

NOMINATION

Y 4. L 11/4: S. Hrg. 103-719

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HEARING OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE ONE HUNDRED THIRD CONGRESS SECOND SESSION

ON

GILBERT F. CASELLAS, OF PENNSYLVANIA; PAUL M. IGASAKI, OF CALIFORNIA; AND PAUL STEVEN MILLER, OF CALIFORNIA, TO BE MEMBERS OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JULY 21, 1994

Printed for the use of the Committee on Labor and Human Resources



DEC 1 1994

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1994

82-902 CC

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-045819-6

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COMMITTEE ON LABOR AND HUMAN RESOURCES

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(II)

NOMINATION

THURSDAY, JULY 21, 1994

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10:25 a.m., in room SD-430, Dirksen Senate Office Building, Senator Paul Simon, presiding.

Present: Senators Simon, Harkin, Wofford, and Kassebaum.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON [presiding]. We are pleased to hold a confirmation hearing today on nominees for the Equal Employment Opportunity Commission. I apologize first to the nominees for getting here late; I had to introduce a nominee for the Federal judgeship from my State before the Senate Judiciary Committee.

Before I make my opening statement, I will note the presence here of Senator Wofford, who has been a champion in this field for a long time. I might mention that I was invited by Martin Luther King in 1957 to speak for the second anniversary of the bus boycott in Montgomery, AL, and when I got down to Montgomery, there was a young attorney there, helping in the cause, by the name of Harris Wofford. Little did either of us think that we would be serving together in the U.S. Senate some years later.

[The prepared statement of Senator Simon follows:]

PREPARED STATEMENT OF SENATOR SIMON

I am proud to chair the confirmation hearing of Gilbert Casellas, Paul Igasaki, and Paul Miller to be members of the Equal Employment Opportunity Commission (EEOC). This confirmation hearing is important as the EEOC has such a profound role in ensuring that all our citizens are secure in their fundamental right to be protected against unfair discrimination.

Two years ago I held an oversight hearing before the Subcommittee on Employment and Productivity. By the close of that hearing, I and many others concerned about equal employment opportunity, were greatly disturbed by the serious lack of leadership and the road the agency was headed down. I made a commitment to hold regular oversight hearings; however, held off from doing so until the new administration made its nominations to the Commission. The wait was long, but worth it.

The agency is in trouble. It is going to take bold initiatives, tough choices, and a strong commitment to restore confidence in the

agency not only among members of the public, but among EEOC personnel as well.

There is much work to be done regarding enforcement and the day-to-day workings of the agency, but equally important is the leadership role the EEOC and Commissioners must play in helping to heal racial and ethnic tensions. A recent landmark survey of minority views toward whites and one another highlights the gulf of difference between Americans. It found 60 percent of Latinos, 57 percent of Asian Americans, and 80 percent of African Americans believe they did not have as equal an opportunity as whites because of prejudice—while whites believe that “minorities have ample opportunities.” Yet, the survey also reported that a majority of Americans, regardless of ethnic or racial background, support affirmative action programs in hiring and promotion.

Many in our Nation do not understand the importance of the EEOC and are fearful of its mission or mistakenly view it as only for African Americans. As Commissioners, you have a great opportunity to make a positive difference in peoples lives. And, although the task before you may seem daunting, there are many who are willing to help, so I encourage you to reach out to all constituencies.

I am hopeful that the Senate will take swift action to confirm the nominees so that they can begin the difficult work ahead of them. I will continue to fulfill my commitment to do regular oversight hearings, so expect to receive an invitation early next year to come back before the committee to share with us what improvements you have made.

I look forward to the testimony from all the witnesses.

Senator Dodd is unable to attend the committee hearing today because he is introducing Judge Jose Cabranes at a Judiciary Committee hearing. However, he wanted the survey results and recommendations of “Revitalizing the EEOC,” by 9 to 5, National Association of Working Women to be brought to the attention of the committee and also wanted to know if you [nominees] had seen it and had thoughts on how the EEOC could be made more responsive to working women. He also asks that the report be included in the record.

[The report referred to appears at the end of the hearing record.]

Senator SIMON. Senator Wofford, would you like to say a few words?

Senator WOFFORD. Senator Simon, I guess I reflect the proposition that it is earlier than you think, since I have this opportunity to serve with you this way beginning at age 65.

It is a special honor for me today to be able to say a few words. Actually, I think I will yield to my senior Senator—

Senator SPECTER. No; go ahead.

Senator WOFFORD. Well, I think you are probably going to go over more of the details. Go right ahead, Arlen. I was just into the first words.

Senator SPECTER. I have heard your entire presentation, and I am not going to interrupt you, Senator Wofford.

Senator SIMON. Are you always this differential to each other?

Senator SPECTER. No, we are not. [Laughter.]

Senator WOFFORD. For the sake of Pennsylvania, we stand together on most things.

Senator SIMON. We are pleased to be joined here by Senator Specter. I gather, Senator Specter, you will have the opening words here.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. I am delighted to join my colleague, Senator Wofford, in the presentation to this committee of Mr. Gilbert F. Casellas for the position of chairman of EEOC.

Mr. Casellas comes to this position with a very distinguished record, currently serving as general counsel to the Department of the Air Force. He is a graduate of Yale University, B.A., with a legal degree from the University of Pennsylvania Law School, where he was an Arthur Littleton legal writing teaching fellow—a program named for a very, very distinguished Philadelphia lawyer. He then clerked for Judge Higginbotham on the 3rd Circuit. He was a partner in Montgomery, McCracken, Walker and Rhoads, a law firm founded by Justice Owen Roberts many years ago, and Mr. Casellas was in the litigation department there. He served on the House of Delegates of the American Bar Association; was chair of the Board of Governors of the Philadelphia Bar Association. He has been the national president of the Hispanic National Bar Association and I think brings a very diversified background to this very important position.

EEOC has a tremendous responsibility in our present society to guarantee fairness in employment opportunities in America. Mr. Casellas is in the chain of title of another very distinguished Philadelphian, Bill Brown, who was chairman of EEOC 2 decades ago. Bill Brown had been a very distinguished deputy in my district attorney's office. So I am delighted to be here to join in this presentation and to urge favorable action by this committee.

Thank you.

Senator SIMON. Thank you.

I understand Mr. Brown is with us here today. We are very pleased to have you here. Thank you.

Mr. Brown. Thank you, Senator.

Senator SPECTER. I did not know that Bill Brown was in the audience, or I would not have said so many good things about him. [Laughter.]

Mr. Brown. I will take it anyhow.

Senator SPECTER. I tried to get him to run for mayor of Philadelphia a couple of years ago, and I am still trying.

Senator SIMON. Senator Wofford.

STATEMENT OF HON. HARRIS WOFFORD, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator WOFFORD. Senator Simon, I have to salute Bill Brown, too; I was in his law firm. And in a sense, I am proud to be in the law firm writ large of Gilbert Casellas.

He is now a distinguished son of Pennsylvania, but he comes from Tampa, FL, with roots in a hard-working family, the son of a letter carrier and a factory seamstress. He went to a Catholic

school that was segregated in those days. Because of his high academic achievement, he received a scholarship to Yale. So that in a true sense, all of the things that Senator Specter just said and that you will hear about Gil Casellas show that he has achieved so much, but he has also been afforded the opportunity to achieve, and he is dedicated to see that that will happen for every America.

I would like to recognize and welcome Gil's family—his wife Ada and his daughter Marisa Astride, and the friends who are here in abundance.

This is an important nomination, and I have to add it has been a long time coming. Senator Kassebaum and I were just talking a little while ago about time it takes for some of our nominations to move forward.

Gil said—I think if I heard you right, Gil, you said it took longer for the confirmation process for general counsel at the Pentagon than you were able to serve there before the President, with my strong endorsement, moved to nominate you to head the Equal Employment Opportunity Commission. That was a very wise selection, and the country will see that. We will see that we have picked a man to lead this agency, a very vital agency, who has been successful at opening the doors of what Martin Luther King called "the great vault of opportunity." Now it must be for all Americans.

Mr. Casellas has been an active-duty citizen of Philadelphia, where he has been for the past 20 years. He has served on an important list of civic and community activities that includes the Board of Trustees for the Philadelphia Bar Foundation; the United Way of Southeastern Pennsylvania; Community Legal Services; and the Mayor's Commission on Puerto Rican and Latino Affairs.

As chair of the Equal Employment Opportunity Commission, he will be able to share with the Nation what we in Pennsylvania have learned and what we know—his commitment to equality, to opportunity, and to justice.

Once confirmed, he has a difficult task, because charges of employment discrimination filed by the Equal Employment Opportunity Commission have increased significantly over the past few years, and with the enactment of the Americans with Disabilities Act, the task of enforcing civil rights protections has been extended to over 43 million other Americans.

Although our Nation has changed significantly since the Commission opened its door on July 2, 1965—I was there to celebrate that—the charge of eliminating discrimination is no less important today. And I commend the President for this nomination, and I wish Gil Casellas well, as well as the two Pauls who are about to come before you as new members. This is a triple-hitter with Paul Simon and also Paul Miller and Paul Igasaki.

I look forward to this team, including you and me and Senator Specter supporting them, making great progress in this country.

Senator SIMON. We thank you both. You are welcome to stay, but we understand the schedule problems.

I see Senator Boxer and Congressman Mineta have come in. If they wish to come forward and present their nominee, they are welcome to do that now.

Senator BOXER. Mr. Chairman, I have asked Congressman Mineta to speak first. He is speaking about one nominee, and I have

combined my presentation to cover both. Is that all right with you and Senator Kassebaum?

Senator SIMON. That is a deference that is unusual here, I would say to Congressman Mineta.

Congressman.

STATEMENT OF HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MINETA. And I appreciate the opportunity of being here with my very, very fine friend and colleague from California.

Mr. Chairman, it really is an honor for me to have this opportunity to appear before your panel with you and Senator Kassebaum. I appreciate this opportunity to be here, and I really have tremendous respect for my colleague and fellow Californian, Senator Barbara Boxer. We are jointly introducing to you the President's nominee for the vice chairmanship of the Equal Employment Opportunity Commission, Paul Igasaki.

As you are very well aware, Mr. Chairman, the Equal Employment Opportunity Commission has one of the most important jobs in our Federal Government, and that is to ensure that the civil rights laws prohibiting discrimination in the workplace are strongly and effectively enforced.

For myself, I can say that the President could not possibly have made a better choice than Paul Igasaki for EEOC vice chair. Paul has virtually spent his entire career in an effort to make this a more fair and more just Nation.

Currently, Paul is executive director of the Asian Law Caucus, a San Francisco-based civil rights and advocacy organization with which I have worked very closely over many years. The Law Caucus is truly one of the premier civil rights organizations in the Asian-Pacific American community, and Paul's leadership there has been outstanding.

When he came onboard at the Law Caucus, Paul brought with him a wealth of experience in the field of civil rights and legal advocacy. As director of the American Bar Association's Private Bar Involvement Project, and as the ABA's pro bono coordinator, Paul dedicated his efforts to expanding the resources that are available to legal services agencies and the pro bono programs of State and local bar associations.

Then, as the Washington representative of the Japanese American Citizens' League, Paul was an advocate for the Civil Rights Act of 1991, immigration reform, issues of discrimination against Asian Pacific Americans in higher education, and on securing funding for the Civil Liberties Act of 1988, legislation that apologized and offered reparations to Americans of Japanese ancestry interned by the United States Government during the Second World War.

Mr. Chairman, I have worked closely with Paul during all of these efforts, and I can personally vouch for his skill, his integrity, his intelligence and his dedication to equal justice for all Americans. I hope that you and the members of the committee will give him every consideration and will quickly recommend his confirmation to the full Senate.

Thank you very, very much, Mr. Chairman.

Senator SIMON. We thank you very much for joining us. I might mention to Senator Boxer that Norm Mineta and I were elected to the House in the same year, back 20 years ago.

Mr. MINETA. It was 19-aught-74. [Laughter.]

Senator SIMON. Yes. Senator Boxer.

STATEMENT OF HON. BARBARA BOXER, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. Mr. Chairman, thank you. It is indeed an honor to be here with my friend and colleague whom I served with in the House for 10 very happy years, and it is wonderful to be working with him as we talk to you about a couple of wonderful California nominees for this Commission.

Mr. Chairman and Senator Kassebaum, I am very honored to be here today to introduce two of the President's nominees to the EEOC. This is a proud day for California. Joining together from opposite ends of our great State, Paul Igasaki and Paul Steven Miller will use their leadership, their intellect, their experiences and their vision to breathe new life into this very important agency.

Paul Igasaki serves as executive director of the Asian Law Caucus in San Francisco and as the Washington, DC. representative for the Japanese American Citizens' League. Paul Igasaki has fought battle after battle to ensure that all Americans have access to the American dream.

As we remember, the legislative battle to adequately redress interned Japanese Americans took a decade, and Paul Igasaki, whose parents met at an internment camp, was there, fighting, every step of the way.

While attending UC-Davis Law School, he educated people and built consensus around that difficult issue. Years later, as vice president of the Chicago Asian American Bar Association, he was still organizing at the grassroots, bringing together Japanese Americans who had lived in the camps and working with all races to lobby their elected officials and ultimately pass the Civil Liberties Act of 1988, which many of us went through that battle.

Paul Steven Miller's record and victories are equally impressive, Mr. Chairman. As he got ready to begin his career in the law, he looked to California. Mr. Miller knew about the diversity of our State. He knew that the disability rights movement was born and thrived in California, and he wanted to use his legal training to make a difference not only for people with disabilities, but for all Americans.

Before coming to Washington work for the administration, Paul Miller used his skills, his convictions and his life experiences to excel as a litigator in private practice, and as director of litigation at Loyola Law School's Western Law Center for Disability Rights in Los Angeles. It was there at Loyola that he met a young girl from Central America who needed his help. She had been shot in her Los Angeles home by gang members who were targeting another family. When the spray of bullets ended, one had lodged within her spine, and this young girl was left a quadriplegic.

The family wanted to stay close together and have the young girl attend school with her brother in Los Angeles. For most children, this would not be a problem, but the school was not wheelchair-ac-

cessible as yet, and worse, it was not willing to do anything to change it.

That is where Paul Miller came in. He worked hard on her case. He filed a class action suit against the school district, and because of him, the Los Angeles Unified Schools are now accessible to this brave young woman and to all students with disabilities.

I bring up examples like this for both nominees because I think they shed light on their ability to roll up their sleeves and get the job done. And I bring up these examples because I think they are indicative of the kind of leadership that I know Paul Igasaki and Paul Miller will exert at the EEOC.

