

BEFORE THE
CALIFORNIA BUREAU OF STATE AUDITS (BSA)

In the matter of

Citizens Redistricting Commission (CRC)

Applicant Review Panel (ARP) Public Meeting

555 Capitol Mall, Suite 300
Sacramento, CA 95814

MONDAY, AUGUST 23, 2010

9:00 A.M.

Reported by:

Peter Petty

CALIFORNIA REPORTING, LLC
(415) 457-4417

APPEARANCES

Members Present

Nasir Ahmadi, Meeting Chair

Mary Camacho, Vice Chair

Kerri Spano, Panel Member

Staff Present

Stephanie Ramirez-Ridgeway, Panel Counsel

Diane Hamel, Executive Secretary

Interviewees

Tom M. Rivera

Larry L. Kerr

INDEX

	PAGE
Tom M. Rivera	1
Larry L. Kerr	57
Recess	112
Reporter's Certificate	113

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

MS. RAMIREZ-RIDGEWAY: Let's go on record. It's 9:15.

This morning we have with us Tom Rivera.

Mr. Rivera, are you ready to begin?

MR. RIVERA: Let's get started.

MS. RAMIREZ-RIDGEWAY: Please start the clock.

What specific skills do you believe a good Commissioner should possess?

Of those skills, which do you possess?

Which do you not possess and how will you compensate for it?

Is there anything in your life that would prohibit or impair your ability to perform the duties of a Commissioner?

MR. RIVERA: First of all, I think that the Commission that drew -- created the guidelines to select the Commissioners did an excellent job in terms of being able to specify some of the skills that we as Commissioners would need to do a good, complete job as Commissioners.

The first thing they talked was to be impartial. And impartiality means that we take the high road. We are respectful of the opinions of others, and that we leave our prejudice, our biases, and preferences at the

1 doorstep. So I think that all of us as Commissioners need
2 to be very impartial and with a tapla rosa when we come
3 into a situation.

4 Also they mention the ability to recognize the
5 diversity. And in looking at diversity, we should be able
6 to have knowledge of the tremendous geographical
7 differences that we have in our state and also the
8 communities of interest that reside in those geographical
9 differences.

10 Another skill that was mentioned was analytic
11 skills. Analytic skills, being able to look at data and
12 recognize that data and use that data to make careful
13 decisions as to how we would make our recommendations
14 based on how we will be drawing the lines.

15 Another skill that's very important is to listen
16 and to listen intently with a desire to understand what
17 people are communicating to us.

18 Reading is also a very important skill. We
19 should be able to read and be able to not only read
20 carefully, but also with a degree of reading carefully,
21 understanding what is being communicated to us through the
22 written letter.

23 Another skill that was mentioned was we should be
24 able to interpret and review graphs, maps, and other data
25 to be able to understand what those materials are trying

1 to communicate to us.

2 Another -- this is not a skill, but we as
3 Commissioners should be able to compromise, to look at
4 everything that's presented to us and be able to come up
5 to a reasonable understanding of what other people's
6 points of view will be. So we should have a good sense of
7 being able to compromise.

8 And also we should have a strong commitment, a
9 commitment to be able to travel, to commit to the time and
10 to commit to the presentations that are needed to inform
11 the public, our citizens of California, of the work of
12 what the Commission is doing and keeping them abreast of
13 what we are doing and will be doing for the next several
14 months.

15 Another skill that I have listed as my last skill
16 is that we should be able -- that's team building skills.
17 Team building skills. We should be able to develop a
18 sense of (inaudible) among the Commissioners, a sense
19 we're all in it together. Let's develop a strong team and
20 be able to resolve or maybe develop an attitude that yes,
21 we can do the job that's been assigned to us. And yes, we
22 can do the job with the time limit that they have
23 allocated for us.

24 And those are some of the skills that I -- they
25 are only just a handful of skills that I have listed, but

1 I think these are skills that all of us do on a daily
2 basis, that not only do we utilize the skills at home to
3 solve some of the things that we have to go through on a
4 daily basis, but we do them every day in our work and also
5 with our relations with different people that we come
6 across on a daily basis.

7 And you're going to ask me how many of the skills
8 I have. I think I have all them, otherwise I wouldn't
9 have listed these skills.

10 MS. RAMIREZ-RIDGEWAY: Describe a circumstance
11 from your personal experience where you had to work with
12 others to resolve a --

13 MR. RIVERA: Before that, there's another part of
14 the question. And the other part of the question was: Is
15 there anything that would prohibit you from doing the
16 work? I don't think so. I don't think so.

17 Thirty years ago, I got the flu and the flu
18 introduced a virus to the body. And that virus paralyzed
19 me from the neck down. And I was in the hospital for 16
20 months.

21 After I left the hospital, I went back to work on
22 a full-time basis. And I've been working as a college
23 administrator fulfilling my duties for the last 27 years
24 on a full-time basis. So I don't think there's anything
25 that would impede me from doing my work as a Commissioner.

1 MS. RAMIREZ-RIDGEWAY: Describe a circumstance
2 from your personal experience where you had to work with
3 others to resolve a conflict or difference of opinion.
4 Please describe the issue and explain your role in
5 addressing and resolving the conflict. If you are
6 selected to serve on the Citizen's Redistricting
7 Commission, tell us how you would resolve conflicts that
8 may arise among the Commissioners.

9 MR. RIVERA: In 1965, after I finished my Peace
10 Corps. volunteer tour, I came back home. Two days later
11 after I got home, my old mentor Dr. Ernie Garcia called me
12 and said, "Tom, we have a teaching position in your
13 district. Apply for that position." I applied for that
14 position, and I got the position and taught sixth grade
15 for five years.

16 Again, in 1970, I got another call from my old
17 sociology professor, Mr. Steer, and said, "Tom, we have a
18 position up at Valley College. It's a counseling
19 position. I want you to apply for the position." I
20 applied for the position. I got the position. And a few
21 months after I was campus, I was confronted with a student
22 sit-in. And the students had barricaded themselves in the
23 faculty lounge. And my assignment was to be the mediator
24 and to also make sure that students were safe and that
25 there was no damage that was done to the building and that

1 I was to communicate the demands of the students with the
2 administration.

3 After a couple of days of going back and forth
4 with proposals, counter proposals, the crisis was solved.
5 The students left the building, and there was no damage to
6 the building. And the administration agreed to address
7 the demands of the students.

8 Needless to say, that was a very, very tough and
9 stressful situation for me back then. But it was a
10 tremendous challenge and a wonderful learning experience
11 that I think made the stepping stone for me to be able to
12 face future challenges in my role as an administrator at
13 the university level.

14 But again, I have to tell you, it was quite an
15 experience. And I'm delighted that I was doing it when I
16 was young. And looking backward, I think, gosh, I don't
17 think I could do it again. But at that time, it was okay.
18 You're young and you can handle anything.

19 The other part of the question was --

20 MS. RAMIREZ-RIDGEWAY: If you were selected to
21 serve on the Citizen's Redistricting Commission, tell us
22 how you would resolve conflicts that may arise among
23 Commissioners.

24 MR. RIVERA: Immediately I would nip it in the
25 bud. I would address it immediately. I would not let it

1 fester. And I think I would be polite, respectful, and
2 professional in the demeanor in which we study the
3 situation. And then I would have everybody say their
4 peace. And I would wait and hopefully would come to a
5 consensus and we agree on that consensus and get on with
6 the work that we need to do.

7 MS. RAMIREZ-RIDGEWAY: With about ten minutes
8 remaining, how will the Commission's work impact the
9 state?

10 Which of these impacts will improve the state the
11 most?

12 And is there any potential for the Commission's
13 work to harm the state? And if so, in what ways?

14 MR. RIVERA: Personally, I feel that this
15 legislation is great legislation. It was long and coming.
16 And I think that this legislation is the best thing since
17 tortillas and frijoles. It's great legislation. It will
18 not only make history and also it'll get citizens to
19 participate in the process of setting up the boundaries
20 for the political boundaries of the state. I think it
21 will also combine and bind communities of interest more
22 closely together.

23 And the legislation seems more logical and fair
24 than what we had in gerrymandering. And I think that the
25 results would provide or give us more of our citizens to

1 participate in the democratic process. It will encourage
2 people to register to vote, and it will encourage people
3 to come out and vote.

4 The other part of the question --

5 MS. RAMIREZ-RIDGEWAY: Is there any potential for
6 the Commission's work to harm the state? And if so, in
7 what ways?

8 MR. RIVERA: You know, we couldn't do any worse
9 than what we're doing now. I live in San Bernardino
10 County, and San Bernardino County is number 56 out of the
11 58 counties in the state of California that have the
12 lowest turnout in voter turnout. And that's not
13 acceptable.

14 Four years ago, I started working with the
15 Registrar of Voters Office to see if we could increase
16 those numbers. Because as far as I'm concerned, that's
17 not acceptable. But again I'm saying that's not the -- we
18 couldn't do any worse than what we're doing now.

19 The other thing is I live in the voting district
20 that looks like a barbell. The barbell that we used in
21 the gymnasium to buff -- get ourselves more buff. One
22 side has a large territory. The other side has another
23 large territory. And the two territories are connected by
24 small strip of land, a small territory. And when you look
25 at it, it doesn't make sense. It seems illogical. And

1 then when you look at the other side of the coin, I guess
2 it makes sense, because it keeps an incumbent in office
3 and continues to keep the incumbent in office. But
4 personally it really does not make sense. So we couldn't
5 do any worse than we're doing now.

6 And another I guess concern is that
7 Commissioners -- we, as Commissioners, that are applying
8 to be on the Commission do not represent the public. Most
9 of us are college graduates. So we do not -- the
10 criticism that we do not represent the public. And the
11 Commission has no accountability to anyone. That's the
12 other concern that people have. If the process is not
13 transparent, it will erode the confidence of the public.

14 So personally, as I mentioned before, I don't see
15 that there is a great harm of this legislation being
16 enacted, because we couldn't do any worse than what we
17 have now.

18 But getting back to my statement earlier, I think
19 it is the best things since tortillas and frijoles. It's
20 great legislation.

21 MS. RAMIREZ-RIDGEWAY: Describe a situation where
22 you've had to work as part of a group to achieve a common
23 goal. Tell us about the goal, describe your role within
24 the group, and tell us how the group worked or did not
25 work collaboratively to achieve this goal. If you're

1 selected to serve on the Citizens' Redistricting
2 Commission, tell us what you would do to foster
3 collaboration.

4 MR. RIVERA: Twenty-six years ago, I had -- in
5 1984, I had four teachers that visited me at the
6 university, and they wanted to discuss an idea, an idea to
7 address the tremendous horrendous dropout rate of Latino
8 students from the high school. And also they wanted to
9 include there how can we get more Latino students to go to
10 college.

11 We discussed the idea at great length. And then
12 we after discussing the idea, we decided to formalize an
13 organization to develop a volunteer leadership training
14 program for young Latino eighth and ninth graders. And my
15 role in that organization as the director of the
16 organization is like all directors, you take the bull by
17 the horn and make sure that the program is going to work.
18 So I was responsible for raising the funds. And I was
19 also responsible for identifying resources, to buying
20 supplies, to keeping volunteers motivated, to recruit
21 students for the organization, and to make sure that we
22 facilitated and delivered the curriculum to make sure that
23 the program works.

24 And we decided to do the program during the
25 summer. Again, I mentioned it was for eighth grade

1 students. We wanted to get them before they reach high
2 school. So when they reach high school, they would land
3 on both feet at the high school and would be able to
4 practice the leadership skills that we taught them during
5 the summer when they were ninth graders, tenth graders,
6 and eleventh graders.

7 Now, did the project work? After 26 years, we've
8 had 3300 students that have gone through the project.
9 It's a completely voluntary program. And then the
10 students that were with us when they were 13 years old
11 back then run the whole summer program. They're the
12 directors. They're the assistant director. They're the
13 facilitators. They're the peer counselors. They run the
14 entire program.

15 And it's just one of those -- as a teacher and
16 administrator, it's a very, very satisfying feeling I get
17 when I see those kids running the operation. When we
18 look -- we started with the idea of reducing the dropout
19 rate. What happened is that we found out after doing 20
20 surveys over the last 20 years that 99 percent of our
21 students do graduate from high school versus the 53
22 percent dropout rate that we have for Latino students
23 throughout California and also the rest of the country.
24 And that 90 percent of our students do go on to college
25 versus the 20 or 25 percent of Latino students that are

1 currently graduating from high school. So I think we've
2 done good as far as the project is concerned.

3 The other part of the question is --

4 MS. RAMIREZ-RIDGEWAY: If you are selected to
5 serve on the Citizen's Redistricting Commission, tell us
6 what you would do to foster collaboration among the
7 Commissioners and ensure the Commission meets its legal
8 deadlines.

9 MR. RIVERA: As I mentioned in question number
10 one, I tried to develop a sense of team work. We're all
11 in this together. That's the first thing I would do.

12 I would also try to establish a secure working
13 environment where people would be comfortable to suggest,
14 to question, and to disagree.

15 I would want to hire a competent and effective
16 staff. And I would make sure that the staff provide us
17 with all the essential materials that we need to do a good
18 job as Commissioners. And I would also create a calendar
19 which would specify specifically what we need to do for
20 the next 10 to 12 months as we're serving on the
21 Commission.

22 And I had not been in Sacramento for a long,
23 long, long time. And being here was just nice. And when
24 I came from my hotel, which is about two or three blocks
25 away, I saw the sculpture atmosphere in front of the

1 building. And I thought, wow. This is really, really
2 symbolic of what we want to do as a Commission. Two hands
3 are shaking. And when we come together as a group of 14,
4 we'll be able to do that. The first thing that we do,
5 we'll shake hands and agree to be a team. And we'll agree
6 to work for the next number of months that we need to do
7 our work. And as we're doing this, we'll develop a sense
8 of yes, we will continue working together, because we
9 shook hands at the initial stages. And then when we
10 finish our work, we'll shake hands again and we'll say we
11 did a darn good job of being Commissioners for the state
12 of California.

13 MS. RAMIREZ-RIDGEWAY: We have about a minute
14 remaining. Shall we extend time, panel?

15 VICE CHAIR CAMACHO: Yes. I'll allow some of my
16 time for the last question.

17 MS. RAMIREZ-RIDGEWAY: Okay. A considerable
18 amount of the Commission's work will involve meeting with
19 people from all over California who come from very
20 different backgrounds and very different perspectives. If
21 you're selected to serve on the Commission, tell us about
22 the specific skills you possess that will make you
23 effective in interacting with the public.

24 MR. RIVERA: I'm a nice guy. I'm not
25 threatening. I'm positive. I'm upbeat, handsome,

1 wonderful, terrific. And I like meeting people. I enjoy
2 listening to people. I have -- I like to listen to ideas
3 that other people have to share with me.

4 And really, the last thing is I really don't take
5 myself too seriously. I'm too damn old to do that. And
6 as a Commissioner, I think I would have a good time in
7 meeting the public and reporting to the public the
8 progress of the Commission.

