daily basis in the past couple years, both on  
4 the Association of Blacks and Latinos in Education, as  
5 well with the Latino Chamber and the Urban Chamber.

6           I am as -- and I agree with you. We have an  
7 upcoming forum at the end of June with our  
8 two associations, and Mr. Ishman and everybody is going  
9 to be invited. But asking the Governor candidates to  
10 come and speak to the minority communities in college,  
11 and June 27th is that date. I think the independence  
12 of the Nevada Commission on Equal Rights is a very  
13 fitting topic for that forum, so I look forward to  
14 that, but it's been highlighted after hearing your  
15 testimony.

16           MR. OVERSTREET: Thank you, Attorney Sanchez.

17           DAVID SANCHEZ: If there are no further  
18 questions, let's take a five-minute break and come back  
19 for the Panel No. 2, and we will set that up shortly.

20                           (Short recess)

21           DAVID SANCHEZ: This meeting of the Nevada  
22 Advisory Committee to the United States Commission on  
23 Civil Rights is now in order again.

24           We have before us a member of Panel No. 2,  
25 Mr. Rod Jett, Assistant Sheriff.

1 Mr. Jett, would you introduce yourself to us  
2 and define your role for your organization.

3 MR. JETT: You bet. My name is Rod Jett,  
4 J-E-T-T. I am the Assistant Sheriff in charge of all  
5 law enforcement operations. I command five divisions,  
6 all patrol, all substations, the detective bureau,  
7 homeland security, and special ops.

8 DAVID SANCHEZ: Thank you, sir. This panel  
9 is convened for the purpose of establishing the status  
10 of civil rights in the state of Nevada. We have in the  
11 past investigated police/community relations in  
12 Northern Nevada.

13 From your perspective, sir, if you would give  
14 us, from your perspective, what the police/community  
15 relationship is here in Southern Nevada, especially  
16 with our minority community and law enforcement.

17 MR. JETT: I'll try my best. I think I'm in  
18 the unique position to speak on this topic. I was born  
19 in this community. I've been a policeman for 28 years.  
20 Just by circumstance, I happened to grow up in West  
21 Las Vegas in the projects, so I have seen a lot of  
22 change in our community and a lot of progress.

23 And I can tell you that law enforcement today  
24 as compared to 1978 when I first hired on is like day  
25 and night. Now, do we still have our challenges? Of



1 course we do. We still have people who don't  
2 understand the value of diversity in law enforcement.  
3 We still have people who are immature, and it takes  
4 them a while to get to the point where they are  
5 competent police officers. And that is the one  
6 component of policing that I think that gets us in the  
7 press from a negative standpoint the majority of time.

8 I think, more often than not, it's due to  
9 inexperience and not having an understanding of the  
10 cultures, as opposed to racism. Now, is there still  
11 racism in law enforcement? Absolutely, but it's not  
12 the type of racism that I think rears its ugly head on  
13 the street each day where cops interact with the  
14 public. I think that is fear, and here again, the lack  
15 of knowledge of cultures, different cultures.

16 I can tell you that our number one complaint  
17 that we receive in Internal Affairs is interaction with  
18 the public which just basically means being rude to the  
19 public. Now, I think that tells a story. It's not use  
20 of force. It's not inappropriate force. It's  
21 interaction with public, so I either step up to your  
22 car and I make an inappropriate comment, I don't tell  
23 you why you're being stopped, I'm sarcastic or  
24 condescending.

25 And we have made great strides in attempting

1 to address those issues; however, we still hire 21-year  
2 olds from our community. And one of the changes that's  
3 occurred in policing from the time I hired on until  
4 today is, when I hired on, I had prior military  
5 experience, as did most of the folks who entered law  
6 enforcement. So we came here with a maturity that we  
7 don't see now.

8 Now we see a lot of kids that join our  
9 department -- or first of all, I came here not because  
10 of the pay. The pay was secondary. I came here  
11 because I like red lights and sirens and helping  
12 people. Now, when you ask a person that is hiring on  
13 our department, Why did you choose to come here; Well,  
14 you have good benefits, you have a good dental plan.  
15 Now, that's a shift.

16 And, additionally, I'm amazed at the number  
17 of people who are 21, 25, 28 years old who still live  
18 with their parents. That just never happened back when  
19 I hired on.

20 So you have all these factors that contribute  
21 to the type of person that eventually gets to the point  
22 that they step up to your car on a car stop.

23 Now, what are we in law enforcement,  
24 specifically our department, doing to address that?  
25 We're just doing a variety of things. Everything from

1 diversity training which is mandated, and we use one of  
2 our local community leaders, Mujahid Ramadan. He has  
3 been a contractor with our department for the past  
4 five years to provide mandated diversity training to  
5 our department officers.

6           Additionally, we take Title 7 issues, both  
7 internally and externally, very serious. When  
8 allegations are made, most officers are relieved of  
9 duty until the investigation is complete. And, at all  
10 times, that person is removed from the work place as to  
11 where the allegation or alleged misconduct occurred at.

12           From an overall standpoint, law enforcement  
13 within our community, and I am speaking only from a  
14 perspective of Las Vegas Metropolitan Police  
15 Department, I am extremely proud of the fact that the  
16 majority, the vast majority, of our officer-involved  
17 shootings now, when I hear about the details of the  
18 case, I don't get a twinge in my back.

19           I have always insisted that policing be done,  
20 that we use only force as a last resort. And I  
21 remember several times in my career where we would  
22 commit fatal shootings and it would turn out the  
23 suspect had a pager or did some type of move that the  
24 officer perceived as being a threat to him or her. And  
25 I am extremely proud of the fact that when I hear about

1 a shooting these days, the suspect had a gun, more  
2 often than not fired a shot at us, and I think that's  
3 the time when force is appropriate.

4 Now, what is the reason that we have been  
5 able to reduce our fatal shootings? It's our training.  
6 It's our innovative tools. I mean, the basic officer  
7 on the street now has a beanbag shotgun which is  
8 basically just a shotgun shell with a beanbag inside.  
9 And people that we used to kill because they were  
10 carrying a knife or threatening us with a stick, now we  
11 shoot them with a beanbag. It makes a small bruise on  
12 the chest in the area that you shoot the person, and  
13 they are taken into custody.

14 We also have Tasers. There is a lot of  
15 controversy about Tasers. I can tell you I think  
16 Tasers are one of the greatest tools that law  
17 enforcement has ever had access to. I think Tasers  
18 have reduced our fatal shootings by no more than  
19 probably 60 percent in our department.

20 There has been numerous incidents that I read  
21 in the watch commander log each morning where we  
22 entered a house with either a mentally ill person, a  
23 person with a knife, a person with a stick, a person  
24 who was threatening our officers in ways that ten years  
25 ago our only option would have been fatal force which

1 means we would have shot that person. So I'm extremely  
2 proud about that.

3 We also take great consideration when we are  
4 doing pursuit driving with this community. We have one  
5 of the most stringent pursuit driving policies in the  
6 nation. If the crime is a property crime or a stolen  
7 vehicle, officers are not allowed to chase that vehicle  
8 unless you have a secondary crime that goes with that  
9 either stolen vehicle or property crime. And what that  
10 means is, if you're driving a stolen car and you just  
11 robbed a bank, we're going to chase you. If we run  
12 your car on our computer and it only comes back as a  
13 stolen vehicle, that officer is not allowed to chase  
14 the vehicle.

15 And, you know, the reason we do that is  
16 because we're concerned about our community. We live  
17 in this community, and I don't want my wife or my son  
18 going through an intersection and being slammed into by  
19 the bad guy who was doing 60, 70 miles an hour because  
20 he's trying to allude us.

21 Now, are we still going to have people killed  
22 in our community as a result of police chases? It's  
23 just a sad fact of today's society, it is going to  
24 happen because there are some people that I think  
25 society expects us to chase.

1           From a community relation's standpoint, the  
2 Bolden area command in West Las Vegas which is  
3 predominantly inhabited by African Americans, it's  
4 always been a location where traditionally we haven't  
5 had the best relationships with the folks in that  
6 community. That's the community that I grew up in.

7           And a lot of that was based on -- well, I'd  
8 say the vast majority was based on the types of  
9 officers that staffed that area. There was no real  
10 desire to establish a relationship, and I mean from a  
11 global standpoint. Of course, we had our individual  
12 officers who did their individual work, but I heard one  
13 of the speakers before me address this issue, that in  
14 certain areas of town, because you live there, you're  
15 automatically put in a category as being a criminal.

16           And I am so happy to say here today with  
17 complete honesty that we have changed that type of  
18 mentality in our department. We honest to God have,  
19 and that includes our Hispanic community.

20           We made an effort four years ago, five years  
21 ago to reach out to our Hispanic community from the  
22 standpoint that we noticed that Hispanics were being  
23 disproportionately victimized, and, at the same time,  
24 chose not to report that crime because of fear of being  
25 deported or fear that we would be concerned more about

1 their immigration status as opposed to them being a  
2 crime victim. So Sheriff Jerry Keller started a  
3 program called the HART Team, which is the Hispanic  
4 American Resource Team, and their sole job was to go  
5 out into the Hispanic communities and establish  
6 relationships with folks who live in those communities  
7 to make them aware of services that we provide and to  
8 make them feel comfortable with picking up the phone  
9 and calling 911 when they become a victim of a crime.

10 We also created an Hispanic interpreter  
11 service which is where we hire temporary workers from  
12 the community and they assist our officers 24 hours a  
13 day with interpreting for our Spanish-speaking public  
14 on car stops. Any contact that we have with the public  
15 from a patrol standpoint, that service is used.

16 Recently, we teamed up with the VERA group  
17 which is a non-profit organization dedicated to  
18 changing the wrongs that have been created in policing.  
19 They joined up in conjunction with the COPS Program  
20 which is headed by the National Justice Program, and  
21 they are going to do an assessment of our organization  
22 and tell us how we can even further improve the  
23 services and our ability to serve our Hispanic  
24 population.

25 So anything that this organization can find

1 that's going to help us police our community better,  
2 we're all for it. There has never been a better  
3 opportunity for progressive police work to be conducted  
4 in our communities.

5 We have a very open-minded sheriff, a very  
6 open-minded staff. Our staff has never been more  
7 diverse than it is today. I'm the highest ranking  
8 African American officer that's ever been on this  
9 department. Our Deputy Chief of Detectives is African  
10 American. And for the first time in history, the  
11 Lieutenant in charge of homicide is an African  
12 American.

13 That just tells you the kind of evolution  
14 that LVMPD has gone through in the past 28 years. Now,  
15 you would have to believe that if that kind of change  
16 is going on internally, there is a lot of change going  
17 on externally, if for no other reason just because the  
18 work place is more diverse and people in positions of  
19 power have a better relationship and a better  
20 understanding of the challenges of all the people in  
21 our community, not just a certain segment.

22 DAVID SANCHEZ: Before we entertain any  
23 questions from the panelist, I would just like to make  
24 a statement to you, Assistant Sheriff.

25 I started my career with the Los Angeles



1 County Department of Personnel. I did recruiting for  
2 the Los Angeles Sheriff's Department. I also served as  
3 a member of the Use of Force Review Board under  
4 Sheriff Moran and Sheriff Keller.

5 But I'm also aware of the fact that in the  
6 1990s, the Las Vegas Metropolitan Police Department  
7 fell in disfavor of the United States Department of  
8 Justice, and that there was a consent decree in terms  
9 on your hiring practices that just recently, I believe,  
10 last year or year before that, was abandoned.

11 MR. JETT: It was last year.

12 DAVID SANCHEZ: Can you comment on that in  
13 terms of the hiring practices, specifically the  
14 minority hiring practices of the police department up  
15 to that point, and what you are doing at this point for  
16 recruiting.

17 MR. JETT: You bet. You know, when I first  
18 joined the department in 1978, my academy was composed  
19 of 25 people, and I was the only person of color,  
20 period, in my academy class. At the time, we had just  
21 a little over 400 persons of color on the entire  
22 department, and that included the Detention Center.

23 At that point, there was really no real  
24 incentive to recruit minorities of any type because I  
25 don't think there had really been any pressure on the

1 department to do so, nor do I think the people that ran  
2 the department at the time saw a need to have persons  
3 of color.

4 Now, based on my perspective, I don't really  
5 particularly think that that was racist. I think it  
6 was more a good-old-boy system. I think it was more  
7 nepotism and my friend more so than anything.

8 Now, certainly back in those days, race  
9 certainly came into play far more so than it does  
10 today. However, I don't think that was the primary  
11 motivator, and the reason I say that is when I first  
12 came on this department, I think I was treated with  
13 respect. I think I was properly trained. I think the  
14 times that I interacted with training officers, they  
15 treated me as they did the white officers on the squad.  
16 I never experienced any negativity from the people who  
17 were training me.

18 Now, certainly when I progressed through  
19 field training and went into substations, we still had,  
20 you know, you would come into the briefing room, and  
21 there would be derogatory remarks written on the board,  
22 and there would be monkey dolls put on your briefing  
23 table, but that was people that you could dismiss as  
24 just being ignorant. But, organizationally, I think  
25 everybody at that point was treated the same from the

1 standpoint of entry.

2 Now, we had big problems when it came to  
3 lateral transfers. If you were a minority person, you  
4 could put in a transfer and maybe get to Traffic, but  
5 you couldn't expect to go to the Detective Bureau or  
6 any specialized units on our department.

7 Additionally, we had very few minority  
8 supervisors. I think I could count them on one hand.

9 So I think -- well, the Federal Government  
10 confirmed that the testing process had some serious  
11 challenges, as did our recruiting efforts.

12 Now, as a result of the consent decree,  
13 several officers were mandated to be transferred to  
14 specialized units. Believe it or not, this  
15 organization had never had an Hispanic or a black  
16 officer in narcotics, as wild as that may seem. And  
17 one of the tools that was used back when I probably had  
18 five years on the department was white officers used to  
19 do black face. They would paint their face, and those  
20 were the tactics that we used if we needed to go into a  
21 black neighborhood and purchase narcotics. So here  
22 again, you can see we have come a long way.

23 Now, as a result of the consent decree, we  
24 didn't have mandates. The Federal Government didn't  
25 put mandates on us. They agreed that we could use

1 goals which means basically that the Federal Government  
2 would entrust us enough with yearly reporting if we  
3 showed a concerted effort, a real effort, to go out and  
4 actively recruit blacks, Hispanics, and females, that  
5 they would allow us to do that without mandating that  
6 you hire 100 blacks or 100 Hispanics each year, which I  
7 think does a real disservice for Hispanics, for blacks,  
8 and for females, because in a police culture, unless  
9 you've earned your way, you have no respect. So it  
10 does me no good to give you a rank as a Sergeant as a  
11 Hispanic, as a female, as a black because nobody is  
12 going to respect that. And you already have your own  
13 challenges even when you take the test properly and  
14 earned it. Some people are still going to challenge  
15 you but...

16 And that's the reason why I am totally  
17 opposed to mandates from the Federal Government when it  
18 comes to those types of things.

19 But the goals, we tried our best, and I  
20 really saw some dramatic change when Sheriff Keller  
21 took office. Sheriff Keller created the Minority  
22 Recruitment Council, the Hispanic Recruitment Council,  
23 the Women's Recruitment Council. And these are all  
24 different councils of people in those particular groups  
25 made up of community leaders, and they meet with our

1 recruiting and human resources staff on a monthly  
2 basis, and they devise and create strategies to recruit  
3 more minorities to our department.

4 And we have been very successful in doing  
5 that. I just got the recent numbers today. American  
6 Indian, we have 49 employees; Asian Pacific, we have  
7 198; black Americans, now we have 587; female officers,  
8 we have 17 -- I'm sorry, female employees, we have 1754  
9 female employees; Hispanics, we have 174.

10 Now, that's a dramatic change from even  
11 15 years ago when we didn't have the type of  
12 recruitment efforts that we have on-going now.

13 With our new sales tax initiative that was  
14 recently approved last year, we are going to have to  
15 hire approximately 320 officers each year. We're  
16 trying to run four academies each year comprised of  
17 90 individuals.

18 Now, that's been a challenge, but it's been a  
19 challenge all over this nation. LAPD currently has  
20 over a thousand vacancies which are funded to be  
21 filled. LASO has the same problem. San Diego PD has  
22 over 400 vacant positions which are currently funded  
23 that they can't fill.

24 So far through our recruitment efforts, we  
25 haven't had any problems to date filling our 90-person

1 academies. Now, through attrition, if we start out  
2 with 90 people, I just checked the numbers on our  
3 current academy, we are down to 76 people. But I would  
4 much rather wash those people out in the academy before  
5 they take whatever challenges and inequities that they  
6 had out on the street. But as far as lateral transfers  
7 internally and the promotional process.

8 I don't have the exact numbers for  
9 supervisors in our department from the standpoint of  
10 color, but I can tell you it's diverse. And when you  
11 walk down the hall or just come out to one of our  
12 briefings on New Year's Eve when we have just about  
13 every supervisor that we have on the department  
14 working, I'm extremely proud of the fact that our  
15 workforce is made up of -- we currently have two female  
16 captains. I'm sorry, we have three. We have a female  
17 Captain who heads-up the Airport Command, we have a  
18 female Captain who is in charge of Homeland Security,  
19 and we have a female Captain who is in charge of  
20 Northeast Area Command which is down at Washington and  
21 Mojave. We have one black Deputy Chief. That's Deputy  
22 Chief Greg McCurdy.

23 Now, where we're having our greatest  
24 challenge with black officers is at the Captain rank.  
25 And I personally go out and ask numerous black

1 lieutenant, Why isn't it that you don't choose to move  
2 any higher. And these days, it has nothing to do with  
3 race. The answer, more often than not is, I don't want  
4 to take on that challenge. Because we ask a lot of our  
5 area commanders. It's not abnormal to have to work  
6 between 70 and 80 hours a week, and Captains don't get  
7 overtime. Once you make the rank of Captain and on up,  
8 there is no overtime attached to that. It's whatever  
9 the job that needs to be done that day that dictates  
10 the hours that you work.

11 So, you know, when I talk to young people in  
12 our workforce now and I ask them, Why aren't you trying  
13 to move here or why don't you choose to move up in the  
14 ranks, more often than not, it's personal, Because it's  
15 going to impact my family too much, I like taking my  
16 kids to play soccer in the evening. And the further  
17 you go up in rank, the less you have opportunities to  
18 do that and still be effective in the work place.

19 DAVID SANCHEZ: Any questions for Assistant  
20 Sheriff?

21 TONY SANCHEZ: Thank you, Assistant Sheriff.

22 Just, I guess, to get a better perspective of  
23 the numbers that you were giving, you indicated  
24 198 folks, Asian Americans; 587 African Americans;  
25 174 Hispanics. What is the total universe there, and

1 are those officers or are those --

2 MR. JETT: That's our entire department.

3 TONY SANCHEZ: So that would be everything  
4 from clerical to --

5 MR. JETT: Correct. That's both civilian,  
6 commissioned officers, and commissioned officers in the  
7 Detention Center.

8 TONY SANCHEZ: How many officers does Metro  
9 have right now?

10 MR. JETT: We have 2200 badge carriers, and  
11 that includes -- and what I mean by that, that's  
12 commissioned officers, approximately 2200.

13 TONY SANCHEZ: Do you have any numbers in  
14 terms of how many of the 2200 are African American or  
15 Hispanic or Asian?

16 MR. JETT: You know, I sure don't. I would  
17 be more than happy to get that information to you.  
18 Unfortunately, I got the call last night to appear here  
19 today for Stan.

20 And I tell you, I keep all this information,  
21 and I would certainly be happy to come back at another  
22 date because this is one of my passions to ensure that  
23 we have a diverse work place and we police every part  
24 of this community in a way we police the most influent  
25 parts.



1           DAVID SANCHEZ: If you could send that  
2 information to the Western Regional Office and  
3 Mr. Pilla, we would appreciate that for the record.

4           MR. JETT: You bet. I certainly will.

5           TONY SANCHEZ: If I might, that was just  
6 something interesting. I hadn't seen those numbers  
7 before.

8           But, like you, I was born and raised in  
9 Las Vegas. Fifteen years ago, Metro officers used to  
10 take INS agents door-to-door showing them where the  
11 undocumented aliens lived, the immigrants lived.

12           And so I agree with you that much change has  
13 occurred over the past 15 years, especially, quite  
14 frankly, since Sheriff Keller came on board. And it  
15 has actually been greatly enhanced by Sheriff Young  
16 who, I think you heard from earlier comments, has a  
17 very good working relationship with minority  
18 communities.

19           Four years ago, the Latin Chamber of  
20 Commerce, when I was the President, we went to  
21 Washington D.C. and lobbied Senator Reid to get a  
22 half-million dollar grant for the HART program which  
23 was awarded. And that was one of the greatest  
24 achievements that we saw in terms of working with Metro  
25 and what we were doing as a community chamber. And

1 it's my understanding now that Sheriff Young has  
2 actually put the HART program into his budget as  
3 opposed to relying on funding.

4 MR. JETT: That is correct.

5 TONY SANCHEZ: So that was something that was  
6 very much appreciated.

7 In my day job, I have the opportunity to  
8 lobby the Nevada State legislature on a full-time basis  
9 and have worked with Stan Olsen over the last couple of  
10 sessions. And one program in particular that Stan was  
11 very instrumental in two sessions ago, in the 2003  
12 session, was to lobby the legislature to allow local  
13 governments to accept matricula consulate  
14 identification cards.

15 And Stan and Metro was very supportive in  
16 terms of wanting folks here, regardless of their  
17 citizenship, to have identification, both for safety  
18 purposes, because we have individuals in our immigrant  
19 community who couldn't get a bank account because they  
20 had no identifications, and they then became known as  
21 walking ATMs. And that was something that I think was  
22 part of the impetus that lead to the creation of the  
23 HART program as well as the crime that you were  
24 referencing. So that was something that was very much  
25 appreciated.

