

2/8/80

Justification for Hispanic Advisory Committee to
the Attorney General

I. Introduction

The Attorney General, as the Cabinet Officer in charge of the Department of Justice and as the chief law enforcement officer of the United States, must decide, on a daily basis, matters of concern to all Americans. These decisions are generally made after a matter has been filtered upward through the Department's legal system. During that process, various agents of the Department of Justice have had an opportunity to offer their thoughts and recommendations to the resolution of a particular problem. These policy decisions are in many case strengthened by the experience and insight which individuals are able to offer.

However, there is a substantial segment of this nation's population which is not adequately represented in the ranks of the policy-makers. This group is comprised of persons whose ethnic heritage is traced to such places as Mexico, Puerto Rico, Cuba, Spain, Argentina and many other countries in South and Central America. Collectively these Americans are referred to as Hispanics, and the most populous subgroups are Mexican-Americans and Puerto Ricans. Because of the historical experiences of these two groups and their Hispanic brethren, they have been referred to as "an invisible minority" and as "strangers in their own land".

What is more revealing, however, than any characterization is statistical evidence of traditional indicators of success. For example, the educational attainment for Hispanics which averages 10 years, is the lowest level for any identifiable ethnic or racial group in this country. Similarly, in the area of employment the statistics for federal employment indicate that the percentage of Hispanics is slightly less than the group's population percentage. However, these statistics will also reflect that there are very few Hispanics in high grade and in policy-making positions. These are merely examples of areas in which the Hispanic American has not fared very well.

II. Purpose

The primary purpose of the Hispanic Advisory Committee to the Attorney General will be to provide an organized public forum for the discussion of matters which are of concern to the Hispanic community. Since this segment of the population has not had many persons of their ethnic background in decision-making positions, this committee can provide a vehicle by which the Hispanic community can voice its concerns to high-level officials more effectively. In addition, the committee can provide a means by which the Attorney General and other Department officials communicate policies and programs to that community.

Another purpose of the committee is to consolidate the various Hispanic communities (e.g. Mexican-American, Puerto Rican, Cuban) and focus attention on specific subjects of concern where action is possible. By engaging in such discussion with the chief law enforcement officer of the United States, the Department can better demonstrate its commitment to civil rights, its sensitivity to community concerns, and its pledge to represent the interests of all Americans.

However, the Hispanic Advisory Committee, as is the case with any other advisory committee, cannot provide a means by which any specific litigation can be discussed or debated. Nor will it provide a forum for individuals to endorse the application of any particular individual for employment. Included in the restrictions is the lobbying on behalf of individual groups for LEAA grants or other Department support.

The Hispanic Advisory Committee will nevertheless be able to advise the Attorney General as to changes which the committee wants to see in the procedure or process by which cases in general are reviewed for the purpose of determining whether to prosecute or whether to litigate. In the employment area, the Committee will be free to discuss with the Attorney General policy considerations regarding the processing of employment applications, the criteria utilized in determining a person's qualifications, and the changes, if any, which should be made.

Another vital function of the committee is that it will involve in government a portion of the population which, as described earlier, often has been excluded in its governmental involvement. Because of this lack of involvement, persons of Hispanic descent are more apt not to understand the decision-making process and, consequently are likely to be critical of the actions of law enforcement officials. By making policy decision-making more of an overall community concern, understanding will be increased and the likelihood for serious criticism of the overall system of justice is diminished. Thus the Committee serves as an avenue by which greater respect for the legal system is generated.

III. Uniqueness of the Hispanic Advisory Committee

The Advisory Committee's function would be unique within the Justice Department and the Office of the Attorney General. There is no committee within the federal government outside the Department which focuses on the concerns of the Hispanic-American community. There are several Hispanic organizations which seek to promote many of the goals which are addressed by creation of the Hispanic Advisory Committee. However, in order to insure that a more uniform and representative perspective is received by decision-makers in the Department of Justice, a Hispanic Advisory Committee is essential. This Committee will have representatives of the various Hispanic communities across the United States. The members are to be selected from various factors which include geography, professional discipline, sex, and a fair representation of the various Hispanic backgrounds (Mexican-American, Puerto Rican, Cuban-American, and other Hispanic-American).

Furthermore, since the United States is rapidly becoming one of the largest Spanish-speaking countries in the world, the Hispanic Advisory Committee will be in a position to uniquely assist the Attorney General and other Department officials in the proper consideration of language differences.

The input, information, and recommendations which hopefully will be obtained from the Committee cannot be obtained effectively from sources within the Justice Department. The very purpose of the Committee will be to seek the views, advise and constructive criticisms of persons who deal with the Department either as spokespersons for Hispanic organizations or as individuals who are actively involved in their respective communities.

IV. Duration, Number of Meetings, Public Access

The initial authorization sought for the committee is a two (2) year term, with its charter renewable on a biennial basis thereafter.

Meetings will be scheduled once every three months beginning in February, 1980. Meetings will be held in the Attorney General's Conference Room at the Main Justice Building in Washington, D.C. Notice of meetings indicating dates, times, places and agenda to be followed will be published in the Federal Register in advance of each meeting.