9 MS. RAMIREZ-RIDGEWAY: Very good.

10 Mr. Ahmadi, would you like to begin your 20
11 minutes.

12 CHAIR AHMADI: Yes. Thank you.

13 MR. RIVERA: Good morning.

14 CHAIR AHMADI: Let me start off with a few
15 follow-up questions on the responses to the standard
16 questions.

17 In response to question number one, you touched
18 on a very important skill and your description compromise.
19 Could you please elaborate on that and give me a little
20 more specific -- or give the Panel a little more specific
21 if you can share an example of when would be a good time
22 to compromise and why and when it may not be a good
23 decision --

24 MR. RIVERA: Certainly. I think we just about do
25 it on a daily basis at the university, because at the

1 university, as you know, we have people with divergent
2 ideas. And when we come together and talk about their
3 point of view and our point of view and somebody else's
4 point of view and take into consideration students, what
5 would be the best way to implement a program that will
6 effect not only the students but everybody in the
7 university and also has repercussions for future
8 implication. So no, we do have lots and lots of meetings
9 where we get together and we discuss some of the concerns
10 that would effect the whole university. And then after
11 considerable discussion, we come to a compromise. And we
12 say, well, let's work with what we have all agreed to do
13 and we'll go with that.

14 One specific thing that just happened recently,
15 we had a doctorate program that we started at the
16 university, and we closed about three or four months ago
17 for people to the apply to the doctorate program. And now
18 a situation came up where one of the faculty members wants
19 to bring in somebody else they met that they think would
20 be a good candidate for the program. And I got the e-mail
21 that says no way. We have to follow what some of the --
22 what the policies require of us to do.

23 And so right now we haven't really resolved that
24 situation, but we're going back and forth. And I would
25 imagine by tomorrow we'll come to a compromise. We'll

1 agree to what's going to happen in that sense.

2 CHAIR AHMADI: Thank you, sir.

3 Should you be selected as a Commissioner, could
4 you share with us a situation where there may be some
5 flexibility when you compare what -- some flexibility in
6 terms of the rules and regulations versus the personal
7 flexibility and how would you approach that?

8 MR. RIVERA: Well, as you know, life is not black
9 and white. We're always operating in the gray area. And
10 I think it's the same with being a Commissioner. We have
11 to take all information, all situations into account and
12 be able to sift through all those situations and even hit
13 the specifics and minutia that comes along with making the
14 decision.

15 So I feel that all of us that are applying for
16 the Commission I think are well enough educated and we've
17 been around the block several times that we would be able
18 to not only use some of the skills that I outlined for
19 you, but I think also some common skills -- common skills
20 that we've gotten because of the times that we've gone
21 around the block.

22 So those are things that I think that in overall
23 making the decision and appraising the situation that
24 we'll be able to have a good meeting of the minds and be
25 able to compromise and come to a decision that will be

1 good for all the people of California.

2 CHAIR AHMADI: Okay. Thank you, sir.

3 How would you approach a situation where -- you
4 also mention about team building being an important aspect
5 of the Commission's work. How would you approach a
6 situation where a few of the Commissioners are not willing
7 to work with the team for whatever reason they may have?

8 MR. RIVERA: I'm glad you mentioned that. I had
9 that as part of my notes, but I'm glad you mentioned that.
10 I'd kick them out. Not really.

11 I would again go back and find out -- find out
12 exactly what is it that is not settling with you. Do you
13 really want to be here? Are you committed to be here?
14 Are you committed to the process that we'll be doing for
15 the next twelve months? What is it?

16 After we have a discussion and hopefully share
17 that discussion with other members of the Commission and
18 perhaps be able to come to have a meeting of the minds and
19 bring that person back into the fold.

20 But I think it's going to be hard work, number
21 one, because you're intruding in personal territory. And
22 that's always hard to do. And also when intrude in
23 personal territory, you have maybe a sense that that
24 person feels that you're being threatened. That person is
25 being threatened. So it's a very sensitive and difficult

1 situation.

2 But I think bringing up the situation and making
3 the situation known to people, I think that will bring out
4 hopefully a compromise of what -- and hopefully a sense of
5 bringing back that person to be able to be part of the
6 Commission.

7 CHAIR AHMADI: What if those attempts of
8 discussions and compromises are not effective in terms of
9 getting that individual to agree with the rest of the
10 Commissioners?

11 MR. RIVERA: This is one of the handicaps that we
12 have in the Commission that there are no guidelines to
13 direct us on what we should do if that situation comes up.
14 So I guess we have to tackle and address that situation as
15 it comes up and do as much as we can at utilizing not only
16 our experience, but the skills and human relations to be
17 able to come up with a workable solution for all parties
18 concerned.

19 CHAIR AHMADI: Sure. The guideline that I'm
20 aware of is at the highest level. Based on the
21 regulation, I believe there is a simple majority rule for
22 the Commission to take the decisions and move forward --

23 MR. RIVERA: Oh, wonderful. I had no idea that
24 we had such a parliamentary procedure to take care of the
25 situation.

1 CHAIR AHMADI: So would you be comfortable where
2 you have a few Commissioners that do not agree with the
3 situation, but has a simple majority to be --

4 MR. RIVERA: That wouldn't be a problem as long
5 as we meet the letter of the law, which is three Democrats
6 and three Republicans and three Independents. I guess
7 that would be again the majority if this is what the rules
8 tell us to go by.

9 CHAIR AHMADI: Thank you, sir.

10 In response to standard question number three,
11 you were describing how some of the district shapes look
12 kind of funny going from one corner to the other corner of
13 the state. In your mind, what are some of the benefits or
14 detriments of having these geometric shapes for the
15 districts? Is there a time where it's going to be
16 beneficial or detrimental?

17 MR. RIVERA: It depends, because we have
18 community of interest we have to consider when we're
19 defining boundaries. If it's a funny-shaped geographic
20 boundary but we include the community of interest within
21 those boundaries, then it would make sense. So I have no
22 trouble with that.

23 The one that I described for my situation, I have
24 trouble with that, because it's not my community of
25 interest.

1 CHAIR AHMADI: Why is that? Could you give us
2 more detail?

3 MR. RIVERA: Well, ten years ago, when I belonged
4 to another voting district, yeah, I felt part of this.
5 But with this one when they did the leapfrogging, they
6 excluded me from my old community of interest.

7 CHAIR AHMADI: Okay. You have been involved with
8 the volunteer leadership program?

9 MR. RIVERA: Yes.

10 CHAIR AHMADI: Is that the same as the Inland
11 Imperial Future Leaders --

12 MR. RIVERA: Yes.

13 CHAIR AHMADI: Back in 1984?

14 MR. RIVERA: That's the part that we started 26
15 years ago.

16 CHAIR AHMADI: And you did share with us some of
17 the success stories of this program. Could you tell us
18 also about if you reach out to the families of students in
19 the community at large? And if so, are there any methods
20 that you will be using for the Commission's work should
21 you be selected?

22 MR. RIVERA: I guess falling back on that
23 experience, and having eight of my Board members for the
24 last 25 years, I think I could say that yes, I do work
25 well with people. And I do establish rapport with people

1 and that people want to stay and work with me for a long
2 time. So I think that's one of the skills that I would
3 bring to the Commission, that I would be a solid, working
4 Commissioner, and that I would have -- they could depend
5 on me to complete my task and to follow through on any
6 assignments that I have.

7 CHAIR AHMADI: And for this program, how did you
8 help the students who needed help?

9 MR. RIVERA: It's through an application process.
10 We send out the applications to -- I think about 50 school
11 districts or 50 schools. And then the students apply for
12 the program. And after they apply for the program, I have
13 a Committee of people to score those applications. And
14 after those applications are scored, we put them in the
15 computer and then we rank them from high and low. This
16 year, we were able to invite 165 students and 148 showed
17 up for the camp. So it's on a voluntary basis the
18 students submit their application, and then we review
19 their applications. And then after, that we invite the
20 students to participate.

21 The program was a six-day summer program. And I
22 take them to the mountains. And we are completely in
23 control of the environment that we produce for the
24 students. We call it a magic environment where there are
25 no put-downs. It's a very upbeat situation. And we talk

1 about developing self esteem for students. So it's like a
2 boot camp for training Marines that they leave the program
3 feeling that they can do anything and they are willing to
4 try anything at the high school level.

5 CHAIR AHMADI: Thank you, sir.

6 In terms of backgrounds or ethnicity, what is the
7 make up of the student body of the school?

8 MR. RIVERA: Again, when we started the project,
9 it was to address the large dropout rate of Latino
10 students in the high school. As I mentioned before,
11 currently, it's 53 percent in California and throughout
12 the rest of the country. So we decided to do something
13 about that terrible situation. And I guess the Peace
14 Corps. trained me well that I thought that anything that
15 has to do with volunteers will work. And sure enough, all
16 these volunteers, all the staff members are ex-students
17 that we had when they were 13-years-old, and they gave us
18 the full week to implement the program.

19 We had volunteers back with us in '78 that flew
20 in from south Indiana or from Kansas City to be with us
21 for the entire program.

22 CHAIR AHMADI: Thank you, sir.

23 Your application states that you are also
24 instrumental in helping the black future leaders --

25 MR. RIVERA: Oh, that was one of --

1 CHAIR AHMADI: Is that the same information --

2 MR. RIVERA: I'm sorry to interrupt you, but that
3 was one of my best projects, because I saw our program
4 working. And I went back to the university and I dragged
5 Gene Peacock to the conference. "Gene, I want you to see
6 this program. And I want to start a Black Future Leader
7 Program, because the program works, the model works."

8 And then I did something with Native American
9 students. But that program only lasted for a couple of
10 years, because of the money situation. And the model was
11 taken by Northeastern University in Chicago, and they used
12 that model for four years until again they didn't have a
13 leader and they also ran out of resources.

14 CHAIR AHMADI: Okay. Thank you, sir.

15 MR. RIVERA: You're welcome.

16 CHAIR AHMADI: Based on the application material,
17 if I remember the details, I'm referring to my notes here.
18 I just wanted to ask you a follow-up question just to
19 clarify for myself do you have any special relationships
20 or involvement with the Legislatures or legislative
21 groups?

22 MR. RIVERA: Yes, I do. Currently, I'm working
23 with Assemblymember Carter, and she contacted me four
24 years ago and said, "Rivera, I want you to help me set up
25 a recognition breakfast for young Latinos that are between

1 20 and 35 years old. I want to recognize 30 of them and I
2 want to do this as a community project. Can you help me?"
3 So I've been helping Assemblymember Carter for the last
4 four years in putting the project together. We do it at
5 the university and we recognize 30 people. And we --

6 MS. HAMEL: Five minutes.

7 MR. RIVERA: -- invite their families and friends
8 to participate. And we have about 300 people that show up
9 for that banquet.

10 Also, I'm a very good friend of Congressman Baca,
11 Joe Baca. He and I have been Kiwanis for the last 35, 36
12 years. So I still keep that friendship with him.

13 CHAIR AHMADI: Okay. Thank you very much, sir.
14 No more questions at this point.

15 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

16 VICE CHAIR CAMACHO: Thank you.

17 Hello, Mr. Rivera.

18 MR. RIVERA: Good morning.

19 VICE CHAIR CAMACHO: Can you tell us a little bit
20 more about your Peace Corps. volunteer experience, like
21 where did you serve and what experiences did you learn
22 from there that would help you with the Commission?

23 MR. RIVERA: The Peace Corps. did a good brain
24 washing on me, because I completely agree that
25 volunteerism is the key to solve community problems. And

1 I joined the Peace Corps. in 1963 after I got my teaching
2 credential at Cal State Los Angeles. And we trained in
3 New Mexico. And in New Mexico, we had about 108
4 volunteers come from all over the country: The Ivy League
5 colleges, the southern states, the Midwest states, Texas,
6 and we had many people from northern California, the
7 Stanford, the Berkeley people come in. And we trained
8 for -- I guess -- I can't remember -- three weeks at the
9 university of New Mexico.

10 And it was a great experience, because the kids
11 from other parts of the country would look at me and say,
12 "Rivera, you're not the stereotype of Mexicans that we
13 see. You don't have a sombrero and you're not sleeping
14 under a cactus. You're competing. You're being
15 competitive." I said, "Of course." If you level the
16 training field, we can all do very, very well.

17 So anyway, after doing my training, I was sent to
18 Columbia, South American and I spent 23 months in
19 Columbia, South American. They trained us to work in the
20 Andes. If you're familiar with Panama, I was stationed
21 below Panama in the jungle area. So when we got off the
22 DC-3 plane and it was all jungle with very hot humid
23 weather. And the people that were inhabitants of that
24 area were 95 percent black. And they were speaking
25 Spanish. It blew me away. I had never heard a black

1 person speak Spanish. So that was quite an experience for
2 me.

3 I was stationed there for 23 months. And I got a
4 chance to -- like I said, not only to meet people from all
5 over the country, but I got a chance to go to Columbia,
6 South American, work with predominantly a black population
7 and work in a different environment than I was used to,
8 which was all completely jungle. And the only way to get
9 to my station was four hours by boat.

10 And it was a great experience in terms of not
11 only language, but also culture. Living in a small
12 village that you were completely isolated and so you
13 became part of the group. And after six months, you
14 forget your home. And after six months, you become
15 Columbian and are able to think and speak and enjoy the
16 food that they have and learn how to dance the Cumbia.
17 That was a great experience.

18 VICE CHAIR CAMACHO: How do you think that
19 experience you had would help you as a Commissioner?

20 MR. RIVERA: Again, we were talking about being
21 knowledgeable about the diversity of the state. And I
22 think that our state, especially the state of California,
23 we have everybody from all over the world that lives in
24 southern California. I feel our kids are all attending
25 the same school. Our kids are graduating from the same

1 high school. And our kids are becoming acquainted with
2 one another. And our kids are inter-marrying with one
3 another. So it's becoming a wonderful bread pudding of
4 people that we have at the state of California. And I
5 think that helps me not only with the situation that we
6 have in schools and at the university to be able to
7 appreciate, relate, and include people that come from
8 different backgrounds.

9 Personally, my son, I tell Tom that he's my
10 favorite son, because he's my only son. He's 35-years-old
11 and he finally got married to a girl from Thailand. So we
12 have a little cutie that's 15 months old. And my
13 daughter-in-law, my son keep on insisting that her name is
14 Anya. I said, "No, the name is Cutie." She's a little
15 cutie.

16 So I no, I think the experiences of not only
17 Peace Corps., but also growing in a segregated community.
18 Back a lot of years ago, I grew up in the Mexican
19 community in Colton where we all lived in the south side
20 we were -- we were self sufficient with our churches, our
21 grocery stores, our schools. And we didn't integrate
22 until 1953. And that also gave me kind of a sense of
23 being a loaner, isolated.