Again, Mr. Chairman, I want to congratulate these two wonderful nominees and thank you and Senator Kassebaum for giving us this time.

I would ask unanimous consent that a fuller statement be placed in the record in behalf of these two nominees.

Senator SIMON. Your fuller statement will be placed in the record, and we thank both of you for being here.

Senator BOXER. Thank you very much.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF SENATOR BOXER

Mr. Chairman and members of the committee, I am very honored to be here today to introduce two of the President's nominees to the Equal Employment Opportunity Commission (EEOC).

This is a proud day for California. Joining together from opposite ends of our great State, Paul Igasaki and Paul Steven Miller will use their leadership, their intellect, their experiences and their vision to breathe new life into this important agency.

Paul Igasaki's grandfather was the first Japanese American to graduate from USC Law School and his parents met while preparing to enter the internment camps in California. He gathered up his family's personal experiences and his dedication to and expertise with civil rights issues and he moved to California to work with our diverse and vibrant Asian Community to create change and opportunity for all people.

As Paul Miller got ready to begin his career in law, he too looked to California. Mr. Miller knew about the rich diversity of our State and, as a person with a disability, he relished the idea of living in a place where he believed he would be judged on his merits. He also knew that the disability rights movement was born and thriving in California and he wanted to use his legal training to make a difference not only for people with disabilities, but for all Americans who bump up against a system that all too often shuts them out and says it can't be done.

In Paul Igasaki and Paul Miller, the President has nominated two leaders who not only understand the meaning of discrimination, but have dedicated their lives to stamping it out whenever and wherever it rears its ugly head.

Whether serving in his current post as executive director of the Asian Law Caucus in San Francisco, CA, or acting as the Washington, DC representative for the Japanese American Citizens League, Paul Igasaki has worked hard to open the system and level the playing field for all Americans.

He was a Community Liaison at the Chicago Commission on Human Relations, a staff attorney with Legal Services of Northern California and is currently the co-chair of the Civil Rights Committee of the American Bar Association's section on individual rights and their coordinating committee on immigration law.

Mr. Miller's record is equally impressive. With an extraordinary mix of legal, academic and political experience, Paul Miller has worked hard to open the doors of our institutions and the eyes of all Americans. He is currently the director of the Disability Outreach Program at the White House's office of Presidential Personnel and the deputy director of the U.S. Office of Consumer Affairs.

Before coming to Washington, DC, Paul Steven Miller used his skills and his life experiences to excel as a litigator at the prestigious Los Angeles law firm of Manatt, Phelps, Phillips and Kantor and as a law professor and director of litigation at Loyola Law School's Western Law Center for Disability Rights in Los Angeles, CA.

But, as is often the case, the impressive resumes of these two men tell only half the story.

Mr. Igasaki and Mr. Miller don't just talk about the need to end discrimination. They roll up their sleeves and get to work—creating real change for real people.

A few years ago, a young girl who had recently come from Central America was shot in her Los Angeles home by gang members who were targeting another family. When the spray of bullets had ended, one had lodged within her spine and this young girl was left a quadriplegic. The family wanted to stay close together and have the young girl attend school with her brother in Los Angeles. For most children, this wouldn't be a problem. But the school was not wheelchair accessible and, worse yet, it wasn't willing to do anything to change that.

That's where Paul Miller came in. He worked hard on her case, he filed a class-action suit against the school district and because of him, the L.A. Unified Schools are now accessible to this brave young woman and to all students with disabilities.

These types of battles and victories are an integral part of Paul Igasaki's life as well. The legislative battle to adequately redress interned Japanese Americans took a decade and Paul Igasaki was there fighting it every step of the way. While attending UC Davis law School, he worked in Sacramento, CA, fighting at the grassroots to educate people and build consensus about the issue.

Years later, as the vice president of the Chicago Asian American Bar Association, he was still organizing at the grassroots, bringing together Japanese Americans who had lived in the camps with organizations representing groups of all races to lobby their elected officials and ultimately pass the Civil Liberties Act of 1988.

I bring up these two examples because I think that they shed light on the dimensions, the skills and the convictions of the nominees that you have before you. And I bring up these examples because I think they are indicative of the kind of leadership that I know Paul Igasaki and Paul Miller will exert at the EEOC.

When we confirm these two fine leaders, California's loss will quickly become the Nation's gain. Because while California will miss the advocacy and the vision of these two men, the EEOC and Americans who depend on it for justice will truly be the richer for it.

Again, I want to congratulate Mr. Miller and Mr. Igasaki on their nominations and thank the chairman and members of the committee for giving me the opportunity to introduce these two fine nominees.

Senator SIMON. If we could ask the three nominees to come forward now and take their seats.

Let me first say that your nominations have been a long time in coming. Senator Wofford has referred to it, and referenced a conversation he had with Senator Kassebaum about the undue wait. I regret that it has taken so long, but I am pleased with the quality of the nominations that we have.

You are dealing with an agency that is extremely important to make sure that opportunity is there for all Americans. It is not only a significant agency, but it is an agency that is in some trouble. We want you to be aggressive in a sensible way, moving on the difficulties within the agency and making sure that the agency stands for opportunity for all Americans.

Before I call on the nominees, let me call on my colleague Senator Kassebaum for any opening statement she may have.

OPENING STATEMENT OF SENATOR KASSEBAUM

Senator KASSEBAUM. Thank you, Mr. Chairman.

I too believe this is a very important hearing and a long time in coming for a commission that has enormous importance. You are really on the front line, in many ways, in helping to develop guidelines, which are of enormous importance, as well as trying to hear the appeals that affect our civil rights laws. It is a very important process which I think in many ways we have not given enough attention to, as you have been asked to fulfill so many more obligations. And as the backlog of the case load continues to grow, it puts

enormous pressure on the Commission, with rather limited resources.

So I just think that it is such an important area, and as our work force is becoming more and more diverse, our equal employment policies must keep pace with the changing work force. For instance, 30 years ago, most civil rights lawsuits, as all three of you certainly well know, focused on hiring minority applicants. In 1994, promotion and harassment issues have assumed greater importance.

So it has culminated in some dramatic and important changes which I think perhaps we do not give enough time to thoughtfully study.

So with those changes come new challenges, and I look forward to working with you. I think it is an enormous responsibility, and I am very pleased to hear the qualifications that you bring to it.

I wish all three of you well.

Senator SIMON. Thank you.

I know that Senator Wofford introduced two of the members of your family, Mr. Casellas, but I will ask each of you if there are any members of your family or friends whom you would like to introduce.

Mr. Casellas.

Mr. CASELLAS. Thank you, Senator.

I would like to introduce again my wife Ada and my daughter Marisa. They have sacrificed long and hard over these last 8 months as I have found myself at the Pentagon, and they have remained in Philadelphia. They will join me next month here in Washington. But it is especially nice to have them here with me today.

And Senator Wofford made a special point of acknowledging the presence of Bill Brown, a distinguished Philadelphia lawyer and a mentor to a whole generation of lawyers in Philadelphia. So, I know it is always dangerous to single out individuals, but I have to single out Bill Brown because it is really special for him to be here.

Senator SIMON. Bill Brown served as the chair under the Nixon administration, when the Equal Employment Opportunity Commission did a very effective job. We welcome you here, Mr. Brown.

Paul Miller, do you have family or friends you would like to introduce?

Mr. MILLER. Senator, I would be very proud and honored to introduce you to my father, Stanley Miller, and my stepmother, Joan Freyberg, who came in from New York to attend this hearing. And I would also like to introduce you to my best friend and sweetheart, Jennie Meacham, who is in the front row, too.

Senator SIMON. That is a pretty good introduction.

Paul Igasaki—who, incidentally, with all his California background has Illinois roots as well.

Mr. IGASAKI. I will always be a Chicagoan in my heart, Senator.

First, I would like to introduce my wife and partner, Luann. Lu moved to be with me when we got married and moved to Chicago and endured a Chicago winter for the first time as a Californian; so she deserves a lot of credit for following me now in the summer of Washington.

In addition, I want to introduce three people from the Asian community that have been very important in encouraging me to do this and supporting me through the process, my friends Martha Watanabe from the Department of Justice; Karen Nirasaki from the Japanese American Citizens' League; and Daphne Kwan, from the Organization of Chinese Americans.

Senator SIMON. We thank you all, and we welcome all of you.

I understand you each have opening statements, and we will be pleased to hear from you now at this point.

Mr. Casellas.

**STATEMENT OF GILBERT F. CASELLAS, OF PHILADELPHIA, PA,
NOMINATED TO BE CHAIRMAN, EQUAL EMPLOYMENT OP-
PORTUNITY COMMISSION**

Mr. CASELLAS. Thank you, Senator, and thank you, Mr. Chairman, for convening this hearing.

I welcome the opportunity to appear before the committee to share with you my vision of this important agency if I am confirmed as chairman.

I view this as the opening of a long overdue dialogue that begins today, and I welcome the opportunity to return for oversight hearings in the future if I am confirmed.

Please allow me as well to express my gratitude to you, Mr. Chairman, and the other members of the committee, for meeting with me over the past few days. Your comments and the comments of your staff were most appreciated and have assisted me in formulating a strategy for the important work that lies ahead.

Having appeared for confirmation hearings 8 months ago, I am sensitive to addressing what is probably one of your principal questions: Who is the nominee as a person, and what philosophy and vision will he bring to this vital post?

As I reflected on how to respond to that question, I recalled the remarks I delivered at my swearing in ceremony several months ago at the Department of the Air Force. I began those remarks by thanking my parents, for it is truly amazing that as far back as I can remember, my parents had an unabiding faith and hope not only in me, but in the goodness of other people and of the American system. This was no small feat on their part because they grew up during an embarrassing period in this country's history. They attended segregated schools, movie theaters, churches, and sat at the back of buses.

It did not help that their first language was Spanish, and so they entered this segregated school system at a severe linguistic disadvantage. They maintained their optimism even after having watched their own parents face the same barriers and indignities.

When my grandfather Juan Casellas arrived from Puerto Rico as a young boy, he had the hope and dream of becoming a lawyer, but found that path and others blocked. I still remember the pain in his eyes as he described to me one incident of humiliation he suffered on a public street because of the color of his skin.

And through all of this, my parents encouraged me. And even as I spent my first 6 years of education at a segregated school and attended so-called "colored" movie theaters and drank from "colored"

water fountains, I tolerated them because of the hope and faith and support of my parents and my family.

It was in that context, Mr. Chairman, that I thanked the President for appointing me and applauded him not only because I am the personal beneficiary of his efforts toward inclusion, but because I believe such an appointment vindicates the faith, hope and sacrifices not only of my parents, but of all people who have found themselves on the outskirts of society's benefits.

And so, while this year, we celebrate the 30th anniversary of the Civil Rights Act of 1964 and of Title VII, I recall that year because I first attended school with white children, and I was allowed to belong to a neighborhood boys' club that had denied me admission, and I could attend downtown movie theaters that previously had been off-limits.

I share this with you so that you understand that I have a personal affiliation with the types of issues that I will confront as chairman of the EEOC. But I also know that the American dream is real. I know that, because to a large extent, I have been blessed to live it. Wonderful opportunities were given to me because of the struggles and sacrifices of so many people who made those opportunities possible.

I knew almost intuitively as a child and from the changes brought about by the U.S. Supreme Court's decisions in *Brown v. Board of Education* and from the passage of the Civil Rights Act of 1964 that the law could change people's lives for the better. It was through the study and practice of law that I learned how it could.

And so for that reason, I dedicated much of my personal and professional time to advancing opportunities for women and minorities in the legal profession. As an employer, as a law firm manager, and as a bar leader, I advocated the removal of barriers to make equal opportunity a reality within a noble profession whose record of accomplishment has yet to reach its aspirations.

And throughout those struggles, I remained steadfast committed to following two simple lessons that I learned as a trial lawyer and that I taught as a law professor—first, be a good listener; second, opponents need not become enemies. And so I listened, and I sought common ground and consensus; and where consensus did not exist, I made sure that the opportunity for future dialogue always remained open. By following these simple precepts, I was able to build bridges on behalf of the many organizations I was privileged to lead.

As chairman, therefore, I will welcome public scrutiny and debate, and I will eagerly engage in and invite discussion of controversial issues. The EEOC can only maintain its credibility if its leadership is willing to have open doors and open minds and listen to the many communities that have a stake in what we do.

It is equally important that the leadership articulate its unqualified support for the vigorous enforcement of the equal employment opportunity laws, its passionate belief in the justice of those laws, and its tireless commitment to the continuous improvement of employment opportunities for all people.

I hope to focus the agency on its core mission of eradicating discrimination in the workplace through the vigorous enforcement of

the law and through education, outreach, policy guidance, and training. We will not be successful in that mission, however, unless we can accomplish a number of specific objectives, and let me share some of those with you.

First, we must examine how we do our work and, if necessary, fix our operations to assure timely and quality work. I expect to engage myself personally in any search for a new model of organizing our work. The increasing work load in the face of limited resources has overwhelmed a dedicated staff.

Policy will be coordinated and developed from the leadership, but policies or procedures that impede the ability of dedicated people to do quality work will be eliminated.

Second, the agency must itself be a model employer, not just in terms of equal employment opportunity, but in terms of training, resources, and advancement opportunities. We must be as sensitive to our workers' fulfillment and satisfaction as we expect from the employers who come before us.

Third, we must examine our working relationships with the State and local enforcement agencies. Is there value added, and can more be done with less?

Fourth, we must improve our outreach and education to all communities, but especially to those who have felt shut out for so long, always with a view toward equity and fairness, and always so as to maximize public access and input.

Likewise, I look forward to working with the business community, whose concerns I understand from my own experiences, to assist it in understanding and implementing the laws we will enforce.

Finally, we must reclaim our rightful role under the Executive order as the lead agency in the Federal Government for equal employment opportunity law enforcement.

None of this will happen overnight, and I assure you that I do not have a magic formula. But I can assure you that I will dedicate myself to fixing what is broken and improving what we can, and that this process will be a collaborative one and will include our many constituent communities and Congress.

In short, if I am confirmed, to those who have felt excluded, I say we are open for business; to those who criticize how we operate, we will operate as a business; and to those who doubt our commitment to vigorous enforcement, we mean business.

In this State of the Union Address last January, President Clinton said that "America will never be complete in its renewal until everyone shares in its bounty." Our Nation's prosperity depends on our ability to develop and employ the talents of our diverse population. America's continued economic competitiveness, along with its traditional commitment to fundamental principles of fairness and equity, demands zero tolerance of discrimination. We simply do not have the luxury of wasting any of our abundantly diverse talent.

