

REAUTHORIZATION OF THE U.S. COMMISSION ON CIVIL RIGHTS

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URE THE

SUBCOMMITTEE ON THE CONSTITUTION
OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

A HEARING TO CONSIDER THE REAUTHORIZATION OF THE
COMMISSION ON CIVIL RIGHTS

JUNE 16, 1994

Serial No. J-103-61

Printed for the use of the Committee on the Judiciary



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REAUTHORIZATION OF THE U.S. COMMISSION ON CIVIL RIGHTS

THURSDAY, JUNE 16, 1994

U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 11:05 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Paul Simon (chairman of the subcommittee), presiding.

Present: Senator Brown.

OPENING STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. The subcommittee hearing will come to order. We are considering the reauthorization of the Commission on Civil Rights, a commission that has had its ups and downs. It was for many years a real leader in the field of civil rights, and then it had some down years, and my feeling is that the immediate past chair lifted it up again, and that the new chairperson, Dr. Mary Berry, whom I have known 20 years or so, is going to provide the kind of leadership that we need.

We are also pleased to have Commissioner Carl Anderson here today, and I think without any further ado, I will call on you, Madam chair, before Commissioner Anderson, if that sounds all right.

Ms. BERRY. Fine.

Senator SIMON. All right.

PANEL CONSISTING OF MARY FRANCES BERRY, CHAIR- PERSON, U.S. COMMISSION ON CIVIL RIGHTS; AND CARL A. ANDERSON, COMMISSIGNER, U.S. COMMISSION ON CIVIL RIGHTS

STATEMENT OF MARY FRANCES BERRY

Ms. BERRY. Thank you, very much, Mr. Chairman, for inviting us to testify in support of the reauthorization of the U.S. Commission on Civil Rights. I have a prepared statement.

Senator SIMON. We will enter your prepared statement in the record and I think these kind of meetings are best when we are informal—

Ms. BERRY. Right.

Senator SIMON. And do not go through prepared statements.

Ms. BERRY. I have no intention of reading my statement. I just wanted to say, first of all, that while I'm sitting here representing the whole Commission, you know, of course, that the Commission is independent of the administration, and that my views probably never reflect the views of any particular administration. They may be by accident. Secondly, that the——

Senator SIMON. You do not expect me to disagree with you on that, do you?

Ms. BERRY. No.

Senator SIMON. All right.

Ms. BERRY. The Commission is a diverse group of people. We have got eight people on the Commission, and Commissioner Anderson is here today and is one of them, but we have a number of other distinguished members including a former Supreme Court Justice from California, Commissioner Reynoso, Arthur Fletcher, who is the immediate past chairman, who is a distinguished person in his own right, and all together we have got four people who were appointed by President Bush. We have one appointee of Senator Dole over on the Senate side, and Commissioner Anderson, appointed by the minority leader on the House side, and myself, appointed by the majority on the House side, and then designated chair by President Clinton.

I only mention that, Mr. Chairman, because I appreciate my colleague, Mr. Anderson, being present this morning, but some of the other Commissioners indicated to me that they would have appreciated an invitation to testify too, and I told them that all of them could not come to testify.

Senator SIMON. Unfortunately.

Ms. BERRY. And that you might hear from them on another occasion. All right. What I wanted to say to you is that the Commission on Civil Rights is asking for a 6 year reauthorization. Why are we asking for that? It is because we continue to play a role and have in the past even under some difficult circumstances and hope to play a more significant role in helping the country to create equality of opportunity for all people in this country without regard to race, color, religion, sex, national origin, age and disability. In other words, we have not overcome the obstacles to the kind of equality and justice that we would like to see under our constitutional Government.

To that end, the Commission does, of course, studies and reports and hearings, and we have 51 State advisory committees. We monitor Federal enforcement, and we study issues and problems. We get also about 4,000 complaints a year from individuals that they send to us just as they complain to their Senators and Members of Congress about incidents, and we give those complaints to the agencies to follow up to see how they are disposed of. We could do a better job of that when we have more resources, but we do know that we get about 4,000 complaints a year from people about discrimination.

We have a number of accomplishments in 1992 and 1993 which are listed in the testimony submitted for the record. All I will say to you is that there is evidence that the Commission's work has had impact. For example, some State advisory committee reports have led to legislative changes in some of the States, and that is

detailed in the record. So that we know that the people out there who are serving as volunteers on the State advisory committees have been helpful.

Since 1992, the major Commission emphasis has been on racial and ethnic tensions in America's communities. We call it poverty, inequality and discrimination, and we have been having hearings around the country, had one in Chicago, started out here in Mount Pleasant here in the District of Columbia after the riots that took place up there. We have had a hearing in Los Angeles and we will have a hearing in September in New York, and then after that one in Miami, and in the Mississippi delta.

What we are trying to do is figure out why these growing tensions, which there is evidence of the tensions in reports from the Justice Department, from the hate crime statistics, from the community relations service reports, and an abundance of evidence, media accounts and the like of growing tensions in our country, of polls, and the question is what is causing all of this. And we are not just interested only in shocking episodes that we might read in the paper that something happened or see it on TV, but the day-to-day actions that affect people.

And we have a notion that discrimination, invidious discrimination, is related to the poverty and the inequality that we see in many of our urban and rural areas around the country. So we are starting with the cities. The other thing that we are doing is monitoring the Federal Government. I have for years wanted the Commission to place a greater emphasis on monitoring. We have a couple of reports this year that will be coming out, one on the Fair Housing Amendments. In 1988, President Reagan said he wanted a fair housing law that had teeth. Well, one was finally passed, and it is supposed to have teeth, and we have been looking to see how it is being enforced and are we really doing something to get rid of America's apartheid and to provide opportunity for the disabled and for people of color, and for people who have children who are looking, seeking a fair housing opportunity?

And on Title VI of the Civil Rights act, the Civil Rights Commission has not done a report on title VI in years. So we have one now. So we can look to see what those who receive Federal financial assistance, what they are doing in the way of avoiding race discrimination and discrimination on the basis of national origin. In the future, enforcement, monitoring enforcement will be a big emphasis. Some people ask me why?

I will tell you why. The reason is that I think that people who work hard everyday and who take care of their families and who do everything that you would require productive individuals to do ought not to see their opportunity to work or to buy a house or to get the kind of educational opportunity that they want affected by discrimination on the basis of race or disability or sex or national origin, and that is happening all over of this country. It has been documented, and I think that if we want to reduce alienation and make people seek opportunity, that that is a major task before us, and we will be putting our emphasis there.

I will be pleased to answer any questions that you might have, Mr. Chairman, and thank you.

Senator SIMON. And I thank you.

[The prepared statement of Mary Francis Berry and related materials follow:]

STATEMENT OF
THE HONORABLE MARY FRANCES BERRY, CHAIRPERSON
U.S. COMMISSION ON CIVIL RIGHTS
BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION
COMMITTEE ON THE JUDICIARY

U.S. SENATE

June 16, 1994

Mr. Chairman and members of the Subcommittee, I am pleased to testify today in support of the reauthorization of the U.S. Commission on Civil Rights.

As the Chairperson of the Commission, I sit before you representing the Commission as a whole. Because of the Commission's independent status, I should note that my remarks do not necessarily reflect the views of the Administration. My colleagues on the Commission have a diverse range of backgrounds, views and talents. The other individuals who comprise the eight-member policymaking body of the Commission are: Vice Chairperson Cruz Reynoso, Professor of Law at the UCLA Law School, Carl A. Anderson, Vice President for Public Policy with the Knights of Columbus and Dean, North American Campus of the Pontifical John Paul II Institute for Studies on Marriage and Family; Arthur A. Fletcher, Distinguished Professor of Business Administration and Director of the International Institute for Corporate Social Policy at the University of Denver; Robert P. George, Associate Professor of Politics at Princeton University; Constance Horner, Guest Scholar in Governmental Studies, Brookings Institution; Russell G. Redenbaugh, Partner and Director of Cooke & Bieler, Inc., and Chairman and CEO of Action Technologies, Inc.; and Charles Pei Wang, Secretary, United Way of New York City.

Each member of the Commission has his or her own viewpoint on the civil rights issues that we address; however, we share the common goal of fulfilling the Commission's legislative mandate to the best of our ability. The Commission has voted to recommend that the existing authorization statute for the Commission be extended for a six-year term.

