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MAINE ADVISORY COMMITTEE
TO THE
U.S. COMMISSION ON CIVIL RIGHTS

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POST-9/11 CIVIL RIGHTS ISSUES IN MAINE:
RACIAL AND ETHNIC PROFILING AND HARASSMENT

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TUESDAY, APRIL 6, 2004

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The Commission convened in the Luther Bonney Auditorium, on the main floor of the Luther Bonney Hall, University of Southern Maine, 96 Falmouth Street, Portland, Maine, at 2:30 p.m., Shelley Roseboro, Chairperson of the Maine Advisory Committee, presiding.

ADVISORY COMMITTEE MEMBERS:

- SHELLEY ROSEBORO, Chairperson, Portland
- BARNEY BERUBE, Augusta
- SHIRLEY ELIAS EZZY, Augusta
- DONNA LORING, Richmond
- KENNETH MORGAN, Bangor
- RACHEL TALBOT ROSS, Portland
- GRACE VALENZUELA, Peaks Island

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P-R-O-C-E-E-D-I-N-G-S

(2:30 p.m.)

I. Opening Remarks

MR. ST. HILAIRE: Welcome to the Maine Advisory Committee to the U.S. Commission on Civil Rights Public Forum "Post-9/11 Civil Rights Issues in Maine: Racial and Ethnic Profiling and Harassment."

My name is Aonghas St. Hilaire. I'm a staff person with the U.S. Commission on Civil Rights, and I help the Advisory Committee get the resources they need to do their work. I'll just say briefly some background words about the Commission.

It's an independent bipartisan agency, first established in Congress in 1957 to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices.

The Commission also studies and collects information relating to discrimination or a denial of equal protection of the laws under the Constitution because of their race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

The Commission also appraises federal laws

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1 and policies with respect to discrimination or the
2 denial of equal protection of the laws because of the
3 above-mentioned protected classes. The Commission
4 serves as a national clearinghouse for information
5 with respect to discrimination of equal protection of
6 the laws because of race, color, religion, sex, age,
7 disability, or national origin. It also reports
8 findings and recommendations to the President and
9 Congress.

10 The Maine Advisory Committee is one of 51
11 State Advisory Committees that are in each of the
12 states and the District of Columbia. They're
13 established by law to advise the Commission of civil
14 rights issues at the state level.

15 For reports that are submitted to the
16 President and the Congress, the State Advisory
17 Committee has also received reports, suggestions, and
18 recommendations from individuals, public officials,
19 and representatives of public and private
20 organizations, to committee inquiries, and they
21 forward advice and recommendations to the Commission.

22 On behalf of the Commission and the Maine
23 Advisory Committee, I'd like to thank Kathleen Roberts
24 and Marion Green of the University of South Maine's
25 Office of Campus Diversity and Equity and the USM's

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1 President Richard Patenode, and Sherry Phillips of the
2 USM's Department of Conferences, John Lauers and Seth
3 Carion of the Department of Instructional Technology
4 for providing the logistical support for today's
5 forum.

6 And at the end of the table is Shelley
7 Roseboro. She's the Chair of the Maine Advisory
8 Committee, and I will now defer to Shelley.

9 CHAIRPERSON ROSEBORO: Thank you, Aonghas.
10 Thank you.

11 I'd like to welcome everyone here. Thank
12 you very much for spending your afternoon here to help
13 us address this very important issue.

14 I want to first of all just thank the
15 passionate and dedicated members of my committee who
16 sit to my right. Their dedication to civil rights, to
17 the process of identifying and clarifying the issues
18 that are facing the citizens in the State of Maine has
19 been quite extraordinary. So I want to thank you all
20 for being a part of that process.

21 I also want to thank Aonghas for his work
22 in helping us clarify the issues, for providing us
23 with briefing materials, contacting speakers, and
24 making this all happen. I hope that you are all here
25 with open minds, open hearts, and are able to sit and

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1 listen really hard to the things that are going to be
2 shared. And I think we're going to all learn a lot
3 today.

4 Thank you very much for taking the time to
5 be here.

6 MR. BERUBE: Thank you, Shelley, Aonghas.
7 My name is Barney Berube. When I'm not sitting at
8 events like this, I work at the Maine Department of
9 Education for children whose first language is not
10 English state-wide.

11 I will ask I guess each of the panelists
12 to introduce themselves, and then we'll begin speaking
13 with the panel on my immediate left.

14 MS. EZZY: My name is Shirley Elias Ezzy.
15 I'm a member of this Commission, have been for many
16 years. I live in Augusta, and I'm in the insurance
17 and financial services business.

18 MS. ROSS: Good afternoon. I'm a new
19 member to this Commission. My day job is I'm the
20 Director for the Office of Equal Opportunity and
21 Multicultural Affairs for the City of Portland. Thank
22 you for coming today.

23 MS. LORING: My name is Donna Loring, and
24 I represent the Penobscot Nation and the State
25 Legislature.

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1 MR. MORGAN: My name is Ken Morgan. I
2 live in Bangor. I've been on the Commission for many
3 years also. I work for the Maine AFL-CIO, the
4 Federation of Labor Unions in the State of Maine.

5 MS. VALENZUELA: My name is Grace
6 Valenzuela, and I live on Peaks Island, Maine. And I
7 -- my day job is as the Assistant to the
8 Superintendent for Multicultural Affairs for Portland
9 Public Schools.

10 MR. BERUBE: Okay. We're starting a
11 little bit late, so we'll probably need to move along.

12 By the way, Aonghas, who is our
13 coordinator here, does have a little bell, which
14 reminds me of my childhood I think. When you hear
15 that bell, that means you have about a minute to go,
16 is that right, or --

17 MR. ST. HILAIRE: Yes. When there's two
18 minutes left, the bell will sound.

19 MR. BERUBE: Okay. That way we can move
20 this along, because there are other panels that will
21 follow this one.

22 And I was asked and was happy to serve as
23 moderator for the first panel, which is on community
24 and advocate perspectives on our topic on racial and
25 ethnic profiling post-9/11 and harassment.

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1 So I would ask in the order that they are
2 seated -- and, Steve Wessler, you can introduce
3 yourself and speak. And I would ask the panel to hold
4 off on questions until you've said all of what you
5 wish to say, except if there's something you're saying
6 that either can't be heard or needs to get clarified.

7 Otherwise, we'll let you keep right on going, if
8 that's all right.

9 Steve?

10 MR. WESSLER: Would you like me to
11 introduce myself?

12 MR. BERUBE: I was going to do that as you
13 go, but we can -- why don't -- yes, why don't -- thank
14 you, Steve. Why don't we introduce ourselves, so
15 everyone will know who all of those people are that
16 are representing community and advocate perspectives.

17 Thanks, Steve. Steve?

18 MR. WESSLER: Steve Wessler, Director of
19 the Center for Prevention of Hate Violence here at
20 USM.

21 MR. UMMAH: My name is Dawud Ummah. I'm
22 the Imam of the American Muslim Society of Maine.

23 MS. RINCON: The Reverend Virginia Marie
24 Rincon. I'm representing the League of United Latin
25 American Citizens, and also an ordained minister in

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1 the Episcopal Church.

2 MS. HUSSEIN: Fatuma Hussein, representing
3 Somali women in the Lewiston/Auburn area.

4 MS. STICKNEY: Beth Stickney. I'm the
5 Executive Director of the Immigrant Legal Advocacy
6 Project.

7 MR. CHONG: My name is Tae Chong, and I
8 work for the Portland Housing Authority as the
9 Resident Initiatives Program Manager. Today I'm
10 representing the Asian-American Heritage Foundation,
11 and I'm also on the Portland School Board.

12 MR. CHERRY: My name is Farausi Cherry.
13 My day job -- I'm a guidance counselor at the Lewiston
14 High School. Today I will be talking representing the
15 Youth Committee of NAACP.

16 MR. BERUBE: Thank you.

17 Aonghas will be using this microphone
18 here. Speakers will come to this microphone and talk.

19 Steve, please? Thank you.

20 **II. Panel I: Community and Advocate Perspectives**

21 MR. WESSLER: Good afternoon, everybody.
22 Thank you for inviting me.

23 The topic of this hearing today couldn't
24 be more important, which is the post-September 11th
25 issues affecting the immigrant and refugee

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1 communities. The Center for Prevention of Hate
2 Violence at USM has now issued two reports focusing on
3 the impact on immigrants and refugees after
4 September 11th.

5 The first one was issued in the late
6 spring of 2002, and it resulted from, oh, maybe 50 or
7 60 interviews, mostly with immigrants and refugees,
8 trying to get a handle on what their experience was in
9 the immediate weeks and months after September 11th.

10 And what we found at that point, in that
11 first year, is that there was a high level of anxiety
12 and fear among immigrants and refugees of being on the
13 receiving end of hate crimes or confrontational bias.

14 And by that I mean somebody -- a Muslim woman walking
15 out of a supermarket and being confronted in a very
16 angry, hostile way, with racial slurs, religious
17 slurs, and being accused of being a terrorist. And we
18 were seeing a lot of those incidents. A few were hate
19 crimes, but far more instances of the confrontational
20 bias.

21 Last summer we decided to do a followup
22 report, and a lot of people suggested to us that what
23 we would find is that the anxiety level among the
24 immigrant and refugee communities had decreased,
25 because on the national level, and I think also in

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1 Maine, the incidence of hate crimes had decreased, and
2 also the incidence of confrontational bias had
3 decreased. They hadn't disappeared, but they had
4 decreased.

5 So between somewhere toward perhaps the
6 end of July into September, we interviewed over 90
7 people. Probably two-thirds of those were immigrants
8 and refugees, and another third were service
9 providers, government, social services, some of whom
10 were immigrants and refugees themselves.

11 And what we found was that instead of
12 anxiety levels going down in the immigrant and refugee
13 communities, they, in fact, were higher two years
14 after September 11th than they were two months after
15 September 11th. And while there was still some fear
16 and anxiety about being the victim of a hate crime or
17 a confrontational incident where they were going to be
18 subject to racial/ethnic/religious slurs, what had
19 really replaced that was fear generated by the anti-
20 terrorism and immigration policies of the United
21 States Government.

22 Starting with the immediate post-
23 September 11th detention, and then secret detention,
24 and then secret deportation of up to 1,200 people
25 going on with the voluntary interviews by the FBI,

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1 special registration, a whole series of federal anti-
2 terrorism efforts which were primarily, and in some
3 cases only, directed at people from primarily Muslim
4 and Arab countries.

5 The impact on immigrants and refugees was
6 to be fearful of having any contact with somebody in
7 law enforcement. So that's what we saw absolutely
8 initially, and we -- we were not able to find
9 immigrants and refugees who would tell us that they
10 were comfortable going to talk to the police, not only
11 about being the victim of a hate crime but about
12 virtually anything.

13 We had talked to one Arab American who had
14 been in a car accident where he was not at fault, and
15 he was unwilling to report the incident to the police
16 because he was afraid he would then be reported to
17 federal immigration authorities, and as a result he,
18 or someone in his family, might be subject to some
19 investigation and might end up being detained or
20 deported.

21 And this fear we saw not only for people
22 who thought they had immigration issues but also for
23 people who knew that their immigration status was
24 solid. And that's because the immigration laws were
25 changing, so they were never quite sure whether or not

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1 their status was solid. For some people it was the
2 fear of deportation, and for others it was the secret
3 detention.

4 And I think the most disturbing part of
5 the interviews we had was the many people I spoke to
6 who told me that they had come to this country from a
7 place where people were secretly arrested in the
8 middle of the night from their home and never heard
9 from again. And they would then say to me, "That's
10 the level of fear that I have in this country."

11 Well, we then found out that the ancillary
12 impacts of that fear were just as serious as on the
13 ability of law enforcement to deliver services,
14 because we saw an impact on social services. Every
15 domestic violence professional said that they were
16 virtually unable to bring immigrants or refugees to
17 the police to report domestic violence.

18 We were finding other social service
19 agencies that were having significant difficulty
20 getting immigrants and refugees to come forward,
21 because they were afraid of getting involved in some
22 official action that would pull them into the federal
23 immigration authorities.

24 The next thing we saw, which was not what
25 we expected, was that the fear and anxiety level among

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1 the Hispanic or Latino populations was as high as what
2 we were seeing within the Muslim populations. And by
3 the way, I would say not just Muslim and Arab, but --
4 so we're talking Arab Christian, and we're also
5 talking about African Christian as well -- high levels
6 of anxiety.