24 But I think going to college and being in the
25 Peace Corps. and then being in a university situation

1 where we look at Cal State San Bernardino where 42 percent
2 of our students are Latino students and 36 percent are
3 Anglo white students, and then about 10, 12 percent are
4 black students, 6 percent is Asian. And it's becoming a
5 wonderful capiroxada of people that are residing here in
6 California. So we have to live with that and accept that.
7 And I think I'm well-grounded by being a Peace Corps.
8 volunteer.

9 VICE CHAIR CAMACHO: Okay. You talked a little
10 bit about your volunteer experience. One of your
11 volunteer experiences was encouraging and educating
12 non-English speaking voters to vote. How did you
13 encourage them and educate them? And how did you ensure
14 that voting is an informed act while you assisted the
15 country's Registrar of Voters?

16 MR. RIVERA: You know, back then, I just wouldn't
17 wait to be 21, because mom and dad and grandma and grandpa
18 used to vote. And I couldn't wait to be 21 for two
19 things. Number one, I wouldn't wait to get to the ballot
20 box and vote. And two, I wanted to go to the bars and
21 drinks. For those two reasons, I couldn't wait to be 21.

22 So having that background and voting every
23 election time that I had a chance to do so, one of my
24 friends came to see me and said, "Tom, our Hispanic
25 population is not registering to vote. Our Hispanic

1 population is not participating in the democratic process.
2 What can we do?" Well, let's get together with the
3 Registrar of Voters and see what we can do.

4 We got together about four-and-a-half years ago.
5 We started working on promises that will increase the
6 awareness of our Latino population. We have mock trials
7 supported by the Secretary of State that we encourage our
8 high schools to participate in. We go out and try and
9 register students to -- people to vote. I've gotten the
10 register of voters to set up a polling place at the
11 university several times. We have application
12 registration tables at the university. We also them at
13 grocery stores in the community or other places that seems
14 to be appropriate.

15 I invited the city of San Bernardino to
16 participate as one of the members of our bilingual
17 community at the Registrar of Voters. So anyway we tried
18 to mobilize as many people that we could from the
19 community to participate with us in the Committee to be
20 able to initiate the process.

21 VICE CHAIR CAMACHO: When you were talking about
22 the awareness of Latinos and mobilizing as many in the
23 community, can you elaborate on that, please?

24 MR. RIVERA: You know, one of the biggest
25 problems that we have -- it's a controversy. It's a

1 terrible controversy that's come out of Arizona is AB 109
2 or 107. And where there's the controversy is developing
3 as our government has not had the gumption to put together
4 good policy laws that would tell us exactly what we need
5 to do with the immigrant situation. And when I look at
6 the summer program, our summer program would be considered
7 a curriculum in these studies. What we try to do is try
8 to talk about not only self esteem and building people up
9 and letting them know that they are important and they are
10 part of our system, that they do count, but we also try to
11 instill in them that they have a wonderful history that
12 they have a wonderful history in California, that before
13 California became part of the state that we had governors
14 that were Latinos, that we had people that ran many of the
15 offices in California before we had -- before it was taken
16 over by the United States.

17 So remind me what was the question again. I
18 think I lost the question.

19 VICE CHAIR CAMACHO: That's okay. You were
20 talking about when you were working with the Registrar of
21 Voters to get individuals to come out and vote, the
22 non-English speaking voters. You talked about awareness
23 of the Latinos and the mobilizing certain groups.

24 What I'd like to know is how did you get the
25 awareness or what did you do to get that awareness of the

1 Latinos out there?

2 MR. RIVERA: Okay. Got it.

3 VICE CHAIR CAMACHO: Who did you mobilize?

4 MR. RIVERA: Like I mentioned, the group that we
5 take up to the camp every summer and also the university
6 population and many people that belong to different
7 organizations, we try -- like Kiwanis. My Kiwanis group,
8 I try to get them involved and make them aware of
9 situations that we have in the community, that we need to
10 address those situations, that we need to participate if
11 there is going to be any changes done about those
12 situations.

13 So I think I'm very, very active across the board
14 and in the community to get people to participate in doing
15 something about the situation that affects all of us as
16 citizens of a particular community.

17 VICE CHAIR CAMACHO: Okay. I notice that you had
18 a sociology undergraduate, and I would like to know what
19 bearing would your sociology background have on your
20 perspective and activities as a redistricting
21 Commissioner?

22 MR. RIVERA: I was a sociology major back in 1962
23 and then I decided to get a teaching credential in '62,
24 '63. So I think my teaching and being an educator has
25 more of an influencing effect on me and looking at the

1 students that I work with, the parents of the students I
2 work with.

3 And then the community -- education community as
4 a whole, K through twelve, I think I lean more towards
5 working with those populations in terms of meeting their
6 needs and recognizing what they need to be active members
7 of our society. And I feel very strongly that education
8 is a key, that education is the anecdote to get out of
9 your -- if you're in a poverty situation or if you're in
10 the process of becoming -- I think education is a very
11 strong key and the ability to do that.

12 So I think my focus is the schools, the students
13 in the schools, the faculty that's in those areas. And
14 then the issues that are involved in getting a good
15 education. I think that's what I -- my focus would be on.

16 VICE CHAIR CAMACHO: How do you think your school
17 board activities would compare with what you'll be doing
18 if selected as a Commissioner?

19 MR. RIVERA: As a Commissioner, I think we'll be
20 free of criticism and free of controversy.

21 And the school board situation is the same thing.
22 You know, you have the community to contend with. The
23 curriculum that -- you have to work with the faculty. You
24 have the faculty unions, the teachers union that you have
25 to contend with. You have budget situations that you have

1 to work out. You have discipline problems that you need
2 to address with the students.

3 So I think there would be a wonderful close
4 relationship that we will be doing as Commissioners that
5 have comparable situations that happen to me at the school
6 board that -- again, you have to have an open minded. You
7 have to have a willingness to compromise. And you have to
8 have a willingness to be able to keep not only
9 confidentiality but also keep everybody in mind and be
10 able to listen to what their perspectives are and concerns
11 are. So an open mind I think basically.

12 VICE CHAIR CAMACHO: Thank you. That was my last
13 question.

14 MR. RIVERA: Thank you.

15 MS. RAMIREZ-RIDGEWAY: Ms. Spano.

16 PANEL MEMBER SPANO: Good morning.

17 MR. RIVERA: Morning.

18 PANEL MEMBER SPANO: This morning you mentioned
19 to Nasir's question about the funny shaped, you're
20 comfortable drawing the funny-shaped district as long as
21 you consider communities of interest. However, you
22 expressed concern about how your voting district excluded
23 you. And I was curious to know in what way do you believe
24 that.

25 MR. RIVERA: Well, when we talk about community

1 of interest, as I mentioned before, ten years ago I was
2 very comfortable in my community of interest. And I
3 thought that a representative that we had at that time
4 represented me as an individual and also was able to
5 support my voice in government.

6 But with this new redistricting, I don't think
7 that I have the same voice that's being represented for
8 me. And then I don't think that my vote makes any
9 difference with this new redistricting boundaries that I
10 belong to now.

11 But again, like I said, because of my parents and
12 grandparents, I still actively participate and do those
13 things that I need to be a contributing citizen to my
14 community. But other than that, you know, you always hope
15 for the best that things will change a little bit and that
16 perhaps the person that I support will get into office and
17 that person will be able to represent me more fully than
18 I'm being represented now.

19 PANEL MEMBER SPANO: What are the concerns that
20 you believe aren't being fairly represented in your
21 district that make you believe that you don't have a fair
22 representation?

23 MR. RIVERA: Just the fact that we belong to
24 different parties. Just the fact that we have different
25 policies. Just the fact that I know that I will not be

1 able to submit my concerns to my representative, and that
2 perhaps my representative will not be able to take my
3 concerns seriously. Those are the concerns that I have.

4 Perhaps, they're biased. But, again, you asked
5 me for my personal concerns that I have. And those are
6 things that I think are serious.

7 And in terms of when you don't have confidence in
8 people that are representing you, then you kind of tend
9 not to -- you tend to stay away from those situations.

10 PANEL MEMBER SPANO: Why do you feel they're
11 biased, your opinion?

12 MR. RIVERA: Political bias, philosophy.
13 Philosophy that I feel one way that perhaps my views will
14 not be completely covered. But again, that's our
15 democracy. Our democracy permits us all to be able to
16 participate, even though we have difference of opinions.

17 But as I mentioned before, as a Commissioner, I
18 would try to develop a working situation where all of us
19 will feel comfortable with each other and be able to share
20 those concerns and not be afraid that our concerns will
21 not be taken seriously.

22 PANEL MEMBER SPANO: How would you ensure that
23 you would remain impartial and set aside any personal all
24 beliefs or opinions when conducting Commission work?

25 MR. RIVERA: As I mentioned before, as a

1 university administrator, you have to come into a
2 situation with tabula rosa, that we have to leave our
3 biases and passions and personal feelings at the doorstep,
4 that we approach every situation with a clean slate, and
5 that we are able to listen to the merits of the concern
6 that's being communicated, and from that situation be able
7 to make a sound decision that will benefit, as I mentioned
8 before, the entire university. In this case, it would be
9 the entire state of California.

10 PANEL MEMBER SPANO: Do you belong to any clubs,
11 organizations, or groups that would benefit in any way by
12 you being named to the Citizen's Redistricting Commission?

13 MR. RIVERA: No, I don't think so. When people
14 ask me why I'm going to Sacramento, I tell them why and
15 they don't know what I'm talking about. So, no, I don't
16 know anybody.

17 PANEL MEMBER SPANO: You mentioned earlier that
18 you are friends with Congressman Baca for 36 years. And
19 for four years, you've participated in setting up those
20 breakfasts -- those breakfasts with Assemblyperson Carter.
21 Was it Carter?

22 MR. RIVERA: Assemblywoman Carter, yes.

23 PANEL MEMBER SPANO: Okay. Can you tell us how
24 you would be able to remain impartial and not be
25 influenced by elected officials if you were selected to be

1 a Commissioner?

2 MR. RIVERA: Well, again, as I mentioned before,
3 you have to have a strong sense of being impartial and you
4 have to recognize what your biases are, what your
5 prejudices are, what your passions are. And you have to
6 really think about them. And you have to will yourself to
7 be impartial when you come into a situation.

8 So I think that I've been able to do that over
9 the years that I've been a school teacher. For example,
10 when did I have -- I taught sixth grade for five years. I
11 taught at the community college. I taught at the
12 university. So every time I have a new group of students
13 come before me, you have to enter the classroom or the
14 situation with a clean slate, a tabula rosa, that will let
15 you know that you have to take and be impartial to all the
16 students that are in front of you.

17 PANEL MEMBER SPANO: If you are approached by
18 these two elected officials and they expressed now that --
19 if they found out that you were a Commissioner and you
20 were approached by them for some way, shape, or form about
21 a concern about redistricting that would help them with
22 their efforts in maintaining their positions, how would
23 you approach them? How would you respond to them?

24 MR. RIVERA: I think again very simply you look
25 at what the responsibilities are of a Commissioner. And

1 then you take those responsibilities literally. And you
2 tell them, "Look, tell me about your situation. But as a
3 Commissioner, I can only listen to you and I can't do
4 anything about them, because the decision is based on the
5 other people that are participating in the Commission."

6 PANEL MEMBER SPANO: Okay. Thank you.

7 You mentioned in your application about as a
8 director of the Youth Leadership Program that you
9 conducted in-depth analysis and you also provided us with
10 information that you did a judicious study of information.
11 So I would like to know a little bit more about your
12 analysis and what constitutes your judicious study of
13 information.

14 MR. RIVERA: Tell me -- ask me that question
15 again.

16 PANEL MEMBER SPANO: Sure. In your position as a
17 director for the Youth Leadership Program --

18 MR. RIVERA: Yes. Okay.

19 PANEL MEMBER SPANO: -- you mentioned you
20 conducted an in-depth analysis and did a judicious study
21 of information. I want to know what constitutes your
22 judicious study of information and what in-depth analysis
23 you performed.

24 MR. RIVERA: Well, first of all, you want to know
25 whether you're successful as an organization. And what do

1 you do to show that you're successful? All right. You
2 have to find out whether the people that participated in
3 your program graduated from high school and went on to
4 college. And how do you do that? Well, you have to put
5 together an instrument that will measure those purposes
6 that you had in mind when you begin.

7 So in doing the analysis or before the analysis,
8 we put together an instrument that we sent to all the
9 students and we got the responses back. And we had to put
10 the responses into a data bank and then find out what
11 those responses would tell us about our program. And
12 that's what I meant with doing some type of analysis about
13 our program.

14 And judiciously, I think it's more of looking at
15 the 26 years later. And I think it's more of a subjective
16 sort of a judicious type of activity when you see that Dr.
17 Ruiz participated with a program in 1987 and Dr. Ruiz went
18 from Coachella, very poor immigrant. He raised funds by
19 going to different businesses and told businesses, "If you
20 support me going to college, I'll come back and I'll do
21 some medical work for you for free." He went to UCLA and
22 then went to Harvard Medical School and got his degree and
23 is back in the community providing health services for the
24 community of Coachella and Indio.

25 When you see Rudy Monterrosa going to Stanford

1 out of Bloomington High School and then to Notre Dame and
2 every summer coming back to work with us at the camp, then
3 you say, wow, this stuff works. This is good stuff.

4 PANEL MEMBER SPANO: These are students of your
5 Youth Leadership Program?

6 MR. RIVERA: Yes.

7 PANEL MEMBER SPANO: What kind of data sources
8 did you use what you did your judicious study?

9 MR. RIVERA: It was not really a judicious study
10 like I mentioned before. It was very subjective simple
11 survey that I sent out to the students.

12 PANEL MEMBER SPANO: Thank you.

13 And do you have experience in applying complex
14 law with the integration of public testimony and dense
15 data in your decision-making for final work product?

16 MR. RIVERA: I'm sorry. Ask me again.

17 PANEL MEMBER SPANO: Do you have any experience
18 applying any areas of complex law with the integration of
19 public testimony and dense data in your decision making?

20 MR. RIVERA: No. Not at all. Not at all. I
21 think I leave that to the experts, which are the attorneys
22 for our university at the chancellor's office in Long
23 Beach.

24 PANEL MEMBER SPANO: Do you ever consult with
25 your attorneys at the university for any --

1 MR. RIVERA: Several times, because I'm also the
2 Grade Grievance Officer for the university. When you have
3 complex issues and we have to get advice from our counsel,
4 we do call the Long Beach Office and ask for their advise.

5 PANEL MEMBER SPANO: What types of grievance
6 issues are you talking about?

7 MR. RIVERA: Grade grievances. And some students
8 are dismissed from their academic programs and some
9 students want to be admitted to an academic program. So I
10 work with those students.

11 PANEL MEMBER SPANO: In your work with the county
12 register of voters, you encourage and educate non-English
13 speaking people to vote. I was wondering what efforts you
14 have been able to accomplish to increase the access by
15 non-English voters, by what method?