The Commission on Civil Rights is vital to sustaining progress toward true equality of opportunity in our nation. As an independent, bipartisan agency, the Commission is mandated to conduct factfinding and to report on discrimination and denials of equal protection of the law on the basis of race, color, religion, sex, national origin, age and disability; we monitor and evaluate the effectiveness of Federal civil rights enforcement efforts; and we support our

51 State Advisory Committees. In carrying out this mandate, we conduct hearings, issue reports to the President and the Congress, and serve as a national clearinghouse for information on civil rights. The Commission is expected to make recommendations to all Federal agencies on ways to make their civil rights policies and procedures more effective.

Let me review the accomplishments of the Commission over the period of this current authorization:

- In February 1992, the Commission issued a report entitled Civil Rights Issues Facing Asian Americans in the 1990s. This report provided a comprehensive analysis of the civil rights issues facing Asian Americans and contained many recommendations for action to alleviate the problems described. It is one of the most comprehensive and constructive works of its kind and has been enthusiastically received.
- During FY 1992, the Commission issued a Federal civil rights enforcement report entitled Prospects and Impact of Losing State and Local Agencies from the Federal Fair Housing System. This report examined the Fair Housing Assistance Program and the certification status of State and local agencies under the Fair Housing Amendments Act of 1988. The report also assessed the role and status of those State and local human rights agencies that are seeking to be substantially equivalent under the 1988 Amendments, and evaluated the consequences for the enforcement of the Fair Housing Act if these agencies are not certified. To address one of the Commission's recommendations contained in this report, HUD added new staff to handle complaints received from State and local agencies that have not yet gained interim agreements with HUD.
- In July 1992, the Commission released a summary report, Constructing Denver's New Airport: Are Minorities and Women Benefiting? This report summarized information obtained at the Commission's June 1991 forum in Denver, Colorado on alleged discrimination in hiring and minority contracting in the construction of the city's new international airport.
- Following the release of the summary report on the Denver Airport, the Commission conducted further monitoring of civil rights enforcement relating to federally assisted transportation projects. In January 1993, the Commission issued Enforcement of Equal Employment and Economic Opportunity Laws and Programs Relating to Federally Assisted Transportation Projects, which provided preliminary findings on the performance of the Departments of Transportation and Labor in enforcing various civil rights laws pertaining to hiring and contracting in this multibillion dollar construction project. In response, Secretary of Transportation Peña informed the Commission that an internal review had

begun to find ways to improve the Department's enforcement of Title VI of the Civil Rights Act of 1964.

- Also during FY 1993, the Commission issued The Validity of Testing in Education and Employment. This report was based on a consultation held by the Commission on the use of testing in education and employment and summarized the research and views of experts on appropriate methods of test development to avoid racial, ethnic, and gender bias.
- In August 1993, the Commission issued a report entitled Equal Employment Opportunity for Federal Employees, which highlighted certain inequities and conflicts of interest inherent in the current procedure by which Federal agencies process employee complaints of discrimination. The Commission testified before the House Education and Labor Subcommittee on Select Education and Civil Rights in support of H.R. 2721, which incorporated several of the Commission's recommendations.
- Commission statements were issued on topics such as the Civil Rights Act of 1991, the 50th Anniversary of Pearl Harbor, and Religious Discrimination and Bigotry.
- The Commission held briefings on issues such as the glass ceiling, voter representation, statehood for the District of Columbia, and discrimination in professional and collegiate sports.
- The Commission continues to receive about 4,000 complaints per year from individuals alleging violations of their civil rights. These complaints are reviewed and referred to Federal, State, or local agencies or private organizations for action.
- State Advisory Committee (SAC) reports issued in FY 1992 covered a wide array of issues as illustrated by the following examples: race relations in Selma, Alabama; Hawaiian Homelands Program and the failure of the Federal and State governments to protect the civil rights of native Hawaiians; voting rights in San Luis, Arizona; police-community relations in Tampa, Florida; hate crime in Indiana; racial and religious tensions on selected Kansas college campuses; campus tensions in Massachusetts; educational opportunities for American Indians in Minneapolis and St. Paul schools; shelter issues in New York; implementation of the Fair Housing Amendments of 1988 and eastern New York public housing; and school desegregation in Milwaukee Public Schools.

Many of these SAC reports have resulted in improvements in the subject areas cited. For example, one of the principal recommendations contained in the Alabama SAC report concerned the formation of a citizens advisory group on

race relations, and this recommendation has been adopted by the city. Several recommendations contained in the SAC report on Hawaiian Homelands have been adopted or are in progress.

- During FY 1993, SAC reports covered issues such as access of the minority elderly to health care and nursing homes in New York; public education in Idaho; provisions on sex discrimination in employment in South Dakota; the need for a human relations commission in Alabama; policing in Chicago, Illinois; police-community relations in southern West Virginia; race relations in Dubuque, Iowa; stereotyping of minorities by the news media in Minnesota; environmental justice in Louisiana; and Native American students in North Dakota special education programs. Other SAC projects included the on-going joint study of border violence by the Arizona, California, New Mexico, and Texas Committees; retention of minorities and women in public institutions of higher education in Colorado; implementation of the Americans with Disabilities Act in Delaware; lending practices in the District of Columbia; race relations in western Kansas; racial tensions in Florida, Missouri, Nebraska, North Carolina, South Carolina, and Tennessee; and Asian American civil rights issues in Maryland. To illustrate the impact of these SAC reports, the current session of the Alabama legislature is considering the formation of a human relations commission as recommended in the FY 1993 Alabama SAC report.

- In 1991, the Commission undertook a multi-year project to address the deteriorating condition of race and ethnic relations in America. Such highly publicized events as the riots in Los Angeles, and the disturbances in Crown Heights (New York City) and Mount Pleasant (Washington D.C.) do not begin to reflect the extent and intensity of the racial and ethnic tensions nationwide. While the media and many political and community leaders tend to dwell on the spectacular incidents of interracial tensions, everyday tensions between neighbors and coworkers indicate a far more pervasive and destructive social condition. Underlying the headline stories are incidents of discrimination and denial of opportunity which pervades the everyday lives of this nation's racial and ethnic minorities.

The Commission's project, entitled Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination, is being conducted as a series of factfinding hearings in several cities. Through these hearings, the Commission hopes to identify the underlying causes of the growing alienation of racial and ethnic groups and to recommend ways of attacking these problems. To date we have held hearings in Chicago, Los Angeles, and two in Washington, D.C. Future hearings are planned for New York, Miami and the Mississippi Delta region.

The Commission's first hearing was held on January 29-31, 1992 in response to the disturbances that rocked the Mount Pleasant area in our Nation's Capitol in May 1991. The Commission focused its investigation on the concerns of the Latino community and such central issues as immigration, police-community relations, employment opportunities, and the delivery of services by the District of Columbia government. A report on this hearing was released in January 1993. Former Commission Chairperson Arthur Fletcher testified before the City Council of the District of Columbia on the findings and recommendations contained in this report, thereby participating in the initial implementation of some of our recommendations. The report continues to be cited by area civil rights groups monitoring the District government's responsiveness to these problems.

To explore racial and ethnic tensions from a national perspective, the Commission held a second hearing in Washington, D.C. on May 21-22, 1992. Expert witnesses testified on various aspects of the crisis facing America's communities. The third major hearing conducted by the Commission in FY 1992 was held in Chicago, Illinois, on June 24-26, 1992. Approximately 60 witnesses provided sworn testimony on topics such as minority access to housing and mortgage credit, access to credit and business development opportunities, police-community relations, access to education, access to health care, and employment and training. The Commission held its fourth hearing in June 1993 in Los Angeles. This hearing focused on both police-community relations and economic development in the City of Los Angeles and their impact on rising racial and ethnic tensions. The hearing also dealt with the portrayal of minorities in entertainment television and the news media.

Major Commission activities scheduled for completion during FY 1994 include the following:

- Fair Housing Amendments Act of 1988: The Enforcement Report will evaluate the Department of Housing and Urban Development's new system of adjudicating complaints before administrative law judges, the prosecution of complaints by the Justice Department and the administration by HUD of programs assisting State, local and nonprofit groups engaged in fair housing enforcement, outreach, education and the overall resources allocated for fair housing enforcement.
- A study of Title VI of the Civil Rights Act of 1964 will examine the civil rights enforcement efforts and activities of Federal agencies with responsibilities for ensuring nondiscrimination in their federally assisted programs under Title VI. Title VI prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin in any program or activity. The study will review enforcement efforts in recent years and assess the adequacy of the

Title VI enforcement activities by Federal agencies. This assessment will include their performance in conducting onsite compliance reviews and individual complaint investigations as well as an analysis of their compliance standards.