7 So we not only have federal enforcement
8 policies that we're having that are negatively
9 impacting the ability of local law enforcement to be
10 -- deliver services, negatively impacting the ability
11 of social service providers to provide key services to
12 immigrants and refugees, but we're having overall
13 impacts on the quality of life of men and women and
14 their children in this state, because there is this
15 constant anxiety -- anxiety that if I don't have my
16 papers with me and I'm stopped, I could be subject to
17 a detention.

18 And if it's a Friday and I'm taken away,
19 maybe I'm not going to be able to get this figured out
20 until Monday or Tuesday, and meanwhile my family isn't
21 going to know about it.

22 I have one -- know one person who is an
23 African and a Muslim and a professional. He said
24 every time he goes out at night his wife stays up in
25 terror that he's not going to come home again. His

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1 papers are solid, but people don't know whether or not
2 their papers that they thought were adequate today are
3 going to be adequate later.

4 If you have sent in an application for an
5 extension of your legal status, and the Department of
6 Homeland Security takes one, three, five, seven, nine
7 months to process it, and a police officer stops you
8 and say, "May I see your papers," and you show the
9 papers, and the papers show that your time has run
10 out, the fact that you have submitted an application
11 or a letter requesting an extension probably isn't
12 going to stop you from being detained for some period
13 of time in a federal institution.

14 I guess the last thing to say before I
15 will sit down is that it is -- it is to me a very sad
16 time to be living in this country, and we have a whole
17 population of people who have come to this country
18 because of all the wonderful things this country has
19 to offer and are in a constant state of fear and
20 anxiety because of what their Federal Government is
21 doing.

22 And I -- if there's anything that I hope
23 comes out of this, it will be very strong
24 recommendations, including that opposition to the
25 Clear Act or the Homeland Security Enhancement Act of

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1 2003, so that we can start reversing some of these
2 policies.

3 MR. BERUBE: Thank you, Steve.

4 Let me ask members of the panel if they
5 have questions of Mr. Wessler.

6 MS. ROSS: Steve, do you know of any steps
7 that have been taken by the law enforcement or social
8 services to address the fact that they can't do their
9 jobs adequately with the federal enforcement policies
10 in place? Do you know of any steps that have been
11 taken to --

12 MR. WESSLER: Well, Portland has taken a
13 huge step. The Portland City Council enacted an
14 ordinance that was proposed by Beth Stickney and her
15 organization, ILAP, that is -- prohibits, except under
16 certain limited circumstances, any governmental
17 employee from asking about immigration status.

18 And that is hugely important, but there
19 are two limitations on its effectiveness. One is it's
20 not statewide, so it would be tremendously important
21 to have that come as something from the governor that
22 would be -- have statewide application.

23 But the second piece is when we have
24 actions like the recent border patrol sweeps, it is
25 asking a lot of an immigrant or refugee to be able to

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1 -- somebody who is new to this country to be able to
2 distinguish between the uniform of somebody who is
3 from the border patrol and the uniform of somebody who
4 is from the Cumberland County Sheriff's Office or the
5 State Police or the Portland Police Department, so
6 that the fear level is so widespread it is going to
7 take I think some concerted effort beyond even what
8 Portland has done to start really making a difference
9 -- certainly a difference statewide.

10 CHAIRPERSON ROSEBORO: Thank you.

11 MR. BERUBE: Yes, Ken.

12 MR. MORGAN: Steve, two things. Would it
13 be possible for you to provide us like a relatively
14 brief synopsis of a legislative remedy,
15 recommendations that you might add?

16 MR. WESSLER: Yes. We have a
17 recommendation for an Executive Order, and that is --
18 and I can certainly give that to you.

19 MR. MORGAN: And my second question is --

20 MR. WESSLER: I should say there have been
21 discussions ongoing with -- well, we're not sure
22 whether they're ongoing, but there have been
23 discussions with the Baldacci Administration about
24 having an Executive Order modeled after the Portland
25 ordinance.

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1 MR. MORGAN: And I -- this sort of fits
2 into that area. But in addition to a short
3 legislative or executive remedy, do you have any other
4 suggestions of what might be helpful insofar as
5 reducing this really severe anxiety you are
6 describing?

7 MR. WESSLER: Well, there are a couple of
8 things that -- that we are doing, and the "we" is that
9 the Center for Prevention of Hate Violence and ILAP,
10 as well as the Maine Chapter of the National Lawyers
11 Guild have a -- a project which we call the Preserving
12 the American Dream Project, and we are doing a couple
13 of things.

14 Within the next couple of weeks we will be
15 distributing informational material to the
16 immigrant/refugee community announcing a joint 800
17 number, which will be operated both by the Center for
18 Prevention of Hate Violence and by ILAP. ILAP will
19 provide advice on detentions and for us to be able to
20 provide people with advice on where to go, which will
21 frequently directly to the Attorney General's Office
22 up there, having been on the receiving end of a hate
23 crime, or to their local police department.

24 So there's a lot of informational
25 literature that will go out in a number of languages.

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1 We are also starting a program, and we'll be doing
2 our first training in just another week, something we
3 call the Friend from the Community Program.

4 What we found after September 11th is that
5 a lot of Muslim women were not leaving their homes,
6 not for a day or two, but for days and days and days,
7 because of fear of confrontational bias or of hate
8 crimes.

9 We have heard of the same thing happening
10 within the Hispanic communities, and so what we are
11 going to be doing is training a relatively small group
12 of women, both from immigrant and refugee communities
13 and from the community at large in Portland, to end up
14 being a friend who could accompany somebody who is
15 scared to go out because they're worried about being
16 on the receiving end of some confrontational act of
17 bias or prejudice, and could drive somebody to the
18 supermarket or go with somebody with their children to
19 a playground.

20 The third thing we're doing to try to
21 allay fears, but also to reduce the heightened anti-
22 immigration bias in this country, is to develop a
23 series of public service announcements that would go
24 on television.

25 And I also want to say, because it's

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1 really important, is that there is a relationship
2 between the heightened anti-immigration bias we see in
3 this country and the Federal Government's policies. I
4 mean, we have a fundamental conflict in which the
5 Federal Government, at its highest level, says on one
6 hand, "Please don't target Muslims for hate crimes;
7 we're all one country," and then -- very laudable.
8 The President went to a mosque right after
9 September 11th.

10 But, on the other hand, every single thing
11 that the Federal Government has done in terms of anti-
12 terrorism enforcement policy has totally singled out
13 Muslims. So they have not -- they have spoken in one
14 direction and then acted in the other directions, in a
15 message that I think has at least supported, if not
16 indirectly encouraged, the kind of bias that we've
17 seen exhibited by citizens.

18 MR. BERUBE: Thank you, Stephen.

19 MR. ST. HILAIRE: To encourage that
20 everybody has time to present, I'd like -- could we do
21 the questioning afterwards, unless there's a
22 clarification question? Yes, I'm just concerned about
23 the time of the panel.

24 MR. BERUBE: Oh, you would like to have
25 the comments after the entire panel has spoken and

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1 then --

2 MR. ST. HILAIRE: Yes.

3 MR. BERUBE: Okay. That's my fault. All
4 right. Thank you. Then we'll move on.

5 Thank you, Steve.

6 Dawud Ummah here representing Imam,
7 representing the American Muslim Society of Maine.
8 And help me if I mispronounced that.

9 MR. UMMAH: Good afternoon. And thank
10 everyone from the panel and the guests.

11 First, I was asked to speak about the
12 diversity in the Muslim community. And in thinking
13 about it, I said, well, you know, the Muslim community
14 prides itself as being one community. Even though
15 it's one community, it's basically right now in the
16 United States, and especially here in Maine, it's an
17 international community.

18 And being an international community,
19 coming from different parts of the world, and coming
20 from war-torn areas or coming from places that has
21 been ravaged by war or whatever situation they may
22 have done, they come with their own set of problems.
23 And sometimes when you make it to America there's this
24 sense that you could abandon your Islam or either
25 expand upon it. You may go to one extreme or the

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1 other.

2 And maybe -- maybe -- in being here you
3 may just ignore some of the Muslims that was already
4 here, such as the African American community. It's
5 been here, and it's been here for a long time. A lot
6 of times when we're speaking about the terrorism or
7 the different acts or how the Patriot Act has affected
8 Muslims, we always talk in terms of immigrants and
9 refugees.

10 But as an African-American, this has been
11 going on for -- ever since I was a Muslim and even
12 before. The act of terrorism has been on our
13 community for a long time. So we have something to
14 say about terrorism, and as African-Americans and as
15 Muslims.

16 The Muslim community has a flavor of
17 caucasians, Europeans, Africans, Asians, people from
18 Bosnia, where they have suffered at the hands of
19 Christians, so when they get here it's not like they
20 are going to run directly to a Christian community and
21 seek help. So the caucasian Muslims could fade into
22 this community without ever being noticed.

23 On the other hand, the African and Asians
24 and Arab-Muslims, they have a tendency to stand out
25 much more so than any other group.

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1 The group that we found that suffered the
2 most in this act of terrorism or this new patriot to
3 -- for America is the Arab brothers. We know that
4 9/11 it was mainly -- it was what, 19 -- out of that
5 19, there might have been 11 from Saudi Arabia. So
6 the association is that the Arabs was responsible for
7 this. The Arabs was responsible for this.

8 However, most of the Arabs that were here
9 were suffering at the hands of maybe a tyrant, coming
10 out of Iraq, coming out of Libya, coming out of maybe
11 even Jordan or some other places where they had
12 tyrants as rulers over them

13 So when you basically start to look at
14 this terrorism, me personally I would hope that we
15 would begin to look at it across the board and not
16 just look at, say, just the Arabs as the victims of
17 terrorism or the Muslims. When you get this Muslim
18 identity, I kind of say, what exactly are they talking
19 about -- this Muslim identity?

20 When you think of being an American, you
21 don't say that all Americans are of one particular
22 flavor. So when you speak of the Muslims, it's not
23 one particular group of people. So when we're coming
24 here and asking about what's going on as far as
25 terrorism here, we're asking to say, "This is what's

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1 going on in our community, and it's been there for a
2 long time. This is nothing new."

3 They asked me to say about what's been
4 going on generally, what's happened with the climate.

5 9/11 -- there was an outreach. I think you've seen a
6 lot of women begin to wear their hairdress. They
7 started wearing scarves. They said, "We are in
8 support of Muslims." I think that lasted for about
9 three months at best. You had a lot of people coming
10 out that was helping the Muslims. They were saying
11 that, "Yes, we're with you."

12 A lot of laws went into place. Even when
13 you go to court, the judges had began to look at some
14 of the cases and was ruling favorably for the Muslims
15 in this state. At least I know that from personal
16 experience.

17 And shortly after you had -- I think Steve
18 was mentioning it -- the policies of the United States
19 started to say, no, the Muslim terrorists, this is
20 something -- one of the words that has been out there
21 is Islamic terrorism, Islamic extremists, rebels.
22 With this type of language, it doesn't even fit with
23 the term "Islam" itself. The term "Islam" basically
24 means one who submits themselves to the will of God.

25 And if you're submitting yourself to the

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1 will of God, then if you was to go to the extreme, all
2 it could do is produce a good result. If you was to
3 become an Islamic terrorist, I don't really think you
4 could terrorize people in the sense of the way it's
5 being portrayed right now. You could only terrorize
6 them in goodness, if you're using this term "Islam"
7 and "terror." It's not Islam and it's a violent act.

8 So basically if we was to look at it,
9 we're asking the community to say, in their own mind
10 and in their own actions, that Islam is not a religion
11 of violence. It's not a religion that promotes
12 violence. It's not a religion that says that we
13 oppress our women.

14 I personally have been out with a lot of
15 different religious groups that went out and said
16 that, "We are going to try to change this image." And
17 we realize that as much as the state could do as far
18 as the legal system is concerned, there's things that
19 individuals themselves need to do, and we've been
20 encouraging people to get into dialogues with Muslims,
21 Christians, and Jews.

22 And this would basically clear up a lot of
23 those misunderstandings and move past what the laws
24 can do, because the law could only go so far, but the
25 dialogue is the thing that we're basically working on

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1 and asking people to try to engage themselves in.

2 So thank you very much.

3 MR. BERUBE: Thank you, Mr. Ummah.

4 Any questions or clarifications, just for
5 now? Okay. Then we'll move on.

6 Virginia Marie -- is it Rincon? I'm not
7 going to get it right probably. The Director of the
8 League of Latin American Citizens.