Mr. Chairman, I am honored to appear before the committee for your consideration of me for this important position. At the end of the day, one of the core values of our society is that people should be able to go as far as their abilities will take them so that they can provide for themselves and their families and be fulfilled in

their chosen line of work without regard to race, religion, national origin, sex, age or disability.

So I look forward to working to open what Dr. Martin Luther King, Jr. called the "great vaults of opportunity" to every individual in this great Nation's work force.

Thank you, Mr. Chairman.

Senator SIMON. We thank you for an excellent statement.

Before we call for the next opening statement, our colleague, Senator Harkin, has joined us and wants to say a word about Mr. Miller.

STATEMENT OF HON. TOM HARKIN, A U.S. SENATOR FROM THE STATE OF IOWA

Senator HARKIN. Thank you very much, Mr. Chairman and Senator Kassebaum. I apologize for being a little late, but I had to follow you on the judge's nomination up there.

Senator SIMON. Yes; I had to apologize for being late, too.

Senator HARKIN. I appreciate your letting me come in at this point in time to introduce and say a few words about Paul Miller.

First of all, I want to say that I do not know Mr. Casellas, but I sure like what I just heard, and I wish him well, and also Mr. Igasaki.

But I am just so honored, Mr. Chairman, and I thank you again, with Senator Kassebaum, for providing me with a few minutes here to introduce Paul Steven Miller, one of the administration's nominees to be a commissioner of the Equal Employment Opportunity Commission.

Mr. Chairman, I believe it is vital that we have a commissioner who understands the Americans with Disabilities Act, its history, and the historical context, as well as other civil rights laws under the jurisdiction of the Commission.

You know, a lot of us tend to think of the EEOC in terms of racial, ethnic, religious, sexual discrimination; but since the passage of the ADA in 1990, a landmark civil rights act, we now must think of it also in terms of an Equal Employment Opportunity Commission for Americans with Disabilities.

Paul brings to the Equal Employment Opportunity Commission the breadth of experience and understanding of the ADA and the real problems of discrimination that people with disabilities face in the workplace.

Paul has been a visible and highly respected national leader in the disability rights movement. He understand our Nation's civil rights laws through his work for real people facing real discrimination.

I first met Paul—I will never forget it—in 1990 during our efforts to enact the ADA. At that time, he was the director of litigation and a law professor at the Western Law Center for Disability Rights at Loyola Law School in Los Angeles. At the Center, which specializes in disability rights issues, Paul was responsible for all aspects of the litigation under the ADA and related laws.

I will never forget the discussion we had about the discrimination he faced when he was looking for a job after graduating from law school, and I hope he tells you that story; I think it is worth repeating, and it is something that people have to know about,

what happens in our society. So he brings that real experience with him.

But Paul is not only concerned about employment discrimination faced by people with disabilities. His experience and understanding of disability discrimination translates into a commitment to eliminate all forms of discrimination in the workplace. I am confident that his passion for civil rights in general will make him a real leader at the EEOC.

I have become even more closely acquainted with Paul and his work since he came to Washington with the Clinton administration. While working at the White House, and later as deputy director of the U.S. Office of Consumer Affairs, he has worked on a wide variety of issues affecting persons with disabilities. He has exhibited exceptional leadership and judgment in those positions, and I can tell you that not only from my own standpoint, but from talking with many people in and out of this administration who admire the work that he has done since he has been here.

Paul is a graduate of the University of Pennsylvania and Harvard Law School. He has taught at the Loyola Law School, as I said, in Los Angeles, and at the UCLA School of Law. He was a Parsons Visiting Scholar at the University of Sydney in Australia. He has also practiced law in Los Angeles at the law firm of Manatt, Phelps, Phillips and Kantor. A couple of those names may ring a bell with some of you.

He has served on the boards of several local and national organizations committed to addressing issues facing persons with disabilities.

On a more personal level, I have gotten to know Paul Miller very well over the past few years. He possesses a keen intellect, balanced by a strong sense of compassion and empathy. Together with his very, very admirable skills at consensus-building, his warm personal manner, and his sense of humor, he will be a strong addition to the team at the EEOC, and from what I can see, it is going to be a fine team indeed, from what I have just heard from the new chairman.

I look forward to working with this new leadership at the EEOC to see that all Americans have the opportunity to contribute to a more productive and a more tolerant society.

So Mr. Chairman, again, thank you for this opportunity. It is my pleasure to join others to introduce to this committee Paul Steven Miller to be a commissioner of the Equal Employment Opportunity Commission, and of course, I urge a speedy and affirmative vote for his confirmation.

Thank you.

Senator SIMON. We thank you. I might add that in my 19 years now in Congress, the same number of years as Tom Harkin, the two names that stand out in terms of leadership on disability issues are Lowell Weicker and Tom Harkin.

I do have one question for Senator Harkin. I noticed in going through the background of Paul Miller that he contributed \$100 to the Harkin for President campaign.

Senator HARKIN. That is probably the only exercise in bad judgment he has ever had in his life. [Laughter.] We all make mistakes.

Senator SIMON. So we should overlook that and confirm him anyway. OK.

Senator HARKIN. Quite frankly, I was not even aware of that. Thank you very much. [Laughter.]

Mr. MILLER. Senator, Chuck Manatt also hit me up for some contributions during another campaign once.

Senator SIMON. Well, now, that shows good judgment on your part.

Thank you very much, Senator Harkin.

Senator HARKIN. Thank you very much.

Senator SIMON. Mr. Miller, we welcome your opening words here.

**STATEMENT OF PAUL STEVEN MILLER, OF LOS ANGELES, CA,
NOMINATED TO BE A COMMISSIONER, EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Mr. MILLER. Thank you, Mr. Chairman, Senator Kassebaum, Senator Harkin. It is truly an honor and a privilege to appear before this committee to seek your approval of my nomination to be a commissioner of the Equal Employment Opportunity Commission.

I understand that it is not always common to hold hearings for nominees to be commissioner of the EEOC, and I appreciate the opportunity to appear before you this morning. I want to thank Senators Harkin and Boxer for their kind remarks.

I also appreciate the opportunity I had to meet with many members of the committee and your staffs prior to this hearing, to listen to your comments about this important agency.

You have already had the opportunity to meet my father, Stanley Miller, and my stepmother, Joan Freyberg, and my friend. I am also thinking very much this morning about my mother, Barbara Miller, who passed away 8 years ago. She would have been very excited about this moment. Without my mother and father, I would not be sitting here this morning being considered for this appointment.

They taught me much about right and wrong, fairness and justice, and every individual's right to personal dignity. They instilled in me values of public service and private goodness which I use as guideposts in my life.

It is a tremendous honor and responsibility to be nominated to serve as a commissioner of the Equal Employment Opportunity Commission. As I myself have experienced discrimination in the workplace, I feel a personal commitment to change the climate of the working world so others will not have to experience the humiliation that I did.

As a law student, I found that the very law firms that had pursued me would immediately lose all interest in employing me as soon as they saw me or learned of my size. In fact, I was told by one law firm that even though they did not have a problem with my size, they feared that their clients would think that they were running—and here, I quote what they told me—"a circus freak show" if their clients were to see me as a lawyer in their firm. At that time, such behavior and comments were not yet illegal because it happened before the passage of the Americans with Disabilities Act.

These experiences created in me a deep and personal understanding of the painful necessity of civil rights protections in the workplace. I have spent the majority of my professional life working to secure and implement these civil rights laws.

Today, the Americans with Disabilities Act prohibits such discrimination against persons with disabilities. However, as it is a relatively new law, it is important that its interpretation develop in a clear, consistent and common sense manner, in accordance with the intent of Congress. It is also critically important that the ADA and all civil rights laws be vigorously enforced and implemented.

Discrimination is painful and humiliating, no matter what the cause or basis. All forms of discrimination on the job are invidious, and if confirmed, I will be fully dedicated to the implementation of all civil rights laws enforced by the Equal Employment Opportunity Commission.

However, discrimination in the workplace cannot be eradicated through enforcement alone. The EEOC has an important role in educating employers about their responsibilities and informing employees about their rights. If confirmed, I will look forward to reaching out and working with constituency groups, employers, attorney organizations, and of course, with Congress, toward creating a workplace free of discrimination.

Thank you.

Senator SIMON. Thank you very, very much.

Mr. Igasaki.

**STATEMENT OF PAUL M. IGASAKI, OF SAN FRANCISCO, CA,
NOMINATED TO BE A COMMISSIONER, EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Mr. IGASAKI. Thank you, Mr. Chairman, Senator Kassebaum.

It is an honor and a privilege to be here today to present my credentials for membership on the Equal Employment Opportunity Commission. I want also to thank Senator Boxer and Congressman Mineta for their very kind words.

There is no more important area in which we should ensure fairness than in the area of employment. A job can enhance self-respect; it can build a family's future and contribute to the good of society. So long as job opportunity can be limited on the basis of race, national origin, religion, gender, age, disability, or other factors unrelated to the job itself, we are not making use of the entire American work force.

My grandparents and great-grandparents journeyed to this country, like so many before them, in search of opportunity and freedom. Through difficult times and in the face of racial discrimination, they built a place in American society for their families.

Discriminatory laws barred their naturalization. The law also prohibited them, as Asian immigrants, from owning land, so they put their homes and farms in the names of their citizen children.

Then, in 1942, wartime hysteria and racial hatred led to their losing those homes, losing much of what represented the American dream, to be sent to what amounted to concentration camps in the desert, due only to the color of their skin and the ancestry of their forebears.

One of my grandfathers was a truck farmer; the other, born in Hawaii, was one of the Japanese American community's first attorneys. Both felt powerless to challenge what happened to them and their families. As a Japanese American, no other experience has had a greater influence on me and my view of the law and of civil rights.

Senators, it is this heritage that inspires me to pursue this difficult challenge, just as it led me to pursue a career in the law, in public service, and in civil rights. It is why my parents taught me that fairness for all, including the least powerful or the least popular among us, must guide my endeavors, whatever they may be.

Growing up as I did in the 1960's, I was inspired by the words and deeds of Dr. Martin Luther King, Jr., of the freedom riders, and of so many others who risked their lives to make real the American promise of equal justice under law. I know that from this movement came many of the laws and decisions that created not only the EEOC, but many of the tools that exist today to fight discrimination.

With the lessons of my family history and of the many public officials and leaders whom I have learned from, and those civil rights tools that you have provided us, I could think of no greater honor than to work with Gil Casellas, Paul Miller, and the sitting commissioners and staff of the EEOC, to continue this journey to invigorate and enforce the laws that you have provided us to ensure equal employment opportunity.

I thank you for this opportunity to appear today and for your consideration.

Senator SIMON. We thank you. As one who grew up in the State of Oregon until I was 13—I do not stress that in Illinois, but I can remember when, by Executive Order, 120,000 Japanese Americans were taken away from the West Coast, given one to 3 days to sell everything they had, and put everything they owned into one suitcase. Believe it or not, the U.S. Supreme Court in the Korematsu decision said it was legal. It was one of the worst decisions the U.S. Supreme Court ever made. And it is also illustrative of the importance of people standing up. And the three of you are going to be in a position to stand up for people, and I think you can make a very important contribution.

Let me just touch on a few things. One is that it now takes almost a year and a half to process a case before the EEOC. A decade ago, it was 3 to 6 months. I will—and my staff, if you could make a note—I am going to have an oversight hearing a year from now. I hope that 1 year from now, you can indicate that we have an improved situation.

Second, I would ask you, Mr. Casellas, as the new chairman, to send me a letter 6 months from now on something which I do not know if it is factual or not, but I have heard that there are people in the EEOC who do not believe in its mission. They have protection under the Hatch Act, and I am not suggesting they should be deprived of Federal employment, but if they do not believe in the mission, we ought to transfer them to the Pentagon or someplace else. [Laughter.]

The people who are there ought to believe in the mission, and if you could make a note to send me a letter on that 6 months from now.

The area of proposed guidelines on religious harassment has raised questions. I saw in the publication of the Missouri Synative Lutheran Church, which represents about one-third of the Lutheran population, that they think there should be no religious guidelines. On the other hand—and this is typical of the division on this—the branch that represents the other two-thirds of the Lutheran Church believes there should be guidelines, but they ought to be sensitively drafted.

The reality is that if someone is being harassed because he or she is Jewish or Christian or Muslim or whatever, on a religious basis, that clearly ought to be beyond the conduct that we tolerate in our country. At the same time, people ought to feel free to express their religious beliefs, and wear a cross, or wear a yarmulke, or whatever it may be.

All three of you are aware of the controversy that has arisen, and our colleague Senator Heflin had hearings on this; I would be interested in the comments you might have. Since you have been designated chair, Mr. Casellas, I will ask you first and then I would like comments from the other two.

Mr. CASELLAS. Thank you, Senator. I believe you put your finger on the nub of the issue, and that is that it is a very complex, very sensitive point. On the one hand, a religion-free workplace is against the law; it is against Title VII. On the other hand, harassment of any form, whether it is on the basis of religion or age or sex, is equally prohibited under the law.

I think the job that we are going to have before us is to strike the appropriate balance, to strike a balance that is sensible and that takes into account these competing considerations.

I think that there is a proper role for guidelines, whatever type of guidelines, whether they relate to harassment or anything else. I think the EEOC's role is that, to provide guidance and guideposts to the extent we can.

Obviously, these particular guidelines, which I have not had the opportunity to study carefully, will come before us in our deliberative capacity as commissioners, so I do not mean to suggest that I do not have an open mind, because I do, as to how these things will ultimately be handled. But I will tell you that we all are sensitive to the issue and sensitive to the need to, to the extent we can, strike the appropriate balance.

Senator SIMON. Mr. Miller.

Mr. MILLER. Senator, I agree with you that harassment in any form should not be tolerated, and that includes religious harassment. I believe that people should be judged on their ability to perform the job, their ability to do the work, rather than on other characteristics. And I agree with Mr. Casellas and with you, that there are two very important factors that need to be balanced, those being the right to practice one's own religion and also the right to be free of harassment in the workplace.

And as I understand, there have been many, many comments, thousands of comments, received by the EEOC regarding these religious harassment guidelines, and I think that it is important, if

confirmed, for me as a commissioner to spend the time looking through those comments and hearing what people have to say who took the time to write, and thinking about this issue. And if confirmed, I agree, this is a very important issue in which these two factors need to be balanced and looked at, and that I will keep an open mind and that I am interested in reading those comments to try to figure out a way of balancing these issues and these two important notions.