- The Commission will continue on the Racial and Ethnic Tensions theme with a major hearing planned for September 19-21, 1994 in New York City.
- The Commission has held briefings on religious bigotry, economic empowerment, health care reform, the implementation of the Americans with Disabilities Act, Census data on race and ethnicity, and the civil rights consequences of growing anti-immigrant sentiments. Future briefing topics will include, among others, the portrayal of persons of color in the media. In response to the health care briefing, one congressional committee indicated that it was useful in drafting health care reform legislation.
- State Advisory Committee (SACs) reports have been accepted by the Commission on: hate crimes in Indiana; white supremacist activity in Montana; and police-community relations in New Jersey.
- In FY 1995, and continuing in the future, the Commission expects to place greater emphasis on program activities in the area of civil rights enforcement. It is our view that Federal civil rights enforcement is weak, and does not adequately protect people's rights or deter discrimination. Accordingly, we have made it one of our top priorities to work towards ensuring that Federal agencies carry out their responsibilities to the fullest extent; that they have the requisite leadership and support, particularly financial support, and that they establish and execute tough enforcement standards. Toward this end, during FY 1995, the Commission plans to undertake major evaluations of Federal civil rights enforcement efforts in the areas of employment and education.

In a project entitled Evaluation of Fair Employment Law Enforcement, the Commission will evaluate the Federal effort to eliminate employment discrimination by examining the policies and enforcement mechanisms of the Equal Employment Opportunity Commission and the Department of Justice. This study will concentrate on the implementation of the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Equal Pay Act. We will assess the agency resources for enforcing these and other fair employment laws; the effectiveness of implementing policies, regulations and procedures; the adequacy of enforcement measures; and the conformity of charge processing by State and local fair employment agencies with EEOC standards.

A second major enforcement study planned for FY 1995, entitled Evaluation of Equal Educational Opportunity Law Enforcement, will evaluate the efforts of the Department of Education (Office of Civil Rights) to enforce a variety of laws mandating equal educational opportunity. We will focus on civil rights issues relating to the education offered language-minority children, programs provided to children with disabilities, equal educational opportunity for girls, and the ability tracking of minority children.

- The Commission will conduct two final hearings on the Racial and Ethnic Tensions theme in Miami and the lower Mississippi Delta region.

We plan to issue statutory reports containing findings and recommendations stemming from the other Racial and Ethnic Tensions hearings as follows:

--Washington D.C. Hearing Report. The report on the national perspectives hearing held in May 1992 in Washington, D.C. will summarize the testimony of experts on such topics as hate incidents, changing demographics, multiculturalism, socioeconomic factors, financial and banking industry practices, and the Community Reinvestment Act.

--Chicago Hearing Report. The report based on the Commission's June 1992 hearing in Chicago will analyze police policies, civilian review and the processing of police misconduct complaints. The economic section of this report will focus on policy issues related to minority access to credit and business development.

--Los Angeles Hearing Report. The report on the Commission's June 1993 hearing in Los Angeles will examine the progress of reforms in the Los Angeles Police Department, and it will explore governmental policies and programs and their impact on economic opportunities in minority communities. A third focus of the Los Angeles report will relate to local news media coverage of minorities and the portrayal of people of color and people of religious faith in primetime television entertainment programming.

--New York Hearing Report. The New York hearing report will examine issues relating to immigration and economic opportunity.

--Miami Hearing Report. The Miami report is expected to cover immigration related civil rights issues, among other topics.

--Mississippi Delta Hearing Report. This report is expected to cover issues such as the impact of State financing on public education, and the remaining vestiges of segregation in higher education. Other issues may include voting rights, health care and housing.

--Summary Report. Finally, the Commission plans to complete a summary report examining the common causes, as well as major differences, in the way racial and ethnic tensions were experienced and dealt with in the different communities examined.

- The Commission will continue to refer complaints of civil rights violations to appropriate government agencies for investigation. In FY 1995, we plan to track such complaints more closely in order to better serve those who seek our assistance and as a means of directly monitoring civil rights enforcement efforts by government agencies.

With this Subcommittee's endorsement of our reauthorization and with the appropriations committees' recognition of our financial needs, the Commission on Civil Rights will be equipped to contribute more effectively than ever to the serious needs in the civil rights area. In essence, we will be better able to fulfill our congressional mandate.

Mr. Chairman, this concludes my prepared statement. I will be pleased to answer questions you might have concerning the work of the Commission and its reauthorization.



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

MARY FRANCES BERRY

Mary Frances Berry became Chairperson of the U.S. Commission on Civil Rights on November 19, 1993. An Independent, she was reappointed to the Commission in February 1993 by the Speaker of the House to serve a six-year term.

Dr. Berry is the Geraldine R. Segal Professor of American Social Thought and Professor of History at the University of Pennsylvania, Philadelphia, Pennsylvania. She was a Vice Chair of the Civil Rights Commission in 1980-82, and has been a Commissioner since that time.

Dr. Berry was the 1990-91 president of the Organization of American Historians. She served as the Assistant Secretary for Education in the U.S. Department of Health, Education, and Welfare (HEW) from April 1977 until January 1980. For a period she also served as Acting U.S. Commissioner on Education.

As Assistant Secretary for Education, Dr. Berry headed the Education Division of HEW and administered an annual budget of nearly \$13 billion. In this role, she coordinated and gave general supervision to the National Institute of Education, the Office of Education, the Fund for the Improvement of Post-Secondary Education, the Institute of Museum Services, and the National Center for Education Statistics.

Prior to her service at HEW, Dr. Berry was Chancellor of the University of Colorado at Boulder where she was also professor of History and Law. She was Provost of the Division of Behavioral and Social Sciences at the University of Maryland, College Park, prior to her selection as Chancellor of the University of Colorado at Boulder.

Dr. Berry was born in Nashville, Tennessee on February 17, 1938. She earned bachelor's and master's degrees at Howard University, a doctorate in history from the University of Michigan, and the juris doctor degree from the University of Michigan Law School. She has held faculty appointments at Central Michigan University, Eastern Michigan University, the University of Maryland, College Park, the University of Michigan, and Howard University in Washington, D.C.

Dr. Berry is a member of the Bar of the District of Columbia. She has received 19 honorary doctoral degrees and numerous awards for her public service and scholarly activities, including the NAACP's Roy Wilkins Award, the Rosa Parks Award of the Southern Christian Leadership Conference, and the Ebony Magazine Black Achievement Award. Ms. Magazine honored her as one of its 1988 Women of the Year.

Dr. Berry is the author of a number of articles and essays as well as six books including Long Memory: The Black Experience in America (with co-author John W. Blassingame), Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution, and The Politics of Parenthood: Child Care, Women's Rights and the Myth of the Good Mother.



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

CRUZ REYNOSO

Cruz Reynoso became Vice Chairperson of the U.S. Commission on Civil Rights on November 19, 1993. A Democrat, he was appointed to the Commission in April 1993 by the Senate Majority Leader to serve a six-year term.

Justice Reynoso is a Professor of Law at the University of California at Los Angeles School of Law. In addition, he is Special Counsel to the law firm of Kaye, Scholer, Fierman, Hays and Handler in Los Angeles.

From 1982 to 1987, Reynoso was an Associate Justice of the California Supreme Court, San Francisco; and was an Associate Justice on the Third District Court of Appeal, Sacramento, from 1976 to 1982. He was also Of Counsel to the law firm of O'Donnell and Gordon in Los Angeles and Sacramento, 1987-88; a Professor of Law at the University of New Mexico, Albuquerque, 1972-76; Director of the California Rural Legal Assistance, San Francisco, 1969-72; and Associate General Counsel, Equal Employment Opportunity Commission, 1967-68. In addition, Justice Reynoso was the Assistant Chief, Division of Fair Employment Practices, Department of Industrial Relations, San Francisco, 1965-66; an attorney who later formed the law firm of Reynoso and Duddy, El Centro, 1959-68; and a legislative assistant to a state senator, 1959-60.

Justice Reynoso has been a board member of the Mexican American Legal Defense and Educational Fund (MALDEF), and has served on the boards of directors for the Rosenberg Foundation, The Community Board Program, and Council on Foundations. He is a member of the California Judges' Association, the American Bar Association, the Los Angeles Bar Association, the La Raza Lawyers Association, and the Mexican American and National Hispanic Bar Associations, and now serves on the boards of Latino Issues Forum, the Natural Resources Defense Council and Children Now.

Justice Reynoso has held numerous public service positions on various presidential, congressional and gubernatorial committees. He is the recipient of the Loren Miller Legal Services Award from the California State Bar, and Honorary Doctor of Law or Humanities degrees from the University of Santa Clara, Lincoln University, DePaul University, Pomona College and the University of San Diego. He served in the U.S. Army, 1953-55.