16 MR. RIVERA: Ask me the last part of the question
17 again.

18 PANEL MEMBER SPANO: What have you been able to
19 accomplish to increase access by non-English voters?

20 MR. RIVERA: Very little. It's very, very
21 difficult, because we're talking about different cultures.
22 We're talking about different languages. We're talking
23 about fear that people have of dealing with public
24 agencies.

25 But again, that's not to mean that we don't stop

1 trying.

2 We do go to different -- like at the health fair
3 that we just had a week ago, we started that health fair
4 16 months ago with the Chinese group, Tzu Chi and Buddhist
5 group. They came to me and said, "Tom, we want to start a
6 health fair."

7 So 16 years ago, we did start the health fair.
8 And then on Sunday, we just had our health fair. And I
9 had somebody from the Registrar of Voters office that
10 provided information on a one-to-one basis to the people
11 that were receiving the services.

12 And again, the majority of people receiving the
13 services are poor people that cannot afford the services
14 and poor immigrant families from older grandparents to
15 young little kids that were there at the fair. And we
16 tried to provide as much information and encouragement to
17 those people that we possibly could to make sure that
18 they -- that they would participate in the democratic
19 process. But again, being new to the country, they're
20 very suspicious and they're afraid of dealing with
21 governmental agencies.

22 PANEL MEMBER SPANO: How do you propose --
23 knowing that you have this experience reaching out
24 communicating this information, making them aware, how do
25 you propose you get the word out about the Citizens'

1 Redistricting Commission as you do communities of
2 interesting meetings?

3 MS. HAMEL: Five minutes.

4 MR. RIVERA: Again, it's going to take a lot of
5 work. And it's going to be -- we need to identify those
6 communities of interests that are out there. And then we
7 would have to make a special effort that we visit those
8 communities of interest and being able to communicate with
9 them. And not only in their language, but also in their
10 being able to relate to their culture, be the food or be
11 the music or whatever it takes to reach and be able to
12 impart that information to them. It's going to be a
13 challenge. It's going to be a challenge. But I think it
14 can be done.

15 PANEL MEMBER SPANO: How would you reach out to
16 your own community? Knowing that you're somewhat
17 disenfranchised by the way the representation is right
18 now, how would you reach out to them and say we're going
19 make a good attempt at the Citizen's Redistricting
20 Commission to redraw these lines to ensure a start to fair
21 representation?

22 MR. RIVERA: I think that you're absolutely
23 right. You have to start with your own community and you
24 have to make sure that you impart that information in a
25 way that people will understand it.

1 And like I said before, when people ask me why I
2 was going to Sacramento and I explained to them what it
3 was, they didn't know what I was talking about. But we
4 have to make it something that they can feel, they can
5 touch, they can see, and they can relate to.

6 But it's going to be a challenge. It's going to
7 be a challenge. But I think it's a challenge with my
8 community. With my community I'm talking about the
9 university and I'm talking about my affiliation with
10 different community groups. I think that would be an easy
11 process.

12 The hard process and the challenge would be with
13 other communities that have just recently arrived to our
14 state.

15 PANEL MEMBER SPANO: How would you propose
16 tackling that --

17 MR. RIVERA: Pardon?

18 PANEL MEMBER SPANO: How would you propose
19 tackling that, the newer citizens?

20 MR. RIVERA: As I mentioned before, we have to
21 find out where these communities of interest reside. We
22 have to make a contact of identifying the leaders in that
23 community. Perhaps it's a church. Perhaps it's some type
24 of community organization that they have formed
25 themselves. Or perhaps it's an informal organization,

1 because I know people. I know parents of students at the
2 university that have a wonderful communication system.
3 And being able to inform each other where the road blocks
4 are and where people are expecting their cars and they
5 pick up the -- technology is wonderful. You can pick up a
6 cell phone and be able to communicate very quickly. And
7 then we have those informal communication systems that
8 perhaps we can penetrate and be able to get the word out.

9 PANEL MEMBER SPANO: You mentioned in your
10 application your work with the Tzu Foundation.

11 MR. RIVERA: Tzu Chi Foundation.

12 PANEL MEMBER SPANO: And you mention in there
13 about the importance of hiring a young gay man as a summer
14 coordinator. Can you tell me the significance of this?

15 MR. RIVERA: The Tzu Chi Foundation as mentioned
16 contacted me 16 years ago. And they wanted to start a
17 health fair and provide services to poor people. So I
18 helped them get started.

19 And as I mentioned before, we are celebrating 16
20 years of being a viable service to the community. Their
21 headquarters are in Taiwan, and their office is in the
22 area. So you know, we're able to do those relationship.

23 You asked me another question.

24 PANEL MEMBER SPANO: Yes. I was wondering if you
25 can tell me the significance of hiring a young gay man as

1 a summer coordinator --

2 MR. RIVERA: Oh. That's a wonderful question.
3 Because I grew up in a situation where gays were never
4 accepted into our situation. Never. And then more
5 recently, we've had Proposition 8. Before that, we've had
6 some of the activities that have come out and celebrated
7 the contribution that gay people have made to our society.

8 I follow the same situation where we had Angel
9 that was one of our delegates. When he was 13 years old,
10 came back every year as a staff member. And I said,
11 Angel, would you like to be the director of our project
12 and lead the implementing the curriculum. He had been
13 doing it for four years and had been doing a wonderful
14 job. And people just accept him for what he's able to
15 contribute.

16 MS. RAMIREZ-RIDGEWAY: Panelists, are there
17 follow-up questions?

18 CHAIR AHMADI: I don't have any at this point.

19 VICE CHAIR CAMACHO: I can wait until you ask
20 your questions.

21 MS. RAMIREZ-RIDGEWAY: I only have one. You
22 already took them.

23 You know, perusing through your application and
24 hearing you talk today, I've learned a lot about the work
25 that you've done to benefit Latinos, your teaching

1 experience both in grade school and at the university as
2 an administrator, your Peace Corps. work. I've heard
3 about your parents and your grandparents. I've read in
4 your comments and letters of recommendation and also heard
5 from you today about the experience of growing up in the
6 segregated community. And generally, I'm wondering what
7 have those experiences cumulatively taught you about the
8 experience of minorities in general in California?

9 MR. RIVERA: I've been very, very fortunate in
10 growing up in experiences those -- those experiences that
11 you mentioned. In 1951, Little League came to Colton,
12 California. And Little League was for the kids in the
13 north end of town. And I lived in the south end of town.

14 But there were five of us that crossed the
15 railroad tracks and tried out to be one of the teams in
16 Little League. I was selected by the Indians as a second
17 base man. And I became very, very good friends with Mike
18 Briggs who was a catcher. And Mike invited me to a
19 slumber party. And I didn't know what a slumber party
20 was. So I went to this thing called a slumber party in
21 the north end of town to Mike's house. And I said I'll be
22 darned. That was the first time that I realized that I
23 was poor and came from a different background.

24 But the way Mike invited me to his home and the
25 way his parents treated me -- and then I was able to

1 reciprocate. And I invited Mike to my house which was in
2 the barrio, no paved streets, no curbs and gutters or
3 sidewalks. And I lived in back of my grandparents house
4 in a little shack. And Mike came to my house. And Mike
5 and I have been friends for still friends -- we've been
6 friends for just about 60 years now. And we still keep in
7 communication.

8 But what it's taught me is that we all belong to
9 a group of people that have the same needs, the same
10 wants, and the same aspirations, not only for ourselves,
11 but also for our kids. And that we want to live in a safe
12 community. We want to be active participants in that
13 community. And that we get out of life whatever we put
14 into life. You know, that we have to pay our dues. And
15 we have to actively do those things that will not only
16 improve ourselves in our lives, but also those things that
17 improve our communities. And I think I've learned that
18 through all my experiences coming from a segregated
19 community to working at the university level now.

20 And I think I do communicate that to -- have
21 communicated that to my three kids. When my three kids
22 were in high school, you look -- I think I bumped into
23 them at Denny's one night. And lo and behold, what do we
24 have? We have a rainbow of people that were their friends
25 and were having a good time with them.

1 So I think what I've learned in growing up in my
2 70 years of experiencing life in California.

3 MS. RAMIREZ-RIDGEWAY: Ms. Camacho, follow-up
4 question?

5 VICE CHAIR CAMACHO: Yes. Mr. Rivera, I wanted
6 to get just a little bit better understanding. When you
7 were talking about your district and it not representing
8 you, do you feel that your district represents the
9 majority of the communities of interest and concerns and
10 wants in that area, or do you feel that it really doesn't?
11 That it's kind of split?

12 MR. RIVERA: It was gerrymandered. It was
13 purposely gerrymandered. Because when you look at these
14 district boundaries, there's no way -- like Elmer Fudd had
15 said, "Something screwy going on here." So there's no way
16 that that district should be the way it is now. It wasn't
17 that ten years ago so --

18 VICE CHAIR CAMACHO: Okay. Thank you. That was
19 my last question.

20 MS. RAMIREZ-RIDGEWAY: Other panelists?

21 PANEL MEMBER SPANO: You mentioned your childhood
22 friend was named Michael.

23 MR. RIVERA: Mike Briggs.

24 PANEL MEMBER SPANO: How long have you spoken
25 with him?

1 MR. RIVERA: He sends me e-mail on a weekly
2 basis. We talk over the telephone. He lives in Las
3 Vegas. Very strong conservative type of person. And we
4 talk about the situation with minorities. I give my point
5 of view. He shares my point of view. And he tells me,
6 "You know what, Tom? My son just married a Latina. And
7 the Latina has two kids?" And I said, "I'll be damned."

8 You know, things are changing and things will
9 change little by little. But I think we're in the process
10 to making good progress.

11 PANEL MEMBER SPANO: Thank you.

12 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

13 CHAIR AHMADI: Since we have time, I have
14 one more follow-up question. Nothing related to your
15 responses as I stated earlier. But I'm really impressed
16 with your achievements, Mr. Rivera. It's a long way you
17 have come. Where do you see California in 20 years?

18 MR. RIVERA: I asked my wife that very question,
19 because as I mentioned, I haven't been in Sacramento in
20 such a long time. And we're staying at the Holiday Inn.
21 When we look at people that want to go to old town and you
22 see the different people that participate and are part of
23 our population, I just feel good about it. I feel good
24 that things are moving in the right direction.

25 What we need to do now is perhaps take care of

1 the situation that we have with the budget situation in
2 the state of California. We spent one year of furloughs
3 at the university. And thank God they're over with.

4 But I see my little granddaughter and I see her
5 half Thai and half Mexican. And I said, "I'll be darned."
6 I wonder what's going to happen to little Anya 20 years
7 from now and what she'll be doing. My little grandson is
8 only 14 months old. He lives in Miami. And my daughter
9 did an internship out of Northridge University and did it
10 in Miami and met this wonderful person who's my son-in-law
11 now. And he's Cuban. He had two teenage daughters when
12 my daughter married him. And again I said, "I'll be
13 darned."

14 It's -- things look good. Things look very good.
15 But I think we have to work at it. We have to make sure
16 those things happen. And the way that we make things
17 happen is that we do participate. And we hold our
18 government, our people in office accountable.

19 CHAIR AHMADI: Sure. One last question. Should
20 you be selected as a Commissioner, what would be -- what
21 would you say is the most challenging aspect of the
22 Commission's work?

23 MR. RIVERA: The responsibility of the Commission
24 is not an easy one. It's not going to be easy. And we'll
25 receive as Commissioners lots and lots of criticism. And

1 I think we will have to deal with all those criticisms and
2 be able to look at -- somebody asked me how would you
3 handle people that have special interests? We have to
4 also deal with those activities. We have to deal with
5 people that are not familiar with the process. We have to
6 deal with the political situation that we have now. We
7 have to deal with the economic situation that we have now.
8 We have to deal with the educational situation that we
9 have now.

10 So it's going to be a tough -- it's going to be a
11 tough situation being a Commissioner. But I think all of
12 us have gone around the block several times that we
13 develop a thick skin that we can handle -- we can handle
14 those situations and criticisms.

15 CHAIR AHMADI: Okay. Thank you very much.

16 No more questions.

17 MS. RAMIREZ-RIDGEWAY: You have about seven
18 minutes left if you care to make a closing statement.

19 MR. RIVERA: Well, thank you very much for
20 inviting me to interview this morning. I've seen you on
21 the computer, and now I know what you really look like.
22 And it a delight to meet all of you.

23 And also like I said, thank you very much for
24 inviting me to participate. It was nice meeting all of
25 you. And hopefully we'll be able to see each other in the

1 future. Thank you so much.

2 CHAIR AHMADI: Thank you.

3 VICE CHAIR CAMACHO: Thank you.

4 PANEL MEMBER SPANO: Thank you.

5 MS. RAMIREZ-RIDGEWAY: Thank you for coming to
6 see us. Let's go into recess until 10:59.

7 (Thereupon the Panel recessed at 10:38 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 10:59 a.m.

2 MS. RAMIREZ-RIDGEWAY: It's 10:59. Let's go back
3 on record.

4 Our next applicant is Larry Kerr. Good morning,
5 Mr. Kerr. Are you ready to begin?

6 MR. RIVERA: Good morning. Yes, I am. Thank you
7 for having me here.

8 MS. RAMIREZ-RIDGEWAY: Secretary, please start
9 the clock.

10 What specific skills do you believe a good
11 Commissioner should possess?

12 Of those skills, which do you possess?

13 Which do you not possess and how will you
14 compensate for it?

15 Is there anything in your life that would
16 prohibit or impair your ability to perform the duties of a
17 Commissioner?

18 MR. KERR: I'll start with the easy one first is
19 there's nothing to prevent me from being a Commissioner.
20 I have the full blessing of my wife. And I don't have a
21 job. I'm retired. So that's easy.

22 For a Commissioner, I think first off, they have
23 to be able to get along with people or work with people,
24 including the other Commissioners.

25 They also have to be able to look at evidence,

1 evaluate evidence, and give weight to each individual
2 piece of evidence in relation to each other. And then
3 once they've done that, they have to be able to connect
4 the dots and analyze whatever data pattern emerges. And
5 I'm talking about could be physical evidence, certainly
6 testimonial evidence, and of course statistical evidence
7 that we have.

8 Another thing, they have to be able to relate to
9 groups across the entire spectra of citizenry, humanity,
10 whatever, social, economic, racial, cultural, age,
11 whatever group. They have to be able to relate to all
12 these groups. But at the same time, they have to remember
13 that these groups are merely aggregates of individuals.
14 And so while they're busy looking at the big picture,
15 which that's kind of what we would be doing in looking at
16 groups for how we would draw districting lines, we can
17 never lose sight of the micro picture while we're looking
18 at the macro picture. Because ultimately, it's the
19 individuals with whom we're going to be relating. And I
20 think that's just something that's really important. So
21 people don't just become numbers.