9 MS. RINCON: Thank you, and good
10 afternoon.

11 Yes, I am the Director of the League of
12 United Latin American Citizens, and also, as I said,
13 an ordained minister in the Episcopal Church. I do a
14 lot of street ministry also. Therefore, I see an
15 intertwine of issues come my way.

16 The Latino community is growing in
17 Portland, Maine. And what I'm hearing more and more
18 from the community is they're saying to me, "Reverend
19 Virginia Marie, brown should not equal a terrorist.
20 Brown should not equal that I am a terrorist."

21 When I encounter a Latino, I usually ask
22 them, "Why did you come to Maine?" and they always
23 say, "To work and to raise my family in a safe
24 environment." I came to Maine -- to Portland, Maine,
25 before 9/11, and ever since 9/11 the fear and the

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1 intimidation that the Latinos feel in their community
2 is constantly growing.

3 This is an extreme example, but -- that
4 I'm going to give you, and my brother Steve mentioned
5 some of it earlier on in his conversation with you. A
6 woman who had been beaten refused to call the police
7 department in fear that they wouldn't pay attention to
8 the fact that she was legal and a documented person,
9 and, therefore, stayed in her room for weeks, days I
10 should say, from fear of being deported.

11 There is a lot of psychological trauma
12 that has occurred. And because I am a Reverend and I
13 represent the Latinos, I get to hear those stories,
14 and there are a lot of them.

15 Ever since 9/11, and thereby the Patriot
16 Act enforced, the attitudes of racism have also
17 increased. People call me with stories such as --
18 I'll give you an example, a recent example. A young
19 man who is trying to form a group for his AA group was
20 trying to find a place.

21 So I called the office here in Portland
22 and asked if they could please help me, because I
23 wasn't familiar with how they did this. This was a
24 Spanish-speaking only AA group. The gentleman at the
25 other end of the line said to me, "They're here. They

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1 should speak English. So it's their problem."

2 I said, "Well, I'd like to continue the
3 conversation a little bit more." And he said, "Well,
4 there isn't anything else I can do for you." You
5 know, it's a problem.

6 These are attitudes of racism. It
7 increases the fear within the people. They don't want
8 to walk the streets at night, because they're afraid
9 they will be profiled. And, personally, I feel that
10 the same thing would happen to me if I didn't carry my
11 documents at this point, especially after the recent
12 border patrol sweeps.

13 There isn't too much more to say, other
14 than this has to be stopped. And I don't have the
15 magic answer. I wish that I did. And it saddens me
16 that there aren't more people sitting here listening
17 to these stories today.

18 The psychological trauma has been
19 enormous. This is what I deal with. I'm not a
20 policymaker, but I am somehow who advocates for the
21 spirit of humanity, which we all want.

22 And so I thank you.

23 MR. BERUBE: Thank you, Ms. Rincon.

24 Just a notation. We are being recorded,
25 so every -- the entire proceedings throughout what

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1 we'll be doing this afternoon and this evening is
2 collected verbatim, and a report is generated. It
3 takes a while for it to come full circle, but there is
4 a comprehensive report that comes of what we are
5 doing. So for those who don't know that we do that,
6 we do.

7 The President of the National Association
8 for the Advancement of Colored People from Bangor,
9 James -- oops. That's why I didn't recognize -- skip
10 over that.

11 The Executive Director from the Immigrant
12 Legal Advocacy Project, Beth Stickney. Beth? Oops, I
13 skipped over --

14 (Laughter.)

15 You guys are in order; my notes are not.

16 So let's go with Fatuma, please, of the
17 United Somali Women. Thank you.

18 Beth, you'll have your chance. Trust me,
19 right?

20 MS. HUSSEIN: Thank you for inviting all
21 of us. I am -- this is I guess a debate that was
22 needed. Particularly, I am a Somali woman and
23 immigrant myself. I have lived in this country for 11
24 years, almost 12 years now. And racism did exist
25 before 9/11, and then 9/11 happened.

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1 That created a lot of fear in our
2 community, my community especially, who consist of
3 women who are the head of households, who in so many
4 ways lost their husbands and are raising an average of
5 four to 10, 12, kids by themselves. They have limited
6 English, limited work skills, and are basically
7 struggling to raise their kids in this country.

8 It's a new country. That in itself is
9 very stressful, very confusing, because you come to
10 our country and within three or four months are
11 expected to have a job and be on your own. You don't
12 have the basic needs, like the English language. You
13 don't have the experience, and a lot of times you
14 don't even get a job.

15 And then 9/11 happened, and that created a
16 lot of fear in my community, because now we're
17 struggling with the skin color and the clothes that we
18 wear, and that is very obvious.

19 You will wonder why a lot of times we hear
20 this freedom of religion in America. But that's not
21 true, because people characterize me because of what
22 I'm wearing. And the head scarf, a lot of times
23 people think it's a symbol of oppression, which is not
24 true. And, therefore, we are scared of, then, going
25 to grocery stores because a lot of times we see people

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1 staring at us.

2 You wonder -- you know, for instance, if
3 you want to Somalia and you have no idea what the
4 Somali culture is, and you don't know what the Somali
5 language stands for, and you're in the midst of
6 nowhere, you will probably feel the same way. And so
7 we come here, and wearing our clothes and our beliefs,
8 and carrying all of our cultures to this country, and
9 then you go to shop and you're shopping, and people
10 keep staring at you.

11 And you wonder, is there something wrong
12 with you? Why are they staring at you? Some people
13 are, you know, mean enough to say, do you think it's
14 Halloween? They come up to you and call you all kinds
15 of names. What do you do, if you don't speak the
16 Somali -- the English language, to defend yourself, if
17 you cannot communicate back to them?

18 And, therefore, there's a lot of
19 immigration laws that are changing. And a lot of
20 Americans are aware of that, except us. The people
21 who don't speak the language, who are intended -- the
22 laws are intended for don't know about all these laws,
23 because they're kind of secluded in an area for
24 whatever reasons. And, therefore, it creates a lot of
25 power in the American society to always think the

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1 Muslim person is a terrorist person.

2 And so we don't understand the laws are
3 changing. We don't know what the immigration laws
4 are. A lot of times we are kind of caught up in the
5 midst of crises, because maybe we're supposed to
6 change our address on our green card, and you're
7 supposed to do that in 60 days and you didn't do it.
8 Then you're detained. Oh, you go into -- you're going
9 for a trip and you're flying, and your name is
10 Mohammed. Then you get detained.

11 For instance, I have a brother who was
12 going to Africa, and he was going from MIT for a
13 research program, and they sent him. And he's got all
14 his classmates and the people who are going with him
15 -- there are seven of them -- but he gets -- he gets
16 detained because his name was Mohammed, and he looks
17 similar to something else. And, therefore, he was
18 caught up with all of this.

19 And he called me, and I didn't know what
20 to do, because, I mean, he's there, and his name is
21 Mohammed, and he cannot change. But for them to think
22 he did something, and they had to investigate him, and
23 they had to send his papers, and all of this.

24 They came to my house after
25 September 11th. And it was in the evening, and this

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1 was six months later after September 11th. And they
2 knocked on the door, and it was around dinnertime, and
3 my husband opened the door and there was an FBI guy
4 from Georgia. And we were wondering why was he there,
5 and there was a lot of confusion. The kids didn't
6 understand why this guy was doing -- what he was doing
7 at my house.

8 And he said somebody spotted me in
9 Stanford a few months earlier than that, and,
10 therefore, there was a guy who was working with me, a
11 tall Somali guy, who looked like one of the
12 terrorists. That creates a lot of fear. And so today
13 we are so scared, we have to be very careful. We have
14 to always carry our documents.

15 You know, you see something that happened,
16 and you know it's very wrong. Somebody maybe hit your
17 child, for instance, you know, a Somali woman, you
18 know it's very wrong. But you can't say anything,
19 because a lot of times we are scared we're going to
20 get deported.

21 And also, kids, too, are, you know, so
22 confused, who are picked on at school, who are being
23 teased about what they wear and who they are, or what
24 they're eating, or their parents don't work. But a
25 lot of times we can't -- we can't convey that message

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1 to anybody, because, again, it comes back to
2 immigration laws saying that we are scared.

3 Maybe if we do anything wrong, then you
4 get deported, and a lot of times we wonder, where are
5 we going to get deported to? Somalia is not good.
6 And so to me I think there's no point of fighting. I
7 think we should do like he -- brother Dawud was
8 saying, do more discussions, make these people
9 understand what Islam is for and what it stands all
10 about, because Islam does not teach terrorism.

11 Those people who did the September
12 attacks, they made choices. And people make choices.

13 And when you make choices, you have to face
14 consequences. But I don't think it's fair for a
15 Somali or a Muslim woman to be -- you know, to be
16 something based on September 11th, to be treated like
17 a terrorist person, and she has no idea. She has
18 nothing to do with it.

19 Thank you.

20 MR. BERUBE: Thank you very much, Fatuma.

21 I'll ask Beth Stickney to speak. She's
22 Executive Director for the Immigrant Legal Advocacy
23 Project.

24 MS. STICKNEY: Hello. Thank you for
25 inviting us to come and give our comments today.

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1 I was asked to speak about harassment and
2 racial profiling of immigrants and people of color
3 since September 11th. And regarding harassment, I
4 wouldn't presume to speak for those folks, because
5 they can speak for themselves, and I would only be
6 reporting stuff from third hand.

7 But in terms of racial profiling, in fact,
8 my agency does have data that maybe other people --
9 other agencies don't have. As the only agency in
10 Maine that serves Maine residents who have immigration
11 law issues or concerns, people who have contact with
12 Immigration often do contact us.

13 And we have been able to note a huge
14 increase in racial -- what we would call racial
15 profiling, particularly by law enforcement throughout
16 the State of Maine since September 11th. First of
17 all, before I get to law enforcement, we did certainly
18 see an increase in racial profiling, just by members
19 of the general public right after September 11th for
20 about four months.

21 We are in the phone book, in the business
22 pages, under I. And when people wanted to call
23 Immigration to report "suspicious people" to
24 Immigration, they didn't think to look under U.S.
25 Government and then under Immigration.

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1 They looked under I, and so they found us
2 as the only thing that seemed remotely connected with
3 Immigrant, and they called us. And we got dozens of
4 calls in the first four months after September 11th
5 from people calling to report to Immigration a
6 suspicious person.

7 And we would always ask, "Well, what makes
8 this person suspicious?" And we would always hear,
9 "Well, they are black and they don't speak English."
10 Or, "They're wearing one of those scarves." Or -- and
11 they would be reporting their neighbors. They would
12 be reporting people who work with them.

13 And I think, you know, people were afraid,
14 and there were some people who simply were afraid of
15 anybody that they thought was different. And there
16 were other people who may, in fact, have had bones to
17 pick with a co-worker or a neighbor and found that
18 this was a convenient way to try to deal with that.

19 That -- those calls basically stopped
20 pretty much by the end of February. But nonetheless,
21 we know that the public has a sort of heightened
22 awareness in Maine. For example, there was the
23 incident, which actually was reported in the papers,
24 but we dealt with the people directly.

25 Last July, there was the incident of the

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1 New York Yellow Cab that was driving up through
2 Canada, and one might -- if you're in New York, you
3 might not know that people would take notice of a New
4 York Yellow Cab in the middle of Maine, but Mainers
5 certainly would take notice.

6 And they stopped on the way up near Bangor
7 to fuel up with gas, and the people got out of the
8 car. Two people got out of the car. There were three
9 people in the car. All were Pakistani, and the two
10 males in the car got out -- one to fill up the gas
11 tank and the other to wash the windshield.

12 And the attendant at the gas station saw
13 these Pakistanis get out of the car and picked up the
14 phone and called the police. Now, granted, a Yellow
15 Cab would draw attention, but, you know, I do question
16 whether if, in fact, I had gotten out of the car and
17 been pumping gas, and another white person had gotten
18 out of the car and was cleaning the windshield, would
19 they have called the State Police.

20 The State Police were called. They put
21 out an APB, and the cab was stopped in Brewer. And
22 these were -- it was actually -- the driver was
23 perfectly legal here, and he was just helping these
24 people get up to Canada, because, in fact, in
25 September -- and this is widely known in the immigrant

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1 community -- our asylum policies were going to be
2 changing and tightening dramatically, and Canada has
3 more liberal, one could say, fair asylum policies.

4 And so there were many, many people who
5 were trying to make their way from the United States
6 to Canada to apply for asylum, and that's what this
7 couple was trying to do. They were on their way to
8 Canada to apply for asylum.