Justice Reynoso received a bachelor of laws degree from the University of California School of Law (Boalt Hall) Berkeley in 1958; a bachelor of arts degree from Pomona College, Claremont, California in 1953; and an associate of arts degree from Fullerton Junior College, Fullerton, California in 1951. He received a Ford Foundation Fellowship to study constitutional law at the National University of Mexico, Mexico City, 1958-59; and attended George Washington University, Washington, D.C., 1954-55.

Justice Reynoso was born on May 2, 1931 in Brea, California. He currently resides near Sacramento with his wife Jeannene. They have four married children: Trina Heter, Ranene Royer, Len Reid-Reynoso and Rondy Reynoso.



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

CARL A. ANDERSON

Carl A. Anderson became a commissioner of the U.S. Commission on Civil Rights in February 1990. A Republican, he was appointed by the Speaker of the House to serve a six-year term.

Mr. Anderson is vice president for public policy for the Knights of Columbus, and dean, vice president, and professor of family law at the North American campus of the Pontifical John Paul II Institute for Studies on Marriage and Family in Washington, D.C.

Before joining the Knights of Columbus, Mr. Anderson was special assistant to the President for Public Liaison, 1985-87; and a staff member in the White House Office of Policy Development, 1983-85. Prior to that, Mr. Anderson was a counselor to the undersecretary of health and human services, Department of Health and Human Services, 1981-83; and legislative assistant to Senator Jesse Helms (N.C.), 1976-81.

From 1981-82, Mr. Anderson was a commissioner of the Native Hawaiian Study Commission, a Congressionally-mandated commission to study the social, economic, and legal situation of Native Hawaiians.

A lawyer by profession, Mr. Anderson has authored several papers and manuscripts on the family and law. He earned an undergraduate degree (B.A.) in 1972 from Seattle University, and his juris doctor degree (J.D.) from the University of Denver in 1975.

Born in Torrington, Connecticut on February 27, 1951, Mr. Anderson resides in Arlington, Virginia with his wife Dorian and their four children, Carl, Matthew, Teresa, and Katherine.



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

ARTHUR A. FLETCHER

Arthur A. Fletcher became a Commissioner of the U.S. Commission on Civil Rights in November 1993. He served as Chairman from February 26, 1990 to November 19, 1993. A Republican, his term expires in November 1995.

Mr. Fletcher is the distinguished professor of business administration and director of the International Institute for Corporate Social Policy at the University of Denver.

He served at the White House as deputy assistant to the President for urban affairs from 1976-77; as president of Arthur A. Fletcher and Associates, Inc., 1973-89; and as executive director of the United Negro College Fund, 1972-73. He was an assistant secretary of labor for employment standards at the U.S. Department of Labor from 1969-71, and an alternate delegate to the 26th session of the United Nations General Assembly in 1971.

Mr. Fletcher was a special assistant to the governor of the State of Washington in 1968-69; a member of the city council in Pasco, Washington; and an employee relations consultant at the Hanford Atomic Energy facility, 1967-68. He was a public school teacher in Berkeley, California, 1961-65; a reports control manager at Aerojet-General Corporation in Sacramento, California, 1957-61; and an assistant director for the public information office of the Kansas State Highway Department in Topeka, 1955-57.

While teaching in a rural elementary school in Kansas, Mr. Fletcher was a fund-raiser for the pending 1954 Brown vs. School Board of Topeka desegregation suit, which was successfully fought up to the United States Supreme Court.

Born in Phoenix, Arizona on December 22, 1924, Mr. Fletcher served in the United States Army from 1943-45, and received his B.A. degree from Washburn University of Topeka, Kansas in 1950. He has received honorary doctoral degrees from Allegheny College; the University of Denver; Kent State University; Malcolm X College; Shaw University; South Carolina State College; Washburn University of Topeka; and Wilberforce University. He has also received numerous awards for his public service and civil rights activities.

Mr. Fletcher and his wife Bernyce maintain residences in Washington, D.C., Maryland and New Jersey.



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ROBERT P. GEORGE

Robert P. George became a Commissioner of the U.S. Commission on Civil Rights in January 1993. An Independent, he was appointed by President Bush to serve a term expiring in December 1998.

Mr. George is Associate Professor of Politics at Princeton University, where he teaches courses on civil rights and liberties and legal philosophy. In addition, he is Of Counsel to the law firm of Robinson & McElwee in Charleston, West Virginia.

He is a member of the Editorial Board of the American Journal of Jurisprudence; on the board of Directors of the Philosophy Education Society, Inc.; and on the Academic Advisory Board of the Judiciary Leadership Development Council.

He is a member of the Bar of New Jersey and Pennsylvania and is admitted to practice in federal district and circuit courts and before the Supreme Court of the United States.

A Phi Beta Kappa graduate of Swarthmore College, Mr. George holds a Master of Theological Studies and a Doctorate of Laws from Harvard University. At Harvard, he received a Frank Knox Scholarship for advanced study in philosophy of law at Oxford University where he earned a Doctorate of Philosophy.

Mr. George is the author of Making Men Moral: Civil Liberties and Public Morality and editor of Natural Law Theory: Contemporary Essays. His articles and review essays have appeared in the Review of Politics, the Review of Metaphysics, Law and Philosophy, the American Journal of Jurisprudence, and the law reviews of the University of Chicago, Tulane, Michigan, and Columbia.

He was the Justice Tom C. Clark Fellow at the Supreme Court of the United States, 1989-90; and Visiting Fellow in Law at New College, Oxford University, and Fellow of the Howard Foundation of Brown University, 1988-89.

Born in Morgantown, West Virginia on July 10, 1955, Mr. George resides in Princeton, New Jersey with his wife Cindy and their children David and Rachel.



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CONSTANCE HORNER

Constance Horner became a Commissioner of the U. S. Commission on Civil Rights in January 1993. A Republican, she was appointed by President Bush to serve a term expiring in December 1998.

Mrs. Horner is a guest scholar at the Brookings Institution in Washington, D.C. She has served as assistant to the President and director of Presidential Personnel, August 1991-January 1993; deputy secretary in the Department of Health and Human Services, May 1989-August 1991; and as director of the U.S. Office of Personnel Management, formerly the Civil Service Commission, August 1985-May 1989.

Other positions Mrs. Horner has held include associate director for economics and government for the Office of Management and Budget; director of VISTA and acting associate director of ACTION; and deputy assistant director of ACTION for policy and planning. She has also served on the President's Commission on White House Fellowships and the President's Commission on Executive Exchange. In addition, Mrs. Horner has taught at secondary schools in the United States and at universities abroad.

Constance Horner is a graduate of the University of Pennsylvania and holds a master of arts degree in English literature from the University of Chicago.

Born in Summit, New Jersey on February 24, 1942, Mrs. Horner resides in Washington, D.C. with her husband Charles Horner. They have two sons, David and Jonathan.



UNITED STATES
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1121 Vermont Avenue, N.W.
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RUSSELL G. REDENBAUGH

Russell G. Redenbaugh became a commissioner of the U.S. Commission on Civil Rights in February 1990. An Independent, he was appointed by the Senate Majority Leader to serve a six-year term.

Mr. Redenbaugh is the first disabled American to serve on the national Commission since its creation in 1957. He was blinded and lost most of his hands in an explosion at the age of 17.

Mr. Redenbaugh is a partner and director of Cooke & Bieler, Inc., an investment management firm based in Philadelphia; and chairman and chief executive officer of Action Technologies Inc., a California-based company that makes operating systems and application software for distributed computing systems. He is also a co-founder and head of Kairos, Inc., a Philadelphia educational services firm.

Mr. Redenbaugh is an accomplished author, executive, financial and economic strategist, and teacher. He has been a chartered financial analyst since 1972; a chartered investment counselor since 1969; a member of Financial Analyst of Philadelphia, and the Wharton Club of Philadelphia.

Mr. Redenbaugh earned his undergraduate degree (B.S., magna cum laude) from the University of Utah in 1967, and an MBA, with honors, from the Wharton School, University of Pennsylvania in 1969.

Born in Salt Lake City, Utah on July 14, 1945, Mr. Redenbaugh resides in Philadelphia with his wife, Patty, and their four children, Micah, David, Allie, and James.



UNITED STATES
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624 Ninth Street, N.W.
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CHARLES PEI WANG

Charles Pei Wang became a Commissioner of the U.S. Commission on Civil Rights in November 1993. He served as Vice Chairman from May 24, 1990 to November 19, 1993. A Democrat, his term expires on December 5, 1995.