22 I think I have all of these skills. I've tried
23 to show that in my application. If I were to pick my
24 least strong skill, it would probably be in statistical
25 analysis. Now, when I was a policeman, I, of course, did

1 evaluate statistics. We used statistics for many things:
2 How to fight crime in short. But we would review
3 statistical data for crime trends, traffic flow, what have
4 you. And then we would use that information to determine
5 what we were going to deploy, when we were going to deploy
6 it, how many we were going to deploy, and things of that
7 nature.

8 But in as much as I don't claim to be a
9 statistician, I'm sure there's going to be some
10 mathematician if not Ph.D. mathematician people that are
11 highly competent in mathematics or statistics on the Board
12 or on the Commission. And I think when I go in, there's
13 going to be someone -- more than one probably who has that
14 as their strong point. And maybe I'll have a strong point
15 that will be their weak point. Because if this whole
16 thing is going to work, the Commissioners have to
17 complement one another, not compete with one another.

18 In addition to that, there's certainly going to
19 be software available to help. There may even be some new
20 software developed for this very project. And I look at
21 the staff doing some of the actual number crunching which
22 doesn't eliminate the need for us to be able to know what
23 they're crunching and talking about.

24 I can't think of anything else to add to that.

25 MS. RAMIREZ-RIDGEWAY: Describe a circumstance

1 from your personal experience where you had to work with
2 others to resolve a conflict or difference of opinion.
3 Please describe the issue and explain your role in
4 addressing and resolving the conflict. If you are
5 selected to serve on the Citizen's Redistricting
6 Commission, tell us how you would resolve conflicts that
7 may arise among the Commissioners.

8 MR. KERR: I've resolved a lot of conflicts as a
9 policeman. That's kind of one of the big things that cops
10 do.

11 But I think it might be more instructive for you
12 to evaluate me if I talked about something completely
13 unrelated to that.

14 About 20 years ago, give or take, I was on a
15 climbing expeditious in Alaska to climb Denali, McKinley.
16 I'm going to keep the details very short. But we came
17 about 16,000 feet across an injured climber. Don't know
18 where the rest of the team was or if he was trying to solo
19 the mountain, which is the big leagues if you can do that.
20 He was injured. He was a Japanese climber. Didn't speak
21 any English.

22 At 16,000 feet, you're just above about the
23 thousand feet of steepest, iciest, the hardest part of the
24 climb, really. He had head injuries, a lot of blood,
25 lacerations. He had lost a mitten whenever this incident

1 happened. So he didn't have a frost bitten hand; he had a
2 frozen hand. And he had been out there a while, that
3 tells me. But worse yet, he had altitude sickness really,
4 really bad.

5 So the way you climb the mountain is there's no
6 sherpa or anything on Denali. You take and you carry all
7 your stuff up to your next camp site. You cash it. And
8 then you go back down and the next day you break camp and
9 you carry the rest of your stuff up.

10 We were on our way down from the first time at
11 16,000 feet. So we had our complete -- there were four
12 rope teams of three people on our team. We got him down
13 to 14,000 feet. Now came the conflict, because we had to
14 figure out what to do with him. We had all planned for
15 this trip and counted on it and trained for it and put
16 money out and travel expenses. Some of us had to upgrade
17 gear from Sierra Nevada climbing gear to Alaska gear.

18 So the only cure for altitude sickness is to get
19 someone down ASAP. And it can be fatal. But anyone who
20 went down wasn't going to go up. And there were two or
21 three of the people and the leader of the expedition, I'm
22 sorry to say, who were adamant that we weren't taking him
23 down. Leave him here. His team will show up. He'll be
24 okay. And he didn't have a tent. He didn't have a
25 sleeping bag. It gets to be 40 below at night.

1 Ridiculous.

2 And then there were some noncommittal people. So
3 I had been having problems with altitude myself. I didn't
4 know if I was going to make the summit or not. So I put
5 myself in charge of getting him down.

6 Now, there was another person who had a knee that
7 had been bothering him a lot. So it doesn't take too much
8 to get him to agree to help. So we had two of us. We
9 really needed three people to get him down, especially
10 since the two of us weren't functioning 100 percent. And
11 as we talked, the two or three people were pretty much --
12 it would be just an argument. It would have been ugly.

13 But there were lots of people that were
14 noncommittal. They didn't want to make eye contact. They
15 draw lines in the snow when I was talking to them.

16 But at that particular place is where a lot of
17 the teams camp prior to making their final assault on the
18 mountain. Three or four more days if they're climbing up
19 the west buck of this route. So I went and I knocked on
20 doors of other tents. There were two or three other teams
21 there. One group didn't speak any English. But I came
22 across a Canadian team, and there was an electrician who
23 had been climbing who had worse altitude problems than me.
24 So we got the -- agreed to it within a couple of hours.

25 We had him and we started down, because we had

1 about 22 hours of daylight or something at that time of
2 year in Alaska. And it took us a couple days, and they
3 were miserable days, but we got him down. Got him down to
4 the Kahiltna Glacier, turned him over to a Swiss team that
5 managed -- they had a radio and managed to get him air
6 lifted out. We got our plane into Talkeetna and back to
7 the U.S.

8 Now, I don't anticipate the Redistricting
9 Commission having some kind of mountain climbing crisis,
10 but the principles still apply. First before you decide
11 on what you have to do, you have to really look at what
12 all the alternatives were. And I think in this case all
13 the alternatives weren't limited to our team when there
14 were two or three other teams there, all of probably
15 twelve people each. So that other -- using that other
16 alternative was a big deal. Of course, you try and get
17 willing cooperation. But you also -- you have to make
18 everyone understand why it's in their interest to be a
19 part of the solution.

20 And I think examples of that would be me with the
21 bad knee or the Canadian, the electrician who had the bad
22 sickness. It was in their interest to go down with me.
23 I'd like to say I was a big hero, but it was probably in
24 my interest to go down, too.

25 So these are the kind of principles that -- I

1 would use these also if I were selected to the Commission.

2 And I'd also try to keep everyone focused on the
3 big picture of what our ultimate goal is. That could be
4 just making comments and voicing my opinion in
5 discussions. It could be not voicing my opinion and just
6 be silent. But I think if I were going to have any role
7 toward guiding, it would probably be toward asking the
8 pertinent questions, the answers of which hopefully would
9 guide us toward the goal we're trying to seek. Work for
10 Socrates. So I'd be willing to give it a try.

11 And that's just about -- there's a lot of things
12 I do, but those are the things, to keep my time close
13 here.

14 MS. RAMIREZ-RIDGEWAY: We have about
15 eight-and-a-half minutes remaining.

16 How will the Commission's work impact the state?

17 Which of these impacts will improve the state the
18 most?

19 Is there any potential for the Commission's work
20 to harm the state? And if so, in what ways?

21 MR. KERR: The things it will do, it will make
22 our elected officials become more responsive to the people
23 instead of the people being responsive to the elected
24 officials. It will make it less likely for them to look
25 at their districts as their individual little fiefdoms.

1 And it will give people a feeling of being more involved.

2 Now, in the short run, and where we would see the
3 results the soonest I believe would be in making the
4 districts more competitive. But in the long run, I think
5 if the people feel involved, if they think that they're
6 getting a government that's of the people, for the people,
7 by the people, or whichever way that goes, they're going
8 to be much more interested in participating. They're not
9 only going to vote, but they're going to become informed
10 voters, which in my way of thinking is a lot more
11 important than just raw numbers. I know -- I'll get off
12 on that later.

13 But they will work with the elected officials to
14 make the government work instead of just sitting back and
15 saying, okay, we hired you. Do your job.

16 And I think this is the way we've tried -- I say
17 we as a society have tried to increase voters by the
18 information first and follow us and vote. And sometimes
19 voters are brought out with misinformation or there's
20 groups of people brought out who really have no idea what
21 they're voting for. And that's not good.

22 But if you cast the net wide, just people that
23 are legal voters coming out, even if they aren't informed,
24 getting informed -- I'm hoping that in a matter of two or
25 three election cycles they'll see they have an interest in

1 this and they will become informed voters. That's my
2 hope.

3 And of course, there's potential for harm. First
4 off, we could draw really stupid lines that we couldn't
5 defend legally, politically, or any other way.

6 Also, this is a place where perception becomes
7 reality very quickly. And if any of the people see
8 Commissioners or even one Commissioner that they perceive
9 as being arrogant or uncaring or highly partisan or any of
10 those undesirable traits, I think that would be a big
11 problem.

12 An even bigger problem would be if, rightly or
13 wrongly, there's any even the faintest tinge of corruption
14 being perceived. That would be an absolute disaster.

15 And I think the selection process and the
16 Bagley-Keene guidelines and so forth make that highly
17 unlikely it's going to happen. But it's really important
18 the Commission start from day one making it clear to
19 anyone who cares to look that the Commission may make
20 mistakes, but they'll be honest mistakes.

21 MS. HAMEL: Five minutes.

22 MS. RAMIREZ-RIDGEWAY: Describe a situation where
23 you've had to work as part of a group to achieve a common
24 goal. Tell us about the goal, describe your role within
25 the group, and tell us how the group worked or did not

1 work collaboratively to achieve this goal. If you're
2 selected to serve on the Citizens' Redistricting
3 Commission, tell us what you would do to foster
4 collaboration.

5 MR. KERR: Okay. I think sometime in the early
6 70s when I was on the police department, I was assigned to
7 the 1968 Police Bond Fund Task Force. We were given the
8 job of implementing the bond fund. And it entailed
9 building several new police stations, making capital
10 improvements to others, closed circuit television systems
11 at stations and so forth.

12 When I got there, it was -- inflation was a big
13 issue at this time. By the early 70s, inflation had eaten
14 up a big chunk of the money. I want to say we started
15 with \$25 million, which sounds like a paltry sum now, but
16 in 1968 we did a lot with it.

17 Anyway, my partner and I were basically the
18 people that did the field work and we kind of herded
19 everyone to keep moving forward. So we dealt every day
20 with contractors, architects, people from public
21 buildings, other police agencies, places like the Bureau
22 of Right-of-Way and Land that I never even heard of
23 before, but they have one in Los Angeles. And also we'd
24 have community meetings where we meet with both leaders of
25 the communities or just concerned citizens on a block.

1 Because people had legitimate concerns when they say, oh,
2 a police station is going to spout up in our neighborhood
3 right away. So our job was to keep the communications
4 going and get this job done.

5 And I left a year-and-a-half or so later. Most
6 of the projects were close to completion. All of them
7 were underway. And we did this by keeping the
8 communications going with all the different district
9 groups, along with making sure everyone got to keep their
10 dignity.

11 Just looking real quickly as how we would help
12 meet some of the time lines for the Commission would be
13 Prop. 11 seems to leave a lot of options open. I'm
14 looking at the possibility of breaking down into groups of
15 three or four to hold public meetings and then bringing
16 that all back and sharing that with the Commission as a
17 whole. You can see a lot more people in a lot less time.
18 Places like the Owens Valley or the north coast where I
19 live or something could -- more places could get
20 attention.

21 I don't know -- it wouldn't be a quorum. Would
22 Bagley-Keene apply there? I think it probably would. But
23 even if it didn't, I would say in keeping with the spirit
24 of the law and guidelines it should. And everything
25 should be done that way so they would act as basically

1 intelligence-gathering groups to bring it back to the
2 Commission. And the Commission should meet as a whole,
3 too, in many places where they expect big crowds, in
4 metropolitan areas, if they expect some hotly contested
5 item unique to this area to be involved, things of that
6 nature.

7 MS. RAMIREZ-RIDGEWAY: A considerable amount of
8 the Commission's work will involve meeting with people
9 from all over California who come from very different
10 backgrounds and very different perspectives. If you're
11 selected to serve on the Commission, tell us about the
12 specific skills you possess that will make you effective
13 in interacting with the public.

14 MR. KERR: I've traveled abroad. I've lived
15 abroad for half of the year for six or seven years until
16 three or four years ago in a completely separate culture
17 where my wife and I were about the only white faces in the
18 village.

19 I have -- working on LAPD, it is such a diverse
20 city, maybe the most diverse in the country, even one of
21 the most diverse in the world. And not only did I meet
22 with different groups, but it was under difficult
23 situations. Victims, they were always traumatized.
24 Sometimes hostile. Sometimes they were grieving.
25 Witnesses, they were excited or confused. Maybe they were

1 grieving. Maybe they were a witness to their son's murder
2 or something. But they're still a witness. And arrestees
3 were hostile.

4 MS. RAMIREZ-RIDGEWAY: Shall we extend time?

5 CHAIR AHMADI: I don't mind. Please finish the
6 response to your question.

7 MR. KERR: I'm sorry. I'll keep this real quick.

8 The other thing I notice there is that once again
9 getting back to the micro and macro picture, groups are
10 not necessarily just groups. They're individuals. Los
11 Angeles has a big Hispanic population. But the people
12 from Mexico and central America, there's a lot of
13 differences between them and the Cubans, Puerto Rican or
14 the other Spanish-speaking islands in the Caribbean. They
15 have the same language. They both like baseball instead
16 of cricket, but they have different food, different music,
17 and so forth. So one has to be mindful of that.
18 Different politics, especially the Cubans versus some of
19 the others.

20 And also I notice this applies not just to
21 minority population, it applies to white immigrants, too.
22 We had a lot of different immigrants from Western Europe
23 or the Adriatic part of Europe too, I guess. We had
24 Italian immigrants and Portuguese immigrants and a lot of
25 Yugoslavian immigrants. And I quickly learned that

1 sometimes you just -- the only thing can you do is keep
2 people apart. And that applied to when the Croatian
3 immigrants had a conflict with the Serbian immigrants.
4 They were still fighting World War II. I think they still
5 are in San Pedro anyway. And the other person depending
6 on who, he was either a Nazi or communist, because they
7 had different sides during the war.

8 There's some things we have to be mindful of.
9 That's some things we can't solve, that the Commission
10 can't solve. If that's the case, you have to separate and
11 mediate from a distance.

12 Thank you.

13 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

14 CHAIR AHMADI: Good morning, sir. You actually
15 responded to one of the questions I was planning to ask,
16 which is the value you bring from your experience being
17 law enforcement for such a long time in LAPD. So thank
18 you for that.

19 Let me clarify in my mind to make sure I heard
20 you correctly. In response to question number one, you
21 mention as one of the necessary skills is to be able to
22 gather evidence.

23 MR. KERR: Yes.

24 CHAIR AHMADI: And also in response to question
25 number four, if I heard you correctly, you said

1 intelligence gathering when you're out at different areas,
2 the small groups of the Commissioners as you were
3 describing it to gather information.

4 Could you please share with us some details about
5 what type of information would you be willing to receive
6 or trying to gather from these trips or from these
7 interactions with the different groups of people?

8 MR. KERR: Well, the types of evidence would be
9 almost anything that in a court would be relevant
10 evidence, I suppose. Much of it when I say evidence,
11 testimony is evidence. There's testimonial evidence. But
12 there could be physical evidence. Not as much. But
13 people could bring in maps. Aerial photograph, for
14 example. A topographic map. We're in a floodplain and look
15 because of this. We have real problems with brush fires
16 and mud slides. And look at this aerial photo of what
17 happened last year in Malibu Canyon or wherever.