1 I just wanted to note for the record that  
2 15 years ago was a much different reality than what  
3 we've seen, especially in the last -- I think  
4 Sheriff Keller served two terms, and Sheriff Young has  
5 even gone above and beyond, in our opinion, in the  
6 advancements that have been made in the last decade.

7 MR. JETT: I totally agree. I couldn't come  
8 here today without commenting on a recent immigration  
9 protest and the outstanding job that our agency has  
10 done. And just to tell you what our department  
11 philosophy is, our department philosophy is, as long as  
12 people protest peacefully, they will be allowed to do  
13 so, unobstructed.

14 I think you have seen that when other  
15 departments in the country, as recently as last week,  
16 made attempts to move people on the sidewalk and force  
17 them to adhere to rules that are really not enforceable  
18 when you have groups of that size, it leads to unrest,  
19 it leads to arrests, it leads to conflict, it leads to  
20 lawsuits, it leads to fights.

21 We have managed, I think, to date, probably  
22 eight different events, some with numbers as high as  
23 8000 people. And we don't have a big department. Most  
24 of those are managed with officers numbering 100 and  
25 150 officers. We have not had one complaint. We have

1 only had a small number of arrests, and those people  
2 are people who were on the sidelines who were  
3 intoxicated trying to insight the lawful protestors who  
4 were marching down the street.

5           And we get a lot of comments from the  
6 community. Just recently at First Tuesday, which we  
7 hold once a month, I got a question, Why is the police  
8 department putting the protestors in a cocoon. Well,  
9 we do that because it minimizes the liability to this  
10 community. If the police department wasn't out there  
11 walking with the protestors, without exception, each  
12 time we go out, there is always at least two or  
13 three drunks who are out there with some kind of sign  
14 or some kind of banner or making comments in an attempt  
15 to insight the crowd, and we have had to step between  
16 those two groups several times during the recent  
17 protests.

18           But I am extremely proud of -- we deal with  
19 such a high number of people with a minimal amount of  
20 staffing available to manage those protests, and, to  
21 date, we haven't had an event that the press is even  
22 halfway interested in reporting.

23           DAVID SANCHEZ: And, if I might, that jogged  
24 my memory. I do have one complaint, and it's not  
25 directed at you. But there weren't -- I was out there

1 Monday, and I have been in large crowds. And, in my  
2 opinion, I am not a crowd-counting expert, but there  
3 was -- the estimates of 7 to 8000, I think were  
4 extremely low in terms of how many folks were out  
5 there.

6 MR. JETT: Well, that makes it even better  
7 for me. Okay, so we're even doing a finer job.

8 TONY SANCHEZ: I agree, and that was -- one  
9 thing that jogged -- when I was talking about the  
10 legislative actions a couple of sessions ago, bills  
11 were passed with respect to efforts to examine racial  
12 profiling issues statewide, and I can't recollect how  
13 those ended up. Is that something --

14 MR. JETT: I can. AB500, as a result of  
15 AB500, our department, as I think all departments in  
16 Clark County, were mandated to start making note of the  
17 racial make-up of people they stopped on car stops or  
18 had contact with.

19 And the result of our study was, after I  
20 think it was a year was the time frame, was, we  
21 disproportionately stopped African American males.

22 We secondarily did another study internally,  
23 and this was related to handcuffing folks on car stops.  
24 We disproportionately handcuffed African American  
25 males, and I believe Hispanics also.

1           Now, for me, that was certainly some good  
2 data to hear about because it told me that we had a  
3 problem that we needed to address.

4           Mr. Sanchez, has that problem totally gone  
5 away? I don't think so. Now, and I say that based on,  
6 here again, it goes back to the training mentality and  
7 the fact that I think it's 60 percent of all people  
8 that we hire in our agency come from another part of  
9 the country. And so many people come here from the  
10 Midwest and Iowa and back East who really haven't had a  
11 lot of interaction with minorities.

12           Now, the times when I go out on the street  
13 and interact with our young officers, I honestly  
14 believe that the issue is more a fear based on what  
15 they see on the 6:00 o'clock news, how minorities are  
16 perceived in the press.

17           One of the earlier speakers talked about, you  
18 know, if there is a shooting in the hood, that shooting  
19 is portrayed totally different on the 11:00 o'clock  
20 news than any other place. And normally they find the  
21 most inarticulate, inept person who witnessed the crime  
22 to conduct the interview with. And, you know, most of  
23 the time that person wasn't even sober enough to be a  
24 good witness.

25           Now, that perception is out there, and the

1 reason I say that's a true perception is because we  
2 used to police in West Las Vegas differently than we  
3 police in other areas of town. And I would imagine  
4 that also applied to 28th Street which used to be  
5 predominantly inhabited by Hispanics.

6 And I noticed that there is a built-in fear  
7 that when you worked West Las Vegas you automatically  
8 assumed you were going to be hurt more so than if you  
9 worked Sahara and Paradise.

10 Now, that was based on minorities, we like to  
11 verbalize when you stop us. You know, the first thing  
12 we're going to ask you is, Why did you stop me, this is  
13 BS, this happens to me all the time. And a lot of  
14 officers, until they receive a proper amount of  
15 experience and training, they perceive that as a  
16 threat.

17 Now, police officers are taught from the time  
18 they enter the academy, always maintain control of the  
19 situation. So if I'm vocal, the officer thinks he or  
20 she has to escalate. If the person that's being  
21 stopped, if he raises that level, the cop raises the  
22 level.

23 I really think it's more a perspective of or  
24 an aspect of training more so than racism. And the  
25 reason I say that, you know, I make a habit of when I

1 am stopped by the police, I don't identify myself. I  
2 pretend I am the average citizen just to see how I'm  
3 going to be treated. And I can tell you I recently  
4 went to a -- it was a fatal accident that we had as a  
5 result of a pursuit a couple of Sundays ago out in the  
6 Flamingo and Audrey. And I was stopped by a couple of  
7 officers who they treated me badly. And what I mean by  
8 that, the first comment to me was totally  
9 disrespectful, Hey, can't you see the police line,  
10 can't you see -- now, as soon as the guy saw the badge  
11 hanging around my neck, attitude completely changed.

12 So I'm not going to sit here and tell you  
13 that we don't have officers still working the street  
14 who have not gotten the big picture. But I can tell  
15 you this, there is a lot of people in place, including  
16 first-line supervisors, that are doing their best to  
17 hold officers like that accountable, and if need be,  
18 remove them from our department.

19 DAVID SANCHEZ: Any other questions?

20 MS. KINDRED: Assistant Sheriff, could you  
21 talk a little bit about the training, the diversity  
22 training that these officers receive in more detail.

23 MR. JETT: Yes. When we first started doing  
24 diversity training, which is probably ten years ago, we  
25 used a Lieutenant and he went on to become a Deputy



1 Chief, and I think he has since retired, named Andre  
2 Barry who worked at the Reno PD. And, you know, one of  
3 the -- he came in, and he gave us -- it was mandated  
4 also which created a lot of animosity in the  
5 department. And he talked about different scenarios,  
6 but he talked more about cultural difference than boots  
7 on the ground, car stops, and our interaction with the  
8 public. And I don't really think it was that effective  
9 because as I sat there for five or six hours, we really  
10 didn't get to the root of the problem, to the meat of  
11 the subject which is race relations and law  
12 enforcement's contact with minorities.

13 So Sheriff Young, to his credit, decided to  
14 take it to another level when he hired Mr. Ramadan.  
15 And the focus of that training is to talk about issues  
16 that we really deal with on a day-to-day basis: Car  
17 stops; arrests; cultural differences; when I enter a  
18 person that happens to be Asian American or Hispanic  
19 American, when I enter their house, what are cultural  
20 differences that can get me in trouble if I don't  
21 understand those things.

22 I was just talking to Mr. Tanaka, who I have  
23 known ever since I was a rookie I think, and we were  
24 talking about he had recently gotten a comment from  
25 somebody in the community who appreciated the fact that

1 one of our African American officers put on booties  
2 prior to entering an Asian American's home.

3 I mean, that kind of stuff would never have  
4 happened 20 years ago. That's the type of quality  
5 interaction training that we're getting now as opposed  
6 to years before. But I can tell you, I think the  
7 driving impetus has been people know that they can  
8 receive a suspension or even be terminated. We fired  
9 probably, I would say, probably three people, one a  
10 Sergeant, in the past five years for violating our  
11 diversity policy. So now people know that there is  
12 some teeth to the policy in addition to the training.  
13 So we got the carrot and the stick, and I don't think  
14 we could have seen the change that we have seen without  
15 both.

16 MS. GABATO: Thank you for coming today. I  
17 appreciate your comments. I have actually several  
18 comments and a question to ask you.

19 Since you have admitted that most of your new  
20 recruits and hires are inexperienced, immature 21-year  
21 olds who hasn't had exposure to diversity and the  
22 various parts of our community, has your department  
23 considered requiring college-level education for new  
24 recruits in order to enhance their policing and their  
25 interpretation of law and working with people?

1 MR. JETT: A very good question. I can just  
2 tell you I brought a stat from -- before I even go to  
3 that, our academy class of 1 of 2006 -- I forgot my  
4 glasses too as you can tell -- there is a total of  
5 90 recruits that started this academy; 18.9 percent had  
6 either a BA or a BS; 21.8 percent had an associate's  
7 degree.

8 Now, this is one, this has been a big  
9 argument that Sheriff Young has had. As a matter of  
10 fact, about four months ago, Sheriff Young mandated  
11 that we require that any new recruits coming into the  
12 department have at least an associate's degree.

13 Now, after doing a comprehensive study of the  
14 number of people that we need to hire, looking at the  
15 folks that we have on our department, looking at the  
16 success rates as it correlates to their education,  
17 based on the number of people that we need to hire in  
18 the future, it's not realistic that we mandate that you  
19 have a college degree when you join our department.

20 And if you look around the country, which we  
21 did, most of the departments that mandate a college  
22 degree are small departments. San Jose, Harvard,  
23 Newport Beach, they are small, affluent departments  
24 that can afford to pick and choose the number of people  
25 that they hire, and the quality of people that they

1 hire -- I shouldn't say the quality. They can mandate  
2 a college degree because they are only hiring probably  
3 between 2 and 15 people a year. Where just through  
4 attrition, our attrition numbers run between 65 and 75  
5 officers a year.

6 So we could run a 90-person academy, and 75  
7 of those people aren't going to be a plus because we  
8 just had 75 walk out the door through retirement,  
9 termination, deciding they don't like police work  
10 anymore.

11 So what we decided to do, and what we decided  
12 to do 15 years ago through negotiations with the  
13 bargaining units is, we will pay for your education  
14 once you come onto the department, and we also pay an  
15 incentive at the end of each fiscal year. It starts  
16 off with \$375 for an associate's degree and it goes up  
17 based on the type of degree that you have.

18 Me, personally, I think there is no negative  
19 in that because what I want you to do is come here and  
20 learn how to be a police officer first. Now, do I  
21 value education? I certainly do, because I think the  
22 more you're educated, you get a more global perspective  
23 of the world around you. You're more open to ideas,  
24 better ideas. You're more open to change. And I can  
25 say that from experience.

1           You know, the kids that come to us today,  
2 they're used to playing video games, and they are more  
3 open to education. It's just that our department is  
4 not in a position of where we can mandate it. But I  
5 don't see that as negative. I see that most cops that  
6 come here, they want to go to Community College, if for  
7 no other reason than just to get that extra \$375 a  
8 year. And, at the same time, now I have got a person  
9 who is got some training behind him in addition to a  
10 formal education.

11           MS. GABATO: Okay. My second question is  
12 regarding your diversity training. About 10, 12 years  
13 ago, Rozita and I were involved with Metro because we  
14 had a shooting of a mentally ill Asian Pacific. And  
15 we, at the time, called for the Citizen Review Board --  
16 Civilian Citizen Review Board which we have now.

17           And, at that time, there was a -- Sheriff  
18 Keller then had the diversity training in which case  
19 they would invite members of the Asian Pacific sector  
20 to be involved in curriculum development with diversity  
21 training and to be in the classroom talking about our  
22 culture.

23           Is that still on-going or has that changed?

24           MR. JETT: No. As a matter of fact,  
25 Sheriff Keller and Undersheriff Gillespy meet once a

1 month with the Multi-cultural Committee, and Dean is a  
2 member of that committee. And any topics related to  
3 concerns of the community are relayed to the Sheriff  
4 and the Undersheriff during those meetings. And I can  
5 guarantee you, the next day at briefing, we hear about  
6 the concerns of the community, and we as executive  
7 staff are mandated to go out and start resolving those  
8 issues.

9 We are certainly open to any changes in the  
10 curriculum in our academy. Dean just recently came to  
11 me addressing a problem that I talked about earlier,  
12 our number one IAB complaint is interaction with the  
13 public. And it was just reinforced by the complaint  
14 that Dean brought forward.

15 Now, what are we doing with that? Already,  
16 we have had meetings with our academy staff to  
17 implement more role playing and more training when it  
18 comes to interaction with the public. And then, just  
19 as simple as this, and one of our traffic Captains came  
20 up with this, a cheat card that teaches our cops when  
21 they approach a car, the first things you should do.  
22 And the first thing is a greeting, the second thing is  
23 identify yourself, the third thing is tell the person  
24 why they are being stopped. If we did that simple one  
25 act it would eliminate probably 50 percent of the

1 complaints that our agency receives, that simple one  
2 act.

3 Now, did that cost our department, our  
4 agency, a lot of money? It most certainly didn't, and  
5 we are just going to add that to our training  
6 curriculum, have some cards printed up, implement the  
7 training. And I am confident we're going to see some  
8 change in the numbers of those types of complaints.

9 MS. GABATO: I would just bring up a comment  
10 since I sit on this Committee and the people in our  
11 Asian Pacific Committee know that some of the comments  
12 that have been brought to me is that within our  
13 community at least when there is a traffic violation or  
14 a traffic -- between two participants, white or  
15 Caucasian or Asian Pacific, the cops necessarily talk  
16 to the Caucasian first, and then disregard the comments  
17 of the Asian Pacific involved in that. So I just  
18 wanted to make that as a comment.

19 The my third question is that -- I forgot.  
20 I had a senior moment.

21 You mentioned, and I think it's a very -- you  
22 know, like Tony said about the HART project that is  
23 necessarily geared towards the Hispanic population. Do  
24 you have any such project or on-going thought about  
25 making that a part of the other ethnic sectors, like

1 the Asian Pacific that comprises about 6 to 8 percent  
2 of the population?

3 MR. JETT: Well, the reason why we have  
4 department-wide HART programs is because, you know,  
5 everybody knows that our Hispanic population, depending  
6 on which number you look at, is between 24 and 33,  
7 34 percent of make-up in our community.

8 Now, what we do is we break down each  
9 substation depending on demographics of that  
10 substation, we customize programs for that substation.  
11 So Southwest station, which predominantly polices the  
12 area of Spring Mountain, where there is numerous Asian  
13 businesses, the apartment complexes are heavily  
14 inhabited by Asian Pacific people, our day shift  
15 Lieutenant, Lieutenant Ben Kim, he has become known as  
16 the mayor of Spring Mountain because he has such a  
17 close relationship with the community there.

18 So the same with Bolden Area Command. We now  
19 put key personnel in those positions as Captains and  
20 Lieutenants who understand the culture of the  
21 community, who go out and actively reach out and  
22 establish long-term relationship, and to try to make  
23 real change with the people that we police.

24 And you know what? We're doing this -- a lot  
25 of it -- I don't want you to think we're just good



1 guys. We're doing a lot of this because we're selfish,  
2 and we realize we have limited resources, and the best  
3 utilization of our resources is to get the community  
4 involved as partners with us. We don't want that just  
5 to be a line on the side of our cars. We truly want to  
6 be partners with the community because we realize we're  
7 2200 badge carriers of a population of 1.6, and fluid  
8 population of 40 million a year. We need help from the  
9 community.

10 So any time you have an issue anywhere in  
11 this community, all you have to do is pick up the phone  
12 and call that Area Captain, and your concerns will be  
13 addressed. And I mean long-term. If you see a place  
14 where we are falling down or we can improve, each  
15 person that's commanding a substation is the type of  
16 person I just described or they wouldn't be there.

17 MS. GABATO: Hopefully, my last question.

18 Regarding the police shootings that have been  
19 in the news from time to time, what's your statistics  
20 like, statistics for those? Is it decreasing? Is it  
21 increasing?

22 MR. JETT: I'm pretty sure -- well, to date,  
23 I think we have had nine officer involved shootings,  
24 and we are on pace with last year. But our population  
25 has increased. And we have seen a steady decline in

1 fatal shootings for the past years. I can send you  
2 guys those statistics also when I send the other  
3 information.

4 But, you know, the point I made earlier,  
5 what's really important -- you know, at one point in  
6 Las Vegas, we were the number one capture spot for bad  
7 guys profiled on America's Most Wanted.

8 So the point I'm trying to make is, there is  
9 always going to be people that come here that need to  
10 be killed. That's just a fact of police work. That's  
11 a fact of society. And I don't mean that to sound  
12 harsh, and I don't mean to sound insensitive. But  
13 there is, you know, there is an element of society who  
14 when you tell them to put their hands behind their  
15 back, they pull out a gun and try to kill you.

16 What's more important than the number of  
17 declined in police fatal shootings is a quality of  
18 police shootings. And that's what I'm talking about  
19 when, you know, the guy pulled out a knife, he pulled  
20 out a pager but I thought it was a gun, I shot him in  
21 the back because, you know, he was running towards some  
22 citizens.

23 Those are the type of shootings that I'm  
24 concerned about, or, I should say, that I pay  
25 particular attention to. When I hear about a shooting

1 when I get a call at 3:00 o'clock in the morning, I get  
2 up and talk to my Deputy Chief of Detectives, and he  
3 tells me that the bad guy fired a shot at us, and we  
4 shot and killed him or a suspect pulled a gun, I get  
5 back in my bed and go to sleep. Because I've been here  
6 long enough to have experienced shootings of just what  
7 I described, there was a car chase, the guy got up and  
8 ran, went down a dark alley, I thought he pulled a gun,  
9 but where is the gun, can't find it.

10 I think it's more important for a police  
11 organization to minimize and eradicate those types of  
12 shootings. Not that I'm not concerned about all  
13 shootings, but here again, I go back to the point I  
14 just made, that a lot of bad guys come to Las Vegas.  
15 And society is made up of people who they don't put  
16 their hands behind their back. They actively resist.

17 You know, we have had two examples this year.  
18 As soon as our Sergeant Henry Prendes walked up to the  
19 door, the bad guy shot him from upstairs. A week  
20 later, we have a guy that fires over 40 rounds at us  
21 because he knew he was going to be violating and going  
22 back to prison because he was wanted for six felony  
23 warrants.

24 So that's the type of person that I'm talking  
25 about when I say that there is some people who just

1 insist on being kill.

2 Now, we got a lot of programs in places to  
3 avoid that. We have -- Sheriff Young created the CIT  
4 program which is a crisis intervention program where we  
5 train officers in patrol if we're dealing with a person  
6 who has a mental illness or is under the influence.  
7 The CIT officer -- and we stole this program from  
8 Memphis. Memphis had this program for probably since  
9 the 1980s. Now we have a cop who goes there who is  
10 trained in addressing and interacting with people who  
11 have a mental illness, de-escalates the situation.  
12 That has drastically reduced the number of officer  
13 involved shootings that we have, and we have at least  
14 two officers on each squad in patrol trained with those  
15 type of tactics.

16 MS. GABATO: Okay. Thank you. The other  
17 thing -- the last one. I'm sorry.

18 You know, how is your relationship with -- I  
19 know these kinds of things are reviewed by Internal  
20 Affairs and the Civilian Police Review Board, I  
21 suppose. How is that working out? I sometimes read in  
22 the paper diverging comments about your relationship  
23 with the Citizen's Review Board. Can you just comment  
24 on that?

25 MR. JETT: You bet. I would be happy to.

1 That's the Review Journal's perspective.

2 MS. GABATO: Yes?

3 MR. JETT: Yes, it is. I can tell you, we  
4 have the best relationship we have ever had with an  
5 oversight committee in the history of our department.  
6 Deputy Chief Mike Ault who heads up Internal Affairs  
7 meets on a bi-weekly basis with Andrea Beckman who  
8 heads up the Civilian Review Board. In the -- I think  
9 the Civilian Review Board had been in place for  
10 five years or longer -- we have only had two cases, out  
11 of all the cases that Internal Affairs investigates  
12 each year, overturned and challenged by the Civilian  
13 Review Board.

14 We provide training for their oversight  
15 committees. We meet on a quarterly basis with the  
16 actual oversight and review committees that determine  
17 which cases need to be investigated by the Civilian  
18 Review Board.

19 So I think we have an excellent relationship  
20 with the Civilian Review Board. And I would ask you to  
21 call Andrea and ask her for yourself because I'm  
22 confident she's going to tell you the same thing I'm  
23 telling you today.

24 MS. GABATO: Thank you.

25 DAVID SANCHEZ: Thank you. We are running a

1 little bit behind schedule. So, Assistant Sheriff  
2 Jett, we really appreciate your comments here. Thank  
3 you so much for coming here. And, again, if you will  
4 direct all further information to the Western Regional  
5 Office.

6 At this point, let's take about a five-minute  
7 break, and allow our court reporter to relax for a  
8 minute while we get the next panelists set up.

9 (Short recess)

10 DAVID SANCHEZ: The meeting of the Nevada  
11 State Advisory Committee to the United States  
12 Commission on Civil Rights is reconvened.