Mr. Wang is president of the China Institute in America, Inc., a non-profit, bicultural organization founded in 1926 to educate the public about Chinese culture and to help Chinese students in this country adjust to and understand American culture.

From 1968 to 1989, Mr. Wang worked at the Chinese-American Planning Council (CPC) in New York City's Chinatown. He held various positions at CPC, including those of managing director and executive director, and helped make CPC one of the largest and most prominent social service agencies for both Chinese and Chinese-Americans.

Mr. Wang's affiliation with several organizations has brought the status of the Chinese-American to the forefront of New York City's perspective. Notable accomplishments largely due to his efforts include the first public hearing on New York-Asian American Affairs sponsored by the U.S. Commission on Civil Rights in 1974, the opening of a Social Security branch office in Chinatown in 1976, and a Chinatown Post Office in 1978.

He has served on the President's Commission on Mental Health-Asian American Panel, the New York State Crime Prevention Task Force, and the New York State Governor's Task Force on Bias Related Violence. He was a member of the New York State Advisory Committee to the U.S. Commission on Civil Rights for several years in the 1970's. He was also chairman of the Pacific Asian Coalition-Mid Atlantic Region, co-chairman of the Asian American Council of Greater New York, vice chairman of the New York City Health System Agency, and secretary of the Private Industry Council.

Currently, Mr. Wang serves as the chairman of the U.S. Bureau of the Census 1990 Asian and Pacific Islanders Advisory Committee, on the board of directors of United Way, New York City, as co-chairman of the New York City Human Services, treasurer of the Federation of Asian American Social Service Organization, and is a member of New York City Partnership.

Mr. Wang was born in 1940 in Szechwan, China. He moved to Taiwan where he studied Chinese language and culture at Cheng Chi University, receiving a B.A. degree in 1964. He moved to the United States in 1965, and in 1967, received a M.A. degree in Asian History from St. John's University of New York. He also studied at Columbia University and the University of New York School of Public Administration. Mr. Wang and his wife Rita reside in Parsippany, New Jersey. They have a daughter, Angie.



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MARY K. MATHEWS

Mary K. Mathews was appointed Staff Director of the U.S. Commission on Civil Rights on May 25, 1994. An Independent, Mathews was appointed by President Clinton.

A career civil servant and senior Commission staffer, Mathews has coordinated the agency's work with the Commissioners since April 1994. She also performed a similar function for a period in December 1993.

Mathews has been the Commission's Assistant Staff Director for Congressional Affairs since April 1991. She joined the Commission in June 1988 as Deputy Staff Director. Through title changes of Deputy Staff Director for Management and Assistant Staff Director for Administration, Mathews was in charge of internal management with responsibilities for the budget, finance, personnel, procurement, administrative services and the National Clearinghouse Library.

From 1981 to 1988, Mathews served as Chief, Administrative Services Division, Director and Assistant Director, Administrative Division at the Farm Credit Administration. She was the Deputy Chief, Departmental Services and Special Programs Division, and Employee Development Specialist at the U.S. Department of Transportation (DOT) from 1978 to 1981. She was also the Coordinator of the first Federal Management Development Program for Mid-to-Senior Level Women which she implemented at DOT in 1979.

In 1978, Mathews was a member of the five-person task force that created and implemented the Presidential Management Intern Program which has received bipartisan support and is widely recognized as one of the Federal government's most effective management development programs.

Mathews began her Federal government career in 1971 at the General Services Administration (GSA). She served as the agency's College Recruitment and Summer Intern Program Coordinator and as Chief of Training and Special Employment Programs in the headquarters office from 1971 to 1975. She was also the Administrative Officer of GSA's Federal Supply Service for the National Capitol Region from 1975 to 1977.

Mathews was born on April 20, 1948 in Washington, D.C. where she attended public schools. She graduated from American University in Washington, D.C. where she received a B.S. degree in Business Administration in 1970 and an M.B.A. in 1975.

Mathews is listed in Who's Who in American Women and Who's Who in Emerging Leaders in America. She is an officer of the national organization, Executive Women in Government, and has served on the executive committee of the Small Agency Council and as chair of the Micro Agency Group which represents the 40 smallest Federal agencies. She resides in Alexandria, Virginia.

6/14/94

Senator SIMON. Commissioner Anderson.

STATEMENT OF CARL A. ANDERSON

Mr. ANDERSON. Thank you, Mr. Chairman, for the invitation to testify before the committee today. Let me highlight just briefly from the statement I submitted. In the more than 3½ years that I have served on the Commission, I have become convinced that the overwhelming domestic social issue facing America today is what has been called the decivilization of America's urban poor.

The term "decivilization" is indeed a strong one, but to me it nevertheless serves to emphasize the magnitude of our present crisis. We need not explore in depth here because of time the cultural pathologies which define this crisis such as the unprecedented levels of violence, particularly by and against children, the transgenerational welfare dependency, the breakdown of education and health services in those communities, and the virtually nonexistent employment and business opportunities, and finally the disintegration of stable and functional family life. That millions of Americans suffer these circumstances is more than a growing threat to our Nation's future. It is a moral outrage.

For more than 2 years at the Commission we have focused, as the chairperson has said, on this crisis as our overarching theme at the Commission under the topic of racial and ethnic tensions in American communities and we have held hearings in a variety of cities.

This project was proposed jointly by Commissioner Berry and myself and adopted by the Commission. I wish that time permitted me to discuss with you many of the insights we have learned on these occasions. Two images remain indelibly with me. The first is of an Afro-American law enforcement official who through her tears related the events leading up to her teenage son's suicide in Chicago, and the second image is that of young, confident Afro-American businessmen who detailed their economic successes in South Central Los Angeles.

The unmistakable lesson I have learned is that the key to meeting the present crisis is to restore a sense of hope to those who have become caught up in it. To do that, we must give persons reason to believe that they may in some measure shape their future and their destiny. While government programs at all levels must be made more responsive to the people they are intended to serve, we must move beyond the provision of government services to empower people in these communities to control and shape their own destinies.

During these hearings, we have heard witnesses tell us that the poor of every racial and ethnic group yearn for opportunities for home and business ownership. The majority of our Commission believes that while civil rights enforcement must continue to be stressed, government created barriers such as taxes and bureaucratic regulations must also be removed. There are two other issues which concern a number of the members of the Commission which I would like to briefly mention. The first is the rising number of acts of bigotry involving religious vandalism, the disruption of religious services and the interference with religious activities.

If we are once again to muster the moral courage to confront the devastating consequences of racism in our urban communities, then we must take every step necessary to safeguard the proper leadership role of our faith communities in this endeavor. I am particularly pleased that the Commission has recently urged the Department of Justice to enhance the enforcement and interpretation of existing Federal laws relating to religious intolerance.

The second issue is the increasing interracial tension and particularly the increasing evidence of anti-Semitism, and I am pleased to report that here again the Commission has recently spoken out forcefully to condemn expressions of anti-Semitism. I am confident that the Commission will continue to keep these as important priorities.

So in closing I would just like to reiterate the importance of the Commission's work as the Commissioners, chairperson has said, the Commission chairperson has said, in the monitoring of Federal civil rights enforcement as well as in the completion of our series of hearings on racial and ethnic tensions. Thank you very much.

Senator SIMON. We thank you.

[The prepared statement of Carl A. Anderson follows:]

**Statement of the Honorable Carl A. Anderson, Commissioner,
United States Commission on Civil Rights
Before the Subcommittee on the Constitution
Committee on the Judiciary
United States Senate**

June 16, 1994

Mr. Chairman and members of the subcommittee, thank you for the invitation to testify today in regard to the reauthorization of the U.S. Commission on Civil Rights. The Chairperson has submitted testimony on behalf of the Commission and I would associate myself with those remarks. I offer these remarks on behalf of myself only, although I do so with a sense for the concerns and interests of some of my other colleagues on the Commission. In doing so, however, I reiterate that I speak only for myself.

In the more than 3-1/2 years that I have served on the Commission I have become convinced that the overwhelming domestic social issue facing America today is what has been called the de-civilization of our nation's urban poor. The term "de-civilization" is indeed a strong one but it does nonetheless serve to emphasize the magnitude of the present crisis. We need not explore in depth here the cultural pathologies which define this crisis, such as unprecedented levels of violence, especially by and against children, transgenerational welfare dependency, the breakdown of education and health services in those communities, virtually non-existent employment and business opportunities, and the disintegration of stable and

functional family life. That millions of Americans suffer these circumstances is more than a growing threat to our future; it is a moral outrage.