18 And then statistics, the raw data that we
19 gather -- these are all different forms of evidence. And
20 not only are they evidence, of course, we have to evaluate
21 them in comparison to one another, but we have to
22 determine -- and this comes more often with testimonial
23 evidence -- is how valid is this?

24 Part of using my experience -- and I don't claim
25 to be a living breathing polygraph or something, but

1 perhaps I might have an inclination on whether to look
2 further and question more probing of someone giving
3 testimony at a meeting that just didn't seem right,
4 because I wouldn't be surprised by what -- if everyone or
5 if many of the people testifying there don't have their
6 own ax to grind and maybe it's a little shaded what they
7 would have to say.

8 CHAIR AHMADI: So in your mind, from your
9 experience being a law enforcement, what might be some of
10 the motive that people would share incorrect information?
11 What would be their motives?

12 MR. KERR: When I say that, I think most of
13 these -- it wouldn't be a motive. It would be an inherent
14 interest, an inherent prejudice of putting the thing in.
15 I think, sure, there's going to be some people that may
16 come to a meeting that may deliberately come to the
17 meeting and lie. But I think that would be not very
18 often.

19 But if you really want to -- well, for example,
20 I'll talk about community of interest here. If there's
21 say community of interest is the oil industry. Simplify
22 it and isolate the rest of the community from that.
23 There's many people that go out and work on the off-shore
24 rigs. And there's businesses that are supporting that by
25 selling equipment, and the families. So there's that

1 group. And there's the people that think off-shore
2 drilling is an environmental hazard. They don't like the
3 view, because they have an ocean-front home. There's two
4 different groups of people.

5 I'm not saying any of those people go up and
6 deliberately not tell the truth, but they have an inherent
7 interest in what they're saying. And I think you have to
8 be able to probe through that, determine that if you can.

9 CHAIR AHMADI: Gotcha.

10 So in your example -- that's a good example.
11 Let's say that that is a situation that you as a
12 Commissioner is facing, should you be selected. How would
13 you go about resolving it or how would you go about making
14 your final decision which one to take into consideration,
15 which one to not take?

16 MR. KERR: Well, if that particular thing, there
17 would undoubtedly be more than one witness. So you're
18 going to be able to look at the statements of different
19 witnesses.

20 If you're looking at, for example, the
21 environmental hazard and how significant is it or is
22 there -- you would be looking at the expert testimony as
23 opposed to anecdotal testimony or the lay person who
24 just -- well, I just know. And lots of people, that's how
25 they form their opinion. I just know.

1 But if someone is an expert on oil drilling or
2 the environmental cost if an accident does happen, these
3 are the people you have to give that testimony more weight
4 than non-expert testimony, just as a judge would do in a
5 court of law.

6 CHAIR AHMADI: You also mention in response to
7 that question -- the standard question that you use the
8 phrase that you will try to prevent people becoming
9 numbers. Did I hear you correctly? Could you please
10 elaborate on that what you mean?

11 MR. KERR: Well, people -- we all hear so much we
12 can start with the biggest group. The American people
13 believe. Well, who's to say what the American people
14 believe? But you notice many elected officials are very
15 quick to point that out. And you go right down the thing.
16 Californians believe -- or it can be in the fill in the
17 blank community believes, especially if they're talking
18 about minority groups. But not just minority groups. It
19 might be union workers or it might be anyone. People tend
20 to speak for the whole group.

21 But the groups -- very few groups are monolithic,
22 even in their voting patterns, which is what this is all
23 about. Some groups tend to be fairly monolithic. But
24 even in the most monolithic group, it's only 90 percent.
25 That's huge.

1 But still, we have to -- I would say it's really
2 important when we go -- if we got into a situation where
3 the Voting Rights Act became involved on one sense and you
4 have a community that is 50 percent minority and another
5 one that is predominantly Anglo, which the first one I'll
6 say minority -- say it's an African American community.
7 And they tend to be fairly monolithic in their voting
8 patterns. And you have Anglos who are less monolithic.
9 And they break down 70/30, with 30 percent going with the
10 African American community, which, fine. But the other 70
11 percent of the Anglo community is saying, "What about us?
12 We don't have a say." And so we have to deal with the --
13 we have to look at the people.

14 It may be nothing is going to be perfect.
15 Everyone is not going to be happy. There are going to be
16 some groups just by the nature of where they are going to
17 be safe districts for one party or the other. But we just
18 have to be mindful I think that it ultimately -- a group
19 is just a construct, and it's the person we're dealing
20 with.

21 CHAIR AHMADI: So just to make sure I understood
22 correctly, you're saying that we should be looking at
23 interests beyond racial affiliations or ethnic
24 affiliation?

25 MR. KERR: Well, we should. Of course, what we

1 have -- what we're doing is prioritized for us. So we
2 start with the Constitution. We go to the Voting Rights
3 Act, and we go to I think the contiguous -- I haven't
4 memorized it. But certain things we have to do, we have
5 to do. These are the guidelines. And I'm not saying we
6 can change anything. But even in so doing, if the people
7 who don't get what they want, if they go -- there's two
8 ways they can go away with a really bad taste in their
9 mouth and we are not getting a fair shake at all. And
10 saying well, okay. What can we do in the system to change
11 that and to get more a say? We want the latter, not the
12 former as much as possible.

13 CHAIR AHMADI: Thank you, sir.

14 The next question I have again is a clarification
15 question in response to standard question number three.

16 You mentioned that the goal should be to prevent
17 dishonest mistakes. And you also mentioned that honest
18 mistakes are possible, which I agree. But I need to get a
19 little more specifics. If you can please share with us in
20 your mind what might be some of the mistakes that the
21 Commissioners may make and that they are honest mistakes
22 and how would you go about preventing them to the extent
23 possible.

24 MR. KERR: Well, I think to take the first part
25 first, the prevention is a built-in mechanism of having 14

1 Commissioners hopefully coming at the same time with 14
2 different -- maybe not 14, but many different
3 perspectives.

4 Things that could go wrong is we're very much --
5 we. I know I'm not part of the Commission. It's just
6 easier to speak that way.

7 It's very much as a appellate court would do.
8 Sometimes you have conflicting requirements. First
9 Amendment versus national security type thing. We would
10 have similar type things. And sometimes we just have to
11 make our best call. A Commission would have to make its
12 best call.

13 And everyone is not going to be the same. It may
14 in hindsight turn out not to have been our best call.
15 Much as sometimes Supreme Court decisions go five to four
16 one way or another. Even if they go nine-zero, they're
17 not. But you just do the best we can.

18 So in hindsight, it may turn out to have been a
19 mistake, but it's a mistake of the heart, not the mind.
20 That's what I'm trying to say.

21 CHAIR AHMADI: Okay. Tell us a little more about
22 you mention when there is a conflict, for example, I
23 believe you used an example First Amendment versus the
24 homeland security. Could you share with us some detail
25 about that? What you meant by that? If I heard you

1 correctly, you mentioned that --

2 MR. KERR: I was just poorly thinking on my feet
3 I guess. I don't believe -- I may have said homeland
4 security. I meant national security. They're related but
5 not quite the same.

6 The First Amendment gives certainly the classic
7 right to freedom of speech, among other rights. But there
8 are also times when there is some things that just should
9 not be spoken or speech in the terms of freedom of press
10 maybe should not be put out.

11 Right now, we have a thing with the Wickileaks,
12 which I haven't read it, but I mean, that's a thing right
13 now. Should it come? We have two competing rights. I
14 don't know how this will all shake out. But I suspect if
15 they have jurisdiction, this could shake out where courts
16 who are a lot smarter than me with a lot longer to think
17 about it, it's probably not going to be a unanimous
18 decision. That's where I was going.

19 CHAIR AHMADI: I got you. Thank you, sir.
20 Thanks for the clarification.

21 From your application, it appears that you moved
22 to Humboldt County around 2000 -- was it '92?

23 MR. KERR: 1992, yes.

24 CHAIR AHMADI: So obviously that's quite a change
25 to move from L.A. to Humboldt County. I would be

1 interested to hear from you what were some of the reasons
2 that you were interested in that move. And now that you
3 have some experience living in that area, what are some of
4 the things that are similar when you compare Humboldt
5 County with L.A. County, for example, and what might be
6 some of the things that are different?

7 MR. KERR: Well, what prompted the move was I
8 think I first came up here when I -- I first came up to
9 the Trinity Alps area when I did some training when I was
10 in the Marine Corps. They have a cold weather training
11 facility at Pickle Meadows. And I just kind of moved
12 over, coming up in free time, hiking in the mountains a
13 little bit. And I got over to the coast. I saw the
14 redwoods and stuff. And it wasn't during the winter. And
15 so this is great. So I started coming up on vacations
16 more and more. And it's an area I just -- the natural
17 beauty of the area I pretty much fell in love with.

18 And I convinced my wife -- persuaded my wife to
19 come up and join me. And we ran the Avenue of the Giants
20 Marathon in 1983, I think it was. And so then she liked
21 it even better than I did. So it was an easy -- it was an
22 easy call then.

23 And the natural -- I think people talk about
24 things, and we've had a wonderful place in the Caribbean.
25 We could look up the Grenadine Islands all the way to St.

1 Vincent. Things are different, but there's nothing more
2 beautiful I think than the north coast.

3 Similarity, people are similar. They're really
4 not -- people are the same. There are some differences.
5 You see more small town -- more small town politics and
6 small time stuff. You see more of it in Humboldt County,
7 although I was living in Seal Beach in Orange County,
8 which is relatively small, but it's in a big area.

9 People drive differently. When I first moved up,
10 people knew if they got -- especially the older people if
11 they got on an on-ramp they might make eye contact in the
12 rear-view mirror. But they thought that it was an on-ramp
13 merging. That wasn't something that was on their radar
14 screen. Now it's changed. People are more used to --
15 it's become a freeway now.

16 CHAIR AHMADI: What do you mean by small town
17 politics?

18 MR. KERR: Well, there's little petty personality
19 things that I've seen in the city of Trinidad. And I'm --
20 I'm a disinterested -- I'm interested, but I don't have
21 anything in the outcome there. And someone cuts a tree
22 down and ruins -- so he can improve his view, but someone
23 else liked to see the tree. And this becomes a big deal.
24 And they're onto little things. They make little things
25 become very important, things that have to be resolved.

1 But I think in many times it could be resolved without
2 going to city council meetings and something to hash it
3 out. It should be able to be resolved among the
4 neighbors. But my guess is the city counsel doesn't have
5 anything better to do.

6 CHAIR AHMADI: So how do you make a judgment
7 what's relatively small versus something big?

8 MR. KERR: Are you talking about me as an
9 individual making --

10 CHAIR AHMADI: If you would be selected as a
11 Commissioner, what approach would you take? How would you
12 evaluate when -- you use the example cutting the tree, for
13 example, may not be as big to you as something else. How
14 would you make a judgment about what is small versus a
15 bigger issue?

16 MR. KERR: As a Commissioner, it becomes a whole
17 different story. Everything becomes a big issue then.
18 Some things -- some things -- we have to get back to the
19 micro/macro, weighing one against the other. And some
20 things are just not going to be perfect. Sometimes little
21 things that -- things that are going to make someone
22 unhappy. And you can say it might not even be fair, but
23 for the greater good, sometimes like I see it probable
24 that there will be occasions that we'll have to say
25 regardless, we have to draw the line, wherever we have to

1 draw the line.

2 CHAIR AHMADI: Thank you so much.

3 How much time? Two minutes.

4 Real quick, you also indicated that you spent six
5 years -- well, during the six years you spent six months
6 in the Caribbean.

7 MR. KERR: Yes.

8 CHAIR AHMADI: I'm just curious, what were some
9 of the reasons that you did this?

10 MR. KERR: Well, first off, we picked the island.
11 And we came across it sailing from St. Lucia to Grenada,
12 and we came across the island. It's part of the
13 government of Grenada, but way off the beaten track. It
14 doesn't get tourists and such, because it's not developed.
15 And we were ashore there a couple times and the people --
16 it was just like you moved back in history 50 or 60 years
17 as opposed to the people that descend upon a cruise ship
18 or something that comes into a port there.

19 So we started going and we spent a week or two
20 there. And we got there where we just decided to -- we
21 had an opportunity to get a house for an extended period
22 of time. We did, because there's all the great things.
23 But the total immersion in the culture was I think -- the
24 bottom line was it. We could have snorkeled or fished
25 anywhere. And it was truly a wonderful experience.

1 CHAIR AHMADI: I'm sure it was. No more
2 questions at this point.

3 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

4 VICE CHAIR CAMACHO: Thank you.

5 Hello, Mr. Kerr.

6 MR. KERR: Hello.

7 VICE CHAIR CAMACHO: I have a few questions I'd
8 like that are follow-up questions.

9 You were talking about individuals having unique
10 skills that they bring to the Commission. What would be
11 your skill that would be unique that you'd be bringing to
12 the Commission?

13 MR. KERR: Unique? That's a high bar.

14 Probably the unique skill I would say
15 perspective, would be the perspective of local law
16 enforcement. Unique skill or skills or my strong points
17 would not be unique, because I expect everyone to have
18 them to one degree or another where I would say perhaps
19 written communications would be a longer suit for me. The
20 ability to take an item and distill it down to
21 something -- and I don't mean dumb it down. But I mean
22 make it pleasant or readable for the average person rather
23 than fill it with jargon and buzz words or stuff where
24 perhaps an academic -- we've all read academic stuff. And
25 that's brutal. I don't know how many voters are going to

1 be -- I don't know if that's unique. I'm using unique in
2 the narrowest sense, and I would say a perspective from
3 local law enforcement.

4 VICE CHAIR CAMACHO: Okay. You were talking that
5 in the early 70s for this bond measure that you met with
6 concerned citizens. Did you play a part in identifying
7 those concerned citizens and bringing them together to
8 have those meetings?

9 MR. KERR: Partially, although these particular
10 concerned citizens were not difficult to identify, because
11 the concerned citizens were unhappy citizens. And one can
12 understand why living in a neighborhood -- and we're
13 talking South Central Los Angeles is what I'm looking at
14 particularly here. So in the one sense, many people
15 wanted a police station on every block. Other people
16 didn't want a police station for 100 miles, depending on
17 who they were.

18 So ultimately, we'd find out, okay, we're going
19 to build a police station. One of the stations was in the
20 vicinity of 108th and Main, if you know Los Angeles at
21 all. There wasn't a station previously there. So then
22 it's a matter of canvassing a few blocks around. That's
23 just door knocking. And that's pretty easy. But before
24 that happens, people are going to contact us. And they
25 did. And one of the big causes you would think was that

1 the danger and stuff. But it wasn't -- because it's no
2 more danger living around a police station. And it's not
3 a lot safer, either because there's not really -- response
4 time isn't that much less, because the cars don't come
5 from the station. They come from somewhere out in the
6 field.