13 This is Panel No. 3, and we have with us  
14 Rozita Lee, Wayne Tanaka, and Dr. Rene Nora. And, at  
15 this point, you can choose which one of you will go,  
16 but we would like you to introduce yourself and your  
17 organization, if any, and what your role is within that  
18 organization.

19 Let's start with Rozita first.

20 MS. LEE: Thank you. My name is Rozita Lee,  
21 and I am the Chair for the National Federation of  
22 Filipino American Associations, Nevada Chapter in  
23 Region 11 which encompasses Nevada, Arizona, and Utah.

24 I'm also on the board of the Organization of  
25 Chinese Americans, on the Advisory Board, and also with

1 the Las Vegas Hawaiian Civic Club, and with the Asian  
2 Chamber. I have been here since 1979 very much  
3 involved with the Asian Pacific American community.

4 Today, we all know how the population has  
5 grown as far as the Asian Pacific American community,  
6 and I have given you some statistics for you to look  
7 at, and this was prepared actually by the VERA Justice  
8 Department. And they had taken all of this information  
9 from the 2004 census. And in about two months, the  
10 Asian American Justice Center will be having a meeting  
11 here where we will be distributing our book which is on  
12 the demographics of the Asian Pacific American  
13 community in Las Vegas, as well in four other states,  
14 which I would like to invite all of you to attend when  
15 it happens.

16 According the census bureau, there are about  
17 147,000 Asian Pacific Islanders here in Clark County of  
18 which 130,000 are Asian Americans and more than 17,000  
19 are Pacific Islanders. Now, these numbers are small.  
20 And we say that because we are in the community, we  
21 have a lot of functions. And we know that these  
22 numbers are small simply because when the census bureau  
23 person goes to a home, they did not take all of the  
24 numbers that are actually living in that home. And we  
25 have found that out because they do not divulge. A lot

1 of Asian Pacific Islanders do not let the census takers  
2 know the exact count in each household.

3 But these are good numbers for us to look at,  
4 and I also want to point out that the Filipinos  
5 comprise the largest of the Asian American ethnic group  
6 in Clark County, 46 percent of the Asian American  
7 population here in Clark County.

8 The next largest are Chinese, then Japanese,  
9 Korean, Asian Indian, then Vietnamese. Native  
10 Hawaiians are the largest Pacific Islander group  
11 followed by Guamanian and Samoans.

12 We all know that many, many people from  
13 Hawaii have moved here, but they are not all native  
14 Hawaiians. They are of many different ethnic groups.  
15 There are just a few who are actually native Hawaiians.  
16 I was born in Hawaii but I am of Filipino ancestry, so  
17 I would not be counted as a Hawaiian. But they are  
18 counting us as those who have moved here from Hawaii.

19 One year we did a study by going to the DMV  
20 to get a count of how many people had changed their  
21 licenses from Hawaii to Nevada, and we found that there  
22 were at least 50,000 at that time, but this also  
23 included the military. So, yes, there is a huge  
24 contingency of people who have moved here from Hawaii  
25 and also from California.



1           Throughout the country, Nevada has the  
2 fastest growing Asian American group and the second  
3 fastest growing Pacific Islander population from 1990  
4 to 2000, and the growth has continued from 2000 to  
5 2004. And it's interesting to note, that the Filipino  
6 population grew by 300 percent during this period.

7           And with the influx of the Asian Pacific  
8 Islander group that has come here to Nevada, there are  
9 challenges. There are challenges not only for the  
10 groups but also for the government agencies.

11           And some of the issues that we are concerned with  
12 are: The immigration, law enforcement, voting rights,  
13 education, health and welfare.

14           It was interesting to listen to our former  
15 speaker from the Metro Department talking about law  
16 enforcement and about the diversity program that they  
17 have supposedly put in place. I have been involved in  
18 speaking to the cadets at several of the meetings but  
19 that has stopped. They no longer ask the leaders of  
20 the community to be part of it. They have instead  
21 hired, I believe, it was Mujahid to take care of this,  
22 and which I think is sad if they don't include the  
23 leadership and if they don't have a longer period of  
24 training which I feel that they need to do.

25           Now, as far as law enforcement, Belen told

1 you about the time that we had this problem with one of  
2 our Filipino young men who had some mental problems and  
3 came running out of his house yelling and screaming and  
4 had two steak knives in his hands, and he was shot to  
5 death by 3 policemen who were 6-foot 5 or more, and  
6 this young man was 5-foot 3 or 4.

7 We were appalled at what had happened, and so  
8 we met the Sheriff. And, at that time, it was  
9 Sheriff Keller. And I do have to let you know, and I  
10 wish that he were here, we were shocked when we sat  
11 with Sheriff Keller at a meeting, when he sat down and  
12 we were seated like you are, and his opening statement  
13 to us, the Asian Pacific, specifically, the Filipino  
14 group was, I will not apologize for my officers killing  
15 Mr. Wihi. Now, how do you think that made us feel?

16 That was abominable for him to make a  
17 statement, an opening statement, to a group of  
18 concerned citizens. And it still bothers me a lot, and  
19 I bring this up because I think that there should be  
20 better training within the police department. And I  
21 think that was brought up, that they are doing that  
22 now, and I am glad that they are making some changes.

23 We have not met with Sheriff Keller as a  
24 group as yet. Although Sheriff Keller did come to our  
25 Getting to Know the Candidates night because NAFA which

1 is the umbrella group for the Filipino community does  
2 hold a night before election to get to know --

3 DAVID SANCHEZ: Rozita, you mean  
4 Sheriff Young?

5 MS. LEE: No. It was Sheriff Keller who said  
6 that to us.

7 DAVID SANCHEZ: But are you meeting with  
8 Sheriff Young at this point?

9 MS. LEE: We had not. I'm sorry. We should,  
10 we should, and we should be calling. In fact, that was  
11 one of the things that we plan to do. And you're going  
12 to please have to forgive me because I do have senior  
13 moments too, more so than Belen.

14 But that's one thing about law enforcement.

15 MS. GABATO: Thank you, Rozita.

16 MS. LEE: I know you admit it.

17 Another thing that we have a concern about is  
18 voting issues, voting rights, and this is very  
19 important to us. And I know that right now there are  
20 meetings, there are seminars being held about the  
21 discussion of the voting rights. This is being done  
22 throughout the different states.

23 Here, in Las Vegas, I have been very much  
24 involved with getting out the vote and voter education  
25 and voter mobilization, and, specifically, among the

1 Asian Pacific American groups.

2 And I have found that many a time, it's  
3 that -- the reason that people don't go out to vote,  
4 even though they are eligible to vote, they are  
5 citizens, they have the right to vote, is because at  
6 one time, they were intimidated. And we're trying to  
7 hold education workshops that this has got to stop here  
8 in Las Vegas.

9 But, you know, intimidation is a tactic that  
10 is used, and, unfortunately, it is being used by the  
11 parties. And so we can't really blame the agency  
12 itself, those who are like, you know, in our Clark  
13 County registration office.

14 But I do want to let you know about one  
15 experience where we wanted to purchase lists, but  
16 because we wanted to purchase lists of the Asian  
17 American community that were actually registered to  
18 vote, I feel very strongly that there was some kind of  
19 prejudice against us because they made it very  
20 difficult for us to make those purchases. So that  
21 needs to be, I think, addressed.

22 Regarding the education --

23 DAVID SANCHEZ: Question, please.

24 TONY SANCHEZ: I'm interested in how -- do  
25 they keep lists like that? Or how do you -- you would

1 request a list of Asian Americans in Clark County? How  
2 do they keep that record? Is it by a voluntarily  
3 disclosure by the voter when they register? Because  
4 you can't do it by surname.

5 MS. LEE: I know. It's very difficult to do  
6 it by surname, but in some instances, we have had to do  
7 that. We were able to retrieve from the files, and I  
8 don't know the exact program that was used, but we do  
9 have a list, in fact, several lists now, of Asian  
10 names. We couldn't do it with the Filipinos because  
11 Filipino and Hispanic names are so similar.

12 TONY SANCHEZ: And that's why I was asking,  
13 because our efforts in the past, we have found we can't  
14 even come close.

15 MS. LEE: Right. That segment was difficult  
16 to do, but the Chis and the Kims and the Lees and -- of  
17 course, Lee is difficult also. I'm a Lee, but there  
18 are, you know, different kinds of Lees. But we were  
19 able to do a very good list that was pulled up for us.  
20 And so we appreciated that, but it wasn't done by Clark  
21 County. It was done by a private firm.

22 TONY SANCHEZ: You had to pay for it?

23 MS. LEE: Yes, we had to pay for it. So we  
24 were able to do that to get people out to vote.

25 I want to also tell you about the fact that

1 most of the problems with these issues, especially with  
2 Metro, are created primarily because of the lack of  
3 understanding of culture, and I want to cite one  
4 particular case.

5           A Filipino woman was put in jail because she  
6 was allegedly, she allegedly staged her own assault and  
7 robbery at the store where she worked. She was  
8 actually unconscious and she was revived, but the  
9 police put her in jail stating that she was the one  
10 that just staged the whole thing, and the reason for  
11 that was because they found money in her shoes. But it  
12 is a cultural thing for people to carry money in their  
13 shoes in the Philippines.

14           And they did not -- and she kept trying to  
15 explain this to them, that the money that she had in  
16 her shoes was her rent money, and she didn't want to  
17 put it in the locker at the store because in the past,  
18 there were people, you know, pilfering from lockers.  
19 And yet, she was put in jail. And it had to take an  
20 attorney to get her out of jail. And it was simply  
21 because of the lack of cultural understanding. And  
22 that I think needs to be worked on.

23           The police, we do have some issues about the  
24 police. And I am proud to say that actually it was the  
25 Filipino community that really wanted police

1 accountability. We had a committee working, we even  
2 did studies of different states of police review board,  
3 and then we finally got the Citizen's Review Board on  
4 board.

5 But do you know something? Not one of us was  
6 asked to be on the board. And I don't know if it was  
7 because there were afraid of us or what. But not one  
8 of us was asked or appointed to be on the board, and  
9 yet we were the ones that instigated it and got it  
10 started and made them aware of it.

11 Regarding education, I do want to cite a case  
12 where there definitely needs to be some improvement  
13 with the education department as far as management, as  
14 far as teachers, and understanding Filipinos and  
15 understanding Asian Pacific Americans.

16 In one particular case, I was called on to  
17 assist where a Filipino student had moved here from the  
18 Philippines but was placed in a lower grade. She was  
19 actually -- she had a status of an eighth grader, but  
20 she was placed in fifth grade here in the U.S.

21 And when I asked why that was done, and the  
22 superintendent at that time -- I forgot the real title  
23 of that person, I'm sorry -- said it was because the  
24 standards of the Philippines is different from the  
25 standards of the U.S. And that really riled me because

1 we have an outstanding education system in the  
2 Philippines.

3 And I said, Have them take the test, and then  
4 you can tell just today, this week, how they will  
5 place. Well, they placed -- they took the tests that  
6 were administered, and they placed very high. They  
7 were excellent.

8 But you see again, there is that perception  
9 that because we are from a third-world country that our  
10 education is not as good as the education here in  
11 America.

12 TONY SANCHEZ: Would you comment on the  
13 recent efforts by the School District to recruit  
14 teachers from the Philippines?

15 MS. LEE: I was just going to get to that.

16 DAVID SANCHEZ: More specifically, what we  
17 would like to hear is the state statute says that  
18 teachers must be citizens, and if they aren't recruited  
19 under these set of circumstances, they can only remain  
20 on for three years. What is the Filipino community  
21 going to do with that when three years comes up?

22 MS. LEE: Yes, thank you. We were very much  
23 involved in assisting with these 51 teachers who were  
24 brought here. And I spoke with Ms. Sheckoway who was  
25 with that recruiting team and also with Ms. Guterrez,



1 Lena, who is head. And we had a meeting with them.

2           Because there was very -- in our opinion,  
3 there was very little preparation that was made for  
4 these teachers. In other words, there were set up to  
5 fail if they were to come here because of the lack of  
6 training that they had in the Philippines. Although  
7 they said they spent weeks and weeks with them before  
8 they came. I don't know what kind of training they  
9 had.

10           But these teachers are -- they are well  
11 qualified. They are not citizens. They know that they  
12 are going to have to go back after three years. We  
13 know that. We helped them with housing because housing  
14 was not prepared for them.

15           In one instance, they got off the plane.  
16 There were seven people that had nowhere to go. Where  
17 was the School District? It was a good thing that we  
18 were there and took care of them and made sure that  
19 there was a place for them. And yet the School  
20 District said, Oh, everything was set. But it was not  
21 because we had to take care of them, and we knew it was  
22 not set.

23           As far as -- and they are very happy to be  
24 here. They want to earn money. They want to be able  
25 to help their families back home, like most immigrants

1 do. And they're trying really hard to assimilate with  
2 the community here.

3 Now, how can a 5-foot 1 slim girl, teacher,  
4 work with a group of 40 in a class all male, all  
5 African American? One case. And do you know that one  
6 of the students through a book at her and hit her in  
7 the head? And what was done? We brought that up with  
8 the School District. Oh, we're terribly sorry it  
9 happened, and that person was suspended. Well, I  
10 mean -- the student was -- what is the term that they  
11 use? He was ejected out of school?

12 DAVID SANCHEZ: Expelled.

13 MS. LEE: Expelled. Senior moment again.

14 But in things like this, when you are going  
15 to bring in foreign teachers, please give them some  
16 kind of heads-up as to what to expect when they get  
17 here.

18 We have special education teachers. We have  
19 math teachers. We have science teachers. All well,  
20 well equipped, ready to go with their classes here.

21 The special education teachers have different  
22 kinds of special ed students in the Philippines. They  
23 were not aware of what to expect here in Las Vegas.  
24 But through tears, through determination, they are  
25 still there teaching in the classroom, and they will

1 continue to do that until their time is up.

2 Now, the contract is on a year-to-year basis.  
3 It's not guaranteed that you will be here for  
4 three years. So at the end of the year, there will be  
5 evaluations.

6 Now, as far as the health and welfare, we  
7 have -- oh, I have many, many examples also about  
8 employment. But time is short so, I'm going to give it  
9 now to Dr. Nora who is going to talk about the health  
10 and welfare of the Asian Pacific Americans.

11 DAVID SANCHEZ: Thank you. Dr. Nora would  
12 you introduce yourself for the record.

13 MS. NORA: My name is Dr. Rene Nora. I'm the  
14 Vice Chair of the National Federation of Filipino  
15 American Associations. I'm also a member of the  
16 Governor's Commission on Mental Health and  
17 Developmental Services, and a Clinical Professor of  
18 Psychiatry at the University of Nevada School of  
19 Medicine.

20 I am glad that I am following Rozita's  
21 presentation, and I do not have to saddle you with  
22 statistics and demographics, but I think it's important  
23 when she highlighted that the Filipino Americans in  
24 fact represent a very rapidly growing population. And  
25 I would like to call the attention of the Commission to

1 the following issues with recommendations and  
2 implications maybe for action items. I believe you  
3 have my handout, but let me go over this. I have only  
4 one page, three of them, four of them.

5 The first one, as with most minorities of  
6 issue is stigma, and it runs across the board whether  
7 you're talking about relationships with the police,  
8 with health care professionals, with business people.  
9 Stigma is still quite an issue. There are two primary  
10 stereotypes that continue to affect this group.

11 One is that all Asian Americans are the same.  
12 Non-Asians frequently have difficulty telling Asian  
13 Americans apart, whether they are Filipino, Koreans,  
14 Chinese, Japanese, Indonesians and so forth. The three  
15 of us sit here and very easily -- I mean, you could  
16 probably mistake Wayne Tanaka as Filipino. He looks  
17 Filipino to me. And I've been mistaken for Japanese at  
18 times too, so that's one issue.

19 Keep in mind, that there are actually  
20 43 ethnic groups, and we speak over a hundred different  
21 languages and dialects.

22 The second stereotype is that all Asian  
23 Americans are foreigners, and being a foreigner, you  
24 know, has rather some negative connotations when you  
25 are in this country. Although more than half of all

1 Asians in the U.S. were born outside the U.S., many  
2 Asian American families have been in this country for  
3 several generations, and over half of this population  
4 were born in this country.

5 To understand this diverse group would  
6 require knowledge of the reasons why they came here,  
7 some are refugees, some are not. The cohort of  
8 immigration, the regions of the origin, educational  
9 level, their economic status, language, family network  
10 and values, belief and expectations.

11 I, myself, have had this experience. I have  
12 been here for over 40 years. I have three children all  
13 born here. But, fortunately, not too many, but I can  
14 tell you that there were very unhappy moments when we  
15 were also subjected to some degree of these  
16 difficulties.

17 When we are first met in the professional  
18 area or field, people assume that we don't speak  
19 English; that's number one. Number two, that if we do,  
20 we may have limited expertise in terms of understanding  
21 and so on and so forth. And once we introduce  
22 ourselves, I am Dr. Rene Nora, immediately, of course,  
23 the whole attitude changes. But if I do not go out of  
24 my way to say that, then there is quite a bit of some  
25 barriers.

1           My children often come back and tell me about  
2 this when it happens in school. Fortunately, they all  
3 survived. My son is a surgeon, Chief of Surgery in a  
4 big hospital in California. My daughter is the current  
5 Judge, one of the first Asian female judges in the  
6 state. So I guess we are the more fortunate ones, but  
7 there are many others who are not as fortunate.

8           As I said, this has implications on how  
9 business employers, employees, healthcare professions,  
10 social services staff, police and authority figures,  
11 and especially legislators and those involved in making  
12 major decisions that affect the personal and  
13 professional lives of Asian Americans.

14           I think there is still quite a bit in terms  
15 of education, not only on cultural competency but  
16 sensitivity in terms of understanding this population.

17           I also would like to give an example with the  
18 police. Even when they apprehend an Asian American, if  
19 you did not know that Asian Americans tend to smile  
20 quite a bit when they are very anxious or very  
21 uncomfortable or very fearful or that they have limited  
22 eye contact, because in our country, the old timers, it  
23 is disrespectful to really pursue and keep on having a  
24 direct eye contact.

25           So if you're a policeman who engages in a

1 situation like that, you would think that either  
2 somebody is bazaar or making a mockery or because they  
3 are not looking at you, they are being devious. And so  
4 it sets the tone already for a negative relationship.  
5 So how will they know that, unless they really went to  
6 again some training and background? That this is, in  
7 fact, not a character disorder but simply the cultural  
8 aspect.

9 I will move on to mental health needs.  
10 Research and surveys consistently indicate that  
11 Filipino Americans as well as Asian Americans tend to  
12 underutilize mental health services. This is not just  
13 due to the stigma of being mentally ill, which is even  
14 worse in our origin, country of origin. It's bad  
15 enough here, but when you're -- some of our country of  
16 origin mental illness is even more of a stigma.

17 But here I think it is also the lack of  
18 information and knowledge of resources for treatment,  
19 counseling support, lack of care providers who speak  
20 the language or who are competent and sensitive to deal  
21 with their problems and concerns.

22 So the last issue about mental health, not  
23 really the last, but because I am (inaudible) I tend to  
24 look at red alerts, and I am talking about suicide. In  
25 the last CDC report, which is always a few years behind

1 because that's how they do it, Asian Americans in  
2 Nevada have a rate of 7.2 per 100,000 population. What  
3 is the meaning of that? That is actually a much higher  
4 rate than the national average for Asian Americans in  
5 the U.S. which is 5.3. And Assistant Sheriff Jett  
6 mentioned that our statistics for fatal injuries due to  
7 homicide and also legal intervention is improving, but  
8 numbers still do not really reflect that. For the  
9 Asian Americans, the rate of fatalities or injuries is  
10 8.8, compared -- and I'm talking about in Nevada --  
11 compared to 3.4. That's almost double for the figures  
12 of Asian Americans in the United States.

13 Now, in terms of the total health care, and  
14 I'm only thinking about some time constraints, I do not  
15 have the numbers for the total uninsured and those who  
16 have no insurance benefits, but I suspect that is quite  
17 a number. It's just that the Asian American group is  
18 sometimes called the invisible minority because they  
19 don't complain too much. They may not be so aggressive  
20 in seeking welfare or social services; and, therefore,  
21 they just go on through life without having these  
22 benefits or paying attention to them.

23 Now, the third area of concern is lack of  
24 efficient and accurate surveillance systems to track  
25 trends in rates of current health, social economic, and



1 other problems with good health, to identify new ones  
2 or provide data for support activities and initiatives  
3 or to identify protective factors or target high-risk  
4 special population for intervention.

5           Yesterday, I Googled Filipino Americans, and  
6 you will get figures, you know, for the national. But  
7 if you want to plan for programs, if you want to plan  
8 for support systems, for something that is local, and  
9 all of you who sit there know that Las Vegas, for  
10 example, is just a very unusual animal. It cannot be  
11 like any other state, so those that are local  
12 statistics and unique or specific to us should really  
13 be available. And because we do not have those,  
14 sometimes people say, I don't think you have a problem.  
15 And we have no hard data to actually counteract that.

16           Well, the last issue is not really an issue.  
17 There are many more, but I am just highlighting those  
18 Rozita already had discussed and that has to do with  
19 the fact that our Filipino American community generally  
20 supports a comprehensive immigration reform and  
21 legislation that will provide opportunities for  
22 families to remain together in the U.S. and to decrease  
23 the huge backlog in the availability of family-based  
24 visas.

25           Some of the input that I have from my

1 professional group is that all the attention is the  
2 illegal immigrants. Very little attention to those who  
3 are legal immigrants who are here and are waiting  
4 25 years to still get their citizenship. And so  
5 because of their separation from their families and so  
6 on, there are many issues that go with that. So all  
7 they're saying is that when you go and discuss these  
8 things on the table, take into consideration that group  
9 who are not as vocal or not as visible.