9 In terms of profiling by law enforcement,
10 we noticed, because, again, people called us directly
11 after they had had encounters with immigration, that
12 there was a huge uptick that actually goes on to this
13 day throughout the state of people being stopped for
14 what we call driving while brown, as opposed to
15 driving while black.

16 It actually has not happened that often
17 that we know of with people who are African
18 immigrants, but Latinos are being routinely stopped
19 throughout the state, and we did not see this at all
20 before September 11th. We had not a single incident
21 outside of Portland of Latinos or Asians being stopped
22 by police for minor traffic infractions until
23 September 11th.

24 And after September 11th we started
25 getting reports from all over the state -- Ogunquit,

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1 Kennebunk, Fort Fairfield, West Paris, Calais,
2 Westbrook, Hancock, and several other communities --
3 where people were -- mostly Latinos, occasionally
4 Asians, would be stopped for minor traffic violations.

5 And, for example, a Latina was stopped by
6 the police for running a yellow light, not a red light
7 but a yellow light. And the car was stopped and she
8 and all of the Latino passengers in her car were asked
9 for their immigration documents. There was a white
10 passenger in the car who was not asked for any
11 documentation about immigration status.

12 There were some Latinos who stopped on the
13 turnpike, and they -- because they had a flat tire.
14 They were changing the tire. A State Police car
15 stopped to ask to be -- if he could be of assistance.

16 And when he noticed that they were all Latinos, he
17 then asked for their immigration documents and
18 reported them all to Immigration.

19 Another car was stopped -- another car was
20 pulled off the turnpike at a weigh station, and the
21 driver was napping, and so the State Police also
22 checked to make sure that everything was okay. And
23 when they saw that the driver was Latino asked the
24 driver for immigration documents.

25 Another case was a person stopping with

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1 his -- his headlight was out, and they couldn't see he
2 was Latino until they pulled the car over, because
3 this was nighttime. But when they saw he was Latino,
4 they asked for his immigration documents.

5 We have one case of a person who actually
6 was white but looked Mediterranean who was stopped for
7 speeding by the State Police. And when they asked for
8 his documents, there was a little conversation that
9 went on, and they detected a very, very heavy accent.

10 He was a naturalized American. He was from Italy
11 originally.

12 They detained him for 25 minutes until his
13 lawyer wife threatened them with a lawsuit if they
14 didn't let them go, because he didn't have any
15 paperwork that proved he was a citizen, which of
16 course U.S. citizens are not required to carry any
17 paperwork proving that we are citizens.

18 And so those are just some of the
19 incidences, and most of the people that we had
20 encounters with, in fact, were indeed legal and were,
21 you know, turned over to Immigration, and Immigration
22 then checked out what their status was and then they
23 were released.

24 We had one person who was driven by the
25 town police for about four hours down to Immigration,

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1 and he was eventually released by Immigration, but he
2 missed a whole day of work. He was obviously
3 incredibly emotionally stressed out by this. And the
4 result is that people are very, very fearful of police
5 around the state.

6 We had two incidences of people who were
7 just walking who were not in vehicles. There were two
8 Hondurans walking down the street of West Paris who
9 were stopped by police and asked for their immigration
10 documents. Both of them had applications in process.

11 It took Immigration, because their computers were
12 down, over a day to verify that and they were detained
13 while that was happening -- while they were verifying.

14 Another person was mailing a package in
15 the West Paris police office, and an off-duty police
16 officer went up and asked for his immigration
17 documents. Again, he had legal status.

18 Then, we have at least two incidents that
19 we know of throughout the state by -- of local police
20 who were called by neighbors because of a domestic
21 violence situation. They arrested the abuser, and
22 then when they noticed that the victim was Latina they
23 questioned her about her status -- one of whom was
24 undocumented and was put into proceedings, deportation
25 proceedings.

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1 We also have ongoing incidences of --
2 right now, at the Department of Motor Vehicles, people
3 are routinely asked if they are of color. And if they
4 have any kind of foreign accent at all, they are
5 routinely asked for their immigration documents. And
6 their interpreters are being asked for their
7 immigration documents.

8 So as a result, the fear level is very,
9 very high. People are very fearful of contacting the
10 police. And while I believe that the local and State
11 Police who are asking people for immigration documents
12 are doing it out of a sense of patriotism, really, are
13 feeling like, you know, gee, this person may be
14 someone who is going to cause trouble for the United
15 States, the fact that they are probably not asking
16 people who look like me about our status is very, very
17 troubling to me, because in this country that is built
18 on immigration, you know, immigrations bring many,
19 many positive things to this country and have for
20 centuries.

21 And to have immigrants singled out as a
22 cause of problems for this country is incredibly
23 distressing.

24 MR. BERUBE: A point of clarification,
25 Beth. The reference you made to the individual who

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1 was Mediterranean and was stopped for speeding, I
2 think you said was stopped by reason of race. Or was
3 he, in fact --

4 MS. STICKNEY: No, he was --

5 MR. BERUBE: -- it was the detaining that
6 was at issue?

7 MS. STICKNEY: That was the one -- the
8 only episode that we have where it wasn't what I would
9 call racial profiling. But as soon as they heard his
10 accent, they then asked for his immigration papers.

11 MR. BERUBE: Then their behavior changed.

12 MS. STICKNEY: I would note, we have about
13 three dozen of these cases that I was able to quickly
14 find in our database today. And in only two of the
15 cases -- and except for the three people in West Paris
16 who were stopped when they weren't in vehicles,
17 everybody else was stopped for a traffic infraction,
18 and only twice were tickets issues.

19 Every other time the police just turned
20 the people over to Immigration. And, again, many of
21 these people were later released by Immigration
22 because they were legal.

23 MR. BERUBE: Thank you.

24 Okay. Tae Chong, who is the Co-Founder of
25 the Asian-American Heritage Foundation.

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1 MR. CHONG: Good afternoon. My colleagues
2 have done a wonderful job talking about instances of
3 racial profiling and also harassment. So I'm just
4 going to talk about the overview of what I think 9/11
5 and the Patriot Act and new immigration laws have done
6 to our community and our country as a whole.

7 9/11 and the Patriot Act and the new
8 immigration laws -- what they have done is basically
9 they have challenged America's constitutional values.

10 When the World Trade Centers fell, it wasn't just the
11 Trade Center falling down, it was -- it was also a
12 challenge to America whether we actually believe in
13 the Constitution or not.

14 Do we believe that all people are created
15 equal? Do we believe that all people have a right to
16 due process? Do we believe that everyone is innocent
17 until proven guilty? And what is taking place is that
18 throughout all these communities people are breaking
19 our constitutional values and constitutional laws by
20 assuming that if someone is of color they are guilty
21 of something.

22 They might be guilty of immigration
23 status. They might be guilty of a criminal act. And
24 that's what happening. And right before our own eyes
25 our Constitution is falling apart because of the

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1 misinterpretation of the Patriot Act, and the
2 misinterpretation of our immigration laws, and the
3 misinterpretation of all the different people who make
4 up the fabric of this country.

5 Another thing that's happening because of
6 9/11 and all these other acts is that we're slowly
7 falling apart as a country. We're starting to
8 insulate ourselves between whites and non-whites, and
9 that's a horrible thing to happen when this country
10 was based on immigrants other than indigenous people
11 who are the only true Americans and everyone else have
12 been descendants of immigrants. You're seeing a
13 country that is truly divided, and that's a horrible
14 thing to see, especially in times like what we're
15 facing now.

16 So what happens when you are a person of
17 color and you're seeing these things take place. What
18 happens? Well, as a person of color, and as an
19 immigrant, I was given the worst-case scenario
20 handbook. Every person of color has been given a
21 worst-case scenario handbook.

22 I don't know if you know about that, but
23 it's kind of -- it's just passed on for one culture to
24 another, and every culture in America has gone through
25 it, whether it's Italian-Americans when they first

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1 came over in the early 1900s, whether it's African-
2 Americans, whether it's Jewish-Americans, but we're
3 all given worst-case scenario handbooks.

4 And what that is is if you're a person of
5 color, you have to do certain things to survive. If
6 you're an immigrant, you have to do certain things to
7 survive. And so you -- what you do is you create
8 these scenarios, these worst-case scenarios, so that
9 you keep yourself safe.

10 And that's what's happening with our
11 youth. We're teaching our kids, if you stand out and
12 if you do a horrible crime, or you commit a horrible
13 crime, you might get deported. And that's the worst-
14 case scenario handbook that we're giving to our kids,
15 and that's what's happening to our immigrant youth.
16 We're holding these community forums.

17 We tell these kids these -- you know, if
18 you do certain things, if you say certain things, or
19 if you go against the grain, they're going to pick you
20 up. And you might end up in Africa or Vietnam by
21 yourself without your family, so you'd better pipe
22 down, you'd better be quiet. You don't have to -- you
23 shouldn't go to the authorities and do these things.

24 And that is what's being passed, and that
25 goes against everything that a teenager is supposed to

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1 do. We're teaching our kids to pass by being passive.

2 And this whole notion of passing has been passed down
3 from one culture to another, and every minority
4 culture has experienced this -- this idea of passing.

5 If you act like a caucasian American, and
6 if you speak like a caucasian American, and if you
7 don't have an accent, and if you wear regular clothes
8 like what you see on TV, like the broadcasters or
9 whatever, all these professionals, then you'll pass,
10 you'll be safe.

11 And the more you do that, the safer you'll
12 be. And that's why, you know, if you look at history,
13 African-Americans, you know, will straighten their
14 hair. Back in the '40s, they did all kinds of things,
15 horrible things, to their bodies to pass, whether it
16 was taking arsenic or whatever to make their skins
17 lighter.

18 And you're seeing the same thing taking
19 place within our own immigrant community. You see
20 kids getting rid of or denouncing their cultures and
21 saying, "If I have an accent, that means I stand out.

22 I won't pass. I might get picked up, or that might
23 endanger me. If I accept a certain traditional
24 religious culture and I go out in public, I might get
25 picked up, and I don't want that. I want to be safe."

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1 So they push away from those things.

2 And so -- so what's happening is you are
3 seeing a disintegration of many cultures. You know,
4 the very fabric that we believe -- that created this
5 country, which is the Constitution, that is falling
6 apart. The communities that we created is falling
7 apart, and the communities -- the communities within
8 communities are also falling apart, because they're
9 starting to polarize themselves, and they're starting
10 to -- to reject things that might make them stand out.

11 And that is -- that's what's happening,
12 and so what have I done, and have I looked up or
13 brushed up the worst-case scenario handbook? I have.

14 When I first arrived to Portland in 1976,
15 there were four Asians in the Portland school system.
16 Three were related; two were my brothers. And back
17 then, when we were walking down the street in '76,
18 cars would literally stop in the middle of the street,
19 because they had never seen a person of color before.

20 I used to have kids follow me to and from
21 school, and this was Rikey School where I went to,
22 where it is now the most diverse school in the entire
23 state. I remember as a first grader seeing four or
24 five kids follow me from Rikey School to my house, to
25 the third floor of my apartment on Brackey Street. So

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1 I would run home, run up three flights of stairs, and
2 lock the door and wait for my brothers to come home
3 from school so I could be safe.

4 And so that was my worst-case scenario
5 handbook. And I -- and I remember getting prank calls
6 like every day for the first two years until we moved
7 to another street, and I prayed to God that we'd
8 change our last name from Chong to something else, so
9 that we wouldn't stick out in the phone books.

10 And we used to get phone calls all the
11 time, and so I made myself lose the Korean accent.
12 I'd practice my diction, so that I would stay safe.
13 And that's what's being passed on to our kids. Our
14 kids are going to do that. They're traumatized, and
15 so they're picking up these horrible religious
16 cultures that we've developed in this country.

17 And so as a person of color, I've also
18 thought about how 9/11 is going to affect me. As an
19 elected official of the Portland School Board, I carry
20 a card that says I'm an elected official. The fact
21 that I have to think about that, and the fact that I
22 have to put that in my wallet to say, okay, if I get
23 picked up I can always show this card, I don't need to
24 carry my passport, because if I lose my passport it's
25 going to cost me a lot of money, I don't have to carry

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1 my citizenship papers, because if lose that that could
2 cost \$300, and so on, but I have this card that says,
3 you know, I am an American citizen, because only
4 American citizens can be elected officials.

5 And the fact that I have to prepare for
6 those things, you know, even though I live in Portland
7 and I work for the Portland Police Department, and I
8 -- you know, I know all the people in City Hall, and I
9 know all of the elected officials, but the fact that I
10 have to carry that is because that's the reality for a
11 lot of people of color, and 9/11 just enhanced that.
12 And when I leave the city, I know I'm okay, too,
13 because I have that card in my wallet.