7 The big thing was the noise that they were
8 concerned with, which we dealt with pretty easily, because
9 it's the fire stations that make all the noise. Rarely do
10 the police stations leave to go on a call everyone going
11 code three. But the fire station does every time they
12 leave, 24 hours a day. But there were still people that
13 were unhappy. So we would -- we'd help set up the
14 meetings. And, okay, what can we do? We try to let them
15 be as involved in it as we could without letting them take
16 control.

17 For example, one of them came up with the idea
18 that, well, let us name the police station. And one of
19 the deputy chiefs that was informally in charge of the
20 Bond Fund Task Force says that would be a pretty good
21 idea. And bear in mind, this was early in 1970s. So the
22 Black Panthers and all those groups were very active in
23 parts of South Central L.A. And he was inclined to agree
24 with us. And we said, but wait. If they vote and they
25 come up with Martin Luther King Station, that's fine. But

1 if they come up with Angela Davis station or Huey Newton
2 station, that's really going to be a problem for a police
3 station for the obvious political reasons.

4 So we settled on the innocuous name Southeast
5 Station, which is what it's still called today. But at
6 least there was a discussion about it, and the people did
7 feel they were involved. There was certain people the
8 police couldn't have done anything right. They were never
9 going to be happy. But the majority of the community were
10 glad to have us there.

11 VICE CHAIR CAMACHO: So you had both the public
12 that was not happy with the police stations and the
13 individuals that wanted the police stations at these
14 meetings?

15 MR. KERR: Pretty -- yes. That's true.

16 VICE CHAIR CAMACHO: I'm just going to get a
17 little bit of clarification on letting them take control.
18 Can you clarify letting them take control of the -- I'm
19 thinking it's of the meetings?

20 MR. KERR: I remember saying that. Can you put
21 that in context for me?

22 VICE CHAIR CAMACHO: We were talking about the
23 process and the discussions. And then you stated that you
24 didn't want them -- you didn't want them to take control
25 or letting them take control. So I just kind of wanted to
26

1 get clarification of that.

2 MR. KERR: People have really unreasonable
3 expectations for sometimes police stations or law
4 enforcement in general. Wouldn't it be okay if there
5 would be no sirens after 10:00 and before 6:00 in the
6 morning? Well, no, we can't agree to that, because we
7 have a 24-hour function. But we can promise you that it's
8 not routine for cars to leave the police station with
9 their sirens going on, that type thing.

10 I can't think of that many now, but I remember
11 that was one of the things. And it seems silly, but they
12 don't know, because the closest police station they had to
13 them at the time was two miles away, approximately.

14 VICE CHAIR CAMACHO: So I just want to make sure
15 that my understanding is correct. Letting them take
16 control is basically having a give-and-take process and
17 also communicating to the public of what their concerns
18 were?

19 MR. KERR: Yes. And when I say not letting
20 them -- sometimes we could make -- we could do things to
21 help allay their fears, for example. Higher walls that
22 were designed to mitigate any sounds. I can't remember
23 how high they were. But the architect swore that's what
24 they were designed to do. And we would tell the people
25 that. They were -- one, we were telling them the truth as

1 far as I knew it. But I had no expertise in the area.
2 And they were pleased to know, okay, at least you're
3 trying to do something. And the majority of the people,
4 it worked like that. As long as they felt that either we
5 couldn't do it or if we could, we did it. Or if there was
6 a compromise, we'd reach it. There's still going to be
7 the outliers. But we did the best we could.

8 VICE CHAIR CAMACHO: Okay. When you started
9 talking to people and communicating with them and then you
10 had a comment about keeping different groups apart and you
11 kind of -- I think it was the L.A. area about the
12 Croats and the Serbs --

13 MR. KERR: Yes.

14 VICE CHAIR CAMACHO: Can you kind of elaborate
15 what you were meaning by that?

16 MR. KERR: Well, of course. When you have
17 tempers are short and emotions are high, it's pretty much
18 a rule of thumb that you try to keep people apart if
19 you're resolving a situation, whether it be a family
20 dispute or a neighbor dispute or what have you.

21 But it was just -- that was true in steroids for
22 them, because they did live in a very close community.
23 Actually, they had -- I no longer can recall the exact
24 names of the terrorist groups, and one of them was
25 functioning down in South America. And they actually had

1 bombings and stuff. I mean, serious terrorists bombing in
2 San Pedro. You wouldn't think that, but I did.

3 And so when they were involved in something, the
4 best thing is usually you have a partner. But if you
5 didn't have a partner -- I was a sergeant at the time.
6 And you get someone completely out of sight of the other
7 person and then you talk to them and then you mediate.
8 And because it's usually not an arrest situation. But we
9 have to find something that they can live with. And
10 eventually they will cool down, but it's going to be
11 simmering all the time, but you can't force someone to
12 sell their house and move. But it's just a bad situation,
13 a situation that there's some problems that have no
14 solution. So we just worked with them the best we can.

15 I'd like to know what the key answer was.

16 VICE CHAIR CAMACHO: With that experience,
17 because obviously you lived within these communities of
18 interest, how will that help you when conducting or
19 planning these public meetings as a Commissioner?

20 MR. KERR: You mean community of interest, are
21 you talking rural versus suburban and --

22 VICE CHAIR CAMACHO: All.

23 MR. KERR: Well, maybe that's why one of my
24 ideas -- I hope it doesn't prove to be as dumb as it may
25 of having smaller groups go out. I know how much people

1 come up to our -- even friends come up to our house and
2 they say, "Oh, Northern California and no problem. I'm in
3 San Francisco. I'm almost there." No. No. Not even
4 close. They don't know. Many people don't know the state
5 goes a long way past San Francisco before it hits Oregon.

6 And so in one way, that's why I really think it's
7 important we go out and we talk to people. And Bishop is
8 fairly big. Maybe not Lone Pine or Olancha or somewhere
9 where they can all get together. Weed, if you go up north
10 on I-99 I guess. Crescent City, there's all these places
11 that are habitually left out.

12 And I know that the Commission wants to get input
13 from all these places, but the time is short. And I think
14 that's where this -- I think, how can we do this? And
15 that's -- so it's helping identify the problem. I don't
16 know if I solved it or not, but that's the first step in
17 solving a problem anyway.

18 VICE CHAIR CAMACHO: If there is a public meeting
19 in L.A. to get public input, do you see a particular plan
20 of action on doing that, since you are familiar with that
21 area?

22 MR. KERR: I don't quite understand what plan of
23 action --

24 VICE CHAIR CAMACHO: No problem. In setting up
25 the meetings, locations of the meetings where you think

1 that would be beneficial for the Commissioners due to like
2 you were saying, the strict time line --

3 MR. KERR: Well, I would say that Los Angeles
4 would be a metropolitan area where the entire Commission
5 should meet. This is the place where I even suggest
6 having small -- but we can have a meeting and cover Los
7 Angeles. You'd need at least one meeting in the San
8 Fernando Valley, a meeting in Los Angeles, maybe a meeting
9 in the Long Beach/North Orange County area, meeting in the
10 South Orange County, San Diego area.

11 This could all function if -- since travel is
12 going to be involved in this, to kind of plan these so
13 that they all happen at pretty much in one or two trips or
14 something where we can do Los Angeles. And I would take
15 that from Santa Barbara to San Diego -- it's going to take
16 a half dozen or more meetings any way. In the
17 San Francisco Bay, same situation. May not be quite as
18 big.

19 Where you have that meeting, I don't know. In
20 Los Angeles, I don't know what's going to be available to
21 us. For the metropolitan area, L.A. City Council Chambers
22 is really nice if they'd let us do it. There's lots of
23 marble and everything there. We'd look impressive. But
24 it would be a central location that seems reasonable. But
25 it might be the Staples Center, or it might be a community

1 multi purpose room. I just don't know.

2 I think that we would be precluded from
3 meeting -- I don't know preclude. It think it might not
4 be a good idea to be meeting in a place that's associated
5 with a partisan point of view, such as a chamber of
6 commerce facility or a union hall or something of that
7 nature.

8 VICE CHAIR CAMACHO: So you feel that if you have
9 it for the L.A. area and it's at the Staples that it would
10 be a good venue, even though these various communities of
11 interest might have these conflicts, that they would
12 overlook that to come here to discuss their concerns?

13 MR. KERR: Well, I think so, because again, when
14 we talk about communities of interest, I say communities
15 of interest just on top of one another. They're not -- in
16 one geographical area, there can be many communities of
17 interest. I think identifying communities of interest
18 along with making sure that we try not to exclude them is
19 going to be the most difficult part of drawing the lines,
20 because they're right on top of one another.

21 And the oil industry that I talked about, they
22 could be living with one another. Same with aerospace.
23 So since geographically they're not necessarily separated,
24 I don't see what good it would do to try to move to a
25 separate geographical location for each community of

1 interest. Was that clear or did I just ramble?

2 VICE CHAIR CAMACHO: No. Thank you.

3 I have one last question. You were talking about
4 expert testimony has a little bit higher weight when
5 resolving the biases. As you know, as a Commissioner,
6 you'll be charged with hiring or contracting with
7 consultants and experts, how would you ensure -- how would
8 you weigh their information that is provided to you?

9 MR. KERR: We're talking about staff, legal
10 counsel, and so forth?

11 VICE CHAIR CAMACHO: Legal counsel, any
12 statisticians, you hire them, any individuals that the
13 Commission feels that they need helping with their job.

14 MR. KERR: First off, when I said -- when I
15 talked about expert witnesses, I should have been clear in
16 saying all else being equal, which it rarely is. Their
17 testimony is more valuable.

18 Staff, the key is when we hire staff, when the
19 Commission hires staff doing the homework, the research,
20 and everything to get people who meet the certain
21 qualifications. I know we are required to have at least
22 one person, one legal advisor that's familiar with the
23 Voting Rights Act. We don't want someone obviously --
24 I'll just stay to the legal thing.

25 First off, you have to kind of trust your lawyer.

1 But if we have someone that he's the greatest lawyer in
2 the world for intellectual property rights, but that isn't
3 going to help us a whole lot. So the final line is I
4 would -- after the hiring, I think a great bit of
5 credibility could be given to the staff, but still
6 ultimately the responsibility lies with the Commissioners.
7 So you still have to be aware. That's why we need
8 different points of view so that they're not going to be
9 hitting at least all of us in our weak area. Someone is
10 going to be able to look at the uncomfortable or
11 whatever.

12 VICE CHAIR CAMACHO: Thank you.

13 PANEL MEMBER SPANO: Go ahead and finish if you'd
14 like.

15 MR. KERR: Someone is going to be able to look at
16 the numbers, or I would guess there's probably going to be
17 one or more attorneys on the Commission. Even if they
18 don't -- even if it's in an area they're not familiar,
19 there's certain legal premises that would cause them a red
20 flag to go up and say, "Well, what about?" And they could
21 at least say we needed to pursue it further or we could do
22 it ourselves, perhaps especially with case law or
23 something like that.

24 PANEL MEMBER SPANO: Good morning.

25 MR. KERR: Good morning.

1 PANEL MEMBER SPANO: Before I begin, I just
2 wanted to comment on your accomplishments. And I'm
3 curious, because here you served for the Marines and
4 you've worked 22 years with LAPD --

5 MR. KERR: Twenty-five.

6 PANEL MEMBER SPANO: Twenty-five, sorry.
7 Twenty-five, those are a long three years I forgot to
8 mention.

9 You retire, and then live on an island with an
10 all-black population for years. Your volunteer work
11 involves close and caring work with others. Your
12 long-term care Ombudsman, Big Brothers and Big Sisters and
13 the Humboldt Literacy Project. I'm curious to know what
14 happened. It looks like you have two phases in your life
15 here. I'm curious to know what inspired you to move from
16 police work, to living on an island, to doing these types
17 of services.

18 MR. KERR: Well, the living on an island was
19 just -- it wasn't a conscious decision. It was more an
20 evolutionary thing that a vacation -- I'm not even really
21 a sailor, but you can get the moorings and do it, a sail
22 boat. I'm not a cruise ship kind of guy. But the sail
23 boat where you pick your own agenda, your own itinerary
24 and so forth. And we just ended up -- this is really
25 cool. Let's do it. And the opportunity was there. And

1 so we did it.

2 But that was -- that started about the year 2000.
3 So there was another place -- just as a contrast, there
4 was another place that we sailed to -- sailed in for a
5 little while and we visited for the a couple months. It
6 was the Kingdom of Tonga, which is geography lesson here.
7 It's about where the international date line and the
8 Tropic of Capricorn is the south one -- and the Tropic of
9 Capricorn intersects.

10 That would have been a wonderful place. I would
11 have liked to maybe lived in a village, too. But that
12 was -- Carriacou where I lived was not really third world.
13 It was just undeveloped and they were poor. Tonga is two
14 and a half world. You live in the village and you're
15 pretty much guaranteed head lice and infatigo, maybe even
16 Polio. So that really wasn't an option. But this was
17 just -- it wasn't too hard. It wasn't too soft. It was
18 just right.

19 PANEL MEMBER SPANO: How did the fact that this
20 population was 90 percent black influence you in any way?

21 MR. KERR: You know, it's funny, down there you
22 kind of forgot. It's not -- they were 99.9. The point
23 that's usual is that I'm white, not that they're black, if
24 you follow. There is a difference. And it's just not a
25 big issue to them, so it's not a big issue to me. But

1 I've always been much more a content of the character kind
2 of guy than the color of their skin.

3 PANEL MEMBER SPANO: What did you learn from this
4 community that you can bring to the work of the
5 Commission?

6 MR. KERR: Well, it's hard to point to specific
7 things.

8 But I would say that having -- I've grown very
9 fond of the community. Still, they did not have great
10 educational opportunities, for example. Superstition and
11 things like that ran ramped. And I think that goes along
12 with education. I mean, they still believe don't go down
13 to this particular graveyard, because there's zombies
14 there. And they really, really believe that. And I know
15 it's true, because we drove away and my car had a flat
16 tire. So that er-go, this is the kind of thing.

17 Much of this is just because they don't have the
18 education. Well, there are people among us who for no
19 fault of their own don't have education either. And while
20 they may not still believe in zombies or something like
21 that, sometimes some things that seem really dumb aren't a
22 matter of being dumb at all. It's just a matter of not
23 having the education, or having miseducation, even worse.

24 PANEL MEMBER SPANO: You state in your
25 application that "one has only to peruse a map of the

1 different districts to see the ludicrous consequences of
2 allowing our political representatives to make a map."
3 Can you tell me more about this and how you feel?

4 MR. KERR: Well, I would say, for example, in my
5 assembly district, which is the first assembly district,
6 as I recall, it's fine where I am, because our district
7 is -- I don't see it's going to be -- it's going to lean
8 Democrat regardless of what. And that's through no
9 unfairness. That's just the way it is.