10           So, in conclusion, this is not an original  
11 thought, but I think -- imagine if even for one day,  
12 like, let's say, today all of the Filipino Americans  
13 disappeared in the state of Nevada. Can you imagine  
14 how the operations of the casinos, the hospitals,  
15 hospitals like Sunrise and UMC and so on, the other  
16 agencies will be operating? I think they will operate,  
17 but certainly they will be significantly impacted or  
18 compromised.

19           So we are saying that we have existing  
20 supports, we have wonderful things, but quite a long  
21 way yet to where we should be. We want to pursue  
22 freedom, opportunity, and justice just like everybody  
23 else. But, as I said, one of the greatest gifts, I  
24 think, is having a Commission like this that actually  
25 will sort of look into the situations and make

1 recommendations. So thank you for listening.

2 DAVID SANCHEZ: Thank you, Dr. Nora. I would  
3 like to ask two questions. But first, there was a film  
4 produced by an independent film maker called a Day  
5 Without a Mexican, so we could certainly appreciate  
6 what would happen to any minority if they were suddenly  
7 to disappear from the community and the impact that  
8 would have.

9 I would like you to follow up on your  
10 comment, No. 4, on your handout that the Filipino  
11 community supports comprehensive immigration reform.  
12 Is there a specific bill or plan that the Filipino  
13 community would endorse in terms of immigration reform?

14 MS. NORA: Yes, actually we have our legal  
15 counsel. I am not the expert on that. But we do have  
16 a paper prepared in terms of the details of that and  
17 also the comparison of the different bills so if you --

18 DAVID SANCHEZ: Could you provide that to our  
19 Western Regional Office?

20 MS. NORA: Yes, I will send that to  
21 Mr. Pilla.

22 DAVID SANCHEZ: Any other questions?

23 MS. GABATO: Rozita, you mentioned about  
24 voter intimidation, that a lot of Asian Americans don't  
25 vote because they fear or are intimidated when they do

1 vote. Do you know if that is -- if you have an example  
2 of the kind of intimidation that they experience when  
3 they try to vote?

4 MS. LEE: Yes. We have had some instances,  
5 and it's been noted, that some people have gone to a  
6 polling place, and as they approach the polling place,  
7 they are told that this is not a place for them to come  
8 to vote, but the person had insisted on going in. And  
9 when that person went in to vote, there was no record  
10 of her name in that particular place, and they were  
11 scrutinized, Give me your ID, and they were talked to  
12 in such a way that the person just decided, forget  
13 this. I'm just not going to vote.

14 It's because of the way they were treated.  
15 Yes, there is documentation.

16 MS. GABATO: Thank you.

17 MS. NORA: So, if I may have the last word.  
18 We talk about education, competencies, sensitivity. I  
19 would hope that any prevention program would always  
20 include some aspect of the care of Asian Americans.  
21 That's what I'm asking.

22 DAVID SANCHEZ: Thank you. For the record, I  
23 would like to make a comment. Rozita Lee,  
24 Doris Femenella, and I have at one time appeared before  
25 the Henderson Police Department rookie academy and have

1 spoken about our different cultures as well, so I'm  
2 very familiar with the culture that Rozita and Dr. Nora  
3 are talking about.

4 Any other questions?

5 TONY SANCHEZ: Rozita, you indicated there  
6 was documentation on that voter suppression or  
7 intimidation. Is that something you would be able to  
8 provide?

9 MS. LEE: I will try to get that information  
10 for you. And as I had told Mr. Pilla, that I will be  
11 sending him my final report that I have written out.

12 DAVID SANCHEZ: Next, we have another  
13 panelist. Could you please identify yourself and your  
14 organization.

15 MR. TANAKA: Wayne Tanaka. I represent the  
16 Japanese American Citizen League. The Japanese  
17 American Citizens League was founded in 1929. It's the  
18 nations oldest and largest Asian American civil and  
19 human right's organization. It is proud of its  
20 20,000 membership base. The Japanese American Citizens  
21 League has 112 chapters nationwide; five regional  
22 offices; eight district offices; a Washington D.C.  
23 office; and its national headquarters in San Francisco.  
24 JACL's mission is to secure and uphold human and civil  
25 rights of Japanese Americans, and, in fact, all

1 Americans, while preserving cultural heritage and  
2 values. That's preprinted material from the Japanese  
3 American Citizens League.

4           So how do we exist here in Las Vegas?  
5 Thirty-two years ago, I, and eight other individuals of  
6 Japanese American ancestry, chartered this chapter, the  
7 Las Vegas chapter, one of the 112 chapters in the  
8 United States. Our location currently is at 4030 Shift  
9 Drive in the Asian Pacific Center. We have  
10 concentrated on developing a culture that (inaudible)  
11 within this greater community. Our youth are  
12 represented often in many, many events throughout the  
13 city as the Taiko drummers.

14           We also provide senior citizens who are doing  
15 cultural dances, especially during the Asian Pacific  
16 month celebrations. We provide guest speakers to  
17 elementary schools to talk about what it means to grow  
18 up Japanese American.

19           We also introduced 12 years ago, Japanese  
20 language in the high schools. Clark County High School  
21 was the first Japanese language program in the state of  
22 Nevada. Currently, we have nine high schools, and by  
23 next year, hopefully ten high schools that will offer  
24 Japanese language curriculum.

25           We also developed 12 years ago, a Japanese

1 language Saturday school called the Las Vegas  
2 (inaudible). It is a school for 115 students of every  
3 race, creed, and color you can imagine. And they are  
4 learning Japanese on Saturday. Japanese as a language  
5 is now taught at Community College of Southern Nevada  
6 and at UNLV.

7           Because of our background in civil rights and  
8 human rights, our concentration recently has been in  
9 the areas of hate crime. We also are looking at job  
10 discrimination, not only in the private sector, but  
11 also in the public sector.

12           In recent investigations, we have been aware  
13 that a local hotel and a local club had a situation  
14 where a customer with 12 other guests from California  
15 went into a local restaurant. A drink was spilled in  
16 their lap, and when she stood up, her -- she bumped  
17 into the tray that the drink carrier was carrying. She  
18 didn't think much about it, except that her dress was  
19 now covered with a drink. But a security officer from  
20 that hotel then came and told them they had to leave.  
21 And in referencing when she was upset about her  
22 clothing and what had happened, was referred to as  
23 Geisha girl and told to leave.

24           In our investigation, we are currently  
25 working with the hotel property as well as the bar

1 property because the bar property is owned by a  
2 different person than the major hotel.

3 A simple matter like this you would think  
4 would be easily resolved with a cleaning bill and  
5 return of their cover charge, but that has not  
6 transpired. And the refusal to give us the name of the  
7 identity of the security officer, calling it a  
8 personnel issue.

9 Sometimes we also investigate when four honor  
10 society high school kids, who happened to be dressed in  
11 kakis and a wife-beater undershirt driving a low-rider  
12 Civic with megaphone pipes, are taken out of their car  
13 and put up against the cars.

14 And as Dr. Nora indicated, the children are  
15 raised not to give solid eye contact. It's  
16 disrespectful, and not to talk back to law enforcement  
17 people. And yet when that happens, they are told,  
18 Answer me, what, no speak English. And then pulled out  
19 of their cars and put up against the cars.

20 And when the kids who have their hands on the  
21 hot hood of the car take their hands off, are slammed  
22 down hard and told, Get yourself down, I told you not  
23 to move, well, those things do get resolved. Metro is  
24 responsive, but it's unfortunate because the kinds of  
25 things that are told to us from our especially



1 non-English speaking or not fluent English speaking  
2 constituents is that when the officer comes up to  
3 investigate a car accident, that the person the officer  
4 talks to is the one that speaks English best. And then  
5 the person who was actually wronged in the accident  
6 receives a citation and told to appear and bring an  
7 English-speaking lawyer.

8           Those are the kinds of things that we hear  
9 about and slowly work through the organization to  
10 resolve the issues. Metro, to their credit, is no  
11 longer hesitant in responding to those kinds of  
12 questions, and I know are working in their training to  
13 make sure that those kinds of incidents do not occur.

14           I think earlier when I heard Rod Jett  
15 describe the kinds of emphasis they are placing in  
16 their training, especially for the young officers, I  
17 believe that emphasis is being made. But like  
18 teaching, we know that you can teach. That doesn't  
19 mean somebody learned. That the teaching/learning  
20 process is separate. There is a responsibility for  
21 presentation of that teaching lesson to be at its very  
22 best. But it's also a part of the learner's  
23 responsibility to make sure that what was taught is  
24 actually learned and practiced.

25           We currently work with several organizations

1 in our city. We work with the Nevada Consulate Corp.  
2 As we know, the Consulate Corp has representatives,  
3 whether they're European or Asian or of any foreign  
4 country of citizens who now live here. And  
5 Gail Anderson, our contact with the Governor's office,  
6 makes sure that we are well informed with the police  
7 departments.

8 In fact, we recently had a meeting with Doug  
9 Gillespy and Sheriff Young over some reported concerns  
10 whether they were German tourists or French tourists or  
11 Japanese tourists because of the kinds of experiences  
12 that they have had.

13 We also work the Japan America Society of  
14 Nevada, specifically with workers who are here as J-1  
15 visa holders or with S-1, the student visa, where they  
16 have no business being workers because that's not how  
17 they enter the country. And then there are times when  
18 widowed people who never became American citizens but  
19 whose husbands were military and have now passed away.  
20 We find that there may be people living in America for  
21 ten years undetected and being paid wages under the  
22 table. And yet when it's time for benefits or  
23 insurance, those go unclaimed because they don't think  
24 that disclosure is of benefit to them.

25 We also are working with the Organization of

1 Chinese Americans. Rozita referred to them as OCA.  
2 Rozita and I are both advisors to the OCA, and we work  
3 along the lines of human and civil rights, hate crimes,  
4 job discrimination, and what we call the GOTV, get out  
5 the vote.

6 We also work in the Asian Chamber of Commerce  
7 in business and economic development. We are proud to  
8 say that there are currently 43 Japanese corporations  
9 now operating in the state of Nevada bring jobs and  
10 opportunities, and, of course, income to Nevadans.

11 We also concentrate on building coalitions  
12 for networking so that Asian businesses do not just  
13 stick with Asian business owners. That they are  
14 willing to go beyond that. And the recent movement of  
15 the Latin Chamber, the Urban Chamber, and the Asian  
16 Chamber to combine the chambers in luncheons and  
17 meetings is a step in the right direction for coalition  
18 building. I think the final push will be when they  
19 feel welcome enough to go on to the Las Vegas Chamber  
20 of Commerce as well and pass out their business cards  
21 there. One person simply said, Well, but if I go, will  
22 I be as welcomed. I said, I can't answer that, why  
23 don't you go to their meetings.

24 Connecting businesses and creating further  
25 opportunities for jobs for Nevadans is a belief we also

1 have, and we practice very hard in economic  
2 developmēt. We also work with Metro Police Department  
3 to let them know that we provide, not only the  
4 attorneys with level four interpreter but we are also  
5 willing to provide Metropolitan Police Department with  
6 what they call the cheat cards on how to greet citizens  
7 of Japanese ancestry. You know that in the morning  
8 it's "Ohio gozaimasa" but during the evening it's  
9 "konban wa". They seem to get the "Ohio" part because  
10 a state is named after that.

11 But we are also working with them to clarify  
12 this profiling. I mentioned that our four honor  
13 society kids that got pulled over curbside and got  
14 pretty rough treatment, that was a pull-over strictly  
15 because of profiling. They looked the part. And now,  
16 the reverse of this is, we pulled those kids aside and  
17 said, What's the matter with you, you look like you  
18 shouldn't be doing anything near the Strip, when you  
19 don't answer properly -- when you know they were  
20 articulate honor society inductees, they should have  
21 easily revealed that they could speak English, but I  
22 think their hesitancy was to present their case when  
23 all that yelling was going on.

24 We also provide attorney services after  
25 arrest. As well you know, by the time the arrest has

1 happened and they have been cuffed and booked, we often  
2 get calls about, Do you know a good attorney. And if  
3 they're Japanese speakers, of course, we provide  
4 attorneys who have staffs that speak Japanese or they  
5 speak Japanese.

6 We also have members from JCL from the  
7 Sheriff's Recruitment Council because we think that's  
8 an important step in the right direction.

9 The recruitment of teachers, we don't  
10 necessarily concentrate on Japanese Americans, but  
11 Rozita made reference to the fact that many Filipinos  
12 are being brought here to teach in Clark County School  
13 District schools. Our concern was that they never met  
14 with the Filipino community before initiating a  
15 headhunter group who charged these teachers money to  
16 come and teach in America. When, in fact, Belen and  
17 Rozita and -- well, I could mention a ton of other  
18 people, including CCSD employees, who all have families  
19 and contacts with colleges and universities back home.

20 It would have cost nothing more than for  
21 these community members to be flown to the Philippines.  
22 And I dare that they would probably have paid half the  
23 cost to go there and do the recruitment. But to turn  
24 it over to a headhunter group and then have these  
25 speakers who are already in profound cultural shock in

1 some instances to come here and have to give part of  
2 their paychecks to a headhunter group is, I think,  
3 beyond the pay off.

4 And then to turn to the Filipino community  
5 after that and say we can help them find housing, just  
6 rude and insensitive. And I know you know that I  
7 really love our School District, but the School  
8 District is not a person. People run departments. The  
9 sensitivity starts with people, and everything that we  
10 do in the school business is based on relationships,  
11 and that is not the way to endear a community or to  
12 hold on to a good relationship.

13 We also work the VERA Institute of Justice.  
14 Their mission, their last visit here, was to find out  
15 whether their police department is in fact working well  
16 with our community. And, essentially, what you heard  
17 today is essentially, yes. There are some misgivings.  
18 There are some concerns, but those are being worked on.

19 We are very proud to say that recently we  
20 built a connection with the NAACP, to Dean Ishman, and  
21 are building a coalition of essentially colored people  
22 to see if our organizations can begin to network and  
23 build connections with one another. We also work with  
24 -- yes?

25 DAVID SANCHEZ: Mr. Tanaka, I hate to cut you

1 short here, but we are running into some time problems.  
2 I just want to make a statement here, and maybe go in a  
3 different direction at this point.

4 For the record, I have known Mr. Tanaka for  
5 over 20 years. He's a retired high school principal  
6 here at the Clark County School District, and people  
7 who know him well respect him. And yet about a year  
8 ago you brought to me at an NAACP meeting this flier  
9 that was placed on his front door step, Love your race  
10 by the National Alliance. This particular flier says,  
11 It's time to take back America, and that all across the  
12 country, gang rapes of white women by Mexico, Asian,  
13 and African thugs are becoming common place. And if  
14 you want to join this organization, there is an  
15 application for membership.

16 Mr. Tanaka, would you respond to this and the  
17 follow up of what happened. Now, Mr. Tanaka is well  
18 respected in community. You find this and...

19 MR. TANAKA: Yes. Not just my yard, but in  
20 the neighborhood in Spring Valley. And, reportedly,  
21 it's been turned over, and there are some of these  
22 fliers being dropped off on high school campuses, in  
23 their parking lots. Sometimes stapled to the light  
24 poles in the parking lot.

25 This organization, we are glad to say, that

1 the Review Journal and the Las Vegas Sun, through  
2 David Kehara and Juliet Casey, helped with an exposé on  
3 this man. His name is Mike Sullivan. His job, we were  
4 surprised to find out, was he was being paid taxpayer  
5 money by our state to run half-way houses. But then  
6 the Review Journal and the Sun they outed this man and  
7 put a color picture of his face on TV and in the  
8 newspapers.

9           This gentleman was, in fact, running these  
10 fliers that you just saw David hold up and printing  
11 them on copiers, and the people distributing this were  
12 the ex-cons in the half-way houses that the State had  
13 him running.

14           Hence, that disclosure. They found out by tracing  
15 him back that was a convicted ex-felon, and they closed  
16 Vision House. And no longer is he being paid taxpayer  
17 money.

18           But how he cleared the State investigation to do  
19 this is still beyond me. But, none the less, I'm glad  
20 that he is no longer in that function. He is also  
21 however -- he is passing these fliers around in Fallon  
22 and in some towns in Nevada.

23           He is also working with a friend of mine, an  
24 acquaintance of mine, who is with Utah Properties.  
25 He's looking for a compound in Utah, like the Koresh



1 compound. He is desiring to have 60 to 70 acres of  
2 land in what he thinks is a more accepting community.  
3 What does he expect to do with that compound? You can  
4 imagine, because I don't know. He is not talking to  
5 me.

6 But I will say this much, thanks to David and your  
7 group, he was able to communicate with the Western  
8 Regional Office who fired off a letter to the  
9 Department of Justice.

10 My concluding statements today were going to be  
11 essentially this -- and one of the things that we  
12 decided to take upon ourselves is to ask Allstate  
13 Insurance Foundation to give us a grant which they have  
14 now awarded for \$8000. And we are working with local  
15 hotels now to place this hate crimes workshop in our  
16 Asian Pacific leadership conference in October or  
17 November. And we plan on bringing people like David  
18 and Dean Ishman and Mujahid Ramadan and Rozita Lee,  
19 myself, and others to teach Asian Pacific Island people  
20 how to react to things like this, and how not to  
21 overreact to things like this and how to report.

22 And so I wanted to just bring this to a  
23 conclusion, that as we work together, one of the goals  
24 that the Japanese American Citizens League is  
25 concentrating on is to, one, build coalitions and

1 connections with other civil rights organization; two,  
2 to join in efforts to resolve issues within your own  
3 communities and to seek pro bono services from  
4 right-minded Americans because we think pro bono  
5 services is something we can afford to ask for,  
6 especially from people in the legal departments and  
7 legal offices.

8 We all feel that civil right's decisions because  
9 they have been around for a while begin to get watered  
10 down. Oh, this too shall pass, this is going to happen  
11 no matter what. But we really feel that legislation  
12 cannot change the heart. We think that it has to  
13 become part of the community. The largest offenders  
14 that we feel are the public sector and in contract  
15 services companies where they can make a decision to  
16 contract with somebody, and if they are not doing it  
17 with an open atmosphere, we think that that's another  
18 problem.

19 In this city, the minority is becoming the  
20 majority. And our concern is the supremacist  
21 organizations that now are creating a climate of fear  
22 and mistrust, that the perpetual foreigners have more  
23 allegiances to the countries they come from than from  
24 this country where they live and raise families and  
25 become educated.

1 We believe that we should be global, but we have  
2 to act global. We are recommending to all of our  
3 citizens to record and document all incidences no  
4 matter what the severity or -- I guess, no matter what  
5 the difficulty so that we can begin to document  
6 patterns of this.

7 We feel that we need to document incidences  
8 accurately, however, and without exaggeration because  
9 exaggeration removes the integrity of the things that  
10 we are righting.

11 We feel that we need to make sure that current  
12 laws are being enforced, instead of trying to always  
13 rewrite laws.

14 We think that we should insist on coverage of  
15 events important to all minorities and to work in  
16 cooperation with minorities to incorporate it within  
17 the larger community.

18 We also feel that we have to communicate better  
19 with the media and to concentrate on how the media  
20 communicates to the rest of the industry.

21 We feel that access to health services is  
22 something that we have to concentrate on, as Dr. Nora  
23 insisted. And we always are saying to all of our civil  
24 rights organizations, Persist, persist, persist. And  
25 discrimination against one is discrimination against

1 all, and that we have to honor those that have come  
2 before us and work for the gains that we have enjoyed,  
3 but that we have to finish this unfinished business.

4 In the Japanese American community we feel that  
5 pride inside is very, very important. That when  
6 somebody you suspect has set a road block or tripping  
7 stone in front of you, that you look at it as a  
8 stepping stone up. That pride inside, pride in who you  
9 are is important, because that was the American ethic  
10 that built this country. So we always tell them, Study  
11 hard, work hard, but study smart and work smart.

12 So today I thank you for this wonderful  
13 opportunity to air some testimony about what the  
14 Japanese American Citizens League is attempting to do  
15 in our city. We feel that just by being heard today  
16 and being added to the record that this calls attention  
17 to a greater community about the things that Japanese  
18 Americans and other Asian Pacific Islanders are  
19 feeling, but we don't want to exaggerate.

20 We hope that today you see this as an accurate  
21 representation of a community's feelings about how they  
22 are being perceived and how they belong in this  
23 community.

24 DAVID SANCHEZ: Thank you, Mr. Tanaka. Any  
25 questions?

1 MS. GABATO: I just want to say that I  
2 received the same flier in our neighborhood.

3 MR. TANAKA: That flier also appeared on  
4 Cinco de Mayo of last year in restaurants of Mexico  
5 background, but also at Chinese, Laotian, Cambodian,  
6 and Japanese restaurants. Now, why it was given on  
7 Cinco de Mayo may have only been coincidental, but the  
8 sensitivity I had was, they put it out on Cinco de  
9 Mayo.

10 The issue here was, that when it was given to  
11 me by Warren Saita at Malibu Chins, he said it was very  
12 intimidating to his customers because it was put on  
13 their windshields of their cars. And this climate of  
14 intimidation and fear is not something we can ignore.

15 I think the main point too is that it's a  
16 fabrication. The Asian, black, and Hispanics are not  
17 targeting white women for gang rape. When you see the  
18 application, it says, If you are a person of  
19 honorable --

20 DAVID SANCHEZ: Honorable character.

21 MR. TANAKA: Yeah. Without disqualifying  
22 characteristics. That means if you have -- if you are  
23 part Filipino or part black or part Japanese, you're  
24 disqualified because you're not -- you are  
25 disqualified.

1           DAVID SANCHEZ: Any further questions of  
2 Mr. Tanaka?

3           Again, thank you all for joining us and  
4 making your comments part of our record here in  
5 assessing the status of civil rights here in Nevada.