Public comment on any agenda topic either in writing or in person during the meeting will be invited. Agendas, membership lists, detailed meeting minutes and discussion papers will be available to the public for inspection and copying. It is not expected that matters within the exemptions of the Freedom of Information Act, 5 U.S.C. Section 552 (b) or other matters requiring confidentiality will be discussed. Accordingly, there will be no need for closed meetings, and no provision for closed meetings is proposed.

V. Cost

There will be few direct costs to the Department of Justice in the creation of the Hispanic Advisory Committee. While travel expenses and a per diem will be paid for the committee members, they will receive no compensation. In addition, there will be no further governmental staff necessitated by the committee's existence. No one will be assigned solely, or for a substantial amount of time, in support of the committee. Administrative duties incidental to committee functions will be assigned to Special Assistants to the Attorney General. Department participation will be generally limited to the Attorney General and his immediate staff. Principal direct costs other than travel and per diem expenses would thus be correspondence, reproduction of minutes, committee reports, and other minor expenditures.

Estimated direct cost would amount to less than \$30,000 dollars a year, for an essential line of communication unavailable in any other efficient manner. It is estimated that no more than fifteen (15) percent of the duties of any Special Assistant will be consumed by the activities of the committee and other work in support thereof.

VI. Membership

Membership on the Hispanic Advisory Committee will vary between fifteen (15) and twenty-one (21). This flexibility will allow for membership adjustments for areas with a substantial Hispanic population. Also one-third of the Committee members will be substituted for current members on an annual basis.

The proposed initial membership includes nine men and six women, of whom ten are Mexican-American, three are Puerto Rican, and two are Cuban-American. The membership includes persons with backgrounds in law, medicine, religion, social work, government, and business.

VII. Relationship of Cost to Benefit

The estimated cost of the Committee -- \$30,000 and approximately 15 percent of the staff time of one Special Assistant -- is modest in view of the benefits to be derived from the Committee. Although the Department of Justice has taken many actions in order to protect the interests of Hispanic Americans, more has to be done in order to equalize opportunities. These goals can be more adequately accomplished by obtaining input from the diverse segments of the Hispanic community.

In the midst of the human rights crusade abroad, it is unfortunate that we must vindicate civil rights deprivations which are perpetrated at home by other Americans. Also distressing is the fact that an extremely large number of the victims in the most aggravated brutality cases are Hispanics. Through an advisory committee, this group can contribute meaningfully to the development of sound programs and policies which seek to eliminate abusive and violent treatment of individuals in police custody.

In addition, since there are only a few Hispanics in policy-making positions, the contributions of the Committee are crucial. This input will allow decision-makers to be more understanding of the needs and concerns of Hispanics in areas such as education, employment, political participation, police-community relations, and immigration.

I. CHARTER: HISPANIC ADVISORY COMMITTEE TO THE ATTORNEY GENERAL

A. Official Designation

This charter relates to the Hispanic Advisory Committee to the Attorney General, hereinafter referred to as the Committee.

B. Objectives and Scope

To provide a forum for representatives of the Hispanic community and officials in the Department of Justice to discuss relevant issues.

To provide a vehicle for the Department to explain its policies and practices.

To allow community representatives to bring concerns to the attention of high-ranking Department officials.

To provide a forum for experts in various fields concerning the jurisdiction of the Department to address community representatives and Department officials.

To consolidate the various Hispanic communities to focus attention on specific subjects where action is possible.

C. Duration of Tenure

The period of time necessary for the Committee to carry out its purposes is indeterminate as there is a continuing need for the Department of Justice to receive advice and discuss the concerns of the Hispanic community.

The charter expires on December 31, 1981, and is subject to renewal on a biennial basis, thereafter.

D. Reporting

The Committee shall report to the Attorney General or his designated appointee.

E. Support Services

The Office of the Attorney General and the Justice Management Division will provide all necessary support services for the Committee.

F. Duties

To accept for review and deliberation, from the public through Committee members and directly, matters coming within the Committee's purposes as set forth in paragraph "B." herein.

G. Annual Operating Costs

The estimated annual operating costs of the Committee are expected to be \$30,000. These costs involve reimbursement for travel, lodging, and per diem expenses for four (4) one-day meetings in Washington, D.C. each year. No other form of compensation, for services or otherwise, is to be paid to Committee members.

H. Meetings

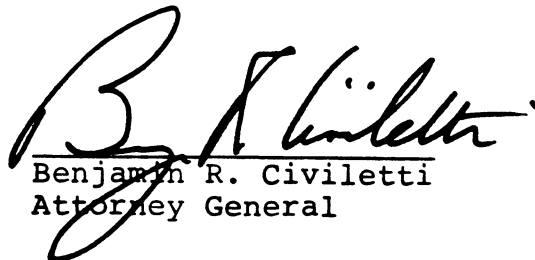
The Committee will meet four times a year at approximately three-month intervals. Meetings will be open to the public.

I. Termination Date

The Committee's termination date is December 31, 1981, unless renewed by the Attorney General.

J. Date of Charter

The date of the charter is February 8, 1980.


Benjamin R. Civiletti
Attorney General