14 And that's what's happening for a lot of
15 people in the Portland community in Maine. They're
16 teaching their kids, okay, what do you have just in
17 case you get picked up? You know, who are you going
18 to contact? How are you going to behave when you get
19 pulled over? Or if you get into trouble, what are you
20 going to do, you know? And they go through all these
21 things, and they have to practice it on their own, and
22 that's the horrible tragedy that took place on 9/11.

23 Is my time up yet?

24 And if you really think about, you know,
25 why people aren't going to police officers or going to

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1 authorities it's because if you're an immigrant or
2 refugee, you're -- it's okay for you to be victimized,
3 because in order to be a refugee you were victimized.

4 So if you -- if you come to America and
5 there's a car accident, it's not a big deal compared
6 to all the stuff that you survived. So you tell
7 yourself, okay, I'm going to get into my survival
8 mode, and I'm just going to take certain things. I'm
9 going to let certain things happen to me, so that I
10 can survive, because that is the thing that we've --
11 you know, we've always lived on, and that's what we've
12 aspired to, and that's why we've made all these
13 sacrifices to come to America.

14 And so that's what's happening with these
15 laws, and that's what's happening with the
16 environment. So how do we break this? Well, it's
17 this constant push and pull between this fear and
18 inclusion between just within the communities -- the
19 communities wanting to insulate themselves because
20 they want to be safe. But then they know that they
21 have to be a part of the community, because that's
22 where they live.

23 And then you have the mainstream community
24 who want to include everybody, but they are also
25 afraid because of what they see on TV and what they

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1 read. And it's -- you know, it's this -- these
2 tactics like, you know, the -- you know, one day it's
3 -- Homeland Security says you have to be on a
4 heightened security alert or -- and then this summer
5 they say there is going to be bombings everywhere, and
6 so they naturally they jump to all these horrible
7 conclusions and assume that certain people are going
8 to be the ones that commit these things.

9 So it really comes down to education to
10 get rid of this -- this constant pull between fear and
11 inclusion.

12 So that's it. Thank you.

13 MR. BERUBE: Thank you, Tae.

14 Our last speaker for this particular panel
15 is Farosi Cherry, the Youth Chapter Committee
16 Chairperson for the National Association for the
17 Advancement of Colored People.

18 MR. CHERRY: Farausi.

19 MR. BERUBE: Farausi. I'm sorry.

20 MR. CHERRY: Farausi. There you go.

21 MR. BERUBE: Thank you.

22 MR. CHERRY: My name is Farausi Cherry,
23 and I am the Youth Advisor for the Portland Chapter,
24 NAACP.

25 I'm kind of going to leave off where Tae

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1 left off. I feel that this topic does need to be
2 discussed. I did, however, discuss it with our Youth
3 Branch. However, our Youth Branch is about a year and
4 a half old, actually reactivated. The chapter has
5 been around for years before that prior, but we're
6 about a year and a half getting going. So this topic
7 was a little bit after us, and now we're facing
8 talking about this topic now.

9 I feel as though I wish some of the youth
10 were here, because I think they have a different story
11 to tell, and I think their experiences as to how it
12 relates to them personally is more beneficial to you
13 than it is to me telling it to you. So that is an
14 unfortunate situation.

15 However, they're in school, so that's a
16 good situation. So I appreciate that more than them
17 being here in some ways, too.

18 As we talked about this topic before we
19 came here, I had a lot of mixed emotions. I'll talk
20 about what they told me about 9/11 as it happened
21 during 9/11. A little bit about our Youth Branch is
22 that we're comprised of 30 or so members. It is not
23 30 or so members of the Portland area and the Lewiston
24 area. Our Youth Branch is primarily composed of
25 people from South Portland, Cape Elizabeth, Falmouth,

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1 again, Portland, and the Lewiston areas.

2 So we have a variety of emotions that run
3 through there, or a variety of different ethnic
4 backgrounds and diversity in that group.

5 And talking about 9/11, prior to coming
6 here I had asked them what happened. I just asked
7 them, what happened in your lives as 9/11 took place?

8 And a lot of them went through I guess what you would
9 call the psychological trauma that was prevalent back
10 then. They were going through -- we had -- our youth
11 are very active, and they're very motivated.

12 So to hear them talk about this was kind
13 of shocking, because they had said, "I didn't want to
14 be different anymore," you know, like, "I came from a
15 school like Cape Elizabeth where when I went to
16 Portland I felt -- I felt different. I liked being
17 there at first. But 9/11 happened, and I didn't want
18 to be there. I didn't know what was going to happen
19 to me being from Cape Elizabeth or being from
20 Falmouth." So that was kind of interesting.

21 They talked about the hanging out that
22 used to take place, the interaction among their
23 friends and how they used to go places and hang out
24 and be one, and it was, you know, Mom and Dad were
25 kind of fearful of being one. It was, "When are you

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1 going to be home? What time -- where are you going?
2 Can I get the phone number?"

3 Although those things are important, it
4 wasn't a big issue then. It was, "You're going out
5 with such and such. Oh, all right. You know, tell
6 Mom and Dad I said hi." It was, "What time are you
7 going to be back now?"

8 Dating became a bigger issue. It became
9 -- we don't know if we -- you know, we believe in that
10 anymore, so parents were getting a little bit more
11 lenient what their children did or didn't do. So that
12 was interesting to hear.

13 My role as an NAACP Youth Advisor is very
14 limited. We meet once a month, and we do activities
15 outside maybe twice a month. My real role is a
16 guidance counselor. I love my job, and in doing that
17 I talk to some of the students at my school about 9/11
18 and how they feel now.

19 And I'm a Lewiston guidance counselor. I
20 work with freshman students. So I talk to the
21 students in regards to their feelings and emotions
22 about 9/11 today, and I honestly don't see a lot of
23 the fear that I felt -- that I felt then. I don't see
24 that now in the school, partially due to programming,
25 partially due to I think a lot of the students being

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1 optimistic and thinking that things will change, a lot
2 of it due to the people that are here today thinking
3 that, you know, I have someone to go to, my voice will
4 be heard. So I think that has definitely changed the
5 way that they feel about America and their school
6 system.

7 I do believe that, as a young professional
8 and as a guidance counselor, I do have a role to play
9 in this. And I think being proactive to the situation
10 is definitely the way to go. Do I have the answers?
11 Do I have the key? No. I'm one person trying to
12 figure out the same thing as you guys are. However, I
13 think it's a start.

14 I do believe that there need to be more
15 programs in schools, and not the programs that are
16 just fluffy. Personally, I think they're great. You
17 know, hands -- feely-touchy, and you get your name in
18 the school, but beyond that nothing happens, and
19 that's what frustrates me as a counselor and as a
20 person of color, to have people come in, use your
21 name, and, you know, it looks good on paper, but where
22 do you go after that? The kids are there, and you're
23 gone.

24 So followup is very important, and I think
25 we lack that tremendously. I think they dropped the

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1 ball there. And I think if we have more programming
2 and have more people in schools to be seen and to be
3 heard, but also to be seen on a consistent basis, I
4 think that that is the way to go. I think to accept
5 -- to take more roles in your profession is another
6 way to go.

7 I'm a guidance counselor working as an
8 NAACP youth advisory, but I also coach. And in that I
9 have a different role to play, so I can interact among
10 youth and get that information that's vital to our
11 9/11 issue.

12 I'm friends with Tae. Me and Tae go back
13 a long way. So, I mean, just hanging out with Tae and
14 some of my other friends -- Sandy -- we have a lot to
15 say in what goes on in our community.

16 With the help of Tae and Ken and myself,
17 and Sandy Wright who isn't here, we started a program
18 calling Nothing But Hoops, and it's a nonprofit
19 program. I mean, we've been running it for about five
20 years with the help of Cumberland County and Project
21 Safe and Smart in Portland High School, but we work on
22 violence prevention. This year is probably maybe our
23 last year, and in this year we've taken a more active
24 role than what we started out in the beginning.

25 At first we just looked at issues that

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1 were happening in the community and how we can relate
2 -- how can we work best to -- to handle these. So we
3 figured, what would be a nice vehicle to handle things
4 that were happening out in Kennedy Park and the
5 program that was going on? So we created a basketball
6 program, drew them in that way.

7 And with that, we talked -- we had
8 speakers come in and talk about violence prevention,
9 how to de-escalate, how to remove yourself from the
10 situation, and it ran for six weeks. And long story
11 short, we're now in our fourth or fifth year actually,
12 and this past year we took students to colleges, so
13 they could see that there's more to Portland, Maine,
14 than just Portland, Maine. So we've done that, and we
15 still carry our spring piece, which is basketball.

16 So in short, like I -- well, fine. I
17 didn't even know I was going to talk this long. I
18 don't really have anything prepared. It looks good,
19 but there really isn't anything up there, so --

20 (Laughter.)

21 I don't think I used it once, so I think
22 that's what happens when nerves takes over. But in
23 any event, I really don't have the -- to some degree
24 the key. I definitely believe education is one of
25 them, and it is vital. I think programming is

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1 necessary. The followup to the program is very
2 necessary as well. Having a mixed group of people in
3 your program does help. Having people that believe in
4 your program and that can actually go out and do
5 something with it is also very important.

6 So with that, I hope that at the end of
7 this we'll have maybe not the answer but some ways to
8 go about this serious situation. But, again, in the
9 schools that I'm in, or where I walk, I don't see it
10 being as much of an issue per se, and I think the mood
11 is very optimistic among the freshmen, seniors and
12 sophomores and juniors that I work with at my school
13 and out in the other areas, though.

14 MR. BERUBE: Thank you. Thank you,
15 Farausi.

16 I guess now fellow panelists can ask
17 questions. I'll take the liberty of asking the first
18 one.

19 My question is -- I know it's somewhat
20 answerable by both Steve and Beth, but any of you can
21 respond I suppose. It had to do with the point I
22 think, Steve, that you made about offering a
23 recommendation to the Governor for some sort of an
24 Executive Order that would compare a little bit to
25 some of the language that is in the Portland

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1 ordinance.

2 And I know that the Portland ordinance has
3 to do with not -- not asking -- at least public
4 officials not asking people they stop -- police, I
5 guess -- whether or not they're immigrants and -- or
6 not only police, but city officials generally, if I'm
7 correct.

8 My question is: if there were language
9 like that, which would on the surface certainly appear
10 to be profiling, could that then cause some entities
11 like schools not to be able to get some funding? I
12 know a federal source of funding is based on recency
13 of immigrant arrival, and the city of Lewiston and the
14 city of Auburn both have benefitted from dollars
15 because they were able to give a count, say, "We got
16 this kind of influx. We need more money." And they
17 got some more money.

18 Is there a danger there that asking that
19 kind of general question, not individually but about a
20 group, would compromise --

21 MS. STICKNEY: The language of both the
22 Portland ordinance and the Executive Order that was
23 proposed to the Governor, which was based basically on
24 the language of the Portland ordinance, specifically
25 says that "unless otherwise required by law."

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1 So if there are, you know, federal laws
2 that require the inquiry into immigration status, for
3 example, for the granting of a public benefit, or
4 whatever, then, of course, those immigration status
5 inquiries would be allowed.

6 It's just in places where, in fact, there
7 is no law that requires immigration status inquiry,
8 then the employees who are subject to, for example,
9 the Portland ordinance or if there were an Executive
10 Order, would be, you know, instructed to not make an
11 immigration status inquiry.

12 So if there is a traffic violation or a
13 person pulled over for speeding on the Maine Turnpike
14 by a State Police officer, just as they -- the police
15 officer would do to me, or probably you, they would
16 come up and ask for a driver's license and
17 registration.

18 And if they see that the driver is Latino,
19 they would then also say, "Oh, and, by the way, your
20 immigration documents, please," when you might be from
21 Puerto Rico, you might have been born in Texas, you
22 may not have any more proof of your immigration status
23 and your U.S. citizenship on you than I carry on me.

24 I would say that since the Portland
25 ordinance was passed, we have not had a single report

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1 of a person who was turned over to Immigration for
2 clarification of their immigration status by the
3 Portland Police since the ordinance was passed.

4 And I think, you know, a lot of credit is
5 due to Chief Chitwood for issuing a standard operating
6 procedure, which, in fact, he issued before the
7 ordinance even passed, and training of the staff in
8 the Portland Police Department that they should not be
9 making those inquiries.

10 And when I do trainings for domestic
11 violence intervention programs, a question I always
12 get from staff people is: is it safe? Can we tell
13 our non-citizen clients that it is safe for them to
14 call the police? And in Portland I say yes.