6           For the members of the Committee, we're  
7 running a little bit behind time. Why don't we take a  
8 break until about 1:15 and restart. I know it will be  
9 short, but let's start at 1:15 with the next panel.

10                           (Lunch recess)

11           DAVID SANCHEZ: This meeting of the Nevada  
12 Advisory Committee to the United States Commission on  
13 Civil Rights is reconvened.

14           For the record, Mr. Tony Sanchez will have to  
15 leave us shortly for another meeting, but we would like  
16 to proceed with the Panel Four. And starting to my  
17 left, would you please introduce yourself and make your  
18 statement, introduce yourself, your organization, and  
19 your role within it.

20           MR. NELSON: My name is Brian Nelson. I'm an  
21 Enforcement Supervisor with the United States Equal  
22 Opportunity Commission, and I have been asked to  
23 present to you some information about the EEOC's  
24 presence here in the state of Nevada.

25           DAVID SANCHEZ: Please, would you brief us.

1 MR. NELSON: Sure. I don't know if I should  
2 start or end with this, but I am sure you all might  
3 know that the EEOC is opening an office here in  
4 Las Vegas. There is two new offices opening in the  
5 Commission. One's in Las Vegas. One's in Mobile,  
6 Alabama. And it will be a local office that will be  
7 under the Los Angeles district office which is run by  
8 Olipios Perry who is our District Director.

9 They will have a local director here. They  
10 will have a supervisory -- enforcement supervisor  
11 similar to me. They will have three investigators and  
12 a support person.

13 This has been a long time coming at the  
14 request of the community here in Las Vegas, so we are  
15 very excited about it. I am told that it will be  
16 opening no later than October 1st. In fact, I have  
17 seen some of the job announcements go out. We do have  
18 space across from the new courthouse downtown, and so  
19 we're all very excited about that.

20 DAVID SANCHEZ: Mr. Nelson, just for the  
21 record, I want to let you know that on May 7th, 2004, I  
22 sent a letter to Mr. Olipios Perry asking for an office  
23 to be opened. So I'm glad that the EEOC has seen that  
24 there is a need, even though it did take two years.

25 MR. NELSON: Yeah. I know things move slowly\*

1 with the government sometimes, but we're really pleased  
2 that it's finally coming here.

3 I have a breakdown for you of different  
4 charges that the EEOC has taken in the state of Nevada  
5 between 2003 and 2006. As you can imagine, the bulk of  
6 the charges are here in Clark County, which covers  
7 Las Vegas.

8 In fiscal year 2006, which is a little over  
9 half over right now, the EEOC has received 126 charges  
10 from -- that are based in Clark County. Out of 146  
11 charges that we have received, 126 of those are from  
12 Clark County.

13 This report is for all of the southern  
14 counties in Nevada. The northern counties in Nevada,  
15 which used to be covered by our office, are now covered  
16 by our San Francisco office, so I believe this is a  
17 13-county report.

18 And we went from a high in FY 2003 of 194  
19 charges, and then it dropped to 119, down to 99. Now  
20 we're back up again to 126, so the charges have  
21 increased out of Las Vegas. And I am sure when the new  
22 office opens, a lot of people that originally would  
23 have gone over to our colleagues here at the Nevada  
24 Equal Rights Commission may choose instead to go to the  
25 EEOC, so we may actually see an increase in these



1 numbers.

2 DAVID SANCHEZ: How will that affect your  
3 agreement with NERC to defer cases to them, instead of  
4 taking them directly to you?

5 MR. NELSON: We will still dually file all of  
6 our cases with Nevada Equal Rights Commission just as  
7 we have done in the past because we have a work-share  
8 agreement. And they will continue to waive certain  
9 cases over to us too.

10 As far as basis, what the charges are based  
11 on, the big basis, the number one basis is retaliation.  
12 And what that means is people who have filed charges of  
13 discrimination or have engaged in the other protective  
14 activity either complaining internally or externally  
15 are alleging they have been subjected to retaliation.  
16 So that is something we're very focused on because we  
17 think it needs to be addressed to protect the integrity  
18 of the process. So that's the number one.

19 Number two, is race black shortly behind  
20 retaliation; and then, thirdly, sex female. And we get  
21 a variety of other types of charges, but those are the  
22 three biggest areas that we're seeing charges.

23 And as far as statutes go, the combined  
24 Title 7 charges -- the combined number of charges of  
25 231 for FY 2006, 31 of those are ADA cases, Americans

1 with Disabilities Act, and another 31 are age  
2 discrimination and employment act cases.

3 And then as far as by issue, the biggest  
4 issue we see is discharge cases, followed by harassment  
5 which includes sexual harassment and/or racial  
6 harassment and terms and conditions of employment which  
7 is kind of a broad umbrella category which covers a lot  
8 of different aspects of employment.

9 The EEOC, I feel, has made a pretty strong  
10 presence even without having an office here. Under our  
11 current Regional Attorney, Anna Park, it's very  
12 important for her to have a presence here and to make  
13 it known that employment discrimination will not be  
14 tolerated.

15 Out of the 69 lawsuits that the EEOC has  
16 filed in the last five years, 24 were filed in the  
17 Nevada District Court, so a little over a third of  
18 those cases were filed here in Nevada.

19 TONY SANCHEZ: The 69 were for the region?

20 MR. NELSON: For the region, which covers  
21 counties in Southern California and Nevada. And out of  
22 those 69, 24 were filed here in Nevada.

23 And, if I can, I'd like to just share with  
24 you a few of those court cases that we have filed  
25 and/or resolved.

1           One resolved was a court case we filed  
2 against Campbell Concrete, and that resolved for  
3 \$125,000. As you know, Las Vegas is so fast growing  
4 and there is a lot of construction industry jobs, and  
5 with that, we have found that there is a lot of  
6 discrimination out there. And, in this case, the  
7 charging party was retaliated against because she  
8 complained of practices that -- she believed the  
9 company was engaging in illegal practices, unlawful  
10 employment discrimination. And because she did that,  
11 she was retaliated against. And so the EEOC was able  
12 to resolve that case on her behalf for \$125,000  
13 including injunctive relief.

14           And, like I said, the biggest issue we have  
15 is retaliation, the biggest basis, so you will see  
16 through these cases that retaliation is kind of a  
17 common thread.

18           The EEOC settled a wage discrimination  
19 complaint against a casino in Reno which is called the  
20 Club Cal-Neva, and this was filed under the Equal Pay  
21 Act. And they paid this parts runner, female parts  
22 runner, less than a male parts runner who was doing  
23 substantially the same work she was doing.

24           And so the suit also alleged that the casino  
25 unfairly disciplined the female parts runners by giving

1 them unwarranted write-ups, and they also suspended the  
2 complainant after she complained about pay disparity.  
3 So once again we have the retaliation issue. And that  
4 case was settled, and the Club Cal-Neva agreed to pay  
5 the women \$23,500, the charging party. And all of  
6 these, besides the money, include injunctive relief,  
7 like training, monitoring, posting, et cetera.

8           The EEOC settled a sexual harassment lawsuit  
9 against TIMET, which is a Titanium Metals Corporation,  
10 and that was at the Henderson facility. There were  
11 six female former and current employees that were  
12 sexually harassed there, and that included massive  
13 changes in their sexual harassment policy, as well as  
14 monitoring and training, and there was monetary relief  
15 involved too, although that wasn't part of the press  
16 release.

17           This one was just in the news recently. You  
18 might have heard that the EEOC is suing Lawry's  
19 restaurants for sex bias in their hiring procedures.  
20 This case arose out of LA, but that is a Lawry's here  
21 in Las Vegas. And, basically, the Lawry's restaurant  
22 chain does not hire men to be servers.

23           The EEOC in the past has sued other big  
24 restaurant chains who will not hire women as servers,  
25 but Lawry's has a policy that they do not hire men as.

1 servers, so the EEOC has just filed this lawsuit. The  
2 press release is dated April 3rd, 2006, and so we're  
3 hoping to be able to resolve that.

4 MS. FEMENELLA: They have some men serving  
5 now.

6 MR. NELSON: Yeah, they do have a few now.  
7 After we got involved, they started to hire some men.

8 MS. FEMENELLA: That's sure a funny feeling.

9 MR. NELSON: This one was a big, huge  
10 settlement, and, actually, this was my case. This was  
11 against the Mirage Hotel and Casino, and between 1996  
12 and 1997, they discriminated against black and Hispanic  
13 employees with regard to hiring and promotions. And  
14 this case was resolved for \$1.14 million on behalf of  
15 the class of black and Hispanic applicants for  
16 employment.

17 The Waldorf Saloon and Rooky Sports Bar, the  
18 EEOC settled a sexual harassment case against them for  
19 \$200,000 in which the EEOC had alleged that the company  
20 president and vice president and owners created a  
21 hostile work environment for female employees. There  
22 was a number of former female employees who were  
23 subjected to sexual harassment, repeated advances,  
24 unwanted touching, and vulgar language. That is in  
25 Las Vegas, I believe. I have never heard of them, but

1 I think they are in Las Vegas.

2 Valentino, which is a big, huge fancy  
3 restaurant here in Las Vegas, the EEOC settled -- and  
4 this was also just recently, October 31st, 2005 --  
5 settled a sexual harassment lawsuit for a class of  
6 women for \$600,000. And most of the victims were very  
7 young, in their early 20s and one was in her teens.

8 The EEOC has an initiative called the Youth  
9 at Work Initiative where we go out and educate young  
10 people about their rights in the workforce, and so it's  
11 very important that we reach out to this group of young  
12 people who are just entering the work force so they  
13 know their rights. And we do see a lot of cases where  
14 people will try to abuse younger employees because they  
15 feel they are more vulnerable and can take advantage of  
16 them.

17 Another restaurant, the Cavalier Restaurant,  
18 agreed to pay \$50,000 to settle an EEOC age  
19 discrimination lawsuit. This restaurant had laid off  
20 two food servers basically because of their age, and so  
21 that was settled for \$50,000. One of the servers was  
22 66 and one was 64, and they had been laid off by the  
23 employer.

24 Peppermill Casino, which is in Reno, the EEOC  
25 settled a lawsuit with them. This is from 2003. The

1 EEOC believed that a minority applicant was not hired  
2 for a position, and also they violated EEOC's record  
3 keeping violation by not keeping proper records and  
4 destroying applications. They agreed to pay \$5,000 to  
5 applicant, and they agreed to properly maintain their  
6 documents as required by the record-keeping  
7 requirements under the law.

8 EEOC filed a suit and settled a suit for  
9 \$45,000 for age discrimination when the company which  
10 is an information services provider -- I'm trying to  
11 see the name of the company here. It's a Texas-based  
12 company, but they -- where the discrimination happened  
13 was here in Las Vegas, Nevada. It's called Examination  
14 Management Services, Incorporated, doing business as  
15 EMSI. A 61-year-old employee was fired and replaced by  
16 a substantially younger worker, so the EEOC settled  
17 that case.

18 And then the EEOC settled a race national  
19 origin harassment suit against KC Asphalt, another  
20 construction company here in Las Vegas. They subjected  
21 a Pakistani employee to harassment based on his race,  
22 age, and natural origin, Pakistani. And they paid  
23 \$200,000 and engaged in a wide variety of injunctive  
24 remedies with training, posting, monitoring, et cetera.

25 EEOC sued American Premier Homes which is one

1 of the biggest home builders in the country. This is  
2 just a lawsuit. It's not a settlement, and this was in  
3 2004, and it's still working its way through the court  
4 system. But the lawsuit says that the company fired  
5 its Customer Service Director for participating in a  
6 sex harassment investigation. The director had stuck  
7 up for an employee who came to protest sexual  
8 harassment. So this is another form of retaliation,  
9 and, you know, the EEOC obviously wants to make a  
10 strong statement against retaliation and keeping the  
11 integrity of the process.

12 And just one more. The EEOC filed a class  
13 lawsuit against a local cabinet maker for harassment of  
14 its Hispanic workers. This is a lawsuit from 2004  
15 which is still pending. This is called Western Case  
16 Work Corporation, and the suit alleges that it caused a  
17 hostile work environment for the Hispanic workers. And  
18 we do see with all the immigration stories on the news  
19 and everything that there has been kind of a backlash  
20 against Hispanic workers in the work place.

21 Also one thing we have seen since 9/11 -- I  
22 thought I brought this case with me, but I guess I  
23 didn't. We did settle a case on behalf of a Middle  
24 Eastern worker who was harassed and let go from a  
25 company here in Las Vegas in the oil industry. And



1 that case settled for, I believe, \$250,000.

2 But since 9/11, we have seen also a backlash  
3 of discrimination against people who are Arab or  
4 Muslim, and even people who may not be Arab or Muslim  
5 but may appear to be Arab. So that is one of our  
6 priorities in the Commission to address these sorts of  
7 cases.

8 DAVID SANCHEZ: Mr. Nelson, what has prompted  
9 the EEOC to establish an office here in Las Vegas,  
10 other than my letter?

11 MR. NELSON: I don't really -- I'm not privy  
12 to their decision. I know that there has been, you  
13 know, some sort of pressure locally for a long time.  
14 And I know that our Chairwoman Dominguez announced to  
15 us I think about two years ago that there would be a  
16 realignment of the whole Commission. So the  
17 Los Angeles office, which used to be over San Diego, is  
18 now over Honolulu, Fresno, and the new Las Vegas  
19 office.

20 And I think just demographically, just the  
21 growth and the population here and in Mobile, Alabama,  
22 may have been responsible for them seeing the need to  
23 open offices here for customer service purpose.

24 DAVID SANCHEZ: I happen to have a news  
25 article, July 26, 2005, from the Review Journal which

1 states that, The Nevada Equal Rights Commissioner  
2 Administrator Susan Gray, in a letter to federal  
3 officials says that the EEOC is not needed here in  
4 Southern Nevada.

5 Any comment?

6 MR. NELSON: I believe there is an absolute  
7 need for the EEOC here in Southern Nevada. I mean, I  
8 have read to you the types of cases we have, and I  
9 think it would be very helpful to have a presence here  
10 in the state rather than having our attorneys always  
11 come out and our investigators come out to do the  
12 investigations and the lawsuits. I think it's a  
13 definite priority to have a presence here.

14 DAVID SANCHEZ: Would you tell us about your  
15 proposed staffing levels.

16 MR. NELSON: Yes. There will be a director  
17 here, a local director, there will be an enforcement  
18 supervisor. There will be three investigators, and  
19 there will be one support person.

20 DAVID SANCHEZ: Any questions of Mr. Nelson  
21 from the panel?

22 MS. KINDRED: Could you tell us more about  
23 the interface about the EEOC chapter and NERC here.

24 MR. NELSON: Sure. We have a work-share  
25 agreement, and we basically -- the EEOC gets charges,

1 and we automatically dually filed them with the State  
2 of Nevada. And they waive -- if it's filed with us,  
3 then they waive the case over to us, or, basically, we  
4 do the investigation.

5 If it's filed with them, they usually keep  
6 it, but there are some situations in which they would  
7 transfer it over to us. For example, if that's a time  
8 issue. And so, for the most part, they would do their  
9 investigation. We would do ours.

10 But then we also request cases from them. If  
11 they are likely related to cases that we have, then our  
12 state and local coordinator who manages the interface  
13 between the state agencies will request certain files,  
14 and we will get those files from them.

15 MS. NIX: I'm Theresa Nix. I'm the Acting  
16 Administrator for the Nevada Equal Rights Commission.

17 I was just commenting to Mr. Nelson that  
18 there will probably be some cases as well regarding  
19 sexual orientation which in the state of Nevada we do  
20 stage sexual orientation as protected class. In those  
21 instances, because under federal law it's not  
22 protected, they would be sending those to us.

23 And I can see that it's going to be a very  
24 cooperative and good working relationship, as it has  
25 been in the past. I really don't see that there is

1 going to be a big change in the interactions between  
2 the two organizations.

3 MR. NELSON: And the EEOC also funds an  
4 outreach program, and I have done training with  
5 Theresa, and other members of our staff has done  
6 training with Nevada Equal Rights Commission personnel.  
7 In fact, I was just coming from a training that I gave  
8 to 70 employees at the Job Training Education Network.

9 And so we will keep that as a strong priority  
10 to do outreach here when the Las Vegas office opens.

11 DAVID SANCHEZ: Thank you. For the record,  
12 let me pause and let everyone know that State Advisory  
13 Committee member Fafie Moore has just joined us.

14 MS. MOORE: Thank you.

15 DAVID SANCHEZ: Any further questions of  
16 Mr. Nelson?

17 MR. PENNINGTON: Yes, Mr. Chairman.

18 Mr. Nelson, you and Ms. Nix were just having  
19 a conversation on the transfer of the sexual  
20 orientation issues. Is that a major issue that we face  
21 here in the state or within your purview?

22 MR. NELSON: We do see people come into the  
23 office -- or not come into the office, but contact our  
24 office who are alleging sexual orientation  
25 discrimination. And we have to tell them it's not

1 covered under federal law, and we send them to Theresa.

2 But maybe she would have a better idea of  
3 what percentage of their cases involve sexual  
4 orientation.

5 MR. PENNINGTON: I can come back to that  
6 during your presentation, so I appreciate that.

7 DAVID SANCHEZ: Belen?

8 MS. GABATO: Thank you for your comments,  
9 Mr. Nelson. I just wanted to find out from you how  
10 long does it take for a case to be resolved? Is it  
11 based on the charge?

12 MR. NELSON: It is based on the charge. The  
13 Commission has implemented priority charge handling  
14 procedures, so basically we can focus most of our  
15 energy on those cases where we really think we will be  
16 able to make a difference. And those cases where we  
17 don't think there's anything there, we can pretty much  
18 dismiss them out of hand or within a short time period.

19 Our goal for investigations is 180 days. We  
20 don't have a set time frame that we have to conduct an  
21 investigation within. Our goal is 180 days, and I'm  
22 proud to say that the LA office has remained within  
23 that goal.

24 MS. GABATO: Number two question is, being  
25 that I come from the Asian Pacific community, how many

1 cases are filed by that sector of the population?

2 MR. NELSON: Let me tell you. In Nevada? In  
3 the state of Nevada?

4 MS. GABATO: Yes. Thank you.

5 MR. NELSON: In 2006, we have so far only had  
6 one race Asian Pacific Islander charge filed with the  
7 EEOC. In the past, it's ranged between one and seven.  
8 We have had some issues with Asian people not coming  
9 forward to complain about discrimination. I don't  
10 think the low numbers mean that discrimination doesn't  
11 exist for that community.

12 MS. GABATO: It does. I can tell you it  
13 does.

14 MR. NELSON: Yes. And so we do -- we are  
15 concentrating outreach efforts on giving outreach to  
16 these communities. There is some communities locally  
17 in LA, and we would be definitely happy to know of more  
18 Asian-based organizations that we can give our outreach  
19 to.

20 MS. GABATO: Yes. I think from general  
21 comments from my interaction with our population, they  
22 have the perception that filing locally doesn't amount  
23 to any kind of action, and filing out of federal court  
24 in LA does, but because it's too far away, you know,  
25 they just don't go that route. So and then I will make

1 further comments later with NERC. So that's why I was  
2 asking about the population.

3 When we have discrimination based on age,  
4 what is the basis for winning that when you do your  
5 investigation? Because I have questions like that from  
6 our population.

7 MR. NELSON: Well, it would be based on the  
8 evidence and comparative evidence. Usually, it depends  
9 kind of on the issue too. For example, a lay-off issue  
10 where the company is doing lay offs and, say, for  
11 example, they are disproportionately laying off people  
12 in the protected age group. That might be one example.

13 Or especially, like here, in Las Vegas where  
14 there's such an image, they want a really desired image  
15 within the casinos, we see a lot of age discrimination.  
16 Like, for example, cocktail servers, if we see that  
17 they try to let go of the older cocktail servers. So  
18 we have settled cases regarding that.

19 MS. GABATO: And, number four, regarding the  
20 outreach when you have an office here, I would like to  
21 just comment that I would like the Asian American  
22 population to be included in that outreach because we  
23 do need information, education in our sector. Thank  
24 you.

25 MR. NELSON: You're welcome.

1           DAVID SANCHEZ: For the record, I have had  
2 conversation with the LA office, and they have agreed  
3 that the State Advisory Committee here would be the  
4 lead organization to set up a meeting with the  
5 communities in Southern Nevada. So we will be taking  
6 the lead on that and welcoming them here.

7           Any other questions from the members?

8           I have one.

9           That is the ethnic categories that are  
10 currently considered protective and used for disparate  
11 impact analysis, adverse impact analysis, et cetera,  
12 for quite some time the EEOC has said that they will be  
13 re-working those protective categories. I have talked  
14 to the local office, Santos Albarran, and he has  
15 referred me to Washington.

16           Is there a target date to revise those ethnic  
17 categories so that they would be a little bit more  
18 clear in terms of what we're dealing with in  
19 discrimination?

20           MR. NELSON: I'm not really aware of that.  
21 You know, our director might be aware of that. I know  
22 the census recently on the last census added a  
23 multi-ethnic category to their census. I don't have  
24 any idea if the EEOC is going to follow suit on that.  
25 I'm not privy to that information.



1           DAVID SANCHEZ: It would make it difficult  
2 for a multi-racial person then to file a category. You  
3 have five categories at this point, right?

4           MR. NELSON: No, not at all. People who are  
5 multi-racial can file discrimination charges because  
6 they feel they are discriminated against because of  
7 their multi-racial category.

8           DAVID SANCHEZ: Will you have any  
9 Spanish-speaking investigators here at the local  
10 office?

11          MR. NELSON: Yes, we will have a bilingual  
12 investigator, if not two.

13          MS. MOORE: If you're going to address the  
14 Hispanic community, are you also going to address the  
15 Filipino community and a couple others where they are a  
16 large, growing community here and they also have their  
17 own language? Are any of those others going to be  
18 addressed?

