

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

ORIGINAL

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

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

Reported by: Dawn Oaks, Nevada CCR No. 838

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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 lieutenants, Why isn't it that you don't choose to move
2 any higher. And these days, it has nothing to it 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. Guiterrez,

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 development. 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-anum?

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 to 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 undocumented workers 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.)

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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 23rd day of May, 2006.

Dawn Oaks
Dawn Oaks
Nevada CCR No. 838

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