Senator SIMON. Mr. Igasaki.

Mr. IGASAKI. Yes, I certainly agree with what Mr. Casellas and Mr. Miller have said, and I agree with you, Senator, as well, that the concerns over the guidelines are something we need to look at very carefully.

I am very concerned about making sure that individuals' right to freely express their religion is protected. I am equally concerned to make sure there be no discrimination on the basis of religion, whether harassment or any other means.

I think we will look at the guidelines very, very closely; we will listen to the messages from the Congress and review the comments from individuals very closely to make sure that we try to provide clear guidelines, or clear understanding, to the Nation on what these rules or what the law is in this area.

Senator SIMON. Thank you. I have some more questions, but Senator Kassebaum is going to have leave in about 10 minutes, so I am going to defer to her.

Senator KASSEBAUM. Thank you, Mr. Chairman.

I certainly was impressed with the comments that all three of you gave about what you believed were important about the guidelines that you hope to utilize and in your own experience in the areas which make you very sensitive to the importance of the EEOC.

I think, Mr. Igasaki, you mentioned that we have not held many hearings on nominations for the Commission, but I think the importance of the Equal Employment Opportunity Commission is one of the reasons that we felt it was important to hold this hearing.

All too often, we issue statements here, and then we do not really do enough to lend support and to follow through; and I am very pleased to hear Senator Simon say that we will have some oversight hearings. This is not an adversarial responsibility that we have for oversight; it is really one which I think offers an opportunity to lend support and guidance back and forth between Congress and the agency.

I think all three of you touched on the importance of education and of working with the business community—again, not an adversarial responsibility, but one that is terribly important to fostering understanding.

Along that line, I would like to ask you—and Senator Simon touched on this—about the enormous caseload that you face. Since 1983, the stated policy of the EEOC has been to “fully investigate” all charges. This has obviously proven to be a formidable task, since more than 100,000 employment discrimination charges are filed each year, if I am correct.

Do you believe that alternate dispute resolution techniques hold promise for resolving employment discrimination charges?

Mr. Casellas.

Mr. CASELLAS. Absolutely, Senator, absolutely. And one of the things that we are going to look at, or at least one of the questions that we are going to ask, is how we are employing those kinds of techniques now.

There is a pilot program, I understand, on ADR in use in selected places out in the field at the EEOC. But I want to ask the question of when it is being employed, at what stage of the process. I have had experience in ADR techniques. I was selected to be a judge pro temp in Philadelphia, for example, where certain lawyers, members of the bar, were asked to assist the court in eliminating a tremendous backlog. And the key to the success of any ADR is early intervention and to do it selectively. I think, for example, in the area of disability charges, those are the kinds of things where, if you bring people together early on and explain to an employer that the accommodations are really not as significant or not as expensive as people generally think they are, that those kinds of things can be worked out. I mean, the issue of accommodation is something that could be handled in a less adversarial setting, and it is the kind of thing that could help to chip away at that backlog.

So I agree whole-heartedly that we have to examine how it is that we do our work, and one of those is to employ those kinds of techniques with a view to making sure, of course, that those people whom we select to serve in this arbitrator-mediator role are individuals who are sensitive to the concerns of both sides, but also sensitive to the charging parties so that they have an understanding of the issues.

Senator KASSEBAUM. You included in the outline of the things that you believe are important, the agency's relations with State and local departments of the EEOC, and I myself think that is terribly important, because I know that Senator Simon and myself both hear when we are out in our States that, well, it does not really do any good to file a complaint with the EEOC; it never gets heard, or it gets lost. And I think I hear all three of you being very sensitive to the need to make it work better, perhaps. And again, I am sensitive, too, to the fact that you have an enormous caseload, and I think we will want to be of assistance here in considering recommendations that you would make.

Mr. Miller, perhaps I could direct this a bit to you, because I think there is some confusion that has stemmed from the ADA guidelines. So I would like to ask this question. The EEOC plays a dual role as both a framer of policy on issues of equal employment opportunity and as an administrator and adjudicator of discrimination charges. Is the agency capable of playing this dual role? Do you have any suggestions as you have looked at this of ways that perhaps this dual role could be made a bit smoother?

Mr. MILLER. I think that with respect in particular to the ADA, the ADA is important in this context particularly, since it is a new law, and we are still in the process of developing a body of law. And the business community and charging parties both are expressing sometimes confusion about the direction.

I think that enforcement without that education and outreach just does not get to the root of the problem. I think the mission of the EEOC is to really confront and deal with discrimination as it

exists in the workplace, and I think you do that through vigorous enforcement, but I also think that the EEOC has a very large role to play in technical assistance, and I think that in the past, the publications that the agency has put out dealing with technical assistance on the ADA have been very good.

As I understand and hear, there are other ways, other guidance, that may be helpful to both the business community and people with disabilities, and if confirmed, I will look at that, because I think the importance of technical assistance and assistance with respect to the ADA cannot be overstated. Most employers, I believe, truly want to do what is right and truly want to do right by the ADA and truly want to pay attention to the rights of people with disabilities. And I think the EEOC has a role to play there in helping the business community along.

Senator KASSEBAUM. Thank you. I share that. I think there has been some confusion, and I have a written question, actually, that I would like to submit, Mr. Chairman, regarding an article that appeared in *The Wall Street Journal* about some confusion on how to conduct job interviews under the ADA guidelines. I am sure you are familiar with that piece.

Mr. Igasaki, I would like to ask you, following a bit on the religious harassment guidelines: as you may know—and maybe you do not know—the Senate approved a measure that would call for the EEOC to withdraw religion from their guidelines and hold public hearings before reissuing any new guidelines. I wonder if you have given enough thought to whether you would agree with the guidelines as proposed, with a hearing on those guidelines, or is this something that, as a Commission or, you would wish to undertake a review before making any public statements?

Mr. IGASAKI. Thank you, Senator. I do believe I have heard about this resolution of the Senate. I know it was strongly supported. I have not had a chance to review it in detail. And I do believe that as a Commission, both the three of us and the sitting commissioners, should look very carefully at the guidelines, with the Senate's message in mind, and consider that issue carefully. I do not want to prejudge it; I want to have the opportunity to discuss it both with the sitting commissioners and with Mr. Casellas and Mr. Miller.

Senator KASSEBAUM. I can certainly understand that, because it is a very sensitive issue, and it is going to be one that I think will be closely followed from here as well as elsewhere.

Another one that is perhaps not as sensitive with the public, but obviously is sensitive as well, is do you believe that congressional employees should have the right to go to court for trials of their EEOC complaints, as they do in the private and Federal sectors?

Mr. IGASAKI. Well, I think that we are willing to undertake whatever mandates that Congress provides us. [Laughter.] As our workload increases, we do have to keep in mind the large backlog and the need for adequate resources to do a good job in all the areas that are provided us.

Senator KASSEBAUM. And along with that—this will probably call for a diplomatic response as well—but there is pending legislation called the Federal Employee Fairness Act, which would give the EEOC primary responsibility for processing claims of discrimina-

tion by Federal employees. Given the caseload that you have—and again, it is perhaps unfair to ask you to offer comments on this—do any of the three of you wish to offer an observation?

Mr. Casellas.

Mr. CASELLAS. Well, I will note, Senator, as you have, that as I understand the legislation—I have not studied it—but I understand that its goal is to address the perception of the lack of fairness in the current system, that is, to the extent that employees are filing charges which are being investigated by the very agencies that have been charged with discrimination. And certainly, I think we could agree that to the extent you can eliminate that on fairness, if that is what the legislation is directed to, I think in general we can support and I can support that principle of fairness.

I think that should Congress decide to turn over that responsibility to the EEOC, that is, to conduct that segment of investigations, it is going to really overwhelm an already overwhelmed system. So I guess I will begin, although I am not yet confirmed, with a plea for additional resources to the extent that that happens, because having seen it myself as the general counsel of the Air Force, I know that there are a number of employees who are dedicated to EEO within the Department of the Air Force, and each of the companion services has it, and the DoD has it, and if you multiply that across the Federal Government, you can see that a large number of employees are dedicated to this important task. So to take that burden and shift it to the EEOC without some corresponding increase in resources, I just do not know—as I sit here as an outsider, I just do not know how that could be done.

Senator KASSEBAUM. Mr. Chairman, I have several questions I would like to submit for written response, and I would ask unanimous consent that an opening statement for Senator Coats be made a part of the record.

Senator SIMON. We will enter them in the record. There will be additional questions for you, and we would like to have responses as rapidly as we can.

[The prepared statements of Senators Mikulski and Coats and questions by Senators Simon, Kassebaum, and Dodd with responses follow:]

PREPARED STATEMENT OF SENATOR MIKULSKI

Mr. Chairman, I am pleased that we are considering the nominations for the EEOC chairman and commissioners today. I believe these appointments are long overdue. Certainly, these appointments are crucial to adequately address the ongoing problem of discrimination and harassment in Federal Government agencies.

Mr. Chairman, I have been deeply involved in tackling the problems of discrimination and harassment in our Federal Government agencies for some time now. I have spoken out on behalf of all Federal employees who have suffered harassment and discrimination in the work place and who, out of fear, cannot speak out for themselves. It has not been easy.

I want to first share with our nominees my experience with this issue over the last 2 years. Second, I want to tell you what I have tried to do about it. Third, I want to give you my thoughts on what

qualities I believe the new chairperson must possess to get the job done.

First, over the last 2 years I have heard repeatedly from angry Federal employees who say they have been denied job promotions and suffer reprisals for filing employment complaints. I have been deluged with complaints from Federal Government workers in several agencies including: the National Institutes of Health, the Veterans Administration, and the National Security Agency—just to name a few.

They experience harassment and discrimination by managers, and find themselves in extremely hostile work environments. Their cases are not adjudicated in a timely manner and ultimately these employees are stifled by top management. Over and over I hear about cases of harassment and discrimination where people face retaliation for speaking out rather than getting a fair solution.

Federal employees needing assistance sought my help. I felt it was imperative to do whatever I could to help these employees. So, I took this issue head on.

I initiated investigations of Government agencies for faulty hiring and promotions policies. I corresponded directly with agency heads on the issue and testified at Senate committee hearings on behalf of employees who needed someone to speak for them. I have even introduced my own legislation to help our own Architect of the Capitol employees. I did all this, and more, in an attempt to change this hostile environment.

Members of Congress have done a lot of work in the area of employment discrimination. Senator Glenn and I introduced legislation to overhaul the complaint process at EEOC. The legislation is designed to speed up the time for responding to EEO complaints and to give employees a fair opportunity to present their complaint.

Now, Mr. Chairman, it's time for the EEOC to do its job. The EEOC chairman and its commissioners must immediately provide the leadership and guidance that Federal Government agencies and employees desperately need.

The new chairman must be able to understand the problems that these employees face and be able to work well with the groups that represent these employees. We need someone who can get the job done, and get it done quickly. We need someone who has a clear vision for where the Commission must go and someone who can change the declining reputation of the EEOC by improving its policies and its effectiveness.

For example, alleviating the Commission's care backlog must be a priority for the new chairman. As chair of the Labor Committee's Aging subcommittee, I know that there is an enormous age discrimination case backlog. The Commission has said it expects this backlog of age discrimination cases to rise to over 19,000 by the end of September. This would be a 34 percent increase from the case backlog in 1992. I am very concerned that this backlog, and all others, be alleviated. People have waited too long to have their cases resolved and their lives returned to normal.

Mr. Chairman, sexual and racial discrimination are widespread throughout the Federal Government. I am certainly committed to efforts to end discrimination and I'm willing to do my part to ensure a Federal work place that is discrimination-free. However, I

believe we need to quickly confirm an outstanding EEOC chairman who will lead the charge on this serious issue, and EEOC commissioners who are willing to work hard to improve the work environment for all Federal employees.

PREPARED STATEMENT OF SENATOR COATS

Mr. Chairman, the Equal Employment Opportunity Commission has as its primary responsibility, the protection and assurance of American worker's rights to be free from various forms of discrimination in the workplace. Whether that discrimination is as a result of racial inequality, age, disability, sex, or religion, the EEOC has long protected and balanced the rights of individuals to be judged by their performance, not innate characteristics.

With the litigation explosion currently being experienced over workplace issues, the Commission serves as a vital mitigator of fairness issues, attempting to bring regularity and predictability to complex and sometimes sensitive issues.

However, recently, the Commission considered moving in a direction that would have placed in grave danger the rights of free exercise of religion that are protected by the U.S. Constitution. I am speaking of the proposed guidelines on religious harassment.

The Commission's guidelines proposed to apply the same test to religious harassment as is applied to sexual harassment, namely, "the right to work in an environment free from discriminatory intimidation, insult, and ridicule."

I, and others believe the application of a standard that applies ambiguous terms such as "intimidation" to a fundamental constitutionally protected right such as religion, should be very seriously questioned.

The fundamental commitment of our constitutional order to the protection of religious liberty requires the most extreme caution when considering any proposed government regulation of religious expression.

Additionally, I am concerned that as proposed, the guidelines were so broad and rested upon such subjective factors, that otherwise constitutionally protected expression could have easily been declared harassment and punished. The guideline's lack of clear definition could easily cause serious implementation problems for employers who would be forced to apply these confusing standards to every day situations—less they be subjected to a potential litigation nightmare.

Mr. Chairman, as we consider nominations to the EEOC, I think it important to remind these nominees of how critical that they carefully consider the impact of their actions and recommendations. I urge them to take these issues to heart and to perform their duties in as thoughtful and comprehensive a manner as possible.

I thank we have before us three excellent choices for the Commission and I am pleased to support them and look forward to working with them.

QUESTIONS SUBMITTED BY SENATOR SIMON TO GIL CASELLAS WITH RESPONSES

Senator Simon. The Age Discrimination in Employment Act (ADEA) provided an exemption from the law for certain bona fide hiring and retirement plans for State and local firefighters and law enforcement officers, which expired Dec. 31, 1993.

In the 1986, Congress commissioned a study to be done to determine 1) whether physical and mental fitness tests are valid measures for of the ability and competency of police and firefighters to perform their jobs; 2) which types of tests are most effective; and 3) develop recommendations concerning standards such tests should satisfy. Congress also requested that the EEOC to promulgate guidelines on the administration and use of physical and mental tests. The study reported that age was a poor predictor of performance in public safety occupations, yet neither the researchers at the University of Pennsylvania or the EEOC developed recommendations regarding standards such test should satisfy. Moreover, the EEOC did not promulgate guidelines to assist State and local governments in the administer and use of such tests as Congress requested.