15 When I'm doing -- I was -- just two weeks
16 ago I was up in Augusta doing a training for a family
17 violence project up there, and when they asked that
18 question I said, "No, you cannot say it is safe to
19 call the police." It's just not.

20 MR. BERUBE: Thank you.

21 By the way, Farausi, just to -- you ended
22 on -- with sort of a half question, I thought. This
23 committee will compile findings and ultimately
24 recommendations as a result of this panel and the
25 panel that will follow. Just a point of information

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1 for everybody.

2 Grace?

3 MS. VALENZUELA: Perhaps as a followup to
4 what Beth -- to the previous question, Beth. What --
5 are there any intervention programs out there that
6 you're aware of, or a training program, where law
7 enforcement officers are required or mandated to
8 attend, so that then they can understand immigration
9 issues?

10 MS. STICKNEY: My -- I may punt this to a
11 member of the audience. But my understanding is that,
12 of course, everybody who becomes a law enforcement
13 officer in the state does have to go through the
14 Criminal Justice Academy, where there are -- where
15 there are certain curriculum.

16 And, in fact, I believe law enforcement
17 officers, just like lawyers, are required to get the,
18 you know, continuing education credits. I don't know
19 if that's at every level, or whether it's just at, you
20 know, chief and, you know, administrative level. I
21 have no idea.

22 But, you know, perhaps somebody from the
23 Attorney General's Office would know that. Do you --

24 MS. VALENZUELA: So the breakdown is --
25 where is the breakdown? If there is a curriculum, and

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1 there is a mandated training for them -- so where is
2 the breakdown?

3 MS. STICKNEY: Well, there is -- at the
4 moment there is no training that I know of on
5 immigration issues, etcetera. And my understanding is
6 that there was a proposal to -- some years ago to add
7 to the curriculum at the Criminal Justice Academy a
8 unit, as it were, on racial issues.

9 And my understanding is that that -- that
10 unit has never been actually implemented, even though
11 it was proposed several years ago.

12 MS. VALENZUELA: Thank you.

13 MR. BERUBE: Yes, Rachel.

14 MS. ROSS: I'm going to change direction
15 just a little bit. I wonder if anybody can comment on
16 the economic effects of post-9/11 or the recent border
17 patrol sweeps. Any economic implications, economic
18 repercussions that 9/11 and subsequent related --

19 MS. STICKNEY: Well, in terms of the most
20 recent border patrol sweeps, we do know from talking
21 to some of the business leaders -- or business owners
22 whose businesses were visited, such as the Somali
23 Market on St. John Street, and the Bodago Latina,
24 which no officers went into the Bodago Latina, but
25 they were apparently outside -- that, in fact, both of

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1 those businesses saw a dramatic dropoff in business
2 and still have a dropoff in business.

3 And some of the other immigrant-owned
4 businesses that were not visited have, in fact, seen a
5 dropoff in business.

6 And also, there were, for example, Barbor
7 Foods, which has a lot of immigrant workers,
8 apparently the week following the -- when border
9 patrol was in town, I think -- I believe it was the
10 Monday following -- when word got around that border
11 patrol had been visiting businesses.

12 A whole bunch of employees, in fact, left
13 work, basically without permission, or on their break,
14 and then didn't get back on time -- in time to resume
15 their shift to go get their immigration documents,
16 which they had left at home. And so that disrupted
17 the production line at Barbor Foods

18 There were also apparently some people
19 that reported in sick, because they were just afraid
20 to go to work, even though they had their documents in
21 order. They just thought that they might end up
22 having difficulty.

23 So our understanding is that there has
24 been an economic impact. I don't think there is any
25 official data that tracks the actual dollar amounts

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1 and the breadth of it.

2 MR. UMMAH: If you don't mind, I would
3 like to answer that.

4 In the Muslim community, especially the
5 Somali community, they had a system in which they was
6 able to send money back home to their families. A lot
7 of them were pooling money and sending it back to
8 their families, and that system was caught -- shut
9 down by the Federal Government to stop them.

10 I don't know exactly the name of the
11 system. This sister here, she may know it better than
12 I do, because she's a Somali, so she is familiar.

13 But it also exists with the Afghanis, and
14 they had a system of sending money back to their --
15 their families. And these systems were shut down by
16 the Federal Government and encouraged that we use
17 Western Union and maybe other systems. But maybe she
18 could spend some time explaining it -- the impact that
19 happened for them in their community, if you don't
20 mind.

21 MS. HUSSEIN: Thank you. The system was
22 called "Havalas." There was one person who -- no, I
23 want to say about three people who were -- what we
24 would do is we'll give them some money, maybe \$200. A
25 lot of us left families back home, and our families

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1 back in Africa depend on us.

2 And so I want to say 99 percent of the
3 Africans who are here have to send money monthly -- on
4 a monthly basis, whether it's \$200 or \$100 or whatever
5 that you can afford to support your family back home.

6 And after 9/11, those particular
7 businesses that were transferring money back and
8 forth, a lot of you guys probably are familiar with
9 the one that's called Anbakar -- were all shut down.
10 And when they were shut down, it had a tremendous
11 impact on a lot of people, because they had their
12 money in there.

13 It was a system of -- because a lot of us
14 don't get in the bank system because of interest and
15 all of that, it was -- we would keep our money there.

16 It was a way of saving our money there. And so a lot
17 of us lost a lot of money in there, and assets were
18 frozen and some of them went to jail, and, you know,
19 through the court system.

20 And then, Anbakar was the largest money
21 transfer in the Somalian and African community. It
22 was shut down. There was another one called Havashil,
23 and that was shut down, too. And so they had to
24 legalize this, and they had to put a lot of money and
25 apply for permits and make it legal.

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1 It took almost a year in the Portland
2 area, and a lot of us could not send money back home.

3 Therefore, we would go to Boston and take out money
4 there, and the person in Boston has to send the money
5 back home. That guy was caught, too. They shut it
6 down. And so for a long period of time, I want to say
7 a year and a half, two years, it really, really was a
8 mess sending money back home.

9 And we would have to send money back to --
10 maybe to Georgia or Minnesota, and it put a lot of
11 inconvenience on all these people. And today, one
12 Havashil legalized there. Money transferred to them
13 -- they had to put like \$100,000 down and get some
14 licenses, and all of that took a very long process.

15 But he has to send within a certain -- he
16 has some procedures that he has to follow. You have
17 to fill out some forms, which a lot of us didn't have
18 to fill out forms before. A lot of us don't know how
19 to write. You have to sign. If you don't -- if you
20 cannot sign, you have to put an X on it. The money
21 has to be money order.

22 So it's really -- you know, all of us get
23 there and get angry at him, because we say, "How am I
24 supposed to sign this? How am I supposed to write
25 this? How -- why would I do this? This is just \$200

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1 that's meant for my family." But then, it's also his
2 business, and so it has really changed a lot of things
3 for the African community.

4 MR. BERUBE: Other questions from the
5 panel?

6 Well, then, thank you, all of this panel.

7 And we will be reconvening in just a few
8 minutes with the second panel, is that correct?

9 Thank you.

10 (Whereupon, at 4:17 p.m., the proceedings
11 in the foregoing matter went off the
12 record for a brief break.)

13 MS. ROSS: Good afternoon. We're going to
14 go ahead and get started with our second panel.

15 My name is Rachel Talbot Ross. I serve on
16 the Maine Advisory Committee for the U.S. Commission
17 on Civil Rights. I'm also the Director of Equal
18 Opportunity and Multicultural Affairs for the City of
19 Portland.

20 I'm going to read the mission of the U.S.
21 Commission of Civil Rights and the State Advisory
22 Committee for those of you who were not here for the
23 previous panel. Then, I will ask our panel from the
24 committee to briefly introduce themselves, and then
25 we'll get started.

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1 The United States Commission on Civil
2 Rights is an independent bipartisan agency established
3 by Congress in 1957, reconstituted in 1983, and
4 reauthorized in 1994. It is directed to investigate
5 complaints alleging that citizens are being deprived
6 of their right to vote by reason of their race, color,
7 religion, sex, age, disability, or national origin, or
8 by reason of fraudulent practices.

9 We study and collect information relating
10 to discrimination or a denial of equal protection of
11 the laws under the Constitution because of race,
12 color, religion, sex, age, disability, or national
13 origin, or in the administration of justice.

14 We appraise federal laws and policies with
15 respect to discrimination or denial of equal
16 protection of the laws because of race, color,
17 religion, sex, age, disability, or national origin, or
18 in the administration of justice; serve as a national
19 clearinghouse for information in respect to
20 discrimination or denial of equal protection of the
21 laws because of race, color, religion, sex, age,
22 disability, or national origin; and submit reports,
23 findings, and recommendations to the President and
24 Congress, and issue public service announcements to
25 discourage discrimination or denial of equal

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1 protection of the laws.

2 The State Advisory Committee for Maine --
3 by law, the U.S. Commission of Civil Rights has
4 established an Advisory Committee in each of the 50
5 states and the District of Columbia. The committees
6 are composed of state citizens who serve without
7 compensation. The committees advise the Commission of
8 Civil Rights, in those states that are within the
9 Commission's jurisdictions.

10 More specifically, the state commissions
11 are -- the state committees, I'm sorry, are authorized
12 to advise the Commission on matters of their state's
13 concern in the preparation of Commission reports to
14 the President and Congress; receive reports,
15 suggestions, and recommendations from individuals,
16 public officials, and representatives of public and
17 private organizations, to committee inquiries; forward
18 advice and recommendations to the Commission as
19 requested; and observe any open hearing or conference
20 conducted by the Commission in their states.

21 I'll ask for the Maine Advisory Committee
22 panel to introduce themselves, starting with our
23 Committee Chair, Shelley Roseboro.

24 CHAIRPERSON ROSEBORO: Hello, and welcome
25 to the panel. Thank you for coming today.

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1 My name is Shelley Roseboro. I'm Chair of
2 this committee. In my day job, I'm a Senior Staff
3 Counselor and Multicultural Consultant in the
4 Counseling Center at Bowden College.

5 MR. BERUBE: Good evening. Again, my name
6 is Barney Berube. I'm with the Maine Department of
7 Education, working with Maine schools on rural
8 students for whom English is their second or new
9 language. I've also been on this committee for 20
10 years, but the person to my right is the historian.

11 MS. EZZY: Welcome to all of you. My name
12 is Shirley Elias Ezzy. I live in Augusta, and I have
13 been a member of this committee, and its Acting Chair
14 at one point, for a number of years. And my day job
15 is I'm in the insurance financial services business.

16 MR. MORGAN: I'm Ken Morgan. I live in
17 Bangor. Welcome to all. I've been on the committee
18 since -- State Advisory Committee since the early
19 1980s. I work for the Maine AFL-CIO.

20 MS. VALENZUELA: My name is Grace
21 Valenzuela, Peaks Island, Maine. And my day job is
22 the Assistant Superintendent for Multicultural Affairs
23 for Public Schools. I'm relatively new to this
24 committee.

25 MR. ST. HILAIRE: My name is Aonghas

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1 St. Hilaire. I'm a staff person with the U.S.
2 Commission on Civil Rights.

3 MS. ROSS: Thank you.

4 I just want to make sure that it's noted
5 that these hearings are being tape recorded, and a
6 report will be issued by this Commission following the
7 hearings.

8 I'd like to take this opportunity now to
9 introduce our panel, Public Official Representatives.

10 I'll introduce them all, make a few brief summary
11 remarks from our first public hearing, and then ask
12 each one of you to address the committee.

13 We are joined by Steven Rowe, the Attorney
14 General from the Office of the Maine Attorney
15 General's Office; Paula Silsby, the U.S. Attorney for
16 the State of Maine; Matthew Zetts, Deputy Chief Patrol
17 Agent, U.S. Customs and Border Protection; Pierrot
18 Rugaba, State Refugee Coordinator for the Maine
19 Department of Human Services; Juan Perez-Febles,
20 Director, Division of Migrant and Immigrant Services
21 for the Maine Department of Labor; Nathan Smith,
22 Mayor, the City of Portland; and Phil Nadeau,
23 Assistant City Administrator for the City of Lewiston.

24 In order to aid in some of your remarks,
25 I'd just like to summarize what we heard in our first

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1 panel of community representatives. The hearing was
2 able to detail a high level of fear and anxiety by
3 members of the immigrant/refugee communities that are
4 comprised of all people of color, a feeling of being
5 unsafe, the feeling of the need to erase one's old
6 culture in order to safely fit into this one -- the
7 stereotyping, the racial profiling, particularly
8 religious profiling as well for people of color, the
9 lack of reporting to law enforcement agencies because
10 of fear of being targeted themselves, deportation,
11 detention, and the law enforcement and social service
12 agencies not being able to actually do their jobs in
13 these communities. They're being prohibited from
14 doing their jobs because of the lack of trust and
15 understanding.