10 But as I go down I look at the southern part of
11 our district, I think it's in Sonoma County. There's
12 three districts in Sonoma County that border up there.
13 Okay. So if I lived in Sonoma County, I might not even
14 know what district I was in. That doesn't seem right to
15 me. It seems like there's one way -- it seems as though
16 someone is doing it. Could it be an incumbent, per chance
17 to give an incumbent an advantage.

18 Now, it is possible that's the way it has to be
19 for other perfectly legitimate reasons. But it doesn't
20 seem that way to me. And I will admit I didn't look --
21 until I applied for this position, I didn't look into it
22 in great detail. But I was aware of it. And I guess
23 that's what I'm talking about.

24 PANEL MEMBER SPANO: Do you have an idea of how
25 your work on a Commission would be able to kind of resolve

1 this issue or bring them into perspective?

2 MR. KERR: Well, it may not, because again, we go
3 down the priority of things we have, including the Voters
4 Right Act, and then it's laid out in priority of things we
5 have to do.

6 And communities of interest; there may be
7 perfectly legitimate reasons for those lines being drawn
8 like that. I don't know. I'd like to hear them if there
9 were.

10 But if I'm on the Commission, I would be able to
11 answer well, yes, it looks bad. It looks gerrymandered.
12 But the reason is A, B, C, and D, whatever they may be.

13 PANEL MEMBER SPANO: Thank you.

14 You state in your application further that being
15 in charge of a police detail at a longshoreman strike
16 requires a far greater display of impartiality than being
17 a judge in a high profile trial. Can you explain your
18 reasons for this assertion?

19 MR. KERR: I can. And I know that a judge in a
20 high profile trial has lots of things to do. And usually
21 they are impartial, so that -- but at a labor dispute and
22 I think particularly a longshoreman's dispute on the water
23 front in the Wilmington or San Pedro area of Los Angeles,
24 you have the longshoreman's union and they play rough.

25 And you have whatever -- I'm going to use -- I

1 can't remember the name of the company, but they take and
2 they gather up scrap iron and they bundle it up and send
3 it to Japan and China. They make stuff and send it back.
4 And they drive Caterpillars around on these chunks of --
5 mountains of scrap metal. And they have electromagnetic
6 bricks come and put it together and stuff. And they
7 haven't survived in business by being any little sissies
8 either.

9 So they both call us out there. Our deal is yes,
10 you can picket, but no when the strike breakers come in,
11 you can't put out the asphalt shingles with all the nails
12 in it so they have flat tires. You can't bang on the
13 cars. You can't key the cars. You can't beat the people
14 up.

15 But no matter what we do, both sides -- the union
16 side is convinced that we are management's stooges. The
17 management side is convinced that we are union stooges.
18 And the only way that you can keep the peace and keep bad
19 things from happening is you just have to make it very,
20 very clear that you're impartial and that you're not
21 taking sides. And that's regardless of how you may
22 personally feel about it.

23 PANEL MEMBER SPANO: How did you handle that in
24 this situation, being impartial and achieving peace?

25 MR. KERR: Okay. So each picket line, they have

1 a picket line captain. I think they call it a captain.
2 You say, hey, look, we've got this, this, and this law you
3 can't do. The courts have enjoined you from carrying
4 picket signs with the handle is bigger than -- whatever
5 the size is so you can't use it for a club. These are the
6 things. We've got to enforce this law. That's the way it
7 has to be. Now you can't block this traffic when they
8 come in and so forth.

9 By the same token, then you go in and you have to
10 go inside to talk to management. You certainly don't
11 bring them together in a room. And as you go inside, you
12 will get the cat calls and everything about how the
13 management boys are going in there.

14 And you explain all the laws and all the things
15 that the court orders that have come out specific to this
16 particular labor dispute. And this is the way it has to
17 be. And you explain it to them so they know you're not
18 making this up as you go along. We are here. We don't
19 make the rules. We're enforcing the law. We're going to
20 enforce the law.

21 And don't forget, because this labor dispute is
22 going to be over, it may be a week. It may be a month,
23 but you guys are going to be working together again. So
24 don't lose track of that.

25 PANEL MEMBER SPANO: Thank you.

1 You state that the realization of the diversity
2 was an invaluable tool in reaching consensus in a
3 community meeting such as the neighborhood watch. Can you
4 describe how your realization about diversity connects to
5 the ability to reach consensus?

6 MR. KERR: Sure. The diversity -- basically,
7 when we're talking about somebody past superficial also
8 pertains to behavior patterns. And if you have two groups
9 with different behavior patterns, different cultures as
10 you will, they may not be aware of that. They may be
11 aware if there is different skin colors or that one is
12 catholic and one is Protestant or it could be one is
13 Muslim and one's whatever. And they don't see past that.

14 But when you can explain, look, this is the way
15 that they have been brought up to do this, you try to get
16 them to understand a little bit of what you understand.
17 And it's really quite striking when you get people to
18 actually listen to you and understand that, things get
19 easier than you would ever expect, usually. Sometimes it
20 doesn't. But it usually works that way.

21 PANEL MEMBER SPANO: Thank you.

22 Can you tell me about your experience in the
23 Marine Corps. during your 18-month assignment to the far
24 east, including Japan?

25 MR. KERR: Well, I was -- fortunately for me, it

1 was between the Korean war and the start of the Vietnam
2 war. That's why I'm here with all my arms and legs
3 speaking to you today.

4 I was part of a 105 Howitzerl artillery unit. We
5 were stationed in Okinawa most of the time. And that's
6 where as far as the Japanese people, some people from the
7 island of Japan are skeptical about calling them Okinawan,
8 because the Ryokan Islands are kind of low rent district
9 in their view. But it doesn't make sense. Their cultures
10 are very, very similar. And I think genetically there's
11 no question about it.

12 So that's where I spent most of the time.

13 MS. HAMEL: Five minutes.

14 MR. KERR: That's where I spent most of the time
15 of long-term relationships where I would know someone for
16 a period of time, was developed. And despite going off to
17 Japan or off to the Philippines or something, that's
18 always where we would come home to.

19 Now, to explain that, I don't know if you want me
20 to talk about what we did, military stuff, or I'm thinking
21 that you want me to talk about the culture I was living
22 in.

23 PANEL MEMBER SPANO: The culture and how this
24 experience has enriched you to apply your skills and
25 attribute from what you learned to the work of the

1 Commission.

2 MR. KERR: Well, I guess one thing -- and this
3 would be both Japan and Ryokan -- Japan maybe in
4 particular -- of how despite how bad things can be, that
5 they don't have to stay that way. And I really have to
6 say I was in Japan in 1962 and 1963, early '63. Now, I
7 never once had a negative -- anything negative happen with
8 any of the local people on the island. And I had -- I'd
9 see them all the time when I wasn't on base. And I didn't
10 hang out on base any more than I had to.

11 Now, bear in mind, this was 17 years after
12 Hiroshima and Nagasaki. And yet, on the micro -- on the
13 micro level, unless I completely missed the picture, the
14 wounds were pretty much healed. I mean, you could
15 establish friendships and it was -- that wouldn't have
16 happened 17 years before. Now, 17 years at that time in
17 my life seemed like a long time. But now that's not long
18 at all.

19 And I guess the thing is what I've really learned
20 is why I'm so important on individual relationships
21 because as the individual relationships go, so goes the
22 group relationship. That could happen with heads of state
23 dealing with one another. If they can get along and
24 develop a relationship, usually the countries are going to
25 start coming together. If not, not so much.

1 PANEL MEMBER SPANO: With that said, in a
2 Commission of the 14 member Commission, what do you feel
3 would be a good group of Commissioners and their
4 characteristics?

5 MR. KERR: Well, I would like to see -- let's
6 see. There would be 13 besides me, right?

7 I would like to see some people on the Commission
8 that have absolutely suburb administrative skills from
9 what they've done. And I haven't looked at that many of
10 the applications, but -- and I haven't watched any of this
11 for reasons because I didn't want to change -- I just
12 wanted to be me. But I see that there are some people
13 that have that. And lots of people have that.

14 I want to see people with some real technical
15 skills, especially in the mathematical and statistical
16 areas. And I think that's going to be there. I want to
17 see some legal skills. And I'm not sure how skillful
18 there are, but there's several attorneys so I'm assuming
19 they're skillful. Those are the things I want.

20 But in addition to that, I want some people that
21 can see things from the perspective of the vast majority
22 of Californians. And the vast majority of Californians
23 haven't been fortunate enough to --

24 MS. RAMIREZ-RIDGEWAY: One minute.

25 MR. KERR: -- haven't been fortunate enough to be

1 in some of these positions. They're administered to.
2 They're not administering them. And that's the people
3 that I also want -- that's kind of why I'm here. I've got
4 a college education and all that sort of thing. But I'm
5 still part of -- I'm your blue collar candidate I guess.

6 PANEL MEMBER SPANO: Thank you.

7 MS. RAMIREZ-RIDGEWAY: I know I have a number of
8 follow-up questions. Panelists, how about you?

9 VICE CHAIR CAMACHO: Go ahead.

10 MS. RAMIREZ-RIDGEWAY: You talked about the
11 make-up of the Commission. I'm wondering what about the
12 Commission's diversity?

13 MR. KERR: Well, that would be my next step of
14 the way. I think that just as -- I don't want to put it
15 all into technical expertise or technical experience.
16 Also diversity comes into play.

17 And I guess again I'm really a content of the
18 character kind of guy. But sometimes -- and this is one
19 of those times, appearance is reality. If we are going to
20 have the people feeling good about this Commission, we
21 have to reflect them in superficial ways. And I consider
22 things like skin -- age isn't quite as superficial. But
23 we need older people, younger people, which is going to be
24 harder to get because they're working. The pool is going
25 to be smaller anyway, I suspect. People, men and women,

1 black and white and Asian and Hispanic and what have you.
2 I'm not saying that we need to count to make it. But it
3 should be I think roughly proportional, because again the
4 appearance.

5 If someone is sitting up here in South Central
6 Los Angeles and he's just thinking about whether he wants
7 to run drugs or join the establishment and thinking,
8 "Well, look at that. I can't cut a break anyway, because
9 there's no black people on the Commission" or there's one
10 or something.

11 So it seems so hackneyed and cliché, but the
12 appearance the perception is the reality. And we need the
13 perception. And it also -- no question about it, the
14 different diversity brings. And they all bring in
15 different perspectives, which we need. We don't want 14
16 people who think like me, although I'm usually right.

17 MS. RAMIREZ-RIDGEWAY: You talked a little bit in
18 your responses to the standard questions about relating to
19 different socioeconomic, racial, and cultural groups and
20 how important that would be as a Commissioner. I think
21 that there are certain groups of folks in the state who
22 are suspicious or leery of law enforcement. Do you think
23 your background as a former police officer, particularly
24 with the LAPD, will help or hinder your ability to serve
25 on the Commission? And why or why not?

1 MR. KERR: Yes. I think it will help, but I
2 think in cases it will hurt.

3 Now, first off, we're assuming that -- I think it
4 would -- the people it would hurt I think are the least
5 likely people who would research the backgrounds of all
6 the Commissioners. But unless someone looks at the
7 background, I can't see where it would become an issue
8 into actually doing the job that I have to tell everyone.
9 But I'm not hiding it either. It's what I'm saying.

10 There are people that think that's -- there are
11 people that are very pleased. They think that's a
12 positive. People think the police are the greatest thing.
13 And there are people that you can do no right. But what
14 about lawyers? What about teachers?

15 MS. RAMIREZ-RIDGEWAY: We are fantastic.

16 MR. KERR: I didn't mean --

17 MS. RAMIREZ-RIDGEWAY: Go ahead.

18 MR. KERR: What I'm saying is there's almost any
19 group that's going to have its supporters and its
20 detractors. They're going to say, "Well, what does that
21 person know? I mean, he's never done this, that, or the
22 other."

23 So I think if you had -- if you had 14 people
24 that were all retired military or retired law enforcement,
25 not good. It would send the message. It's not -- I think

1 it's good to have some.

2 MS. RAMIREZ-RIDGEWAY: With your service as a
3 police officer, did it create or dispel any biases that
4 might effect your work as a Commissioner?

5 MR. KERR: I don't know if it dispelled or
6 created biases. It made me -- being a police officer
7 allows you to see people at their best and at their worst.
8 And that seems to cut across groups of people.

9 It's certainly helped me kind of see people
10 for -- I guess people for what they are. And that is
11 seeing them at their very best and at their very worst.

12 I retired shortly after the Rodney King incident.
13 That was my last time I was in the field. Well, that
14 showed me people at their worst. But I do know because
15 I've seen several riot type situations -- that was a riot.
16 And until the national guard gets there, you see how thin
17 veneer civilization really is. But that wouldn't have
18 been -- that wouldn't necessarily be -- you take a group
19 of any people and put them in a similar situation. Once
20 the spark's ignited and they're thinking as a group, as a
21 linchpin, as a mob of some type, the psychology just
22 completely changes.

23 I don't know if that's -- I don't know if I'm
24 answering your question or not. But do you mean if it
25 made me to see Koreans in a higher or lower light --

1 MS. RAMIREZ-RIDGEWAY: Correct. Did you form any
2 biases or lose any biases?

3 MR. KERR: I actually might have lost -- I might
4 have lost some biases.

5 Actually, I don't know exactly when it happened.
6 I was being raised in the 50s. People looked at blacks a
7 little differently than they did. And the Marine Corps.
8 was the first time I lived with them in the squad bays.
9 And, there, I got to see the better and the worse and see
10 them as people. And that kind of evened out then on the
11 police department. Pretty soon I'd say, "Hey, they're
12 just folks." Until I say, "Hey, I want to go live in the
13 Caribbean."

14 MS. RAMIREZ-RIDGEWAY: We have about a minute
15 remaining. My thought is perhaps we give the applicant a
16 time to make a brief closing statement. Are you
17 comfortable with that?

18 CHAIR AHMADI: Yes.

19 MS. RAMIREZ-RIDGEWAY: If you'd like to make a
20 closing statement, please do so.

21 MR. KERR: I guess I would like to say I know
22 that you're going to have a lot of people here with a lot
23 of technical expertise. And I have some of that, too.
24 But I think we've all pointed out -- like I said, I really
25 am kind of the blue collar candidate. I've been poor.

1 I've been middle class. And there's just a lot of people
2 out there. And I think that they would like to see
3 someone like that. They'd like to see a couple of
4 positions on that on the Board. I hope you do that, even
5 if I'm not one of them. I really hope that's the way it
6 ends up working out.

7 MS. RAMIREZ-RIDGEWAY: Thank you so much for
8 coming to see us.

9 PANEL MEMBER SPANO: Thank you.

10 VICE CHAIR CAMACHO: Thank you.

11 CHAIR AHMADI: Thanks.

12 MS. RAMIREZ-RIDGEWAY: Let's go into recess until
13 12:59.

14 MR. KERR: Thank you.

15 (Thereupon the Panel recessed at 12:29)

16

17

18

19

20

21

22

23

24

25