Question 1. Do you think the exemption should still be allowed?

Answer 1. I am certainly troubled by the use of age as a proxy for the ability to do a job. I am, however, aware of the continuing controversy concerning the particular question of the treatment of certain public safety officials under the ADEA, including the fact that Congress passed a temporary exemption for police and firefighters in 1987 to provide them time to develop more appropriate means of determining job fitness. In connection with that extension, I understand that, pursuant to congressional direction, a lengthy technical study was undertaken on this issue; however, I have not yet had the opportunity to review this study. Until I am able to thoroughly review and consider all of the materials and issues involved, I am not able to offer a definitive answer to the question which has been presented. I will assure the Senator, however, that I fully intend to review these matters carefully, particularly in light of the legislation to extend the exemption that is currently pending.

Legislation pending before Congress, H.R. 2722, would amend ADEA to allow age-based hiring and retirement policies as of March 3, 1983 to continue, and allow State and local governments that either did not use or stopped using age-based policies to adopt such policies with the proviso that the mandatory retirement age be not less 55 years of age. H.R. 2722 again directs the EEOC to identify particular types of physical and mental fitness tests that are valid measures of the ability and competency of public safety officers, and promulgate guidelines in the administration and use of such tests.

Question 2. What guarantee can you provide that if Congress again requests EEOC to issue tests and guidelines, EEOC will?

Answer 2. If I am confirmed, I assure the Senator that I will do my utmost to see that the EEOC will, to the best of its ability and to the extent possible, comply with any congressional mandates in this area.

Question 3. Do believe disparate impact should apply to ADEA cases? What is your response to the Hazen Paper Co. v. Biggins, 113 S.Ct. 1701, 1710 (1993)?

Answer 3. I understand that the EEOC has an established policy applying disparate impact analysis to ADEA cases. I believe that this is an appropriate policy. While I am aware of the Supreme Court's decision in Hazen Paper Co. v. Biggins, 113 S. Ct. 1701 (1993) and that it has certainly complicated a number of issues under the ADEA, I have not yet had the opportunity to analyze its implications on this specific question.

Question 4. As there is no case law on the legality of early retirement incentives under the Old Workers Benefit Protection Act, would the Commissioners consider issuing guidance on this to help employers and employees understand its application and ramifications?

Answer 4. While I cannot, of course, speak for the other Commissioners or pre-judge what action the Commission will take, I am certainly in favor of the Commission issuing guidance regarding early retirement incentives under the Older Workers Benefit Protection Act in order to help employers and employees understand its application and ramifications.

Senator Simon. It is my understanding that the EEOC has not been seeking damages for victims of discrimination under the Civil Rights Act of 1991. In a June 1992, memo signed by former Chairman Evan Kemp, all cases seeking damages are to be coordinated with the Office of Program Operations (OPO). The effect of the memo has been that all of the District Directors who want to seek damages in a case, must file an extensive memo with OPO that ask permission, spells out the dollar amount of the award, and its justification. Since 1991, an estimated 9 such memos have been filed. This means that damages are not being sought in the majority of cases where damages could be sought under the Civil Rights Act of 1991.

Moreover, during a May 1994 District Director's meeting held at the Worthington Hotel in Fort Worth, Texas, the OPO Director told the District Directors that 1) before negotiating a charge settlement and 2) after a reasonable cause finding is made but prior to conciliation, damages may be sought; however, the award was not to

be called damages, but rather back pay or something else. So that even if damages are awarded there is to be no record.

Question 5. This situation is very disturbing. If confirmed, will you look into this situation and report back to the Committee?

Answer 5. I believe that the addition of compensatory and punitive damages to the remedies provided under Title VII and the ADA puts teeth into civil rights enforcement. I, therefore, share the Senator's view that the situation as presented is very disturbing. If confirmed, I will certainly look into how the EEOC is handling damages claims arising under the Civil Rights Act of 1991 and I will be happy to report my findings to the Committee.

Senator Simon. There is a 56 percent chance that the charge you file with the EEOC will be found to have "no cause". And, the settlement rate for those cases found to have cause is just 13 percent. While the "no cause" rate is an improvement over the 1992 rate of 61 percent, the settlement rate has remained fairly static. Unfortunately the situation is still that if you are one of the few whose case is found to have cause, there is a slim chance you will achieve settlement.

Question 6. What is your reaction to this?

Answer 6. As I stated in my opening statement, and in response to additional questions by members of the Committee, one of my highest priorities if confirmed will be to look carefully at all aspects of the EEOC's charge processing and resolution process and implement those changes necessary to enhance the agency's effectiveness and performance. Certainly, a careful review of the percentage of "no cause" findings as well as of the Commission's settlement rate will be an integral part of this process.

RESPONSE OF EEOC NOMINEES TO A QUESTION SUBMITTED BY SENATOR DODD

1. I have read the recent report by 9 to 5, the National Association of Working Women. I am very troubled by the report's findings of poor quality of service by the EEOC. I assure the Senator that I will keep these findings in mind as I address the extremely serious issues currently confronting the agency regarding the manner in which it performs its mission. I am committed to finding a way in which the Commission can operate both effectively and efficiently, and in a manner that is responsive not only to the needs of working women, but also to those of all communities it is meant to serve.

QUESTIONS SUBMITTED BY SENATOR KASSERBAUM TO EEOC NOMINEES WITH RESPONSES

New EEOC Guidelines for Job Interviewing

A July 15, 1994 Wall Street Journal article highlighted some potential problems with recent EEOC guidelines on how to conduct job interviews under the Americans with Disabilities Act (ADA).

One of the most contentious aspects of the new guidelines is the restriction on an employer's ability to ask questions about the specific accommodations that an applicant might need. Employers are permitted to ask applicants whether they can do job tasks "with or without reasonable accommodation." However, they can't ask about the type of accommodation that would be needed until after a job offer is made.

For example, under the guidelines it would be legal for an employer to ask "Do you have 20/20 corrected vision?" It would be illegal to ask "What is your corrected vision?"

Employer groups and labor lawyers say that the restriction puts employers in the position of having to offer jobs without knowing whether the needed accommodations are reasonable or affordable. As a result, companies may have to "unhire" disabled people who accept conditional job offers if the necessary accommodations can't be made.

Question 1. Will you review the article and the comments from business groups and reconsider the guidance?

Answer 1. I will certainly review the Wall Street Journal article and comments from business groups and consider whether changes to the guidance are appropriate. At the same time, I will, of course, also consider the views of individuals who are protected by the Americans with Disabilities Act and the organizations that represent their interests.

Question 2. In its Technical Assistance Manual, issued in 1992 and sent to hundreds of thousands of persons, the EEOC told employers that they could ask an applicant who indicated s/he needed accommodation about the kind of accommodation needed before making a job offer. Now, in May this year, the EEOC has issued enforcement guidelines to its investigators saying such a question violates the ADA.

a. Doesn't this new guidance make it impossible for an employer to determine whether a person with a disability who says she needs accommodation is qualified for the job before making a job offer?

b. Aren't we making it less likely that an employer will take the risk of hiring a person with a disability because the employer won't want to withdraw the job offer later?

Question 3. The guidelines may also have a chilling effect on other areas of preemployment inquiries. For example, would a question about interpersonal skills in past employment be prohibited, because it might elicit information about the nature and extent of a past mental illness which impaired those skills? Would employers be prevented from discussing the issue of "accommodation" for flexible scheduling to meet child-care needs?

Question 4. What steps will you take to make sure that when the EEOC radically changes its interpretation in such a manner that it makes this change known to employers and others who will rely on the initial guidance? Can you assure this Committee that the EEOC will revise its Technical Assistance Manual and send it to those who ordered the 1992 edition?

Answer 2. With regard to follow-up questions 2, 3, and 4, I regret that I do not yet possess the depth of understanding about the very complex, technical issues that underlie these questions and, therefore, I believe it would be premature for me to attempt to provide a substantive response. I assure the Senator, however, that I will carefully consider the concerns raised and the perspective of the business community when addressing this interim guidance. I share the Senator's concern that the Commission's technical assistance and other explanatory materials must accurately reflect Commission policy, and that such materials should be revised and redistributed as necessary to maintain that level of accuracy.

Senator KASSEBAUM. Thank you, Mr. Chairman. I am certainly very impressed with the nominees and look forward to working with the Commission.

Senator SIMON. Thank you, Senator Kassebaum.

If I may follow up on her last question, it is not only the perception of unfairness; I think there is an unfairness. If someone at Sears says, "I am being discriminated against," we do not say to Sears, "You investigate it." And yet that is precisely what we have seen in the public sector. For example, stories about sexual harassment and discrimination in the CIA. Under the present law, we say to the CIA, "You investigate it." That does not strike people who work for the CIA as very fair.

I happen to be a cosponsor of a bill that would give that responsibility to you—but obviously, we have to give you the resources. One option may be to use the resources that are already being used for this purpose at the various Federal agencies.

As an aside, I cannot remember a time when we have had three witnesses who have had opening statements that paid tribute to their parents. It is a tribute to your parents and a tribute to the three of you that you've recognized them.

I like what you say on the use of ADR. To the extent that we can have conciliation and get answers without confrontation, that clearly is in everyone's best interest.

All three of you have referred to meetings of the Commission to discuss the religious harassment problem. But in 1980, the Commission had 60 meetings; in 1981, the Commission had 60 meetings; in 1990, the Commission had three meetings; in 1991, the Commission had three meetings; in 1992, four meetings; in 1993, seven meetings.

You mentioned, Mr. Miller, the educational function of the Commission. I think one of the ways you provide that educational function is for the Commission to meet in the open. You are three bright people, creative people, and when you meet and brainstorm,

you are bound to improve the end-product of your agency. I would add that some meetings, because you are dealing with litigation, will have to be closed meetings. I understand that, but to the extent they can be open meetings, I think that adds to this educational function that you have.

Would any one of you wish to comment? Mr. Casellas?

Mr. CASELLAS. I absolutely agree with you, Senator, and I said in my statement that I invite and eagerly await public discussion. I think it is a matter of our credibility. In addition to the points you made about the dialogue and the discussion and the creativity that comes out of this kind of brainstorming, I think it is a matter of credibility. And quite frankly, I do not know what we would be afraid of—are we afraid of new ideas? Are we afraid that people will hear what we think and that somehow those ideas are evil?

I just do not understand why these meetings have not been held, and maybe there were good reasons for it; I do not know. But I am certainly going to have public meetings, and we are going to discuss the issues, and we are going to discuss them openly because they have to be discussed openly, and whatever the decisions are, those are the decisions that are made, and you understand that from the work that you do here. But the public has to be able to see what you do, and the light of day has to be shed on what goes on in the Commission to have any credibility.

Senator SIMON. Mr. Miller.

Mr. MILLER. I agree with Mr. Casellas. It is really an issue of credibility for the Commission, and credibility of the issues that come before the Commission. The issue of discrimination, the issue of what happened to an individual, to anyone, on the job, is one of the most important issues that anybody can face. Your job is very important. And to the extent that these are tough issues—the religious harassment guidelines are tough issues; the ADA presents tough issues; sexual harassment presents tough issues—these issues are best dealt with openly, with vigorous discussion, and in that way, I believe that everyone—employees, the business community, Congress—understands what the Commission is doing, and it builds credibility in the solutions that the Commission tries to put forth.

I think that a public discussion of these issues happened with or without the Commission, and I think that open meetings and the credibility of the Commission is just greatly enhanced to let people into what we are doing and what is happening.

Senator SIMON. Mr. Igasaki.

Mr. IGASAKI. Yes, I heard what Senator Kassebaum said about the need for employers and employees understanding the rules and the guidelines of the EEOC and the laws that we enforce. I think that the deliberative process is very important to shedding some light on that. I know that as a lawyer, when I am looking to find out what a law means, if it is a little confusing, which happens more often than not, I look to the debate here in the Senate and in the House, to see what people said about what they intended with the legislation. I often find that very illuminating, and I hope we can provide a similar dynamic discussion process.

Senator SIMON. I do not know if the three of you have seen any columns by Mike Royko, a Chicago Tribune columnist. I would sim-

ply ask you to read them. Mike Royko is a tongue-in-cheek writer who does not pretend to present balanced views on everything, but I do think it would be worth your time to read the columns on the EEOC. At one point in one of the columns, he refers to the EEOC as "a bloated bureaucracy." Any comments from you on that particular description?

Mr. CASELLAS. I just do not know, Senator, not having been able to walk in the door, as it were. I certainly will take a look at that, because I want the operation to run efficiently, and as the chairman, one of my statutory duties is the operation of the agency, and what I hope to do is to put the resources where they are needed and where they will be effective. To the extent that there is a bureaucracy that is bloated, it suggests that there are people who are not adding any value to the operation. So I can certainly commit to you that I will take a look at that, with a view to value-added.

In fact, we are going to look at the EEOC with a clean sheet approach; I think we have to. I think we just cannot continue to operate the way we have been operating in the face of what we have, so we have got to come up with something creative and something different, because otherwise, I just think the system is going to crash. I just do not know how it can continue. With the number of charges being filed every year, with the increasing backlog, something has got to give. So before it crashes, we certainly want to examine that, and one of the things we will look at is this bureaucracy and whether it is bloated.

But I agree with you that in my experience in reading Mr. Royko's columns, particularly ones about lawyers, I have never found them to be balanced. [Laughter.]

Senator SIMON. Talking about lawyers, I noted as I was going through the statistics on the EEOC that the number of class action suits has declined very dramatically. That could be good news in the sense that maybe we are making progress, and there is no longer a necessity for that; on the other hand, it could also indicate that the agency is not doing the job that it should be doing.

The obviously advantage of class actions suits is that you can help a great many people versus a suit in behalf of Jane Smith or Joe Jones. Any reflection on this?

Mr. CASELLAS. I agree with you that it is an effective tool that has been used in the past. We certainly will look at its use, because given the limited resources, we obviously have to get a bigger bang for the buck, and I think that that is one way to do it—I do not say that is the sole way to do it—and there are particular areas where I think people have asked that we examine the use of systemic class litigation. For example, in the whole question of reductions in force and the impact on older workers, people have asked that question, why not examine that area with a view to the use of this kind of tool.

So that would be among the things we consider.

Senator SIMON. Mr. Igasaki.

Mr. IGASAKI. As the director of a civil rights law firm, I would say that given the meager resources that are available in Government today, we have to do whatever makes the best use of our resources. I think it is clear to me, and I think it is clear to all of us—we would not have taken on this job, I do not think, if we

thought we had turned the corner and finished the job on employment discrimination. I do think it is an important tool, and I think we intend to use it.