For more than two years we at the Commission have focused on this crisis as our overarching theme under the topic "Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination" and have conducted hearings in Washington, D.C., Chicago, Los Angeles and will soon continue this series in New York and Miami. This project was proposed jointly by Commissioner Berry and myself and adopted by the Commission. I wish that time permitted me to discuss with you many of the insights we learned on these occasions. Two images remain indelibly with me. The first is of an Afro-American law enforcement official who through her tears related the events leading up to her teenage son's suicide in Chicago and the second image is of young, confident Afro-American businessmen who detailed their economic successes in South Central Los Angeles. The unmistakable lesson I have learned is that the key to meeting the present crisis is to restore a sense of hope to those caught up in it. To do that we must give persons reason to believe they may in some measure shape their own future.

While government programs at all levels must be made more responsive to the people they are intended to serve, we must move beyond the provision of government services to empower people in these communities to control and shape their own destinies. During our hearings we have heard many witnesses tell us that

the poor of every racial and ethnic group yearn for opportunities for home and business ownership. The majority of the Commission believes that, while civil rights enforcement must be stressed, government-created barriers such as taxes and bureaucratic regulations must also be removed. One example of this is the counter-productive effect of high capital gains taxes that freeze the flow of investment to high-risk areas and the capital-starved poor and unemployed. In 1990 the Commission made the following recommendation which I believe still accurately reflects the views of a majority of the Commission: "The Commission recommends that the President and Congress focus on developing policies that will spur both general economic growth and, in particular, growth in the depressed urban and rural areas of our nation. For those who live, work and invest in the depressed areas of our inner cities, for example, we urge cutting the capital gains tax rate to zero, establishing enterprise zones, and other social and job-creating initiatives to help restore economic prosperity to these areas. Overwhelmingly, the residents of these areas suffer the legacy of past discrimination and the limitations of current civil rights laws and policies to promote equality of opportunities. Policies to stimulate growth in depressed areas would not only foster the economic opportunities of residents of these communities, but would benefit many other Americans by helping to realize the full potential of our nation's wealth."

There are two other issues which concern a number of the members of the Commission which should be briefly mentioned. The first is the rising number of acts

of bigotry involving religious vandalism, the disruption of religious services, and the interference with religious activities. If we are once again to muster the moral courage to confront the devastating consequences of racism in our urban communities, then we must take every step necessary to safeguard the proper leadership role of our faith communities in this endeavor. I am particularly pleased that the Commission has recently urged the Department of Justice "to enhance the enforcement and interpretation of existing federal law relating to religious intolerance." The second issue is the increasing interracial tension and particularly the increasing evidence of anti-Semitism, and I am pleased to report that the Commission has recently spoken out forcefully to condemn expressions of anti-Semitism. I am confident that the Commission will continue to keep these as important priorities.

In closing, I would like to reiterate the importance of the Commission's work in monitoring Federal civil rights enforcement efforts as well as the completion of our "Racial and Ethnic Tensions" hearings and issuance of the statutory reports based upon them as detailed in the statement submitted on behalf of the Commission as a whole. Thank you for the opportunity to share these observations with you.

Senator SIMON. You used the word that I think is really key, and that is the word "hope." We have too many people in our society that simply do not have hope, and I thought as I was reflecting on your testimony as the two of you were testifying, that it is a very different world from a world when some of us were young people in the civil rights struggle but the problem of poverty, and you mentioned this Dr. Berry, the problem of poverty is just so overwhelming for some people that I hope the Commission can speak out very forcefully on this.

I am kind of testifying before you here now rather than asking questions. There is a reluctance on the part of those of us in policy-making positions to face the problem of poverty because there is no inexpensive way of solving this. And yet by not facing it, it is the most expensive answer of all, and that is both a waste of human resources and economic resources. And regarding economic discrimination, you know it is fine to say it to an African-American or Hispanic, "you can get a job anywhere," but if because of the residential pattern they are in the west side of Chicago or the south side of Chicago, and the jobs are in the suburbs, and they do not have the means of getting there, that is not discrimination technically that you can take any action against anyone on, but it is a very real form of discrimination. And the only way people in that situation are going to get a chance to be lifted is to get jobs, get a decent education, do the things that frankly we are avoiding.

We are more segregated on the basis of economics that at any point in our Nation's history. I know where Dr. Berry is from. Where are you from, Commissioner Anderson?

Mr. ANDERSON. Originally from Seattle, but I live now in Arlington.

Senator SIMON. OK; well, in Arlington where you live, everyone around you, unless you are in a very unusual neighborhood probably has roughly the same income. The poor are in some distant place. That is the way America is today, with some exceptions, I happen to be from a small town in rural Illinois, Makanda, IL, population 402. We are economically integrated. And it has the great advantage of allowing you to know the person who does not live very far from you who has problems. In a small town people can get help from one another. And people who do not know how to solve problems live next door to people who do know how to solve problems, and they can have that spark of hope.

But we really need that, and I would hope—using your word again—I would hope the Commission will speak very forcefully on our need to face up to the problem of poverty in our society.

Ms. BERRY. Well, Mr. Chairman, in these hearings on racial tensions and the reports that we hope, we expect to come from them, we will address all of these. These problems are connected, the poverty, inequality and discrimination, which is why we titled it that way, and race.

The communities that you talk about, this is why enterprise zones or what are now called empowerment zones, which have been enacted into law, are important, but they are, what the Commission understood, and it has been done in the law, that provisions for certain mechanisms for putting investment in communities

have to be designed in such a way that they benefit the people who live in the communities.

When we first started talking about enterprise zones, there was nothing in the law, in the proposals, that would have made sure that you benefited the people who actually lived there. As the legislation was finally worked out by the Congress and passed, it does focus on the people there. So having economic opportunity in poor communities is important. Human capital, that is good education, and all these years after Brown against the Board in America's cities, in particular, we have separate and unequal education. It is separate and unequal. It is still segregated.

We call it now racially isolated. That is a euphemism for segregated, but that is what it is. And it is unequal because if you look at what is being provided to children it is unequal, and there are various proposals to solve that problem. Some people think that they are private sector responses. Others think beefing up the public schools, and there are all kinds of proposals around the country, but the main thing with those I have always thought is that you must be sure that any proposal is designed to benefit the children who need it most.

I mean to have a proposal which leaves behind all the children who need the education most, that will not do us any good. Also housing, of course, as long as it is segregated, and we are one of the most class and racially segregated Nations in the world in terms of housing. You cannot desegregate schools if you do not desegregate housing, Catch-22, and we have now lost any will to do anything about that.

But I think there is an even sadder problem that I see, Mr. Chairman, that I alluded to, which is why I said I liked emphasizing civil rights enforcement. That is young people who have pulled themselves out of poverty, under dire circumstances, and gotten an education and gotten trained, and then find themselves discriminated against when they go into the job market. I mean what kind of an example does that set for other people who you go out and you try to be a role model for people in the community?

What kind of an example does it set when you do everything you can and you want to say to the people in the neighborhood, look, if you behave and if you do like I do, boy, things will open up for you. So we have got to do both, and we have got to see that there are connections between these things.

Senator SIMON. I could not agree more. You mentioned hate crimes incidentally, and I do not know if this is something that the Commission can do anything about. I introduced the hate crimes legislation probably 4 years ago, 5 years ago, and it passed, and the FBI is keeping track of this, and the new director has committed to me that they are going to continue to do that because the original legislation only called for it for 3 years.

Well, one of the good things about it is that the FBI went around and had meetings, conferences, for local police departments. They had over a thousand of these around the Nation, on why it is important to keep track of hate crimes, and I am told that these conferences themselves were an eye opener to many police. Prejudice is not an unknown thing in any profession including the police.

But we have a great disparity in reporting. The State of Maryland, right next to us, does an excellent job. The State of Oregon, for example, has more police units reporting than in the State of California. And California clearly has, you know, a much greater population. I just mention this as one of the things that you may want to be looking at.

Ms. BERRY. Well, let me comment on that, Mr. Chairman. I testified on the Hate Crimes Statistics act proposal on several occasions before it passed. And a couple of times I was with police officers when we were having this testimony, and the Commission has and its State advisory committees had studies done in local communities and States on why they are not reporting and encouraging them to report, and many of the police officers said that they did not want, as you know, they thought that it was hard to define what was a hate crime, whether it was based on religion, or race or whatever it was, that, you know, they could tell it was a crime maybe, but they were not sure it was a hate crime.

And they would rather be relieved from that, and they did not understand how important it was to punish it and define it as what it is in order to dissuade other people from engaging in these activities. So our State advisory committees, a number of them, are still doing reports in the State on police departments and encouraging police departments to report and trying to explain to them why this is necessary and they will continue to do it.