19          MR. NELSON: I don't know if we will have a  
20 bilingual Tagalog investigator. I guess I'm not really  
21 totally aware of how great that need is. But one thing  
22 is if we don't have a bilingual investigator who speaks  
23 the language, we will bring a translator in for the  
24 person so the investigation and the interviews can be  
25 done effectively.

1 MS. MOORE: I would like to see that  
2 particularly for the Filipino community too because  
3 they are growing as large as -- I mean, they are  
4 growing at a very rapid rate in addition to the  
5 Hispanic community.

6 MR. NELSON: I will report that to our  
7 District Director.

8 MS. GABATO: Just to comment on that one. If  
9 you won't hire, you know, or you don't -- we would like  
10 to partner with you in our community to help serve that  
11 population for voluntarily service for that. When you  
12 have the office here, we can do that.

13 MR. NELSON: Absolutely. One of our biggest  
14 outreach events is to community-based organizations,  
15 and so we definitely want to reach out to all of the  
16 various communities, especially communities that the  
17 EEOC has seen as maybe being under-served in the past.

18 MS. GABATO: Thank you.

19 MR. NELSON: You're welcome.

20 DAVID SANCHEZ: Any further questions?  
21 If not, could we have the next speaker  
22 introduce herself, her role in the organization.

23 Thank you so much, Mr. Nelson, for joining  
24 us.

25 MS. NIX: My name is Theresa Nix. I am the

1 Acting Administrator for Nevada Equal Rights  
2 Commission. And in about seven days, I will go back to  
3 my role as Deputy Administrator, and I have with me  
4 today Deborah Madison who will take her position on  
5 May 10th as the Nevada Equal Rights Commission's new  
6 administrator, so we are very happy to have Deborah and  
7 have her with us today.

8 I want to start out very quickly with a  
9 legislative update which I'm sure that everyone on the  
10 Commission and Council here knows. But, just in case,  
11 during the last session of the Nevada legislature,  
12 legislation was passed giving the Nevada Equal Rights  
13 Commission jurisdiction over public accommodation  
14 enforcement as well as housing.

15 And we are currently taking and investigating  
16 these charges as they are brought to us, and we are in  
17 the process of creating and distributing brochures to  
18 the public on public accommodation and housing rights  
19 and responsibilities. And the fact that we are taking  
20 these charges, we had a few trickle in, and we are  
21 prepared, as I said, to move forward now with making  
22 sure that we get as much information out to the  
23 communities as possible as far as what the rights and  
24 responsibilities are in these issues.

25 Since the last time Nevada Equal Rights

1 Commission was honored in making a presentation to this  
2 Advisory Committee, we have continued to work on the  
3 quality of investigations we perform, and we are also  
4 shortening the case age. And I'll have some statistics  
5 on those for you today. So I'm happy to be here to  
6 have good news from the Nevada Equal Rights Commission  
7 on some hard work that is being done, and we promise  
8 you we will continue to be done.

9 We continue to provide training for our  
10 investigators and our mediators. We recently had from  
11 the EEOC investigators and training investigators for  
12 advanced investigation come to us here in Las Vegas,  
13 and we had a statewide training on advanced  
14 investigative technique which was provided by the Equal  
15 Opportunity Commission. So we're continuing to improve  
16 the quality of the investigations that are taking  
17 place.

18 We are also working to improve the amount of  
19 outreach and training we're conducting in the  
20 communities. We do believe at the Nevada Equal Rights  
21 Commission that the best way to combat work place  
22 discrimination is to prevent it from happening in the  
23 first place. And we believe that educating employers  
24 and workers about their rights and responsibilities  
25 under the law is the first step in an inclusive work

1 culture where all workers are judged on their talents  
2 and abilities.

3           The Equal Rights Commission is helping  
4 employers to help build strong prevention programs that  
5 comply with laws and break down our barriers to  
6 employment opportunities. We believe, as the EEOC,  
7 that outreach and education is the best way to prevent  
8 discrimination. And we believe proactive approaches  
9 can help businesses move forward with sound business  
10 work place practices that foster a level playing field  
11 and allow the best talents to emerge. Diversity is not  
12 just a -- and honoring diversity is not just a good  
13 idea. It's a great business practice. And we are  
14 trying to do as much as we can to spread that message  
15 in the community. With our training programs, we're  
16 encouraging inclusive and equal employment opportunity  
17 work places, and we strive to achieve increased  
18 voluntary compliance with state and federal laws.

19           The belief is also reinforced by some good  
20 news in the charge filing. We have seen that -- in  
21 charge filing, we have seen a small decrease. Now,  
22 some of that may have to do with the fact that people  
23 are filing with the EEOC as well. But we've seen about  
24 a 2 percent drop in the amount of charges that are  
25 being filed, and we believe that some of that has to do

1 with outreach, as does the EEOC.

2 EEOC in the last year for fiscal year 2005,  
3 saw a 5 percent decrease in charges, and they cited an  
4 aggressive outreach and training effort as a possible  
5 factor in that decrease, and we are believing that as  
6 well.

7 You had just heard the stats from the EEOC on  
8 what they have seen as far as exclusive charges in the  
9 state of Nevada that were filed with them. And what I  
10 would like to do now is take a look at those charges  
11 that have been filed in the state of Nevada. So you're  
12 going to see some overlap in the those because I  
13 believe, and because Mr. Nelson is here, I wasn't able  
14 to verify with him before he left that those charges  
15 are not dually filed. In other words, the numbers that  
16 he gave you were numbers that were filed strictly with  
17 the EEOC that were not through the work-share agreement  
18 with us. These would then be charges that have been  
19 filed with the Nevada Equal Rights Commission, so I  
20 believe those numbers are separate. Okay. But because  
21 I didn't get to confirm that with him before he left,  
22 but I believe that's what he had said.

23 In fiscal year 2005, in charging filings in  
24 Nevada, we received 1235 charges. Of those,  
25 359 charges were race; 471 were sex; 419 of those were

1 retaliation charges. We too see retaliation as the  
2 largest basis. Age was 312; disability, 201 charges;  
3 national origin, 161; religion, 33; and equal pay, 21.

4 The charges brought to resolution in 2005  
5 also included the oldest cases in the Nevada Equal  
6 Rights case load. I am happy to tell you that we do  
7 not have any charges on the books today that are older  
8 than 2005. All of our cases are 2005 and 2006. Our  
9 average case age is 155 days.

10 So the hard work -- we did -- as I believe  
11 this Committee is aware of, we did undertake the same  
12 charge prioritization procedures as EEOC follows in  
13 their priority charges being filed, and that is the  
14 same process that we're using, and it's working very  
15 effectively for us. And it has helped us to drop the  
16 length of time on those charges.

17 I will give you a couple of other little  
18 stats so that you have a good idea of how the Nevada  
19 Equal Rights Commission is doing and how we are  
20 working.

21 One of our performance measure indicators  
22 that we use at the legislature is the percent of  
23 discrimination cases that are perfected within 15 days  
24 or 22 working days, which means that from the time we  
25 get an inquiry up until the time that that charge is,

1 quote, formalized, signed, and ready to send out or  
2 dismissed, that's the time period we're looking at.  
3 And right now, 85 percent of our cases are perfected  
4 within 22 working days.

5 What you see in that other percentage are  
6 those cases where the charging parties may be out in  
7 the rural areas, and we have to mail that charge out.  
8 Maybe they want to take it to an attorney and have an  
9 attorney look at it, and then sign it, and send to back  
10 to us.

11 So in some instances, it's out of our  
12 control. We may have someone too who we perfect the  
13 charges, it's ready for signature, we send it to them,  
14 and they want to take a little bit of time to think  
15 about. And sometimes people can take six weeks, you  
16 know, to think about it.

17 But right now, we're 85 percent. The percent  
18 of cases, as I said, that are open 270 days or less, we  
19 are at 86 percent. So the majority of our cases are at  
20 155 days, and we also right now have a year average of  
21 23 percent of our cases are resolved at mediation. So  
22 that kind of gives you an idea.

23 We're working also on being able to resolve  
24 the cases at mediation and giving everyone an  
25 opportunity, employer and charging party included, the



1 opportunity to try and negotiate and settle the charge  
2 before it has to go through the investigative process.

3 With that, I'd like to say that we appreciate  
4 the opportunity to be here. We appreciate the  
5 opportunity to work. I know there has been quite a bit  
6 of discussion here today in regards to outreach.

7 As Brian Nelson was just telling you, we have  
8 more than enough work that can be done, that we can  
9 share that work. There's plenty of outreach to be  
10 done. The Nevada Equal Rights Commission would like to  
11 participate in any kind of discussion or any kind of  
12 outreach programs that this Council would see would  
13 benefit the community in any of those groups or  
14 employers in any way that we can.

15 So with that, I thank you for the opportunity  
16 to be here before you today and would be happy to  
17 answer any questions that you have.

18 DAVID SANCHEZ: Ms. Nix, how long have you  
19 been Acting Administrator for NERC?

20 MS. NIX: Since March, excuse me. Yeah,  
21 March 3rd.

22 DAVID SANCHEZ: What is your funding right  
23 now? Has it changed over the last year, or is it about  
24 the same?

25 MS. NIX: It's the same.

1           DAVID SANCHEZ: What about your staffing  
2 levels?

3           MS. NIX: Our staffing levels have remained  
4 the same.

5           DAVID SANCHEZ: Given that --

6           MS. NIX: They have not changed in the last  
7 year that the staffing levels have changed.

8           DAVID SANCHEZ: Given that, I'm curious why  
9 and how you've been able to manage your case load  
10 because the NERC has appeared before us in the past.  
11 We have had discussions and complaints about the  
12 backlog, et cetera.

13                   How could you manage this and come to the  
14 point that you are now with no increase in funding or  
15 staffing?

16           MS. NIX: Well, I think that one of things  
17 that we wanted to do is through the priority charge  
18 handling procedures, what we were able to do in a lot  
19 of those instances was to take cases that normally  
20 would have -- we would be able to close those right  
21 away because we haven't been able to establish prima  
22 facia and those sorts of things, that we could move  
23 those.

24                   And, once again, in focusing in on working  
25 the oldest cases first, we have also worked with

1 training so that our investigators didn't necessarily  
2 have to work harder. They needed to work smarter. And  
3 we have been working with them in order to have that  
4 occur.

5 So I think that in the changing of some of  
6 our processes and procedurally, internal, taking a look  
7 at what was working and what wasn't working, where  
8 could timelines be shortened, those kinds of things, we  
9 have as, you know, through the informal settlement  
10 meeting process, with 23 percent of the cases being  
11 able to be resolved before they get to investigation,  
12 once again, that frees up those investigators to move  
13 forward with investigating those cases that they need  
14 to.

15 So that's really what I would say has  
16 occurred. It's just that we have concentrated, we have  
17 listened, and we have done our best to work as  
18 efficiently as we possibly could.

19 DAVID SANCHEZ: In the late 1990s, the head  
20 of the Nevada Equal Rights commission was known as an  
21 Executive Director and reported directly to the  
22 Governor. Now, the title has changed, and you report  
23 to who at this point?

24 MS. NIX: I report to -- well, I'll report to  
25 our Administrator, of course, but our Administrator

1 will report to the Director of the Department of  
2 Employment, Training, and Rehabilitation,  
3 Mr. Terry Johnson.

4 DAVID SANCHEZ: That was troubling to this  
5 Advisory Committee because of the lack of independence.  
6 And earlier, while you were not here, I read portions  
7 of a letter that I sent March 24th, 2000, to Governor  
8 Kenny Guinn asking that he consider re-instituting  
9 independence for the Nevada Equal Rights Commission.

10 Do you have any comments on that?

11 MS. NIX: I cannot comment -- I would not  
12 comment on that today, sir. I'm not prepared to.

13 DAVID SANCHEZ: Do you feel that you are  
14 independent in terms of the execution of your duties at  
15 this point?

16 MS. NIX: Yes, sir, I do.

17 DAVID SANCHEZ: Even though you report, not  
18 to the Governor, but to another director?

19 MS. NIX: Yes, sir.

20 DAVID SANCHEZ: Okay. I read earlier to  
21 Mr. Nelson the fact that earlier Nevada Equal Rights  
22 Commission Administrator Susan Gray had made a  
23 statement publicly that she did not believe that the  
24 EEOC was needed here.

25 Would you comment on that?

1 MS. NIX: I think the fact that the EEOC has  
2 made a determination to open an office in the Las Vegas  
3 area opens us up to an opportunity to continue in what  
4 has been a good working relationship, and we will  
5 continue to make the best of that working relationship.

6 That's the only comment that I would have at  
7 this point, is that we have worked well in the past,  
8 and I see no reason why this would not enhance the  
9 ability for the citizens of the state of Nevada to have  
10 an opportunity to file those charges that they may  
11 believe need to be filed in a situation where they are  
12 comfortable in filing that charge.

13 DAVID SANCHEZ: Any questions from the  
14 Advisory Committee?

15 MR. PENNINGTON: Good afternoon, Ms. Nix.  
16 Thanks for joining us today.

17 Ms. Madison, welcome and congratulations on  
18 your new appointment. We look forward to working with  
19 you as well.

20 Earlier in the testimony, we had an  
21 opportunity to touch on an issue of collaboration  
22 between the EEOC and NERC, and that was relative to  
23 equal employment through the classification sexual  
24 orientation.

25 Given the fact that this Committee not only

1 looks at Nevada but also responds to the Federal  
2 Commission, it would be nice to see at some point in  
3 time that the Federal Government would be as  
4 progressive and have that same fortitude to consider  
5 that under federal law as we do under state law.

6 But if you would touch base with me on that  
7 issue and maybe what types of cases you have or any  
8 information you can share relative to sexual  
9 orientation through your work and your agency's work,  
10 that would be appreciated. Thank you.

11 MS. NIX: Thank you.

12 I can tell you that as far as sexual  
13 orientation is concerned, the number of charges that we  
14 have received with sexual orientation as a basis for  
15 discrimination has been low. Once again, I think that  
16 comes from -- not from the fact that it's not  
17 occurring, but, once again, from a community that has  
18 not been comfortable in the past in coming forward.

19 And I think as we take more of these charges,  
20 as we investigate these charges, and they are done so  
21 in an expedient manner and in a professional manner,  
22 we're seeing that more individuals are coming forward  
23 with their charges.

24 In fiscal year 2006, just trying to do a  
25 quick add up here of the number of charges that we have

1 seen with sexual orientation as a basis -- we're  
2 probably close to 40 charges where sexual orientation  
3 is the basis.

4           And, once again, because of the fact that  
5 it's a state law and a state protected class as opposed  
6 to federal protected class, I think that's one of the  
7 reasons why we see so few of them because of the fact  
8 that people do not understand their rights. And that  
9 is one of the reasons that we have tried to perform  
10 outreach in those communities where sexual orientation  
11 is of concern and that we are experiencing  
12 discrimination. And we're just doing that through  
13 different types of outreach.

14           I have participated in a couple of rally's  
15 with LAMDA and other organizations to reach those  
16 communities and help them in finding ways to bring  
17 forth their charges of which they're comfortable and  
18 which they feel that their privacy is also being  
19 protected in the work place. So we're moving forward  
20 that.

21           We're also -- in our trainings that we go out  
22 with the general public and employers, with managers,  
23 and supervisors, we are also letting them know that the  
24 sexual orientation state statutes apply to their  
25 businesses. So if you have a training for, let's say,

1 just in sexual harassment or basic EEO training, when  
2 they come forth and they do that training, they may not  
3 talk about sexual orientation as a protected class  
4 because all they're looking at are those federal  
5 statutes as opposed to when the Nevada Equal Rights  
6 Commission goes out and conducts training. We're  
7 talking about state statute as well as the federal  
8 statutes. So a little bit different approach in that  
9 outreach.

10 MR. PENNINGTON: I definitely appreciate your  
11 efforts and sensitivity on that issue. I also  
12 appreciate the fact that you guys worked hard to  
13 include that in the public accommodation and housing  
14 laws that passed last session.

15 I have one follow-up question that's  
16 unrelated to this, but David had mentioned it as far as  
17 going through your needs and you're -- that you're  
18 getting your process to go through the state budget  
19 process at this point in time. In developing that, you  
20 talked about how the office is working more efficiently  
21 and effectively to get to resolution and investigation.

22 Will the Commission be putting forth any  
23 recommendations for budget enhancements going into the  
24 next session in order to accommodate the challenges  
25 that you see, or is there any sense of policies that



1 you are looking at right now that might enhance or help  
2 your efforts in the next bi-annum?

3 MS. NIX: Well, I can tell you that if we  
4 were having this conversation next week, I would have  
5 those for you. We are right at that process at this  
6 time, especially with Ms. Madison coming on as a new  
7 Administrator and working with our Director. I don't  
8 especially see that we're going to be asking for an  
9 increase in budget at this time.

10 Once again, we're moving forward, and  
11 depending on our work-share agreement and the contract  
12 with EEOC, we're taking a look at those. And so all of  
13 those figures are really pretty much in the cooker at  
14 this time. And so while I'm not trying to dodge your  
15 question, I really can't give you an answer to that  
16 question today that I would be comfortable with because  
17 I really -- we haven't had an opportunity to look and  
18 see exactly what it is we're going to be going forward  
19 with.

20 But I don't anticipate seeing that we're  
21 going to be asking for an increase, especially at a  
22 time when we're seeing that the EEOC is going to be  
23 managing an office in Las Vegas. We would want to see  
24 what that impact is going to be. So I really don't  
25 think that we're going to be asking for additional

1 funding at this time.

2 MR. PENNINGTON: Okay. Thank you.

3 MS. NIX: But don't hold me to that.

4 MS. GABATO: Just a couple of questions.

5 Thank you for your comments.

6 One, when you do outreach and you mentioned  
7 that you do outreach to employers and businesses, do  
8 you also do outreach to workers informing them of their  
9 rights in the law?

10 MS. NIX: Yes, Ma'am. What we normally do  
11 with employers is we suggest that they have two, at  
12 least two, training sessions. One training session for  
13 their supervisors and managers that explains to them  
14 their rights and responsibilities; and then also one  
15 training session that is for employees in general that  
16 makes sure that they understand, not only what their  
17 rights are, but what their responsibilities are, and  
18 then we also take an opportunity to go over the  
19 policies of that specific employer, the reporting  
20 processes, what does an individual do, how would a  
21 person bring forth a charge internally before they go  
22 forward with that charge to try to see if it can't be  
23 taken care of at the employer level.

24 So that's normally what we try to do, and in  
25 most instances, that's what the employers do, and we

1 try to do that all within a short period of time so  
2 that everybody is on the same page at the same time.

3 MS. GABATO: Okay. Number two, since you  
4 said that -- well, in the discussion, you said that  
5 funding has not been increased, so you haven't had more  
6 employees than what you have now, but that your case  
7 age is 155 days, and you've accomplished that to that  
8 degree.

9 What I'm going so ask you is because I have  
10 this lingering question in my mind. When interacting  
11 in our community, I find that some of the comments have  
12 been that, Well, why don't you file with the NERC. And  
13 they say, Well, it's because they dismiss it and it's  
14 closed, it's not even investigated.

15 So I'm just wondering if that has any  
16 relationship to this perception that, you know, you're  
17 efficient and expedient in resolving cases, but that  
18 the involved people, the people who file, are not  
19 really perceived that that has not been truly  
20 investigated and looked into.

21 MS. NIX: That the numbers -- thank you. And  
22 I appreciate the question. The numbers that we were  
23 discussing are -- do not include the dismissed cases.  
24 The numbers that we're talking about were numbers where  
25 they actually went through an informal settlement

1 meeting and on to investigation.

2           As far as, I'll say, misperception, the  
3 missed communication in these instances, I believe,  
4 once again, it comes down to education and what -- and  
5 having individuals understand up front. And we're  
6 trying, we're trying very desperately in the beginning  
7 at the case when a person comes in the door of  
8 explaining to them the process of what it takes to  
9 bring forth a case. And that's establishing a prima  
10 facia case, a case that on its face that says, you  
11 know, that this person has been treated differently and  
12 those sorts of things, is that when a case is dismissed  
13 that people think it's because the Nevada Equal Rights  
14 Commission doesn't care.

15           And what we have to do is we have to be more  
16 involved in helping individuals understand when their  
17 cases are dismissed why they are dismissed.

18           MS. GABATO: Last one.

19           MS. NIX: Yes, Ma'am, please.

20           MS. GABATO: Same thing, how many Asians  
21 filed with the NERC?

22           MS. NIX: I am sorry. I did not bring that  
23 breakdown, but I would be happy to give you that -- to  
24 get that information for you.

25           MS. GABATO: Okay. Thank you.

1 DAVID SANCHEZ: If you would forward that --

2 MS. NIX: I would be happy to provide any  
3 information that you need.

4 DAVID SANCHEZ: And that information, would  
5 you please provide that to our Western Regional Office,  
6 Mr. Pilla, back there and he can incorporate that into  
7 the record.

8 MS. NIX: Yes, sir.

9 DAVID SANCHEZ: Fafie?

10 MS. MOORE: I have two questions, and they  
11 are totally different topics, okay. The first one I'd  
12 like to ask is, do you have a lot of experience with  
13 lending -- complaints about unfairness in lending  
14 because Nevada has been one of the states the Federal  
15 Government has identified as having some real problems  
16 with their lending practices.

17 Do you find that people are coming to you  
18 when they feel like they have been discriminated  
19 against, very high costs for loans that other people  
20 are getting? Are you getting any of that, or are you  
21 not getting any of that?