Senator SIMON. Let me thank all three of you. While the appointments were slow in coming, I think they are quality appointments. Each of you in a different way has experienced some pain in your life because of discrimination, and in a strange way, that experience will make you better, more sensitive public servants.

I look forward to working with you.

[Statements and material submitted for the record follow:]

STATEMENT

OF

GILBERT F. CASELLAS
NOMINEE: CHAIRMAN, EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

BEFORE THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES

Thank you Mr. Chairman for convening this hearing. I welcome the opportunity to appear before the committee to share with you my vision of this important agency, if I am confirmed as Chairman. I view this as the opening of a long-overdue dialogue that begins today and I welcome the opportunity to return for oversight hearings in the future, if confirmed. Please allow me as well to express my gratitude to you, Mr. Chairman, and the other members of this committee for meeting with me over the past few days. Your comments were most appreciated and have assisted me in formulating a strategy for the important work that lies ahead.

Having appeared for confirmation hearings eight months ago, I am sensitive to addressing what is one of your principal questions: Who is the nominee as a person and what philosophy and vision will he bring to this vital post?

As I reflected on how to respond to that question, I recalled the remarks I delivered at my swearing in ceremony several months ago at the Department of the Air Force. I began those remarks by thanking my parents. It is truly amazing that as far back as I can remember my parents had an unabiding faith and hope not only in me, but in the goodness of other people and of the American system. This was no

small feat on their part because they grew up during an embarrassing period in this country's history. They attended segregated schools, movie theaters, churches and sat at the back of buses. It didn't help that their first language was Spanish and so they entered this segregated school system at a severe linguistic disadvantage. They maintained their optimism even after having watched their own parents face the same barriers and indignities. When my grandfather Juan Casellas arrived from Puerto Rico as a young boy, he had the hope of becoming a lawyer but found that path and others blocked. I still remember the pain in his eyes as he described one incident of humiliation he suffered on a public street because of the color of his skin. And through all of this my parents encouraged me. And even as I spent my first six years of education at a segregated school and attended "colored" movie theaters and drank from "colored" water fountains, I tolerated them because of the hope and faith and support of my parents and my family.

It was in that context, that I thanked the President for appointing me and applauded him not only because I am the beneficiary of his efforts towards inclusion, but because I believe such an appointment vindicates the faith, hope and sacrifices not only of my parents but of all people who have found themselves on the outskirts of society's benefits.

And so while this year we celebrate the thirtieth anniversary of the Civil Rights Act of 1964 and of Title VII, I recall that year because I first attended school with white children and I was allowed to belong to a neighborhood boys club that had denied me admission and I could attend downtown movie theaters that previously had been off limits. I share this with you so that you understand that I have a personal affiliation with the types of issues that I will confront as Chairman.

But I also know that the American dream is real. I know that because to a large extent I have been blessed to live it. Wonderful opportunities were given to me because of the struggles and sacrifices of so many people who made those opportunities possible.

I knew almost intuitively as a child and from the changes brought about by the Supreme Court's decision in Brown v. Board of Education and from the passage of the Civil Rights Act of 1964 that the law could change people's lives for the better. It was through the study and practice of law that I learned how it could.

And so for that reason I dedicated much of my personal and professional time to advancing opportunities for women and minorities in the legal profession. As an employer, as a law firm manager and as a bar leader, I advocated the removal of barriers to make equal opportunity a reality within a noble profession whose record of accomplishment has yet to reach its aspirations.

And throughout those struggles, I remained steadfastly committed to following two simple lessons I learned as a trial lawyer and taught as a law professor: first, be a good listener and second, opponents need not become enemies. And so I listened and sought common ground and consensus; and where consensus did not exist, I made sure that the opportunity for future dialogue always remained open. By following these simple precepts, I was able to build bridges on behalf of the many organizations I was privileged to lead.

As Chairman, therefore I will welcome public scrutiny and debate and will eagerly engage in and invite discussion of controversial issues. The EEOC can only maintain its credibility if its leadership is willing to have open doors and open minds and listen to the many communities that have a stake in what we do. It is equally important that the leadership articulate its unqualified support for vigorously enforcing the equal employment opportunity laws, its passionate belief in the justice of those laws and its tireless commitment to the continuous improvement of employment opportunities for all people.

I hope to focus the agency on its core mission of eradicating discrimination in the workplace through the vigorous enforcement of the law and through education, outreach, policy guidance and training. We will not be successful in that mission unless we can accomplish a number of specific objectives and so let me share some of these with you. First, we must examine how we do our work, and if necessary, fix our operations to assure timely and quality work. I expect to engage myself personally in any search for a new model of organizing our work; the increasing workload in the face of limited resources has overwhelmed a dedicated staff. Policy will be coordinated and developed from the leadership. But policies or procedures that impede the ability of dedicated people to do quality work will be eliminated. Second, the agency must itself be a model employer, not only in terms of equal employment opportunity, but in terms of training, resources and advancement opportunities. We must be as sensitive to our workers' fulfillment and satisfaction as we expect from the employers who come before us. Third, we must examine our

working relationships with state and local enforcement agencies. Is there value added and can more be done with less? Fourth, we must improve our outreach and education to all communities, but especially to those who have felt shut out, always with a view towards equity and fairness and always so as to maximize public access and input. Likewise, I look forward to working with the business community, whose concerns I understand from my own experiences, to assist it in understanding and implementing the laws we will enforce. Finally, we must claim our rightful role under the executive order as the lead agency for equal employment opportunity law enforcement.

None of this will happen overnight. And I assure you that I don't have a magic formula. But I can assure you that I will dedicate myself to fixing what's broken and improving what we can and that this process will be a collaborative one and will include our many constituent communities and Congress. In short, if I am confirmed, to those who have felt excluded, we are open for business; to those who criticize how we operate, we will operate as a business; and to those who doubt our commitment to vigorous enforcement, we mean business.

In his State of the Union address last January, President Clinton said that "America will never be complete in its renewal until everyone shares in its bounty." Our nation's prosperity depends on our ability to develop and employ the talents of our diverse population. America's continued economic competitiveness -- along with its traditional commitment to fundamental principles of fairness and equity -- demands zero tolerance of discrimination; we simply don't have the luxury of wasting any of our abundant talent.

Mr. Chairman, I am honored to appear before the committee for your consideration of me for this important position. At the end of the day, one of the core values of our society is that people should be able to go as far as their abilities will take them, so that they can provide for themselves and their families, and be fulfilled in their chosen line of work, without regard to race, religion, national origin, sex, age or disability. I look forward to working to open what Dr. Martin Luther King, Jr. called the "great vaults of opportunity" to every individual in this nation's workforce. Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL PERSONNEL
PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: CASELLAS, GILBERT F.

Position to which nominated: **Member**, Equal Employment Opportunity Commission

Date of nomination: July 1, 1994

Date of birth: 2 August 1952 Place of birth: Tampa, Florida

Marital Status: Married Full name of spouse: Ada Garcia Casellas

Name and ages
of children: Mansa (8)

| Education: | Institution | Dates attended | Degrees received | Dates of degrees |
|------------|--|-------------------|---------------------|---------------------|
| | University of Pennsylvania Law School | 9/74-5/77 | J.D. | 1977 |
| | Yale University | 9/70-5/74 | B.A. | 1974 |

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Arthur Littleton Legal Writing Teaching Fellow, University of Pennsylvania Law School, 1976-1977
Outstanding Young Man of America, 1986
City of Philadelphia Citation for Contributions to the City and the Puerto Rican/Latino community, April, 1986
Citizen of the Year, Puerto Rican Week Festival, Philadelphia, September, 1988
Who's Who Among Hispanic Americans
Who's Who in the Delaware Valley
Who's Who in America

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

ATTACHMENT TO LABOR AND HUMAN RESOURCES
COMMITTEE QUESTIONNAIRE: "Memberships" (page 1)

BAR ASSOCIATION ACTIVITIES

Hispanic National Bar Association,
National President (1984-85)

General Counsel (1986-1987)

ABA Delegate (1988-91)

American Bar Association

House of Delegates (1988-1991)

Commission on Opportunities for Minorities in the Profession
(1991-1993)

Conference Of Minority Partners In Majority/Corporate Law Firms,
Advisory Board and Steering Council (1991-1993)

Resource Development Council, Fund for Justice and Education
(1989-1994)

Special Committee on Delivery of Legal Services (1985-1989)

Special Committee on Prepaid Legal Services (1990-1991)

Section of Litigation

Section on Torts and Insurance Practice

Section of Antitrust Law

Philadelphia Bar Association

Chair, Board of Governors (1990); Vice Chair (1989); Member (1987-1990)

Chair, Bar-Wide Survey Special Committee (1989-90)

Chair, Election Procedures Committee (1986-1987)

Judge of Elections (1986)

Chair, Young Lawyers Section (1987)

Co-Chair, Committee on Minorities in the Profession (1991)

Member, Special Committee on the Celebration of the 1987 Bicentennial of the Constitution (1985-1987)

Executive Committee, Young Lawyers Section (1982-1987)

Pennsylvania Bar Association

House of Delegates - Zone 1 (1987-1993)
Civil Litigation Section

Minority Bar Committee (1988-1993)

Association of Trial Lawyers of America

Defense Research Institute

Philadelphia Trial Lawyers Association

Philadelphia Association of Defense Counsel

Lawyer's Club of Philadelphia

CIVIC AND COMMUNITY ACTIVITIES

President, Law Alumni Society, University of Pennsylvania Law School (1989-1991)

Board of Trustees, Philadelphia Bar Foundation (1991-1993)

Secretary, Executive Committee, Board of Trustees, The Free Library of Philadelphia (1991-)

Trustee, Free Library of Philadelphia Foundation (1992-)

Board of Deacons, Overbrook Presbyterian Church

Board of Directors, Overbrook Farms Club (1991-1993)

Board of Trustees (1986-1989), Community Council (1989-1992), United Way of Southeastern Pennsylvania

Board of Directors (1990-1991), American Prepaid Legal Services Institute, Chicago, Illinois

Delegate, Judicial Conference, United States Court of Appeals for the Third Circuit (1985, 1987, 1990)

Board of Trustees, Campaign for Qualified Judges (1985-1991)
 Steering Committee, Philadelphians for Good Government (1991-1992)
 Advisory Committee, Founders Club of Jenkins Memorial Law Library (1990-1992)
 Member, Commission on Judicial Selection and Retention (1987)
 Board of Directors, Public Interest Law Center of Philadelphia (1985-1987)
 Board of Trustees, Community Legal Services, Inc., Philadelphia (1982-1985)
 Philadelphia Lawyer Volunteer Action Program, Vice President (1982) and Board of Directors (1982-1984)
 Mayor's Commission on Puerto Rican and Latino Affairs (1987-1992)
 Member, Pyramid Club of Philadelphia

Employment Record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Partner, Montgomery, McCracken, Walker & Rhoads, Philadelphia, March 1, 1985 - November 18, 1993
 Associate, Montgomery, McCracken, Walker & Rhoads, Philadelphia, September 1980 - February 1985; September 1977-December 1978
 Lecturer-in-Law, University of Pennsylvania Law School, Philadelphia
 September 1992 - March 1993; September-October 1988; September-October 1987;
 September-October 1986; September-October 1985
 Law Clerk, Honorable A. Leon Higginbotham, Jr., United States Court of Appeals for the Third Circuit, December 1978-August 1980
 Legal Writing Instructor, University of Pennsylvania Law School, September 1976 - May 1977
 Intern, Philadelphia District Attorney's Office, June 1976 - August 1976; September 1976 - May 1977
 Student Director, Government Policy Research Unit, University of Pennsylvania Law School, June 1975 - August 1975

Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

General Counsel, Department of the Air Force
 Trustee, The Free Library of Philadelphia
 Special Counsel, Philadelphia Commission on Human Relations
 Member, Mayor's Commission on Puerto Rican-Latino Affairs

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years:

Legal counsel in 1991 to campaign of Carlos Acosta for Philadelphia City Council-at-Large
 1989: Wendella Fox for District Attorney \$200
 Swarthmore Democratic Club \$50
 1990: George Burrell for Mayor '91 \$500
 1991: Burrell for Mayor 1991 \$250
 Friends of Lucien Blackwell \$250
 Friends of John Street \$250
 Peter Hearn for Mayor \$100

Committee to Elect Robert T. Vance, Jr. \$100
 Committee to Elect Nizza Quinones Judge \$25
 Glenn Clark for District Attorney \$50

1992: Castle for Congress \$500
 Nutter for City Council \$100
 1993: Philadelphians to Elect Sadel City Controller \$500
 Jacquelyn Allen for Judge \$100

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

None

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I plan to retain my 401(k) defined contribution account that I started as an employee with the Montgomery, McCracken law firm. As a partner, the law firm did not make any matching contributions to my 401(k) account which is independently managed by the CoreStates Bank, N.A., Turner Investment Partners, Inc., and Palley - Needelman Asset Management, Inc. And, of course, the law firm has not made any contributions since my resignation and will make none in the future.

My 401(k) account has about 300 participants and its investment portfolio is widely diversified. It is not concentrated in any particular economic sector. Furthermore, I neither exercise control over, nor have the ability to exercise control over, the financial interests held by the investment fund, other than the capability to direct percentage contributions to the equity, bond and cash segments of the 401(k) account.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I am not aware of any potential conflict of interest that could arise in my service on the EEOC. However, if such a conflict arises, I will consult with Agency ethics officials as appropriate and would do so on any matters involving potential conflict of interest matters.

STATEMENT of PAUL STEVEN MILLER
SENATE LABOR and HUMAN RESOURCES COMMITTEE
CONFIRMATION HEARING for NOMINATION to be EEOC COMMISSIONER
July 21, 1994

Mr. Chairman, Members of the Committee, it is truly an honor and a privilege to appear before this Committee to seek your approval of my nomination to be a Commissioner of the Equal Employment Opportunity Commission. I understand that it is not always common to hold hearings for nominees to be Commissioner of the EEOC and I appreciate the opportunity to appear before you this morning. I want to thank Senators Boxer, Feinstein and Harkin for their kind remarks.

I would like to first take this opportunity to introduce you to my father, Stanley Miller and my stepmother and friend, Joan Freyberg. I am also thinking very much this morning about my mother, Barbara Miller, who passed away almost eight years ago. She would have been very excited about this moment. Without my mother and father, I would not be sitting here this morning being considered for this appointment. They taught me much about right and wrong, fairness and justice, and every individual's right to personal dignity. They instilled in me the values of public service and private goodness which I use as guideposts in my life.