Senator SIMON. If you could, and maybe even touch base with the FBI.

Ms. BERRY. OK.

Senator SIMON. And see which States are not doing the kind of jobs they ought to be doing, and maybe we could follow through there. That would be good. Commissioner Anderson, in your testimony, you did not mention what you favor, and maybe you did in your written testimony, but what you favor in terms of reauthorization. Do you favor a 1-year reauthorization? A 3 year, 6 year, 25 year? Do you have any preference here?

Mr. ANDERSON. Thank you. That is part of my testimony I did not highlight. I concur with the statement submitted by the chairperson, so I would support a 6 year authorization for the Commission. In a sense, authorization term is somewhat arbitrary, but in the past, not the recent past, but the more distant past, it has been 6 years, and I think that is a reasonable time period.

I think most of the Commissioners do not mind the type of supervision that a short authorization brings along with it, but it does have certain disruptive aspects to more longer term planning like the several year hearing series we have planned. So I think a little bit longer authorization and 6 years would be good.

Senator SIMON. Is this the unanimous opinion of the Commission or is the Commission, as they are in many things, divided on this?

Ms. BERRY. Well, as I recall, I think I either abstained or did not vote or something. My own view about—but everybody else did—my own view about reauthorization is much like Commissioner Anderson. It could be for any term. You do not want too short a term because before you can get anything done, you are back trying to get reauthorized, and it is hard for planning purposes.

But on the other hand, it is nice to have a short enough term so that there is an urgency about oversight, in my opinion, which one should welcome, and so we do not want it too long. In my opinion, 25 years would be ridiculous. We also do not want to indicate by reauthorization term that we think that all civil rights problems will be solved by next year or something or 2 years, which is unhappily not the case. If it were the case, we would all be happy about that.

So from that standpoint, I think that it is just keeping those considerations in mind; then the committee can make a judgment.

Senator SIMON. You have been recommended for \$2.4 million increase, and an increase of 30 full-time equivalent staff positions, let me ask you this. The people who were there during the Reagan years, if I may be blunt here. I see my friend Senator Brown coming in—

Ms. BERRY. Just in time.

Senator SIMON. For picking on President Reagan.

Senator BROWN. This is when you have asked me to come in, is it not?

Senator SIMON. Oh, all right. [Laughter.]

He is always making these dramatic entrances. I do not think there is any question that when President Bush came in there was an improvement in terms of what the Commission was doing. Are the people who are on the staff, the 90 people who are there fulltime right now, are they believers in the mission of the Commission?

Ms. BERRY. Well, let me try to answer the question slightly differently so that I do not put an ideological cast that I could put on it. There are probably people there who have diverse views about civil rights just as Commissioners have all sorts of views about it. In point of fact, a lot of people were RIF'd at the Commission, employees that had worked there for a longtime when we had all the fights and the budget problems in the Reagan years.

We now have at the Commission, in my view, what I call the tooth to tail ratio is out of whack. That is we have got supervisors—because of the way the Federal civil service operates apparently—when you bump people or something, you end up with senior people, and even if the junior people are doing a better job or something. I mean I do not know how that works. But you end up with not enough people who are really what I call the workers, the worker bees, not that the other people are not working. That is not the point.

Senator SIMON. Too many chiefs and not enough Indians.

Ms. BERRY. Yes.

Senator SIMON. If I may use it.

Ms. BERRY. And so what I persuaded the OMB and the president's staff was that we needed to have some people to fill in the gap so we would have some workers so we could turn out some of these reports and do the monitoring. I mean there was a time when the Commission had staff members who on a daily basis monitored what agencies were doing and came back and gave them good information that they could use to operate more efficiently, whether it was handling complaints or whatever it was.

And so what I persuaded them was that we could do a better job on getting these reports out. We could be more timely in terms of doing hearings on issues where there need to be hearings to spotlight things, and we could do the old enforcement reports that we used to do on a regular basis if they would just fill in the staff and give us. And so that is why they approved the budget request, and I think it is very much needed.

Senator SIMON. Commissioner Anderson, in looking over the personnel situation, I noticed, and maybe this is not still the case, but the information I had was a little old, but that Commissioners all have one full-time person working for each Commissioner. This is not the usual kind of procedure at commissions. Is it necessary to have one full-time person working for each Commissioner? Could it be a part-time person? What is your feeling on that?

Mr. ANDERSON. Thank you, yes, I have a view on that. And it is related to what the chairperson was talking about earlier. I think that this Commission, the members show a real intention to work together and to work strongly together and to find as many areas of agreement that we can find. There is a large philosophical breadth represented on the Commission, but I do not think, looking back say 10 years ago, that the Commission is quite as confrontational, various members of the Commission are as confrontational with each other as has been the past history.

I think part of the reason for that is the fact that the Commissioners see their role on the Commission as a heightened one, and part of the reason they are able to contribute more is the fact that they have personal staff assistants that are able to make them more effective on the Commission, and I think that has a way of overcoming a certain kind of hostility, if I could be blunt about it, on the part of certain Commissioners because they do feel better prepared and have had the opportunity to think out some of the issues before the Commission meeting. And I think that results in a smoother commission meeting.

So some Commissioners have used the opportunity to have full-time staff. Others have not. I have had full-time staff. I have had part-time staff myself. And I think it is an advantage to the Commission, which the Commissioners, of course, are part-time Commissioners. So they themselves rely more heavily on their personal staffs. I think the Commissioners should have that discretion, and I think it helps for a better functioning commission.

Senator SIMON. And you find the person working for you has plenty to do on a full-time basis?

Mr. ANDERSON. Yes, I do. I think that in my case I have a professor at George Mason University who works at the law school, works full-time for me for in the summer and part-time during the school year, during the academic year, and I find that by and large he has enough to do.

Senator SIMON. One final comment, and you may wish to comment on this, and then I want to turn it over to Senator Brown. I assume that you consider this part of your role, but I would hope the Commission, would not simply work to stop discrimination but to do the other positive things, somehow. This is one of the reasons for the hate crimes act, so we can, in a more than anecdotal way,

find out where we really are going. My feeling is that we are not doing that well as a country, and that we have to reach out more.

Just as an example, we now have more Muslims than we have Presbyterians in this country. We have more Buddhists than we have Episcopalians in the country. We are becoming a very diverse people, and we have to reach out. This umbrella has to work, this umbrella called the United States of America, and to the extent that you can, you should, play a constructive role in getting people together so that we understand one another. So that we are proud of whatever, if we are Asian-Americans or African-Americans or Hispanic-Americans or Jewish-Americans, or Scandinavian-Americans or whatever our background, but also understand that we have to respect the hopes and aspirations of everybody else.

Ms. BERRY. Mr. Chairman.

Senator SIMON. You may want to make some observation.

Ms. BERRY. Yes, I do want to. I just want to say that I have been noticing as I travel in other countries and meet with people, usually on other business, not commission business—I have not been traveling to other countries—let me make that clear—at my own expense traveling to other countries—how commissions in those countries operate. And I have noticed in particular that many of them see an educational mission, that is educating the public as one of their primary functions. And many of them have in their statute that that is a principal function that they are supposed to have along with the monitoring of enforcement and the like.

And they do everything from ad campaigns to a systematic sort of educational campaign, bringing people together. There are all sorts of things that can be done. So I have thought for a longtime that we ought to focus more of our attention on education, and I would urge my colleagues to do so, and I would urge the committee to think in terms of how we might be advised to do that.

Senator SIMON. If I may give you an assignment, Dr. Berry, and right now until you are reauthorized you have to say any idea I come along with is an excellent idea.

Ms. BERRY. Excellent, excellent, Mr. Chairman. [Laughter.]

Senator SIMON. Yes.

Senator BROWN. Even I say that about your ideas. [Laughter.]

Senator SIMON. Give me some statutory language that you would like to see.

Ms. BERRY. OK.

Senator SIMON. In order for the Commission to feel an obligation to do more in this area.

Ms. BERRY. OK.

Senator SIMON. As part of your mission.

Ms. BERRY. Certainly, Mr. Chairman.

Senator SIMON. All right. Commissioner Anderson, do you wish to comment on this?