22 MS. NIX: We have not at this point. But, I  
23 think, once again, that comes along with the territory  
24 of the public knowing that the Nevada Equal Rights  
25 Commission is now taking those housing charges. We

1 have not seen that at this point. But that, once  
2 again, doesn't mean that it's not occurring. We  
3 haven't seen it.

4 MS. MOORE: Because there are issues of  
5 people based on their origin or their ethnicity being  
6 charged very disparate pricing on that.

7 MS. NIX: Yes, Ma'am. And I know that even  
8 when this was being discussed at the level of the  
9 legislature, that was one of the things that came up.  
10 And I think that that is a whole other area of outreach  
11 that needs to be done in those communities, once again,  
12 of people not knowing that they even have a right to  
13 say anything or that this is a form of discrimination.

14 They know that it's occurring, but they don't  
15 know where to bring the charge or how to bring that  
16 charge forth or what kind of information they need to  
17 bring to us as an agency when making those charges, so  
18 that would be part of an outreach.

19 MS. MOORE: One of your outreaches might be  
20 targeted towards the lenders that are serving those  
21 communities, that they understand their rights and  
22 responsibilities, so that we wouldn't have the need for  
23 complaints in the practices --

24 MS. NIX: Duly noted. I see Ms. Madison  
25 writing --

1 MS. MOORE: I would like to see that.

2 Now, my other question on my totally  
3 different topic. Your numbers were very informative.  
4 I noticed that you said 471 of the cases filed were  
5 related to sex and 21 were equal pay.

6 So I'm going to make an assumption based on  
7 this information that the reason if a person felt that  
8 they were not being treated fairly because of sex did  
9 not have to do with pay. It had to do with their  
10 getting promotions, being hired, being promoted; is  
11 that accurate?

12 MS. NIX: Yes, Ma'am.

13 MS. MOORE: In those situations, do you find  
14 that -- now, these are cases that have gone forward?

15 MS. NIX: Yes, Ma'am. These are cases that  
16 are in the -- have either been investigated or are in  
17 the process of being investigated because this is  
18 FY 2005, so some of these may lap over.

19 We have about a-hundred-and something cases  
20 that are 2005 that we're working on, so some of these  
21 are going to be those cases.

22 MS. MOORE: So is it safe to say that since  
23 only 21 of your cases had to do with pay, people are  
24 feeling that the reason they're having complaints and  
25 they are feeling that they are not treated fairly is

1 they are not getting the same opportunities as other  
2 people, but when they get into the position, they're  
3 being paid for those positions? I'm trying to --

4 MS. NIX: Right. On the equal pay, the Equal  
5 Pay Act is basically where you have a male and female  
6 doing the same job in the same position with the same  
7 amount of experience, but one is being paid more than  
8 the other.

9 Those -- also, just as a note, on the equal  
10 pay, those are some of those cases where Mr. Nelson was  
11 saying that there were some that we would automatically  
12 defer to the EEOC. Equal pay is one of those  
13 categories. With equal pay, those cases are  
14 automatically transferred to the EEOC as part of our --

15 MS. MOORE: So you're not going to be  
16 addressing those as much as --

17 MS. NIX: Where the basis is sex.

18 MS. MOORE: Okay. You know, nationally and  
19 statistically, woman are still not at parity with men,  
20 and so that would be --

21 MS. NIX: Right. And those would be  
22 investigated --

23 MS. MOORE: I'm trying to get these  
24 statistics worked out in my head.

25 MS. NIX: Yes, Ma'am. And those are being



1 investigated on the federal level.

2 MS. MOORE: Okay.

3 DAVID SANCHEZ: Questions? Doris?

4 MS. FEMENELLA: Welcome aboard. That's all I  
5 can say at this time, and thank you for your comments.

6 My concern is, in your outreach programs,  
7 have you taken into consideration the ethnic community  
8 that Nevada consists of in your staffing of your  
9 workers? In other words, do we have staffers that  
10 represent the Asian community, the black community, so  
11 sometimes you have to resort back to calling on them  
12 for information regarding cultural problems, and what  
13 have you, that might exist in their request?

14 MS. NIX: Are you speaking in regards to the  
15 staffing of the Nevada Equal Rights Commission?

16 MS. FEMENELLA: Exactly.

17 MS. NIX: We do have black, Hispanic. We  
18 also have male/female. And, at this point, I do not  
19 believe that we have Asian. I don't think we do.

20 MS. GABATO: Although, in the past, you have  
21 had on your board.

22 MS. NIX: Yes, Ma'am. We do on our board, on  
23 our board of our commission --

24 MS. FEMENELLA: Not --

25 MS. NIX: Yes, on our Commission, we do have

1 Asian Pacific, so I feel that we are probably as well  
2 represented as we can possibly be at this time. And,  
3 as I said, because of the fact that we do have on our  
4 Commission -- and Commissioners are varied as well in  
5 their backgrounds, I think we have a very good  
6 representation.

7 Also, one of the benefits of being a part of  
8 the Department of Employment, Training, and  
9 Rehabilitation, we have many, many resources to look  
10 into and talk to individuals who might be able to give  
11 us an insight into cultural problems as well as  
12 cultural distinctions and those sorts of things.

13 MS. FEMENELLA: I'm looking at it as the  
14 immediacy right in the office. If something comes up  
15 that you can't reach a Commissioner, so it could be  
16 taken care of by an individual or individuals of that  
17 particular group. Unfortunately, everyone has, you  
18 know, problems, and they differ along cultural lines,  
19 and I think that there is a need at some time, some  
20 place to have representation in that area.

21 DAVID SANCHEZ: Any other questions at this  
22 time?

23 MS. KINDRED: One quick question.

24 Could you tell me when the priority charge  
25 handling procedures went into place that you mentioned.

1 MS. NIX: The priority charge handling  
2 procedures went into place, it's been two years ago. I  
3 want to say two years. I want to say two years ago.  
4 So in 2004, latter part of 2003, beginning of 2004.

5 And that was the other thing too. I don't  
6 know when the last -- when you last had someone from  
7 the Nevada Equal Rights Commission in front of you.  
8 This has been a process that has occurred over the last  
9 two years. It didn't just all of a sudden we, boom,  
10 cleared everything out. It's been a process that we've  
11 been working on over the past two years, and, as well  
12 as, the charge prioritization.

13 We have also worked on case management  
14 approaches where we have -- the investigators are using  
15 different types of case management tools than what they  
16 have used in the past, using, you know, using calendars  
17 and letters and task lists and those sorts of things  
18 that were not in place before, so that they were able  
19 to make sure that time-sensitive material was going  
20 out, requests for information were going out, and those  
21 sorts of things, even though they might not have been,  
22 quote, actively working on that case on that specific  
23 day.

24 There were things that needed to be done for  
25 a case that were coming up, and because of a new way of

1 managing cases, they would be notified with the  
2 computer system that this letter needs to go out, you  
3 need to ask for this request for information, and those  
4 sorts of things.

5           So that a lot of little things that would be  
6 falling behind, that would have drug out, and  
7 investigators ability to close a -- you know, to come  
8 to determination on a case, those things, they are  
9 being notified of through the new case handling  
10 procedures, so that when they get to the point where  
11 they are really ready to actively work that case, all  
12 those different informations and things that they have  
13 needed are together for them to do that. So that has  
14 helped as well.

15           DAVID SANCHEZ: Any other questions?

16           MS. GABATO: One more question.

17           If I file a case with you, NERC, and I was  
18 unhappy with the resolution of dismissal of it, what  
19 other resource would I have?

20           MS. NIX: One of the things that happens  
21 with -- in our process, if the case is dismissed, you  
22 can always ask for a review by the EEOC, so there is  
23 always the review over the EEOC.

24           Let's say that we go through the entire  
25 investigation process, and, at the end, we find there

1 is no probable cause finding, the charging party is  
2 unhappy with that. From the time that they are advised  
3 of the finding on the case, they have 15 days in which  
4 to request a review by the Administrator. And, at that  
5 point, the Administrator then will take that case and  
6 look through it and make sure that everything that has  
7 been done has been properly done.

8           And if, at that time, the Administrator  
9 determines that there is still no probable cause  
10 finding, then we send a letter to that charging party  
11 also at that point advising them that now they can  
12 request a substantial-weight review from the EEOC. And  
13 then that case is automatically sent to the EEOC for  
14 their review so they have an outside entity that has  
15 the ability to come in and look at that case in its  
16 entirety.

17           And right now -- we were just talking about  
18 that not too long ago about, what is the percentage of  
19 cases where the finding of the Nevada Equal Rights  
20 Commission is reversed; in other words, when it gets to  
21 the EEOC, they say, Oh, no, this was the wrong call on  
22 this one? And, at this point, we're not seeing -- what  
23 we have been told by our state coordinator is there is  
24 no way to extrapolate that information from the system.

25           But we know at this point that the amount of

1 cases that we get that are, quote, rejected, which are  
2 sent back to us for additional work to be done or that  
3 we're not receiving credit for those cases because of a  
4 misfinding, is under 1 percent.

5 So we are, in that instance, seeing that --  
6 we believe that, as does the EEOC, that the quality of  
7 cases that is coming out of the state of Nevada is  
8 improving as well.

9 DAVID SANCHEZ: Thank you.

10 For the record, this State Advisory Committee  
11 has been monitoring the activities of the Nevada Equal  
12 Rights Commission for at least seven, eight years. We  
13 have had former administrators, executive directors  
14 come before us, so we're pleased to hear some of your  
15 progress at this point.

16 Are there any other questions? If not, could  
17 we hear from our new to be Administrator.

18 Ms. Madison, would you introduce yourself and  
19 tell us about your plans.

20 MS. MADISON: My name is Deborah Madison, and  
21 for a few more days, I am going to still be the  
22 department's EEO officer. I have been with the  
23 department almost eight years, so I have been in the  
24 EEO business for quite some time.

25 I am delighted to be going over and working

1 with such a capable group of professionals. I have  
2 been kind of watching them from afar, if you want to  
3 call it that, and I have seen tremendous improvement.  
4 I remember the days that they had a backlog over there.  
5 And, in fact, I've known several of the previous  
6 administrators and directors over there.

7 I think the ABC processing method that EEOC  
8 came up with is a good one. We have obviously adopted  
9 it and implemented it pretty well, and it seems to be  
10 working. I plan to review that method closely to see  
11 if it needs some fine tuning to make sure that it will  
12 continue to work efficiently for us given the small  
13 staff that we have currently.

14 I look forward to seeing all of you again in  
15 the near future, and I had one question.

16 How often does your Advisory Committee meet?

17 DAVID SANCHEZ: We meet as often as  
18 necessary.

19 MS. MADISON: Oh, I see. Good answer.

20 DAVID SANCHEZ: For the record, you have  
21 heard some of my questions already regarding  
22 independence of the Nevada Equal Rights Commission  
23 which is a complaint that we've heard over the years.

24 How do you feel about that in terms of you  
25 reporting independently to the Governor or continuing

1 your line of reporting right now?

2 MS. MADISON: I think I have a good  
3 relationship with the Director. He's a strong believer  
4 in allowing the agency heads to run their agencies, so  
5 I don't feel that I would get any undue pressure.

6 DAVID SANCHEZ: So if there was a complaint  
7 against your Director, who would investigate that?

8 MS. MADISON: I'm sure it would go to EEOC.

9 MS. NIX: We would defer that.

10 MS. MADISON: In fact, any type of complaint  
11 against our department would go to EEOC directly. We  
12 wouldn't investigate a complaint.

13 DAVID SANCHEZ: You wouldn't investigate your  
14 own boss?

15 MS. MADISON: Right.

16 DAVID SANCHEZ: Any other comments or  
17 questions?

18 Well, thank you so much, both of you, for  
19 showing up from the State, and we appreciate your  
20 comments, et cetera.

21 And let's take about a five-minute stretch  
22 break before our next panelists.

23 (Short recess)

24 DAVID SANCHEZ: The meeting of the SAC of the  
25 United States Commission on Civil Rights is now



1 reconvened.

2 This is our last panel. At this time, we  
3 only have one panelist available with us at this point.

4 Would you please introduce yourself and what  
5 role you have within your organization.

6 MS. MCGINLEY: Sure. Thank you, David.

7 My name is Ann McGinley, and my title is the  
8 William S. Boyd Professor of Law at the Boyd School of  
9 Law at UNLV.

10 As you all know, we've only been around for  
11 seven or eight years, but we are really growing. And I  
12 teach employment discrimination there, employment law,  
13 disability law, and torts. I also do research. My  
14 primary of research is employment discrimination, and I  
15 have done some research about discrimination in Nevada  
16 itself.

17 So I actually have, I think, eight areas that  
18 I wanted to talk to you about. My overview of those  
19 eight areas is: Sexual harassment by customers and  
20 perhaps by other employees, but even more so by  
21 customers in the casinos. I've done some research on  
22 that.

23 Exclusive hiring of women into certain jobs  
24 and maybe men into other jobs. But, for instance,  
25 cocktail server. I don't see that as -- I mean, the

1 defense would be a BFOQ, a bonified occupational  
2 qualification, but it seems odd that you have to have  
3 certain body parts in order to serve drinks. I think  
4 there is a really good chance that this is illegal.

5 Dress and appearance codes that intend to be  
6 illegal, I think, based on gender, age, and perhaps  
7 disability which happen throughout. Those codes apply  
8 to many of these jobs in the casinos that are  
9 women-only, but they also apply to jobs that are held  
10 by both men and women.

11 And we have a case that was just decided by  
12 the Ninth Circuit against Harrahs, Jasperson versus  
13 Harrahs. While Ms. Jasperson, who was a bartender,  
14 lost her case -- she refused to wear make-up and was  
15 fired because she refused to wear make-up. She lost  
16 her case, but the court said that she hadn't put in  
17 sufficient evidence of the different burdens of the  
18 Personal Best make-up -- Personal Best is the name of  
19 their program, the dress appearance program, and I'll  
20 talk about that later. I just want to get through all  
21 the things that I know.

22 Undocumented workers, there are many  
23 undocumented workers in this state and particularly  
24 large in Las Vegas. Nationwide, it's probably about  
25 13 percent, but the estimates here go up to 30 or more

1 percent. We have an immigration clinic at the law  
2 school that could be very helpful to you. They are  
3 working on trying to get those numbers, and I want to  
4 talk to you about why undocumented workers can harm  
5 other workers who are legal based on their national  
6 origin.

7 Segregation of work places, the African  
8 Americans and Latinos tend to be in the back of the  
9 house or tend to be in jobs in Clark County, and it's  
10 hard to move up from those jobs. If you look at the --  
11 they are segregated. And I suppose Asians as well. I  
12 don't have as much information about Asians. I'll be  
13 talking a little bit more about Asians in a minute.

14 The old-boy network is alive and well here.  
15 And I am not sure that this is intentional  
16 discrimination, but I do think that there is some type  
17 of disparate impact of a handshake, and that's how we  
18 promote people. We meet them in church. We meet them  
19 in other ways where you have social systems. And a lot  
20 of people are not moving up who have the qualities and  
21 qualifications to do so.

22 The next problem I see is enforcement  
23 problems. We have a well funded defense Bar in  
24 employment discrimination. Some of the members of the  
25 Bar, and some of the particular firms whose names I

1 won't mention here, but are particularly aggressive.  
2 We have judges who are overloaded, federal judges.  
3 This is true across the country, and there has been a  
4 large rise in employment discrimination cases across  
5 the country. And because of that, the federal judges  
6 are searching for means of handling these cases more  
7 efficiently. And often that means there are summary  
8 judgmented (sic) out before a jury. I have done  
9 research on that.

10 We have here a fairly conservative federal  
11 bench and relatively few plaintiff's attorneys who can  
12 handle the complaints. NERC and the EEOC is not here.  
13 NERC, has been, as you know, overwhelmed in the past.  
14 It sounds as though they are moving along as far as  
15 processing cases. And this is just second-hand  
16 information that I have from people who practice law in  
17 this area. They seem to believe that NERC is  
18 dismissing cases that do have probable cause because  
19 there is a pressure to move things along.

20 There is some hope that when the EEOC comes  
21 in that that will change. But that's also going to be  
22 a pretty small office, so I think -- you know, I'm  
23 hoping that that will work a little better.

24 And then there is Nevada State law. The law  
25 itself is good, especially because we have sexual

1 orientation as a protected class, but the enforcement  
2 is problematic, and I mentioned with NERC. And now, we  
3 have got a Supreme Court case called Woods versus  
4 Safeway which states that a sexual assault or a sexual  
5 harassment under the Nevada State law is not -- you  
6 cannot bring a lawsuit because it's a worker's comp  
7 claim.

8 Now, the case that I am talking about, this  
9 particular case, the woman was a mentally retarded girl  
10 who was attacked by a janitor in the work place where  
11 she was three or four times. She became pregnant, and  
12 the court dismissed the case. That's the Nevada  
13 Supreme Court.

14 I will begin with sexual harassment by  
15 customers. This particular area is an area that I  
16 researched. And I researched -- my research is almost  
17 exclusively about the Hard Rock. And the reason I'm  
18 working with the Hard Rock Casino is because I had some  
19 students who came to me about being sexually harassed.  
20 They were dealers at the Hard Rock, and the stories  
21 were interesting, and I started to interview dealers at  
22 the Hard Rock, women and men, about harassment.

23 And, of course, as you know, it's too bad the  
24 ACLU people aren't here, but there have been lots of  
25 ads that are very sexual, and in addition to those ads,

1 that there was -- the Gaming Control Board went against  
2 the Hard Rock, brought complaints and charges against  
3 the Hard Rock, for those advertisements. Those things  
4 ended up being settled.

5 But whether or not those ads are protected or  
6 not by the First Amendment -- and those ads and my  
7 research showed it created an environment -- not only  
8 the ads, but the promotions -- they have lots of  
9 promotions of women running around in lingerie, they  
10 have got a Playboy magazine 2001 which shows some of  
11 the women working at the Hard Rock in various states of  
12 undress. All of that atmosphere has created an  
13 environment for the Blackjack dealers that is  
14 harassing, and that is not being corrected by the  
15 management. At least that's what I have found in my  
16 research.

17 Now, what management says is that -- and this  
18 is kind of an interesting area because these are good  
19 jobs. And, you know, sometimes I think there is a  
20 sense that, well, if you're going to do that job, you  
21 have to put up with what's going to happen and you make  
22 money in this area.

23 But what management says to me, and I  
24 interviewed the head of personnel there, and she told  
25 me that there is always somebody who's willing to deal

1 with these guys who are harassing them. And when I say  
2 harassing them, they are calling them language that I  
3 would rather not repeat here. One word that begins  
4 with B and ends with CH, and another word that begins  
5 with C and ends with T. They threaten -- have  
6 threatened to rape them on occasion. They get up, they  
7 grab them. And you can imagine all the other kinds of  
8 things in between.

9           When these things are reported -- at least  
10 this is what the people I have talked to said --  
11 nothing really happens. Now, what management says to  
12 me is, Well, there is always somebody who's willing to  
13 deal with these people, so we will move -- often we  
14 will move the dealer away and bring in a different  
15 dealer, or we will move the harasser -- they don't call  
16 them harassers -- but the customer away and will bring  
17 in a different dealer. But what we're doing really is  
18 allowing the women who are being treated this way  
19 basically to subsidize the men. You know, in order to  
20 get this job, you have to put up with this. In order  
21 to keep the job, you have to put up with the sexual  
22 harassment.

23           I won't say any more about that. I have an  
24 article on it which is going to be published by  
25 University of Illinois Law Review, and if anybody is

1 interested in seeing it, I would share it with you.

2 The next issue is, as I said, the jobs that  
3 are reserved for women that are particularly  
4 sexualized. I mean, the whole community here makes its  
5 money selling sex appeal or sex. And these jobs, like  
6 the cocktail server jobs, are pretty much exclusively  
7 women. I have talked to people in the casinos who tell  
8 me that -- managers in the casinos, Well, we have a  
9 costume for a man in case he applies for the job, but  
10 no men have applied.

11 And I have talked to lawyers who defend them  
12 and whether they think -- and many of them are working  
13 on trying to come up with a BFOQ defense for having  
14 only women in these jobs, and particular types of  
15 women, women who look a certain way, younger, more  
16 attractive women.

17 DAVID SANCHEZ: May I stop you for a moment.

18 MS. MCGINLEY: Yes.

19 DAVID SANCHEZ: Because it just dawns on me  
20 that we have one hotel casino that's opened up recently  
21 that might be problematic, Hooters.

22 If a male tried to apply for a Hooter's job,  
23 would they use a BFOQ defense to say that only women  
24 may apply for jobs as dealers and/or casino, you  
25 know --



1 MS. MCGINLEY: I don't know what the position  
2 is that Hooters is taking right now. But I know that  
3 the EEOC in the past has brought cases against Hooter's  
4 that have ended in settlements.

5 And this is where the issue gets kind of  
6 tricky, and I think for this Committee it's tricky.  
7 And that is, Hooter's was very smart and put out this  
8 advertising. It was a very aggressive ad campaign in  
9 response. And what they did was they dressed a man up  
10 in a woman's Hooter's costume, and said, Is this really  
11 who you want to serve you. And everybody, you know,  
12 the public, thought that was very funny.

13 And what happened was, I think they ended up  
14 settling one of those cases anyway where they were  
15 allowed to keep certain women dressed that way, but  
16 they also had to hire men in other types of jobs.

17 Hooter's, you know, I don't know. I haven't  
18 been into the casino here yet; but, certainly, I think  
19 there are some real issues about whether it's a BFOQ.  
20 Because the BFOQ law, for those of you who don't know  
21 the law, says it has to be essential to the job itself  
22 and essential to the business.

23 And what defense attorneys are saying to me  
24 now here is that, Wait a minute, these are  
25 entertainers, and that since they're doing

1 performances, it's essential to their job.