It is a tremendous honor and responsibility to be nominated to serve as a Commissioner of the Equal Employment Opportunity Commission. As I myself have experienced discrimination in the workplace, I feel a personal commitment to changing the climate of the working world so others will not have to go through what I did. As a law student at Harvard, I found that the very law firms that had pursued me would immediately lose all interest in employing me as soon as they saw me or learned of my size. In fact, I was told by one law firm that even though *they* did not have any problem with my size, *they* feared that their clients would think that they were running, and here I quote, "a circus freak show" if their clients were to see me as a lawyer in their firm. At that time, such behavior and comments were not yet illegal because it happened before the passage of the Americans with Disabilities Act.

These experiences created in me a deep and personal understanding of the painful necessity of civil rights protections in the workplace. I have spent the majority of my

professional life working to secure and implement these civil rights laws.

Today, the Americans with Disabilities Act prohibits such discrimination against persons with disabilities. However, as it is a relatively new law, it is important that its interpretation develop in a clear and consistent manner in accordance with the intent of Congress. It is also critically important that the ADA, and all civil rights laws, be vigorously enforced and implemented.

Discrimination is painful and humiliating no matter what the cause or basis. All forms of discrimination on the job are invidious, and if confirmed I will be fully dedicated to the implementation of all civil rights laws enforced by the EEOC.

However, discrimination in the workplace can not be eradicated through enforcement alone. The EEOC has an important role in educating employers about their responsibilities and informing employees about their rights. If confirmed, I will look forward to reaching out and working with constituency groups, employers, attorney organizations and of course, with Congress towards creating a workplace free of discrimination. Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Miller Paul Steven
(LAST) (FIRST) (OTHER)

Position to which nominated: Commissioner, EEOC Date of nomination: May 1994

Date of birth: 4 May 1961 Place of birth: Flushing, New York
(DAY) (MONTH) (YEAR)

Marital status: Single Full name of spouse: None.

Name and ages of children: None.

| Education: | Institution | Dates attended | Degrees received | Dates of degrees |
|------------|-----------------------------------|------------------|---------------------|------------------|
| | <u>John H. Glenn High School</u> | <u>9/76-6/79</u> | <u>H.S. Diploma</u> | <u>June 1979</u> |
| | <u>University of Pennsylvania</u> | <u>9/79-6/83</u> | <u>B.A.</u> | <u>June 1983</u> |
| | <u>Harvard Law School</u> | <u>9/83-6/86</u> | <u>J.D.</u> | <u>June 1986</u> |

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Parsons Visiting Scholar, University of Sydney Faculty of Law (3/1991)

Sphinx Honor Society (University of Pennsylvania)

Sol Feinstein Award for Contributions to Community (Univ. of Penn.)

Bowl Senior Honor Award (University of Pennsylvania)

Boys' Clubs of America Spense Reese Scholarship

Eagle Scout - Boy Scouts of America

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

| Organization | Office held (if any) | Dates |
|--|---|--------------|
| State Bar of California | None (currently inactive status) | 1987-Present |
| Billy Barty Foundation | President and Board Member | 1989-1993 |
| National Alliance of Genetic Support Groups | Board Member | 1992-1994 |
| Westside Center for Independent Living | Board Member | 1989-1993 |
| University of Pennsylvania Council of Recent Graduates | Council Member | 1989-1994 |
| Little People of America | National Young Adult Director (1982-83) | 1965-present |
| (See Attached Sheet) | | |

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

| | |
|--|----------------|
| Deputy Director, U.S. Office of Consumer Affairs, Washington, DC | 8/93 - Present |
| Search Manager/Director, Disability Outreach, The White House Office of Presidential Personnel, Washington, DC | 1/93-8/93 |
| Search Manager, Office of Presidential Transition, Washington, D.C. | 1/93-1/93 |
| Director of Litigation, Western Law Center for Disability Rights, Los Angeles, California, | 1/90-1/93 |
| Associate, Manatt, Phelps, Rothenberg and Phillips, Los Angeles, California, | 7/87-12/90 |
| Associate, Radison, Pfaeizer, Woodard, Quinn and Possi, Los Angeles, California, | 6/86-7/87 |
| Summer Law Clerk, Loeb and Loeb, Los Angeles, California, | 6/85-8/85 |
| Summer Law Clerk, Sullivan and Worcester, Boston, Massachusetts, | 6/84-8/84 |

PAUL STEVEN MILLER

Position to which nominated: Commissioner, EEOC

MEMBERSHIPS

| Organization | Office Held | Dates |
|--|--------------|--------------|
| American Civil Liberties Union | None | 1990-1992 |
| California Association of Persons with Handicaps | None | 1990-1993 |
| California Trial Lawyers Association | None | 1987-1990 |
| Handicapped Lawyers Association | None | 1992-1993 |
| Human Growth Foundation | None | 1966-1992 |
| University of Pennsylvania Board of Trustees | Board Member | 1983-1986 |
| Wilshire Boulevard Temple | None | 1989-present |

Government
experience:

List any advisory, consultative, honorary or other part time service or positions with Federal, State, or local governments other than those listed above.

Los Angeles City Advisory Council on Disability (1989-1990)

Published
writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

"Coming Up Short: Employment Discrimination Against Little People" 22 Harvard Civil Rights Civil Liberties Law Review
231 (1987)

"The Impact of Assisted Suicide on Persons with Disabilities"
9 Issues of Law and Medicine 47 (Summer 1993)

"Economic Reform and People with Disabilities," The Economic Conference of the President-elect and Vice President-elect (November 1992)

Political
affiliations
and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

Democratic Party, Member

Clinton/Gore Campaign - California State Political Coordinator for Disability Issues

Financial contributions: Clinton-Gore Campaign (1992) - \$100.00
Feinstein for U.S. Senate (1992) - \$100.00
Boxer for U.S. Senate (1992) - \$100.00
Harkin for President (1992) - \$100.00
Michael Sidley for Assembly (1994) - \$75.00

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No.

3. Has a commitment been made to you for employment after you leave Federal service?

No.

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes.

Potential conflicts
of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

As Director of Litigation for the Western Law Center for Disability Rights (1990-1992), I represented and counseled clients in matters involving allegations of employment discrimination.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

In my capacity as a member of the Board of Directors of the Westside Center for Independent Living, I advocated for the passage of The American With Disabilities Act.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I would recuse myself from any case coming before the EEOC which I worked on while an attorney at the Western Law Center for Disability Rights.

I will also consult with the EEOC ethics officials for further guidance where appropriate.

STATEMENT OF PAUL M. IGASAKI,
NOMINEE TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
BEFORE THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE
JULY 21, 1994

Thank you, Mr. Chairman. It is an honor and a privilege to be here today, to present my credentials for membership on the Equal Employment Opportunity Commission. I want also to thank my distinguished Senators and Congressman Mineta for their kind words.

There is no more important area in which we should ensure fairness than in the area of employment. A job can enhance self-respect, it can build a family's future and contribute to the good of society. So long as job opportunity can be limited on the basis of race, national origin, religion, gender, age, disability or other factors unrelated to the job itself, we are not making use of the entire American workforce.

My grandparents and great grandparents journeyed to this country, like so many before them, in search of opportunity and freedom. Through difficult times, and in the face of racial discrimination, they built a place in American society for their

families. Discriminatory laws barred their naturalization. The law also prohibited them, as Asian immigrants, from owning land, so they put their homes and farms in the names of their citizen children. Then, in 1942, wartime hysteria and racial hatred led to their losing those homes, losing much of what represented the American dream, to be sent to what amounted to concentration camps in the desert, due only to the color of their skin and the ancestry of their forebears.

One of my grandfathers was a truck farmer. The other, born in Hawaii, was one of the Japanese American community's first attorneys. Both felt powerless to challenge what happened to them and their families. As a Japanese American, no other experience has had a greater influence on me and my view of the law and of civil rights.

Senators, it is this heritage that inspires me to pursue this difficult challenge, just as it led me to pursue a career in the law, in public service and in civil rights. It is why my parents taught me that fairness for all, including the least powerful or the least popular among us, must guide my endeavors whatever they may be.

Growing up as I did in the 1960's, I was inspired by the words and deeds of Dr. Martin Luther King, of the freedom riders, and of so many others that risked their lives to make real the American promise of equal justice under law. I know that from this movement came many of the laws and decisions that created not only the EEOC, but many of the tools that exist today to fight discrimination.

With the lessons of my family history and those civil rights tools, I could think of no greater honor than to work with Gil Casellas, Paul Miller and the sitting Commissioners and staff of the EEOC to continue this journey to invigorate and enforce the laws that you have provided us to insure equal employment opportunity.

I thank you for this opportunity to appear today and for your consideration.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: IGASAKI, PAUL M.
(LAST) (FIRST) (MIDDLE)

Position to which nominated: Commissioner, Community Commission Equal Employment Oppor-
(JOB) (TITLE) (OTHER) Date of nomination: April 19, 1994

Date of birth: 25 - 7 - 1955 Place of birth: Chicago, Illinois
(DAY) (MONTH) (YEAR)

Marital status: Married Full name of spouse: Louann Yoshi Igasaki

Name and ages of children: None

| Education: | Institution | Dates attended | Degrees received | Dates of degrees |
|------------|---|----------------------|--------------------|------------------|
| | <u>University of California, Davis Law School</u> | <u>9/76 to 12/79</u> | <u>J.D.</u> | <u>12/22/79</u> |
| | <u>Northwestern University</u> | <u>9/73 to 6/76</u> | <u>B.A.</u> | <u>6/12/76</u> |
| | <u>Niles Township West H.S.</u> | <u>9/69 to 6/73</u> | <u>High School</u> | <u>6/73</u> |

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

-Reginald Heber Smith Community Lawyer Fellowship, Howard Univ./Legal Services Corporation, 1980-1981
-Ten Outstanding Young Citizens Award, Chicago Jr. Assoc. of Commerce & Industry, 1986
-Fellow, Leadership Greater Chicago, 1987-1988
-Young Lawyers Who Make a Difference, ABA Young Lawyers Division, 1988
-Outstanding Leadership Award, Asian American Coalition, April 1990

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

| Organization | Office held (if any) | Dates |
|---|--|--|
| <u>State Bar of California, Legal Services Section</u> | <u>Member, Executive Committee</u> | <u>'92 to Present</u> |
| <u>Amer. Bar Assoc., Individual Rights & Responsibilities Section</u> | <u>Vice Chair & Co-Chr. Civil Rts. Comm.</u> | <u>VC: '87 to '92 Co-Chr: '92 to Pre</u> |
| <u>Nat'l. Asian Pacif. American Bar Assoc. Legislative Committee</u> | <u>Co-Chair</u> | <u>'91 to '94</u> |
| <u>Japanese American Citizens League, Chicago Chapter</u> | <u>President & Board Member</u> | <u>Pres. '84 to '88 Bd. '82 to '89</u> |
| <u>JACL, Florin Chapter</u> | <u>Vice President & Delegate</u> | <u>'91 to '92</u> |
| <u>Asian American Bar Assoc. of the Greater Chicago Area</u> | <u>Vice President & Co-founder</u> | <u>'86 to '89</u> |
| <u>Leadership Conference on Civil Rights</u> | <u>Member, Executive Committee</u> | <u>'90 to '91</u> |

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Executive Director, Asian Law Caucus, Inc., San Francisco, CA. 12/91 to Present.
Asian Amer. Funding Director, Bob Matsui for Senate Committee, Sacramento, CA. '91 to 6/91.
Washington, DC Representative, Japanese American Citizens League, Washington, D.C. 7/89 to 1/91.
Executive Director, Chicago Commission on Asian American Affairs, Chicago, IL. 1/89 to 7/89.
Community Liaison, Mayor's Advisory Committee on Asian American Affairs, Chicago Commission on Human Relations, Chicago, IL. 2/85-12/88.
Staff Director, American Bar Association, Private Bar Involvement Project, Chicago, IL. 12/82 to 2/85.
Pro Bono Coordinator, American Bar Association, Chicago, IL. 12/81 to 12/82.

Staff Attorney/R.H. Smith Fellow, Legal Services of Northern Calif., Sacramento, CA, 8/80 to 12/81.
Graduate Legal Assistant, State of California, Agricultural Labor Relations Board, Sacramento, CA, 5/79 to 5/80.
Law Clerk/Outreach Worker, Asian Legal Services Outreach, Sacramento, CA, 6/77 to 10/77 and 6/78 to 12/78.

Government
experience:

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

California Advisory Committee, U.S. Civil Rights Commission, 1993 to 1994.

Congressional Intern, Office of U.S. Representative Abner J. Mikva, Skokie, IL, Summer, 1975.

Published
writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

"Stereotypes and a 'Model Minority'", Chicago Tribune, 5/29/86.
Pacific Citizen, 1988 to 1993. (Numerous updates prepared for membership newspaper of Japanese American Citizens League)

"Who's For Fairness," Asian Week, 10/23/92.

"That was Equity," Washington Post, Letters sec., 8/18/90.

"Don't Oversimplify A Complex Problem," with Dennis Hayashi, Hokubei Mainichi, Japanese language/community newspaper, 6/93.

"J.A.'s Mustn't Forget Their Heritage," Hokubei Mainichi, 3/93.

"The Price of Propaganda," Newsday, Letters sec., 11/17/89.

"In Defense of Civil Rights: New Voices for Justice," Patriots: Asian Pacific American Heritage, Harmony in Diversity, 1993 ed.

"At Last: A National Legal Voice for Asian Pacific American Civil Rights," Minority Law Journal, Fall, 1993, Vol.1, No.2.

"Find a Common Language of Fairness," Voice of the People - Just Solutions Conference, ABA Journal, May, 1994 (Telephone interview edited as an article).

Political
affiliations
and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

-Staff of Bob Matsui for Senate Committee, organized fundraisers in Asian American community, 1991 for '92 election.

-Contributions: Paul Simon for U.S. Senate, 1990, \$125.

Matsui for Congress Committee, 1990, \$40.

Barney Frank for Congress Committee, 1990, \$100.

Friends of Daniel Akaka, 1990, \$75.

Pat Saiki in '90 Committee, 1990, \$50.

Citizens for Eleanor Holmes Norton, 1990, \$35.

Lon Hatayama for Assembly, 1990, \$50.

Friends of Ila Collin, 1991, \$50.

Norman Mineta for Congress, 1992, \$50.

Gloria Ochoa for Congress, 1992, \$60.

3 Asians for Lon Hatayama, 1992, \$50.

Friends of John Vasconcellos, 1992, \$75.