16 We also heard, in conclusion, some steps
17 that this Commission may take in order to address some
18 of those fears.

19 So without further ado, we will ask
20 Attorney General Steve Rowe to --

21 MR. ST. HILAIRE: Yes. And please limit
22 your remarks to seven minutes. When two minutes
23 remain, I will just ring the bell or hold up a sign,
24 and then at the end of the time I'll just ring the
25 bell twice.

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1 MS. ROSS: I'll let you know also that
2 we're going to save all of our questions until after
3 everyone has spoken.

4 Thank you.

5 **III. Panel II: Public Official Perspectives**

6 MR. ROWE: Okay. Thank you, members of
7 the Advisory Committee. It's good to be here this
8 afternoon. I want to thank you for serving on the
9 Advisory Committee -- the Maine Advisory Committee,
10 the U.S. Commission on Civil Rights. I know many of
11 you have served for years. And as a citizen of this
12 state, I thank you for serving.

13 I'll be fast. I know -- I've heard the
14 bell ring, so I know we have to be kind of fast.

15 I just want to comment on some issues that
16 were mentioned. I was here for the last one, and I
17 want to comment on a couple of issues. The first
18 thing I want to do is introduce Tom Harnett, who is
19 sitting in the front row. Tom Harnett, as many of you
20 know, is the Assistant Attorney General in Maine who
21 is in charge of our Civil Rights Education and
22 Enforcement Unit in the Office of Attorney General.

23 And Tom spends a lot of time trying to
24 ensure that people do feel safe, they do feel secure,
25 and they do feel they're protected by the laws of the

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1 state.

2 The Office of the Attorney General, as you
3 know, has a diverse mission. We're not the Department
4 of Public Safety, and I did -- Mike Canterra would
5 have liked to have been here. I don't think he was
6 invited to be on the panel, but he wanted to -- he was
7 trying to be here, but the legislature is dealing with
8 the budget today. So Mike heads the Department of
9 Public Safety, so he wanted to send his regrets and
10 his regards.

11 One of the things we do is enforcing Maine
12 civil rights law, and I think I'm not going to take
13 time explaining that. I know you know what it is. We
14 do enforce it. We seek and get injunctions against
15 individuals who violate the law, who engage in certain
16 behavior, whether it be threats or violence or damage
17 to property or trespass, where it's based -- motivated
18 by a bias, and that bias may be based on such things
19 as religion, race, or national origin.

20 And we bring actions, and we get
21 injunctions, and, indeed, after 9/11/01 there were
22 several that we did get. These involved -- in many of
23 these cases the victim was an Arab-American. In a
24 couple of cases they were Somalis, one a Pakistani,
25 and so we take the law very seriously, and we

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1 aggressively enforce it. I want you to know that.

2 The issues that came up before about law
3 enforcement at the Maine Criminal Justice Academy --
4 these are issues I think you ought to know about. I
5 want to say there is no -- it was true that there is
6 no specific course curriculum that deals with racial
7 or ethnic profiling. However, the prohibition on
8 racial or ethnic profiling of any kind is ingrained in
9 most all of the discussion that deals with searches,
10 seizures, vehicle stops, citizen encounters.

11 Also, there is a monthly bulletin that
12 goes out of our office, the Maine Law Enforcement
13 Officers Bulletin, that we circulate the decisions and
14 the summaries of federal case law involving racial
15 profiling cases. You should also know in July 2001,
16 before 9/11, the Maine Chiefs of Police adopted a
17 declaration condemning prohibited profiling practices
18 and stopping frisking, searching, and detaining
19 individuals or vehicles.

20 I do know that there is a continuing
21 education requirement for law enforcement officers in
22 the State of Maine. It is 40 hours every two years.
23 Each year there is eight hours that's specific to a
24 mandated topic. There is currently under
25 consideration making the mandated topic the next go-

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1 round involve the issues that we're dealing with
2 today, particularly the cultural sensitivity, the
3 diversity training, and dealing with prohibited racial
4 profiling.

5 And Commissioner Canterra is the one that
6 is leading that effort with the Maine Criminal Justice
7 Academy, and we're certainly working with him and
8 supportive of that. So I wanted you to know that.

9 I heard some things today that I heard for
10 the first time about some of the things about State
11 Police and also municipal police officers. What I
12 want to say is that we all need to work together. We
13 need to get the reports quickly. If an individual is
14 afraid to make a report, then I hope they would at
15 least, if it was reported to a social service agency
16 or to someone else, they would report it.

17 But I will say I think we're working well
18 together now. When I say "we," the advocates, the
19 Federal Government, the state, the municipal
20 governments. We've got a dialogue now I think in the
21 last six months that is much better in working
22 together, because we recognize the problem, and it is
23 true there are many, many people that live here in the
24 State of Maine that live in constant fear and anxiety.

25 And that fear has a real impact on them,

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1 because you believe -- if you believe you're not safe,
2 then you're truly not free, and you cannot enjoy the
3 benefits that go with being a citizen or being a
4 resident -- a resident of this state or of this
5 country. And so I hope we do all agree with that.

6 I do want to say one of the things we're
7 most proud of is -- and you heard this I think with
8 Farausi Cherry when he talked about Lewiston High
9 School, he's a guidance counselor there. The young
10 people -- that's the hope, I believe.

11 And Tom Harnett is the Director of the
12 unit, and we administer and work with the over 200
13 schools across the state that have civil rights teams.

14 There are over 3,000 young men and women in this
15 state that are serving as members of those teams, and
16 some of you I recognize have sons and daughters that
17 serve on those teams.

18 I believe that's the hope, and what we're
19 hearing about in our schools right now are things are
20 not as bad, that there's hope, that -- and I believe
21 if we would look to our young people as leaders we
22 would really learn a lot.

23 And so there's a lot to do,
24 unquestionably, but I think there's a lot of good
25 things going on right now. I don't want to -- I mean,

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1 I could -- you heard the examples earlier, and I
2 believe all of those examples are real, all of the --
3 all of the instances of discrimination you heard --
4 I'm sure it's all true. It's sad, yes. We are
5 working. I know the anxiety level, again, is high.

6 I will say our office is working. We have
7 been working with the immigrant and refugee community
8 trying to put on educational forums. A week ago
9 Sunday at King Middle School here in Portland we had a
10 legal immigration forum with Beth Stickney from ILAP,
11 and Tom, and Don Macomber from our office. We
12 presented information to individuals who came, and it
13 was videotaped, to talk about your rights -- your
14 rights as residents of the State of Maine and of this
15 nation, and the liberties that you have under our
16 constitutions.

17 We also talked about federal immigration
18 laws. We believe that the more people understand
19 about the law, and their rights under the law, then
20 the less fearful they will be. So I want you to know
21 what we're working on that.

22 Again, I'm trying to be real fast here.
23 Let me see if there's anything else.

24 We did -- I could go into some detail
25 about the various injunctions that we -- we did seek

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1 and get after 9/11, and we take our job very
2 seriously. Are we doing a good job? Well, that may
3 -- I think we're doing -- we're working harder. Is
4 there more we can do? Absolutely, there's more we can
5 do.

6 But I just want you to know in the last
7 six months or so I've seen really the cooperation
8 among all levels of government working with the
9 advocates, with the immigrants, with the refugee
10 community, and I have a good feeling that here in
11 Maine we're all sort of working -- I know we're all
12 working together, but we've got a long ways to go,
13 that's true.

14 I wish Michael Canterra would be here,
15 because I think he really is -- this is big with
16 Michael. Michael is focusing the Department of Public
17 Safety on the issues that you're here to talk about
18 today. I also want you to know that it's of great
19 concern to our -- our office. We believe the key is
20 to be proactive, not reactive, to build a community.
21 And that's why I believe children are really key here.

22 And I think if we watch our young people,
23 we're going to learn a lot, and we're going to see a
24 lot less harassment and violence and bias-based
25 behavior in the future.

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1 I thank you very much.

2 MS. SILSBY: Good afternoon. Thank you to
3 the Commission for this opportunity to address you
4 today. I apologize that I wasn't able to be here for
5 the earlier panel discussion. The United State's
6 Attorney's Office for the District of Maine currently
7 is located in a branch office in Bangor, and main
8 office in Portland. We have a designated civil rights
9 point of contact by the name of Halsey Frank. Halsey,
10 unfortunately, was busy with other work today and was
11 not able to attend with me.

12 He is responsible within our office for
13 screening and prosecuting any and all criminal
14 violations of federal civil rights laws. It's a
15 responsibility we take very seriously, and it is one
16 of this administration's, as well as my office's
17 primary mission.

18 Since 9/11, we have not had any federal
19 criminal civil rights violations to prosecute. We
20 have years ago established a protocol with the Maine
21 Attorney General's Office which works very well for
22 both of us, where many cases are brought to the
23 attention of the Maine Attorney General's Office
24 through the Civil Rights officers that are located in
25 police departments across the state. If after they're

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1 screened it is felt that they merit federal attention,
2 they are then referred to either the FBI or directly
3 to the United State's Attorney's Office.

4 That protocol worked very effectively at
5 Hess for a number of years, and I have every faith in
6 its ability to bring to the attention of my office
7 those cases which do merit criminal prosecution.

8 Among the other laws that we are charged
9 with enforcing in the United States Attorney's Office
10 are obviously the immigration laws, and that presents
11 the challenges that I think we are experiencing here
12 in Maine, and particularly southern Maine today.

13 We do not make the laws. We in federal
14 law enforcement, as with state law enforcement, we
15 execute the laws. And among those laws are
16 immigration laws. And those who are in this state, in
17 this country illegally understandably are suffering
18 from the fear and anxiety which I understand your
19 earlier panel testified to. That is a fear and
20 anxiety that is rational and understandable, and it is
21 a fear and anxiety with which those of us in federal
22 law enforcement can do nothing about, because those
23 people who are here illegally are, in fact, subject to
24 enforcement actions.

25 The concern and the challenge for us in

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1 the United States Attorney's Office and in federal law
2 enforcement today is what to do about the fear and
3 anxiety to those people who are citizens of our
4 country and residents of our state, and here lawfully.

5 And that fear and anxiety is something that is not
6 acceptable to those of us in federal law enforcement.

7 And we are, and have been as Steve mentioned, been
8 working with a variety of partners over the last
9 several months to address ways in which we can ease
10 that fear and anxiety.

11 And as with most issues, it comes down to
12 a matter of trust, and how one builds trust between
13 law enforcement and immigrant community is the
14 challenge. And what we in Maine decide upon as a way
15 to move down that road of building the trust that's
16 necessary for us to all live in this beautiful state
17 in peace and harmony, and comfort is something that my
18 office is committed to, as I know every other member
19 of law enforcement, whether it be federal or state, or
20 local or county is committed to.

21 We have discussed with a variety of
22 partners several options that will include ongoing
23 discussions, face-to-face meetings where issues can be
24 addressed with the people that are in the position to
25 change them, and not through the media, where concerns

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1 get discussed before they rise to the level of
2 unfounded rumor running rampant through communities
3 creating the fear and anxiety that I believe has been
4 present in the last several months in Portland. And
5 we are open to any and all other suggestions as to how
6 we can move forward on this issue. And I appreciate
7 again the opportunity to speak before the Commission
8 today, and echo what Steve has said. There's every
9 reason to be optimistic in Maine, because we are still
10 a state that's small enough so that conversations can
11 occur before matters get out of hand. And those
12 conversations are occurring, and for that we all
13 should be very, very thankful.

14 MR. ZETTS: Good afternoon. I'm Matt
15 Zetts, the Acting Chief Patrol Agent for the Border
16 Patrol for the State of Maine. I'll just give you a
17 brief run-down of what the border patrol's
18 responsibility actually is. We have 27,724 square
19 miles of patrol area. Primarily, our agents are
20 stationed at or very close to the border, from
21 Jackman, Maine all the way to Calais. We have 616
22 miles of international border, 1,000 miles of serrated
23 coastline, over 500 islands, and over 100 unstaffed
24 airstrips that we maintain security on.