2 And right in this hotel, we have the  
3 bevertainers which is an attempt to create a BFOQ  
4 defense by defense counsel. And those are the women  
5 who -- the rumor is that they got rid of a lot of their  
6 older cocktail servers and hired these bevertainers who  
7 are younger and more well endowed or whatever. And the  
8 way they can get away with that is to say that they're  
9 entertainers as well as cocktail servers.

10 The other issue here that I heard about this  
11 casino that I find really troubling, but it might not  
12 exactly be civil rights, but it could be, is that  
13 evidently the cocktail servers or bevertainers, I'm not  
14 sure exactly which group this is, are wearing some kind  
15 of tracking device so that management knows where they  
16 are at all moments. And, you know, since that group is  
17 exclusively female, and you could make a good argument  
18 that there is disparate impact cause of action there.

19 And I heard an MPR, there was an MPR show on  
20 that, the State of Nevada talking about that, and there  
21 were all these management types saying how wonderful it  
22 was.

23 DAVID SANCHEZ: Professor, I just saw, as I  
24 came up this morning, a male bevertainer dancing.

25 MS. MCGINLEY: Well, and that's probably the

1 way -- that would be the way that they can get around  
2 it.

3 Now, there is another question, of course.  
4 It's not only gender. It's also -- it could be an age  
5 issue, it could be a disability issue, about whether  
6 persons -- whether they are allowed to say that you  
7 have to look a particular way in order to be a  
8 bevertainer. Now, it depends on what the job  
9 description is.

10 So, let me tell you, you are in the most  
11 interesting place in the whole country because this is  
12 the issue in the country. And I am going to Duke to  
13 talk at a symposium in the fall, at Duke University Law  
14 School, about this very issue. And they are so excited  
15 that I'm coming because I'm from the entertainment  
16 capital of the world.

17 So that's a big issue nationwide, and I think  
18 it's something that we have to watch or something has  
19 to be done. I'm not exactly sure. I know people in  
20 this community have really mixed -- well, maybe not  
21 even mixed feelings, but I'm not sure they would  
22 support a lawsuit in this community because women make  
23 a good living this way.

24 My concern is that women make a good living  
25 this way up to age 30 or so or 35 or whenever it is

1 that they start, you know, looking a little thicker  
2 around the waste or whatever, and then that changes.  
3 So that could be an age discrimination as well as a  
4 gender discrimination issue.

5           And then, of course, the other issues would  
6 be these appearance and dress codes in jobs for both  
7 women and men. Harrahs has this program called  
8 Personal Best which was the subject of a litigation I  
9 mentioned before, Jasperson versus Harrahs. And  
10 although the court did not -- the court decided that  
11 case against Darlene Jasperson, who had been a  
12 bartender for about 20 years and then they decided she  
13 couldn't be one anymore if she didn't put lipstick on.

14           And what -- and they found this case against  
15 her, but, boy, there is a lot of room there for a  
16 lawsuit because what they basically say is -- see, she  
17 didn't have a lawyer at first and hadn't been able to  
18 gather the evidence she needed put in the record which  
19 was to show differential burden on the men and the  
20 women of that Personal Best dress code and appearance  
21 policy.

22           So that wasn't really in the record, and what  
23 she was arguing on appeal was that the judges should  
24 take judicial notice of the fact that, you know, there  
25 is a big difference if you have to wear make-up versus

1 he doesn't have to wear make-up. But what the court  
2 did was, they looked at the whole Personal Best program  
3 and said, Well, men have to keep their hair short and  
4 women don't, and women have to wear make-up and men are  
5 allowed to, so we can't really come to the conclusion  
6 that there is really a heavier burden on the women;  
7 therefore, we're not going to hold this illegal. But  
8 they said, if that were proved, that then it would  
9 probably be illegal. So I think there is a possible,  
10 good chance that that is going to come around again.

11 There are a number of casinos in the past,  
12 and I know one of them is the Imperial Palace, but that  
13 was just taken over by Harrahs, so I think this is  
14 changing. But they have contracts with their women  
15 cocktail servers, at least up until very recently, that  
16 they will be weighed once a month, and if they gain  
17 more than six pounds, they are laid off.

18 And I heard that Harrahs has discontinued  
19 that policy. As you might know, they were involved in  
20 litigation by women who were pregnant who were moved  
21 into the back of the room or something like that, back  
22 of the building. That was about seven or eight years  
23 ago. It was right when I first came to town.

24 So I am not sure exactly what's happening at  
25 the Imperial Palace. But we also know that Harrahs has

1 replaced the Imperial Palace with its Personal Best  
2 program which is questionable as to whether it's going  
3 to hold up with the courts.

4 Let's see. Now, one thing that is happening,  
5 of course, is there is this fierce competition among  
6 the casinos which is to increasingly, ever increase the  
7 sexualization in the work place. And I think that's  
8 one of the reasons why we have these requirements that  
9 only women of certain ages or certain looks, and  
10 sometimes men too. What they are argue is it's  
11 lookism. It's appearance discrimination. It's not  
12 discrimination against women. But certainly when you  
13 add make-up, age, women, and certain weird-looking  
14 little costumes, you are going to get some  
15 discrimination there, I think, unless you can find or  
16 unless you can prove a defense.

17 I want to get back to the sexual harassment  
18 at the Hard Rock because one of the things that I heard  
19 there had to do with the Asian women there and that  
20 they were harassed even more in a way that was directed  
21 at their being Asian. Comments made to them about  
22 Asian women are -- the idea was generally that they  
23 were -- Asian women were hostile to the Blackjack  
24 players, and that they were trying to make them lose  
25 and that kind of thing, and it was directed at the

1 Asian women.

2           They have many Asian women as Blackjack  
3 dealers over there right now, so I think that -- and,  
4 actually, the woman who was my student who actually is  
5 the only person I spoke to who is willing to go on  
6 record about it using her name is an Asian woman and  
7 found it was not only gender but also harassment based  
8 on her being Asian.

9           The undocumented worker's issues, of course,  
10 we have many in this city. They are in the lawn care,  
11 in the home care, in the housing and construction  
12 industries. Most of the workers, I think, on the Strip  
13 are documented and legal. That's not clear, but people  
14 I talk to seem to think that's right.

15           The other thing they say is that there are --  
16 have been as a result of a case called Hoffman Plastics  
17 which was decided a couple of years ago by the Supreme  
18 Court which said that if you are an illegal or  
19 undocumented worker, you cannot collect back pay in a  
20 case that's based on a labor violation if you are  
21 discriminated against because of your supporting the  
22 Union, but you can't collect back pay if they find that  
23 you are undocumented.

24           So that case has caused -- has given  
25 employers a certain amount of power to threaten

1 undocumented workers or workers that they think might  
2 be undocumented, basically, persons of Latino heritage,  
3 a significant amount of power to threaten them that  
4 they are going to report them if they engage in any  
5 Union activity.

6           The interesting thing is, of course,  
7 undocumented workers are not protected except for being  
8 undocumented, but they are protected from  
9 discrimination based on national origin. And people  
10 who are documented, have -- you know, are often -- they  
11 are segregated in work places where there are mostly  
12 Latinos working. If a third of the work place is  
13 undocumented and the rest is documented, they are going  
14 to have trouble if they want to organize a union  
15 because the undocumenteds are so afraid. So that  
16 creates a disparate impact on persons of a Latino --  
17 different national origins within the Latino community.  
18 So that's a problem.

19           We have a really good immigration clinic, and  
20 I can give you the names of people there who have had  
21 talks with people. Union leaders call them on a  
22 regular basis to make complaints of this type, so I  
23 think that might be something you might want to talk to  
24 me about later.

25           The race discrimination issues, it's



1 old-boy's network. According to the plaintiff's  
2 attorneys in town, it's about 20 -- we're about  
3 20 years behind Chicago, and that's really scary.

4 Clark County also is -- they point  
5 Clark County out as a source of great discrimination.  
6 And what they say is that African Americans in  
7 particular, but other minority members and minority  
8 groups, are segregated into jobs that are the  
9 lower-level jobs, and the white people are in the  
10 higher-level jobs, and the chance to move up is very,  
11 very minimal.

12 Of course, one of the -- I know of two cases  
13 that are -- one is a race case, and now one is a sex  
14 discrimination case against Clark County.

15 One is against the airport that Cathy England  
16 was bringing. The plaintiff's name was Michael Jordan,  
17 and he actually won his case. He won the retaliation  
18 part of the case. The juries throughout said he was  
19 not discriminated against because of his race and  
20 promotion, failure to promote. But they did also  
21 conclude that he was retaliated against for bringing a  
22 number of charges.

23 And yet, this raises the enforcement problem  
24 that I was talking about earlier and that I want to  
25 talk about in a minute. And that is, that

1 Cathy England, who is one of our premier and probably  
2 the best plaintiff's attorneys in town, spent probably  
3 eight to ten years on that, maybe close to \$1 million  
4 of her own in bringing that case. It's hard to  
5 imagine, you know, if you count her fees and  
6 everything. And it ended up being awarded -- oh, I  
7 don't know -- less than \$200,000 in fees. So she, you  
8 know, for ten years of work, something that she  
9 spent --

10 And I guess this brings in the aggressive  
11 defense as well. I know that Cathy England had to file  
12 at least somewhere between 10 to 15 motions to compel  
13 on that in that case. And what that means is when you  
14 ask for discovery of the defense, they are supposed to  
15 give you information that's relevant to the case. And  
16 they fought it tooth and nail, and that really pushes  
17 up your fees.

18 And, basically, what's happening is these  
19 very aggressive defense counsel are, you know, they  
20 might not be winning the case, but, boy, they are  
21 minimizing their damages and making it very difficult  
22 on plaintiffs to bring these cases.

23 There is another case against Clark County  
24 that's similar that's right now -- it's been in  
25 litigation about 15 years, another one that

1 Cathy England has, where the plaintiff is a woman who's  
2 a Captain, one of the first two Captains in the  
3 Clark County Fire Department. And she was promoted,  
4 but she was harassed terribly. There were a lot of  
5 pornographic materials; but more than that,  
6 pornographic movies; but much more than that, feces put  
7 in her bed, fish guts put in her shoes, and there is no  
8 defense to this. I mean, the defense has not -- as far  
9 as I know, there is nothing in the record to say, No,  
10 that it didn't happen.

11 And then when she became Captain, she was  
12 told even though -- you know, they sleep in the  
13 Captain's quarters -- that she wasn't allowed to sleep  
14 there because there was a guy Captain who was there, so  
15 she was told she had to go sleep with the rest of the  
16 guys. And she didn't agree to that. She didn't put up  
17 with that because it undermined her authority.

18 And then they decided they were going to send  
19 her to a smaller fire department station because then  
20 there would only be one Captain. But the problem with  
21 that is that you don't -- the smaller stations don't  
22 get the really good experience for moving up because  
23 they don't cover the Strip.

24 So those are the kinds of things that are  
25 happening. And instead of fixing these things, I mean,

1 in 1998, they promised that by 1999, they would have  
2 the whole place rebuilt so there would be proper rest  
3 quarters for the women and proper sleeping quarters,  
4 and they still haven't finished with that or done that.  
5 So those are the kinds of things that are happening  
6 here.

7 I think there is some other good sources of  
8 information for you that I can talk to you about. I  
9 think some of the Union leaders might have some  
10 information about discrimination that would be helpful,  
11 and we have some names for you for that.

12 And also there is some historical information  
13 that might be useful. UNLV has a special collections,  
14 and there is a woman working on a Ph.D. at either UVA  
15 or somewhere at William and Mary. But she is here in  
16 charge of the selection collections, and she knows a  
17 lot about oral history in the African American  
18 community and it might be useful.

19 Okay. So back to the enforcement problems.  
20 As I mentioned, and I just want to close here that it's  
21 an uphill battle. My heart goes out to these people  
22 who are fighting for people's rights, and, yet, I think  
23 it must be discouraging after a while. They do win  
24 these cases, but it takes a long time, and it's very  
25 difficult.

1 Are there any questions?

2 DAVID SANCHEZ: Any questions?

3 By the way, for the record, just one item. I  
4 worked with Cathy England when I was personnel director  
5 for the City of Las Vegas, and I know her quite well  
6 and what she is capable of.

7 Questions?

8 MS. MOORE: I noticed that a lot of your  
9 information, your research, is related to the casinos  
10 and the hotel operators, and I understand that's one of  
11 our primary industries. But have you done work outside  
12 those industries to see if the same type of issues are  
13 happening in our general population, because as  
14 everything, we're always so focused on the world of  
15 casinos and the hotels, and there is another world out  
16 there.

17 MS. MCGINLEY: Yes. Now, the research that I  
18 have done, the interviews that I have done of  
19 individuals has been in the casino industry. What I  
20 know about the other -- about the County and about some  
21 of the other places is from talking to people in our  
22 immigration clinic, talking to some plaintiff's  
23 attorneys, talking to some defense attorneys. But it's  
24 not my own research of talking to the employees  
25 themselves.

1 MS. MOORE: I think what I'm addressing is,  
2 we are a community that is nationally ranked repeatedly  
3 for small businesses. And I don't mean just one and  
4 two people in them, but smaller businesses that are  
5 not -- do you find any of those issues there, or are  
6 they just more prevalent when you get into the  
7 corporate -- the larger corporations?

8 MS. MCGINLEY: I really wouldn't be able to  
9 say. I haven't been here long enough to do research on  
10 the individual small businesses. I don't know for  
11 sure.

12 I do know that country wide, larger  
13 businesses are usually considered to be better on  
14 issues of civil rights and discrimination issues  
15 because they have policies often in place that they  
16 enforce. But I don't know about the small businesses.  
17 That is a fruitful area of research. I just haven't  
18 gotten to it yet.

19 MS. MOORE: And what about construction?  
20 This is another area that we have a lot of workers in  
21 our community and one that there has not always been  
22 parity for, particularly gender parity. What about  
23 construction?

24 MS. MCGINLEY: I haven't done any research on  
25 the construction industry itself, but what I do know

1 about the construction industry is that there are --  
2 housing construction anyway -- that there is this large  
3 group of undocumented workers. And one of the things  
4 that, interestingly enough, that I have heard is that  
5 you can clear out a work site by telling them that INS  
6 is on the way.

7 And, often, it's not only undocumentededs that  
8 leave. It's people who are documented because INS  
9 tends to, you know, they give them a hard time. They  
10 just don't want to be around.

11 So there are people who are being  
12 discriminated against, based on their national origin  
13 anyway. Maybe not by their employers. You know, this  
14 is a little difficult. This is a little tricky, but I  
15 think there might be some possible disparate impact  
16 causes of action.

17 As far as gender discrimination, I only know  
18 what I hear from the plaintiff's Bar is that there is  
19 some gender discrimination, but I don't have much  
20 specifics for you.

21 DAVID SANCHEZ: Questions?

22 MS. GABATO: I have a -- I don't know if this  
23 will be, you know, something that you deal with.

24 Because I'm President of the Philippine Nurse's  
25 Association here in Nevada, we have, of course, we have

1 our dialects from our culture, and some facilities --  
-2 perhaps not some, but perhaps all, but I am not sure --  
3 have had employer regulations that says you can speak  
4 your native language while at work except on breaks and  
5 lunch. But some of these are interpreted broadly, some  
6 others are interpreted very strictly, and when it's  
7 strictly enforced, it is -- our nurses (inaudible)  
8 perhaps suspended.

9 Now, I know that it has to be applied across  
10 the board, but what we have noticed in the work place  
11 is that it's only applied across the board to us. You  
12 know, like others are speaking Spanish, others are  
13 speaking Pakistani, or, you know, within the hospital  
14 facility, but it seems like it's directed to us.

15 Would you please comment on that.

16 MS. MCGINLEY: Yes. I will tell you that  
17 there is a Ninth Circuit case that says you are allowed  
18 to discriminate based on language. In other words, you  
19 are -- not discriminate based on language -- you are  
20 allowed to require the people speak English in the work  
21 place.

22 But certainly can't just take one group and  
23 say, You can you speak English -- you must speak  
24 English, but everybody else can do what they want. If  
25 you're treating people differently, that's going to be,



1 obviously, illegal.

2 I also think that Ninth Circuit opinion,  
3 which is a little bit old, I think that law could fall  
4 in the near future that -- and, you know, if it's  
5 necessary to the employer's business that you speak  
6 English to customers or something, of course. But, you  
7 know, if you're saying that you can only speak -- you  
8 may not speak your native language at work when you're  
9 just standing next to someone, and, you know, working  
10 with someone, it seems crazy.

11 I don't have -- I mean, you have the  
12 empirical evidence that this is happening. I don't  
13 have that. But I can tell you that I think if they are  
14 treating different groups differently, that's  
15 definitely illegal.

16 MS. GABATO: Because we have an issue of,  
17 what if the patient was Chinese or a patient was  
18 Filipino or whatever, and then I speak that same  
19 dialect, but then I have this regulation behind me, you  
20 can't speak your dialect, you know, while you're at  
21 work, but your patient is -- speaks your dialect.

22 So I have always asked this question of my  
23 members, so I don't know how to deal with it because  
24 I'm not --

25 MS. MCGINLEY: Well, if you were to be

1 conservative, you could say, Well, there still is a  
2 case out there that says they can make that rule. But  
3 it seems to me that in that situation, it would be  
4 malpractice not to permit them to speak Tagalog to the  
5 person, the patient. So that would be a good case.  
6 That would be a case that I think -- yeah. I think  
7 that's a good case.

8 MS. GABATO: Yeah, it's just very confusing  
9 for us because there is certain words in our dialect  
10 that we cannot translate into English. And so it's  
11 just like automatic. We'll say this word, but then you  
12 say, Oh, I'm not supposed to say that because I'm  
13 supposed to speak English. So it's very confusing for  
14 us.

15 MS. MCGINLEY: Yeah. The problem that I see,  
16 the practical problem, is an enforcement one. What I  
17 mean by that is, in order for that case to be  
18 overturned, you need to get to the Ninth Circuit which  
19 is very expensive because you have to go to the federal  
20 courts first and lose because they would probably apply  
21 the Ninth Circuit laws. And then you would have to get  
22 to the Ninth Circuit. But if someone is willing to do  
23 that, that's the kind of case I would like to see the  
24 EEOC bring.

25 MS. GABATO: Thank you.

1 DAVID SANCHEZ: Other questions?

2 Well, thank you so much, Professor, for  
3 coming in front of us. We appreciate your comments.  
4 And, again, we're going to use your information again  
5 to establish what the status of civil rights is here in  
6 Nevada. Thank you so much.

7 MS. MCGINLEY: Thank you.

8 DAVID SANCHEZ: One last comment before we  
9 close and convene. I have a closing statement, but I  
10 certainly would like to know and get some comments from  
11 any of our Committee members before we leave. Any  
12 comments on what we have heard today?

13 Comments from the members before we close?

14 MS. GABATO: I certainly enjoyed this  
15 session. It was very informative, and, finally, we  
16 meet like face-to-face. And I know we have had the  
17 conferences and it's hard to put a face to the voice.  
18 Now, we do, and this really -- I'm really happy that we  
19 did this thing although I would have preferred that  
20 there would be more public comment. You know, the  
21 public being here and commenting on these kinds of  
22 issues.

23 Of course, I appreciate the fact that a lot  
24 of informed, really informed people came before us  
25 today. Thank you.

1 MR. PENNINGTON: Mr. Chair, thank you so much  
2 for the opportunity. I have been informed by staff  
3 that since there's a 30-day opportunity to keep the  
4 dialogue and the conversation and the testimony moving  
5 forward, that Committee members or the general public  
6 can offer further testimony or ask any further  
7 questions and also send information to staff where they  
8 can follow up with people who presented here today or  
9 find some information for looking for it. So I  
10 definitely appreciate that opportunity as well as for  
11 the next 30 days.

12 DAVID SANCHEZ: Any other comments?

13 MS. KINDRED: Mr. Chairman, I would just like  
14 to say I think this was a beneficial meeting. I would  
15 like us to, if possible, to be able to have an  
16 additional gathering of this nature at some point  
17 fairly soon and include some of those groups that we  
18 were not able to have represented before us, the  
19 unions, for example. I think that would help us as  
20 well.

21 DAVID SANCHEZ: All right. Thank you.

22 Anything further?

23 By the way, I would also like to thank  
24 Ms. Hernandez and Mr. Pilla back here from the Western  
25 Regional Office in Los Angeles for setting this up. We

1 really appreciate it. And also for the court reporter  
2 who has put up with us and has been very gracious in  
3 handling her duties.

4 This concludes the session on the status of  
5 civil rights in the state of Nevada conducted by the  
6 Nevada Advisory Committee to the United States  
7 Commission on Civil Rights.

8 We thank all of the participants for their  
9 candor and comments. We await the transcript of these  
10 proceedings, and please remember that the record of  
11 this meeting will remain open for a period of 30 days  
12 following our conclusion today.

13 The Advisory Committee will evaluate the  
14 material that it has collected and determine, based  
15 upon the agency's budget, if additional briefing  
16 meetings will be necessary.

17 Thank you all. We stand adjourned.

18 (Meeting adjourned at 3:28 p.m.)

19 /////  
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REPORTER'S CERTIFICATE

STATE OF NEVADA            )  
  ) SS:  
COUNTY OF CLARK         )

I, Dawn Oaks, a Nevada State Certified Court Reporter No. 838, do hereby certify:

That I reported the Nevada Advisory Committee to the United States Commission on Civil Rights Meeting on May 4, 2006.

That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript of said proceedings are a complete, true, and accurate transcription of my said shorthand notes to the best of my ability.

IN WITNESS WHEREOF, I hereby certify this transcript in the County of Clark, State of Nevada, this 22nd day of May, 2006.

  
\_\_\_\_\_  
Dawn Oaks  
Nevada CCR No. 838

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