Warren Furutani for City Council, 1993, \$50.

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None.

3. Has a commitment been made to you for employment after you leave Federal service?

No.

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

~~From 1989 to 1991, I was the Washington, D.C. Representative of a civil rights organization, the Japanese American Citizens League, and advocated on legislative proposals and administrative policies. This included the Civil Rights Act of 1990, which, in slightly different form, was enacted in 1991 and affects policies of the EEOC. I am currently the Executive Director of the Asian Law Caucus, Inc., a legal civil rights organization that provides legal services to low income Asian Pacific Americans in a variety of areas, including employment discrimination. While, as Director, I am not the attorney of record in such litigation, I make management decisions, allocate resources and contribute to strategy on this and other legal work of the Asian Law Caucus.~~

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

~~Civil Liberties Act of 1988, volunteer grassroots advocacy and advocacy for funding of the same in Washington, D.C. Advocated for sensitivity to Asian American concerns in college admissions from 1989 to 1990 on behalf of the JACL. Supported the Civil Rights Act of 1990 on behalf of JACL. Testified for and supported Senate Joint Resolution 280, again for JACL, in 1990. Supported family unity provisions of the Immigration Act of 1990 on behalf of the JACL. Supported passage of the Hate Crimes Statistics Act for JACL. Supported provisions of the Federal Maritime Commission authorization bill that protected rights of Vietnamese American fishermen in 1990, again for JACL.~~

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

~~Will recuse myself from any Commission actions on cases involving the Asian Law Caucus that arose during my tenure at ALC and on a case by case basis thereafter to avoid apparent conflict of interest. Will resign from the Board of Directors of the National Asian Pacific American Legal Consortium upon confirmation to the EEOC. Other than~~

as required by role of EEOC Commissioner, will not engage in any lobbying activities upon confirmation to the EEOC. Will consult with agency ethics officials as appropriate on any matters involving potential conflicts of interest.



United States Hispanic Chamber of Commerce

June 24, 1994

The Honorable Paul Simon
Senate Labor and Human Resources Committee
462 Dirksen Senate Office Building
Washington DC, 20510

Dear Senator Simon:

The United States Hispanic Chamber of Commerce (USHCC) enthusiastically recommends attorney Gilbert F. Casellas, currently General Counsel to the Air Force, to be Chairman of the Equal Employment Opportunity Commission.

Based on his professional accomplishments and outstanding contributions, Mr. Casellas is an excellent appointment for this position. As a legal expert in both military and civilian matters, he has incredible litigation, management and leadership experience. As the General Counsel to the Air Force, he supervises a legal staff and is the chief authority to 2,000 attorneys. Previously, Mr. Casellas was a partner and a member of a Management Committee at a Philadelphia law firm and administered complex litigation. Furthermore, he served as the Receiver, appointed by Judge Norma Shapiro, in three Title VII suits involving the negotiation and settlement of disputes over attorneys' fees.

As an active participant in community affairs, Gilbert Casellas has been involved in numerous professional, cultural, and societal organizations. He served as the National President of the Hispanic National Bar Association, President of the University of Pennsylvania Law Alumni Society and held various leadership positions in the Philadelphia Bar Association. Mr. Casellas has also been on the Board of Trustees of the Philadelphia Bar Foundation, the Board of Directors at the Public Interest Law Center and an active member of the American Bar Association.

Through his work and association with these organizations, Mr. Casellas, a firm believer in equal opportunity, has always fought against gender and racial discrimination. As the grandson of a Puerto Rican entrepreneur, he has an active interest in Hispanic business. The USHCC believes that the cultural background and diverse accomplishments of Mr. Casellas, as the first Hispanic to head a Federal Agency, will be strong assets to our government. The USHCC would like to commend the appointment of Gilbert F. Casellas as Chairman of the EEOC.

The United States Hispanic Chamber of Commerce (USHCC) is the preeminent Hispanic business organization whose primary goal is to represent the interest of over 650,000 Hispanic-owned businesses in the U.S. and Puerto Rico. Through its network of nearly 200 local Hispanic chambers of commerce across the country, the USHCC is the umbrella organization that actively promotes the economic growth and development of Hispanic entrepreneurs.

Sincerely,

Jose Niño
President/CEO

CC: Senate Labor and Human Resources Committee

Elliott Rivera
Chairman of the Board

Daniel H. Jara
Vice Chairman

José F. Niño
President/CEO

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Washington Operations
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Telephone (202) 898-1604

July 8, 1994

The Honorable Paul Simon
Chairman, Subcommittee on Employment and Productivity,
Senate Labor & Human Resources Committee
Room SD-644
Senate Dirksen Office Building
1st and C Streets, N.E.
Washington, D.C. 20510

Dear Mr. Chairman,

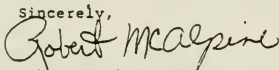
The National Urban League would like to express our pleasure at the nomination of Gilbert Casellas as Chairman of the United States Equal Employment Opportunity Commission.

We believe that Mr. Casellas' experience and background, including serving as General Counsel to the United States Air Force and Special Counsel on the Philadelphia Commission on Human Rights, makes him exceptionally well qualified for the position. His commitment to the rights of women and minorities has been demonstrated and is enduring.

The National Urban League strongly supports the nomination of Gilbert Casellas and urges your committee to speedily confirm him so he can apply his dedication and skills to the very important work of the Equal Employment Opportunity Commission.

Thank you in advance for your support.

Sincerely,



Robert McAlpine
Director
Policy and Government Relations

cc: Members of the Subcommittee on Employment and Productivity, Senate Labor and Human Resources Committee

Chicago Chapter Japanese American Citizens League

5415 North Clark Street
Chicago, Illinois 60640

Telephone 312 728-7171

July 13, 1994

Honorable Paul Simon
United States Senate
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Simon:

The Chicago Chapter of the Japanese American Citizens League urges you to vote to confirm President Clinton's nomination of Paul Igasaki to the U.S. Equal Employment Opportunity Commission. It is our understanding that you will be chairing committee hearings on the appointment on July 21st.

Paul, a former President of our chapter, has been in the forefront of human rights issues and in the Asian American community in Chicago and California. He was Asian American liaison to Mayor Harold Washington and on the staff of Chicago's Human Relations Commission. He was also the National Washington D.C. representative for the Japanese American Citizens League before joining the Asian Law Caucus in San Francisco.

We hope that you will give Paul your support.

Sincerely,


Ross Harano
President

Interfaith Prisoners Of Conscience Project

July 15, 1994

EEOC

The Hon. Paul Simon
United States Senate
Washington, DC 20510

FAX 202/224-0868

Re: Mr. Paul Igasaki, Esq.

Dear Senator Simon:

As one active in various civil rights and community organizations nationally, I commend Mr. Paul Igasaki to be appointed to the important position in the Equal Employment Opportunity Commission for which he was nominated, as I understand he comes before the committee which you chair this coming week.

I have known Mr. Igasaki for many years, having worked together with him on civil rights and other community issues, particularly as related to people of color.

I know Mr. Igasaki not only as a well informed lawyer who has clear understanding of various complex societal issues, but also as one who has the capacity and experience to resolve societal problems with great statesmanship and diplomacy.

Those of us who have worked with him respect him as a person with a strong sense of fairness with the capacity to enable others to work together for common good.

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We appreciate his nomination also as an Asian American,
 inasmuch as he has much valuable experience in Asian
 American affairs. With the years that he has already spent
 in Washington D.C. as a national representative of the
 respected Japanese American Citizens League, he has
 established relationships that would serve the EEOC well in
 the position to which he has been nominated.

We wish the committee which you chair well as you meet Paul
 Igasaki this coming week.

Sincerely yours,

S. Michael Yasutake

The Rev. S. Michael Yasutake, Ph.D., Director
 Interfaith Prisoners of Conscience Project
 National Council of the Churches of Christ, USA



Lawyers' Committee for
 Civil Rights Under Law

1450 G Street, NW Tel: 202/662-8600
 Suite 400 Fax: 202/783-0857
 Washington, DC 20005 Bullenn Board: 202/783-0854

Direct Dial

July 15, 1994

Hon. Paul Simon, Chairman
 Subcommittee on Employment and Productivity,
 Senate Committee on Labor and Human Resources
 Senate Dirksen Office Building, Room 642
 Washington, D.C. 20510-6308

Re: Nomination of Gilbert Casellas to be Chairman
 of the U.S. Equal Employment Opportunity Commission
 Nomination of Paul Igasaki to be Deputy Chairman
 of the U.S. Equal Employment Opportunity Commission
 Nomination of Paul Miller to be Commissioner
of the U.S. Equal Employment Opportunity Commission

Dear Senator Simon:

Thank you for giving us the opportunity to submit a brief
 statement in connection with the above nominations to the United
 States Equal Employment Opportunity Commission. It is essential that
 these positions be filled as quickly as possible, so that the Commis-
 sion will receive the leadership it needs to begin resolving its
 critical problems.

The Lawyers' Committee supports these nominations, and
 urges your Committee to report them favorably to the full Committee
 and the Senate.

Sincerely,

Herbert J. Hansell

Herbert J. Hansell
Co-Chair

Michael A. Cooper

Michael A. Cooper
Co-Chair



Asian Pacific American Labor Alliance

KZ

July 15, 1994

The Honorable Paul Simon, Chairperson
Constitution Subcommittee
Senate Judiciary Committee
524 Dirksen Office Building
Washington, DC 20510

Dear Senator Simon:

On behalf of the Asian Pacific American Labor Alliance, AFL-CIO, I am writing to express our strong support for the appointments of Gilbert F. Casellas as chairperson and Paul Miller and Paul Igasaki as commissioners of the U.S. Equal Employment Opportunity Commission (EEOC).

Social and economic discrimination against minorities and women is all too prevalent in America. It is important now, more than ever, that there be strong leaders within the EEOC to safeguard the civil rights of all American workers. These three nominees are excellent choices to provide that leadership. Each nominee possesses the necessary qualifications, dedication and experience as advocates in the enforcement of civil rights. Together, they make a formidable team to reaffirm our country's commitment to the cause of equity, justice and the promotion of fair employment opportunity.

We respectfully urge you to swiftly approve these outstanding candidates.

Sincerely,

Matthew Finucane
Executive Director

SCHNADER, HARRISON, SEGAL & LEWIS

ATTORNEYS AT LAW

SUITE 3600

1600 MARKET STREET

PHILADELPHIA, PENNSYLVANIA 19103-4252

215-751-2000

FAX 215-751-2203

Honorable Paul Simon, Chairman
Subcommittee on Employment and Productivity
Senate Committee on Labor and Human Resources
Senator Dirksen Office Building, Room 642
Washington, D.C. 20510-6308

Re: Nomination of Gilbert Casellas to be Chairman,
U.S. Equal Employment Opportunity Commission

Dear Senator Simon:

I wish to make a brief statement in support of the nomination of Gilbert Casellas to be Chairman of the U.S. Equal Employment Opportunity Commission.



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Having served as the Chairman of EEOC from April, 1969 until December, 1973, I know how critically important it is to have sensitive, committed, enlightened leadership at the head of this much-needed agency. I have known Gil Casellas for many years, having worked with him on a number Bar Association committees. Without question, he will make an excellent Chairman of the EEOC. He will bring to the position great intelligence, sensitivity, and commitment, all balanced with a sense of fairness. I can think of no individual better qualified to assume the leadership of EEOC at a time when the agency faces so many critical problems.

I therefore support the nomination of Gil Casellas wholeheartedly, and urge your Committee to report him favorably to the full Committee and the Senate, as quickly as possible.

Sincerely,

William H. Brown, III

ASIAN AMERICAN BAR ASSOCIATION
OF THE GREATER CHICAGO AREA

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July 19, 1994

VIA FACSIMILE

Honorable Paul Simon
United States Senate
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Simon:

The Asian American Bar Association of the Greater Chicago Area ("AABA") urges you to vote to confirm Paul Igasaki as Commissioner of the U.S. Equal Employment Opportunity Commission. We understand that you will be chairing the confirmation hearings on Thursday, July 21, 1994. Paul was one of the founding organizers of AABA and served as its first Vice President. While in Chicago, Paul was a leader in the Asian American community serving as Asian American Liaison to Mayor Harold Washington and as a staffer at the Chicago Human Relations Commission. He was also President of the Chicago Chapter of the Japanese American Citizens League before going on to become the lobbyist for the National Japanese American Citizens League in Washington, D.C., and eventually Executive Director of the Asian Law Caucus in San Francisco.

Paul will bring management experience and diversity to the EEOC. His work in Illinois, Washington, D.C. and California have prepared and qualified him for this post. We would appreciate your support for his confirmation.

Yours truly,

Young Kim
President
The Asian American Bar Association
of the Greater Chicago Area

American Federation of Labor and Congress of Industrial Organizations



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July 14, 1994

Honorable Paul Simon, Chair
Constitution Subcommittee
Senate Judiciary Committee
524 Dirksen Office Building
Washington, D. C. 20510

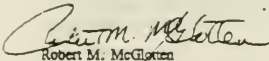
Dear Senator Simon:

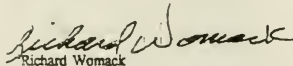
The nomination of qualified persons sensitive to worker rights as Chair and as Commissioners of the United States Equal Employment Opportunity Commission (EEOC) is extremely important to the AFL-CIO. We believe that Gilbert F. Casellas, Paul Miller and Paul Igaraki meet that criteria and respectfully urge your consideration and support of their nominations.

July 2, 1994 marked the thirtieth anniversary of the Civil Rights Act of 1964. The AFL-CIO was a leader among supporters who fought for passage of this landmark civil rights law. It was AFL-CIO President George Meany who insisted that Title VII, the equal employment opportunity provision be included in the Act. Today, social and economic discrimination against minorities, women and others still haunts America despite the gains we have made over the years. We reaffirm our commitment to equal employment opportunity.

The AFL-CIO supports the appointment of Gilbert F. Casellas for the position of Chair and Paul Miller and Paul Igaraki for the positions of Commissioners of the U.S. Equal Employment Opportunity Commission. Each of these nominees is well qualified and has a history of dedication in the struggle for enforcement of worker civil rights. Together, they make a formidable team to reaffirm our country's commitment to the cause of equity and justice and the promotion of equal employment opportunity. We urge their speedy approval.

Sincerely,


Robert M. McGlotten
Director
Department of Legislation


Richard Womack
Director
Department of Civil Rights

Senator SIMON. Our hearing stands adjourned.
[Whereupon, at 11:47 a.m., the committee was adjourned.]

