



August 7, 2006

Linda M. Springer, Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear Ms. Springer:

On behalf of the Hispanic National Bar Association (HNBA), the Mexican American Legal Defense and Educational Fund (MALDEF), and the Puerto Rican Legal Defense and Education Fund (PRLDEF), we are writing to express our grave concerns regarding a statement made to the press by an employee of the Office of Personnel Management.

An August 1, 2006 article in *GovExec.com* regarding Hispanic underrepresentation in federal employment (see attached) attributes the following statement to Mr. Antonio San Martin, Jr., an attorney in the Office of General Counsel:

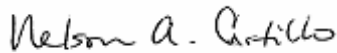
"I can't show up to a conference with 50 jobs in my pocket and give them out to the people there as door prizes," San Martin said.

Mr. San Martin's comment, which falsely compares Latino demands for fair federal employment policies to 'handouts,' is outrageous. The comment is particularly troubling because Mr. San Martin was reported to be responsible for coordinating OPM's relationships with Hispanic advocacy groups; as such, his fundamental misunderstanding of that which Hispanic advocacy groups and Hispanic job candidates demand from OPM and the federal government is alarming.

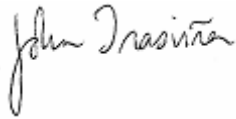
The HNBA, MALDEF, PRLDEF, and other members of the National Hispanic Leadership Agenda (NHLA) demand nothing more or less than effective federal outreach, hiring, and employee retention initiatives for Hispanic job candidates and employees. We are profoundly disturbed by the civil rights implications of continuing Hispanic underrepresentation in federal employment, as detailed in the NHLA report released on August 1st. The NHLA attributes the continuing underrepresentation of Hispanics in federal employment in part to OPM's failure to develop and implement effective strategies to address this problem. Mr. San Martin's public comment has served to increase our level of concern regarding the sincerity and efficacy of OPM's efforts.

The NHLA has petitioned Congress to require OPM to adequately address the underrepresentation of Hispanics in federal employment and address the gravity of the civil rights and legal issues involved. Mr. San Martin's "door prize" comment seems to reflect a flippant attitude about this matter that is very inappropriate, especially given his position at OPM. We demand more from OPM and call upon Mr. San Martin and other OPM officials to ensure that OPM implements effective measures to remedy continuing Hispanic underrepresentation in federal employment.

Sincerely,



Nelson Castillo
President
Hispanic National Bar Association (HNBA)



John Trasviña
Interim President and General Counsel
Mexican American Legal Defense and Educational Fund (MALDEF)



Cesar Perales
President and General Counsel
Puerto Rican Legal Defense and Education Fund (PRLDEF)

cc:

OPM Acting General Counsel Kathie Ann Whipple

Senator Susan Collins
Chair, U.S. Senate Committee on Homeland Security and Government Affairs

Senator Joseph Lieberman
Ranking Member, U.S. Senate Committee on Homeland Security and Government
Affairs

Congressman Tom Davis
Chair, U.S. House of Representatives Committee on Government Reform

Congressman Henry Waxman
Ranking Member, U.S. House of Representatives Committee on Government Reform

Congressman Jon C. Porter
Chair, U.S. House of Representatives Sub-Committee on the Federal Workforce and
Agency Organization

Congressman Danny Davis
Ranking Member, U.S. House of Representatives Sub-Committee on the Federal
Workforce and Agency Organization

Congressman Charles Gonzalez
Chair, Congressional Hispanic Caucus, Civil Rights Taskforce

Ronald Blackburn-Moreno, President, ASPIRA Association
Chair, National Hispanic Leadership Agenda, NHLA

Alma Morales-Riojas, President, MANA, A National Latina Organization
Vice Chair, NHLA

Gilberto Moreno, President, Association for the Advancement of Mexican Americans
Secretary/Treasurer, NHLA

Albert Zapanta, President, US-Mexico Chamber of Commerce
At Large, NHLA

Manuel Mirabal, President, National Puerto Rican Coalition
Co-Chair, NHLA Government Accountability Committee

Brent Wilkes, Executive Director, League of United Latin American Citizens
Co-Chairs, NHLA Government Accountability Committee

Attachment: GovExec.Com article by: Karen Rutzick, August 1, 2006

August 1, 2006

OPM blamed for under-representation of Hispanics in government

By Karen Rutzick
krutzick@govexec.com

A coalition of 40 Hispanic groups held the Office of Personnel Management responsible for the under-representation of Hispanics in the federal workforce in a report released Tuesday.

Marking a thick red "F" on OPM's latest Hispanic employment report, the National Hispanic Leadership Agenda released its own findings, accusing OPM of a failure in leadership and an unwillingness to hold agencies accountable for the gap between the percentage of Hispanics employed in the private and public sectors.

NHLA also criticized OPM's statistics, [which in February](#) put Hispanics at 7.4 percent of federal employees and 12.6 percent of the general workforce in 2005. NHLA said the number of Hispanics in the general labor force is higher, around 13.5 percent, and its growth is outpacing the government's hiring rate.

The percentage of Hispanic career senior executives in the federal government has actually decreased, from 2.5 percent in fiscal 2001 to 2.3 percent in fiscal 2005, according to NHLA. The coalition said this under-representation means a potential loss of 120,000 jobs for the Hispanic community, costing it more than \$5 billion in addition to a lack of influence in policy decisions and funding for Hispanic programs.

Gilbert Sandate, who retired from a Senior Executive Service position at the Library of Congress as director of workforce diversity this summer, said the disparity stems from "nothing short of institutional discrimination."

"If gaining an entry-level job is a challenge for Hispanics," Sandate said, "cracking the Senior Executive Service is tantamount to climbing Mt. Everest."

A spokesman for OPM said NHLA did not send the agency a copy of its report, so officials could not comment on the document's contents.

In an earlier interview with *Government Executive*, however, Antonio San Martin Jr., a

lawyer in the OPM general counsel's office who coordinates the agency's interaction with Hispanic advocacy groups, said the goal of parity with the private sector represents a quota and is illegal.

San Martin said OPM has actively worked to educate Hispanics about federal opportunities and to provide a fair, merit-based hiring practice.

"I can't show up to a conference with 50 jobs in my pocket and give them out to the people there as door prizes," San Martin said. "What we can give them is the information, the accessibility, the opportunity, the encouragement to know they will be treated fairly by the federal government."

NHLA's report is intended for members of Congress, some of whom asked the Government Accountability Office to issue its own report on the situation. GAO's report initially was scheduled for release in July, but has been pushed back until September. NHLA plans to ask Congress to hold hearings on the findings.

Janet Murguia, president of the National Council of La Raza, a member of NHLA, said the report blamed OPM rather than individual agencies for the continuing disparity because it's a place to start.

"We need to start making sure that at least one agency is being held accountable," Murguia said.

In addition to Murguia's organization, NHLA includes the League of United Latin American Citizens, the Mexican American Legal Defense & Education Fund, the National Association of Hispanic Federal Executives, the Cuban American National Council, and others.

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