Mr. ANDERSON. I would, Mr. Chairman, because on the first days that I joined the Commission, I felt that that was one of our overriding concerns that it must be an overriding principle that we address because the changing demographics that you alluded to that are going to change even more dramatically in the next 2 decades are something which we have to face, and I think the Commission because it has the opportunity to reflect and study these over a

longer period of time is perfectly equipped to do that and should do that, and is part of the reason why I pushed to have this series of hearings in various urban areas, to give us a better sense of how those demographics are beginning to work out in our urban areas. And it is a tremendously lasting impression on me, visiting Los Angeles after the riots, to just see how very, very distinct in ways that in the past our cities that were segregated, if you will, along European ethnic lines, how very distinct the situation is, say, in a city like Los Angeles where there are Asian-American communities, the Central American communities, and we have got to do a lot of work to bring them the promise of America, if I can put it that way, and I think that is a principal concern of the Commission.

Senator SIMON. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman. As I think you know, Mary Berry was chancellor at the University of Colorado.

Ms. BERRY. I did not know you knew that, Senator.

Senator BROWN. Yes, I am a lot older than I look, Mary. [Laughter.]

But we are very proud of you.

Ms. BERRY. Thank you.

Senator SIMON. In fact, your old job is open again.

Ms. BERRY. Again. [Laughter.]

Senator BROWN. And the pay has gone up quite a bit.

Ms. BERRY. Oh.

Senator BROWN. We would be delighted to have you back.

Ms. BERRY. I love Colorado.

Senator BROWN. Well, we loved having you there, and I know you visit every now and then.

Ms. BERRY. I do.

Senator BROWN. But I hope you never hesitate to come back. You have many good friends at the university.

Ms. BERRY. Thank you.

Senator BROWN. I want to ask you to comment on how we take the next step in the civil rights area. That is not to suggest that the battle over opening doors is over. It is not. The challenge is even more difficult now because the bigotry that still exist is more subtle.

But I want to elicit from both of you any thoughts that you have with regard to the kinds of things we can do as a society and that you can do as the Civil Rights Commission to expand opportunity. I talk to so many people who would love to, for example, be in charge of their own life, be in charge of their own business, who are almost overwhelmed by regulatory barriers. They are not C.P.A.'s, they are not lawyers, they are not professional lobbyists who know how to work through the bureaucracy. They feel limited by government, in effect, with the hurdles we put up for small operations and small businesses. I hope this is something you have focused on, and that you have some thoughts or suggestions for us, because part of the effort to expand opportunity in the civil rights area must be to lift the burden of government regulation and taxation.

Ms. BERRY. Well, I will comment after Commissioner Anderson because I know he has already thought about this.



Mr. ANDERSON. Thank you. Yes, Senator. What you have just said, I think, was repeated to us through several days of hearings in our Los Angeles hearings from minority businessmen and women in South Central Los Angeles. And without prejudging where the Commission is going to come out on some specifics, specifically responding to your question, I think that most assuredly our report coming from those hearings are going to address those questions directly.

We have several members of the Commission who are very concerned about that, have been for a longtime, and I think you're going to see specific kinds of recommendations coming from us in the very near future about precisely this question.

Ms. BERRY. Well, let me answer it for myself. I have thought about this a great deal. I used to have debates with a professor over at George Mason whose name is Walter Williams, who is very much interested in removing licensing regulations, been something in Davis-Bacon, and we have had debates about all this stuff.

And I have thought about it for a number of years. I think two things without even waiting until the Commission reports, which I should not do, but I will do. I think that first there is a difference between licensing and regulation that is beneficial and needed and licensing and regulation which is just burdensome and in the way. And I teach about this when I teach legal history about how licensing and regulation got started.

Part of it is it creates monopolies. I mean that is part of what happens so that there are barriers to entry of people who would like to be entrepreneurs and the like. That kind of licensing and regulation ought to be abandoned. Licensing and regulation, for example, that says that no one can take out my appendix unless they are a surgeon, I sort of like that. But licensing and regulation that says somebody cannot have a push cart or do something to start a business and other things, I think that is just unnecessary red tape, and I know how it got started and I know what the uses of it.

So that would be my first answer. The second answer I would give is I have long thought, when I used to run education programs in the Federal Government, that for people who do not go to college when they get out of high school, that we ought to have some kind of program to provide loans, grants, advice for people who want to start up, to start businesses or to do something, or they have ideas and they cannot get capital for it because their family does not have any money or something. They have got a good idea. That to me that was just as important as having student aid programs for people to go to school, which I think is very important, and which I support.

Senator BROWN. Yes.

Ms. BERRY. And I have also thought that the English system in England where they have had for a longtime this idea of giving grants to people who are on welfare, loans, so that they can start up businesses, that all of these are very useful ideas, and taken together opportunity which is a provision of some capital people needed, and on the other hand, if there is licensing and regulation that ought to be removed and has a discriminatory effect in some

cases because it particularly burdens certain categories of people, that that ought to be looked at, too.

Senator BROWN. You know I, everybody, I suspect, relates to their own experience. When I worked for a living, I worked for a meat packing operation.

Senator SIMON. Are you telling the people of Colorado you are not working for a living here now?

Senator BROWN. Well, the product that Congress produces is not only more ethereal but I suspect less nourishing as well. [Laughter.]

But the business of processing meat, we had so many regulations that all the small operators simply went out of business. It was not because they were not competitive or productive or efficient. There are scales of economy, and Congress has virtually regulated all small operations out of business. The regulations were so devastating, and some of them were simply a bureaucratic mandate.

I mention this not only because your Commission has great prestige, but because it also has a sensitivity to government barriers that could be removed. I think expanding opportunity in this way could receive bipartisan support.

I would like to make one last comment with the hope that it would strike a chord with you and that you would reflect on what could be done in that area. I was fascinated, during a visit to Singapore, with their way of dealing with public housing.

They have a program that is called a providence fund. It is like our social security. Both the employee and employer donate to it, and it is set aside. It is a little larger than ours in terms of donations. But it allows people to tap that money for a couple of things that we do not. One is for emergency health care. They also allow citizens to utilize the fund for their down payment on their first purchase of a home.

Ninety to ninety-five percent of their people own their own home, and what would be public housing projects in the United States are privately owned homes. There is an income threshold level. If you are wealthy, you cannot take your money out of the fund for that. But if you are of a moderate or low income, you can use your money that is in the fund for a down payment. The impact it has on getting someone their own home is just phenomenal. The problems that we have in public housing projects simply do not exist in Singapore where people own the homes themselves.

This is just one way of tapping capital. There are other ways to deal with this access to capital problem in both job opportunities and business opportunities as well as home ownership. I hope you will think about this because it goes right to the heart of the question of access and opportunity in society. If there is new language you need to respond to in this area, let us know. But I hope that you would reflect on the things we can do that would open up access to job opportunities, business opportunities, home ownership and in other areas, that are different than our current approach. I do not know what Senator Simon thinks, but my own impression is that what we have done in the way of public housing has not worked very well. We need to think of new ways to expand opportunity.

Ms. BERRY. Yes.

Senator SIMON. I thank you. Let me just add, too, and we are just bombarding you, and then we are going to run off before you can say anything. Two things, one as I saw in the British publication "Economist," a reference to the last overt racism in the United States being our designation of athletic teams. This is not a huge issue, but symbols are important. We still, I would like to see the Commission say something about having a team called the Washington Redskins equating it with the Los Angeles Rams and the Chicago Bears. I bear a few scars for having—

Ms. BERRY. I know that, Senator.

Senator SIMON. I stood up against Chief Illiniwek at the University of Illinois.

Ms. BERRY. Yes.

Senator BROWN. Mr. Chairman, you are raising religious issues now. [Laughter.]

Senator SIMON. But I think we demean Native Americans through our use of these designations, and I would hope maybe your Commission could say something about that. Second, because one of you, and I forget which one of you, mentioned teenage pregnancies, two points here. Some years ago, I tracked teenage pregnancies in counties in Illinois, and I found that in Alexander and Pulaski counties, with a heavy black population but heavy unemployment, you got a high teenage pregnancy rate.

I found in Pope and Hardin and I forget, a couple of other counties that are almost totally white, but with high unemployment, a high teenage pregnancy rate. That unemployment and that teenage pregnancy rate go hand in hand. I mention this because I saw a startling statistic the other day. If you are a woman and have your first child after the age of 20, 9 percent of those children in the Nation live in poverty, 78 percent of those children born of a teenage mother live in poverty. That really says that something is happening in our culture, and I think when you tie that in with those unemployment statistics, it really means if we are going to really give opportunity to people, we're going to have to tackle the problems of poverty and unemployment. I hate to say on that note, we are going to have to run over to vote now. We thank you both very, very much for being here. Our hearing stands adjourned.

Ms. BERRY. Thank you for having us.

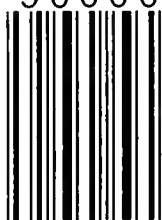
[Whereupon, at 11:50 a.m., the subcommittee adjourned.]



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