25 We also have 11 part-time ports of entry

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1 that we maintain security on; that is to say, they're
2 only open eight hours a day. The rest of the time we
3 maintain security so that no one drives through these
4 locations. We have 171 areas located in the State of
5 Maine where you can either walk or drive through
6 unimpeded except for the presence of the border
7 patrol. Five of these locations are train trestles,
8 no gate. One of these is a foot-bridge, three power
9 dams, three paved roads, 25 gravel roads, and 34 field
10 roads. The rest of these would be paths or farm roads
11 that change as the agriculture here progresses.

12 Why don't we have barricades and things to
13 close these things might be a good question, the same
14 question I had when I took this job. The answer is e
15 have treaties with Canada for emergency response, fire
16 protection, ambulance service. It's a very remote
17 area that we patrol, so these areas are wide open for
18 drive-throughs, people smuggling, narcotic smuggling,
19 and we do get those.

20 My primary job is to make sure people
21 seeking entrance into the U.S. go through the port of
22 entry are inspected. Some of the reasons people might
23 not want to go through a port of entry, might not have
24 any documents. They might not be allowed to come
25 through. More than likely we encounter, it's people

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1 with criminal histories. They can't come through the
2 port of entry lawfully, so they have to try to go
3 around the port of entry. With 616 miles of unguarded
4 or non-fenced, wide open border, the chances are
5 pretty good somebody could get through if they wanted
6 to, so that's what we're there for.

7 The third thing is, and to a lesser
8 degree, either people smuggling or narcotics
9 smuggling. I'll just touch very briefly on the racial
10 profiling. I take this racial profiling issue very
11 seriously. We have a policy against it, and I'm here
12 to answer any questions later on that you may have for
13 the border patrol concerning racial profiling. Thank
14 you.

15 MR. RUGABA: Good afternoon. I'm Pierrot
16 Rugaba with the Refugee Resettlement Program, DHS.
17 The Refugee Resettlement Program, the primary goal of
18 the refugee program is really to help refugees, and
19 I'm talking primarily about newly arrived refugees
20 coming from overseas, become self-sufficient as soon
21 as possible. The program has been in place since
22 1982, and on an average we take in about 250 refugees
23 per year.

24 The events of September 11th have been, or
25 have transformed the lives of immigrants living,

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1 visiting, or traveling to the U.S., and as a result
2 we've had or we've seen intensified and tight
3 immigration regulations. And more and more refugees
4 and immigrants are facing the prospect of dealing with
5 verbal threats, abuse, physical violence and so on
6 and so forth.

7 Now as far as the refugee program is
8 concerned, the effect or the impact that came out of -
9 - after the events of 9/11 was that the refugee
10 program was brought to a stop, from September 11th on
11 until probably the end of the year. We started
12 seeing the very first refugees coming back in in
13 January of 2002.

14 Now the effects of that, especially for
15 those who still have families living overseas, it is
16 extremely devastating, especially not knowing exactly
17 when families will be reunited, when you have single
18 mothers here whose husbands, and fathers of those kids
19 are still overseas. It is economically, emotionally,
20 psychologically - it's a very disturbing situation to
21 be in, especially not knowing exactly when they may --
22 the family may be reunited. So that's one very first
23 impact that came out of all the policies and laws that
24 came out after 9/11.

25 Now for the past couple of years, the

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1 United States has -- although the ceiling or the
2 number of refugees we admitted to this country was set
3 to 70,000, we've only been able to take in less than
4 half of that, less than 30,000. Part of that was due
5 to the fact that the administration had to review some
6 of the processing procedures, but that wasn't really
7 something that was going to take this long, especially
8 since refugees are the most scrutinized aliens
9 entering the United States prior to coming to this
10 country.

11 The second thing is that none of the 9/11
12 hijackers was a refugee or had any connection to the
13 refugee program. So it's been over two years that
14 we've been getting less than 30,000 refugees coming
15 into the country, while the number was set to 70,000.

16 So that is creating a serious impact within the
17 refugee resettlement providers. They are losing
18 capacity. They can't keep up with the infrastructure,
19 funding has decreased accordingly.

20 One thing, and I believe some of this may
21 have been talked about, the U.S. Patriot Act. I will
22 really just make a brief comment about that. The
23 thing is that changes in the law that limit individual
24 threat while expanding government power. Those
25 changes are really something very new to this country.

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1 And when you look at the U.S. Patriot Act, it was
2 really enacted and adopted in a panic mode. And many
3 Americans have seen a racial profile. Racial
4 profiling has always been there. It's been
5 institutionalized, and people have always been dealing
6 with it. But with the U.S. Patriot Act, what that
7 brought with it is the use of race and ethnic
8 appearance as a factor in deciding who merits
9 immigration, FBI, police attention as a suspicious
10 person. And that is pretty much bringing racial
11 profiling to become rehabilitated and accepted, and
12 the standard when it comes to enforcing some of these
13 laws. And I guess part of it, really the way to feel
14 or live this, or see the impact is when someone is
15 traveling. I travel at least twice or three times
16 helping families getting out of the country and back
17 into the country. It is becoming increasingly -- I
18 mean, I have something that I'm used to. For
19 instance, I travel with the refugee travel documents.
20 Every time when I come back into the country, every
21 single border agent, immigration officer I run into
22 doesn't know what the heck that is. I show it to him,
23 so I have to take the time to sit down and explain.
24 One thing that Tim mentioned a short while
25 ago, I just came back from England a month or so ago,

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1 and I flew into Logan Airport. And when I first came,
2 I was used to it. I was pulled over. They questioned
3 me. They brought me into a second room. They
4 questioned me for the second time. The first time I
5 happened to have my business card on me, and when I
6 showed it, that's what kind of brought my way through
7 with no hassle. But every time when I go to Montreal
8 driving, coming back, no one knows what I'm talking
9 about. I mean, I will show the travel document. I
10 will be asked for passport, why is it that I don't
11 have a passport, so you kind of go on back and forth
12 explaining and re-explaining who is a refugee, why is
13 it that I don't travel with a passport, and so on and
14 so forth.

15 And I happened to be fortunate, maybe I
16 can get my way through, maybe I can explain myself
17 better than some of the people. So that still is one
18 thing that one goes through on a daily basis.

19 So racial profiling has come back. And
20 they have -- the same way people talk about driving
21 while black. People are talking about flying while
22 Arab, so it's -- I remember coming back and I was
23 traveling with this fellow, Pakistani, who happened to
24 be in his 50s. I mean, the way he was threatened
25 while being questioned. I mean, he was just in a

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1 cubicle right beside me. He was in a very threatening
2 -- with a very threatening tone. And if I remember
3 well, he was about to sign away his rights to
4 permanent residency for having stayed abroad for just
5 a little bit over a month. You can't go overseas for
6 over 12 months with a U.S. permanent residency. You
7 have to be back within 12 months.

8 And I guess the question I will ask in the
9 end is, is racial profiling a hate crime? Racial
10 profiling isn't just being stopped while black, or
11 Hispanic, or Asian, so on and so forth. But when that
12 becomes frequent, when that happens over and over,
13 such profiling results in long-term harm to the
14 person's profile that is significantly worse than
15 injuries that may be imposed upon a person. And I
16 thank the Commission.

17 MR. PEREZ-FEBLES: My name is Juan Perez-
18 Febles, and I am the State Monitor Advocate for the
19 State of Maine. Let me give you a little bit of
20 background about my position and my job. The position
21 of State Monitor Advocate was created around the mid-
22 70s. The NAACP, Legal Services, and a number of other
23 players brought a class action suit against all of the
24 Departments of Labor of the 50 states and the Federal
25 Department of Labor, alleging that migrant seasonal

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1 farm workers, MSFWs as we call them, were not being
2 provided with the same level and the same quantity and
3 quality of services as the regular population; that
4 is, when a migrant worker came to a job service office
5 or a Department of Labor Career Center, they were not
6 being properly treated. They were not being informed
7 of the rights that they had to search and training
8 programs because of the language issues. Simply, the
9 staff was refusing to deal with them, so these folks
10 were being treated as a second-class citizens.

11 The class action suit prevailed in court.

12 Judge Richie was the presiding judge over the case,
13 and it is since known as the Judge Richie decision.
14 Thereby, Judge Richie mandated that every state in the
15 United States has to have a person like myself who is
16 a State Monitor Advocate. And as the title implies,
17 my job is to monitor the State of Maine in this case,
18 to make sure that the career center and the job
19 services offices around the state, all 23 of them, are
20 functioning and administering services according to
21 federal law, so that when a migrant worker or a person
22 with LEP, limited English proficiency, comes into that
23 office, he or she is afforded the same quality and
24 quantity of services that any other person would
25 receive.

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1 So the other part of my job as Monitor
2 Advocate, of course, is to be an advocate for the
3 migrant workers, and to talk to groups like yourself,
4 college groups, rotary clubs, Kiwanis clubs, the
5 newspaper, the television, and anybody that is willing
6 to listen to put forth and bring to the foreground the
7 plight of migrant workers.

8 I have been doing this job now for about
9 14 years. When I took the job, according to the
10 statistics that the State of Maine was supposed to
11 file with the federal government, there were three
12 migrant workers in the State of Maine. I know that
13 that is not true. You know that that is not true, but
14 those were the numbers that were being reported, so
15 there was something wrong with that picture. We
16 estimate now that we have anywhere between 12 and 18
17 thousand migrant workers in the State of Maine at the
18 height of any season.

19 The growing season in Maine, as you know,
20 is from April to about October, and we have a variety
21 of crops that we grow here in Maine. We have the
22 apples in the western part of the state, and we have
23 broccoli in the northern part of the state. We have
24 the blueberries, of course, which are the largest and
25 by far the most profitable crop, and we have eggs, we

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1 have fish processing and so forth.

2 People are surprised when they speak to me
3 and I tell them that we have thousands of migrants
4 workers in this state. They say you're kidding me,
5 Maine? And I say yes. About 95 to 98 percent of the
6 folks that I work with are Mexican extraction,
7 although we have a growing number of Central American
8 folks that are now coming into our state, Honduran,
9 Salvadorians, Guatemalans, Nicaraguans and so forth.

10 The workers that I work with are really
11 very, very vulnerable people. You have to remember
12 that they come from countries where they in many cases
13 have been persecuted. They have been abused, they
14 have been threatened, they have been tortured, they
15 have been incarcerated, and they are folks that are
16 really very intimidated when they see a guy like Matt
17 in a uniform, and with a - not to pick on you, Matt.
18 You might as well get used to it. But they get
19 intimidated. They're not likely to come forth and say
20 gee, I need help.

21 This is why the most important part of my
22 job is outreach. If I don't go out to the farms and
23 to the labor camps and develop a rapport and a
24 relationship with the workers, they're not likely to
25 get into their Ford LTD 1979 and drive to the career

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1 center in Portland, Maine and say gee, you know, I
2 need help. Help me. You know, my employer is not
3 paying me the correct wages. My toilet is not
4 flushing. There's no field sanitation in the field,
5 you know, I have to go to the bathroom in the trees,
6 and can't wash my hands. And I'm picking apples and
7 then you guys are eating those apples, so it's not a
8 pretty picture. So my workers are very, very
9 vulnerable, so you have to start from that.

10 I guess I've been asked here to talk about
11 personal experiences that I've had or I've seen in
12 doing my job. We have talked here about law
13 enforcement agencies. My experience has been that
14 where I have found most of the issues are the small
15 town police departments that sometimes are over-
16 zealous in doing their job. And they stop the workers
17 because they're driving while Mexican. Instead of
18 OUI, they're driving while Mexicans.

19 The workers themselves have told me that
20 if they are driving a car which is slightly old, with
21 five or six people in the car and they have North
22 Carolina plates, or Florida plates, or Georgia plates,
23 they're far more likely to get stopped than other
24 folks that are driving around. I have seen this in
25 Washington County. I have witnessed that.

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1 The level of enforcement since 9/11 has
2 increased, of course, obviously, and for good reasons.

3 Other real case scenarios, I had an employer that
4 requested five workers to work in an establishment
5 maintaining grounds. I had five workers that I had
6 procured from Florida and from Texas, and they were
7 coming up to work here in this establishment because
8 the establishment could not find other workers to
9 perform the work.

10 The workers made it as far as North
11 Carolina. They heard about what happened here in
12 Portland a month ago, and they simply called me up and
13 said no, we're not going to come up. We just don't
14 need it. We don't want it. We have no interest in
15 coming. So here's an employer that's trying to get
16 workers, and the workers are afraid to come.
17 Fortunately, we found folks for that employer. We
18 placed workers there, and then one of the employees
19 was let go. The employee calls me and is trying to
20 get a case against the employer for him being fired
21 because he hired five Hispanics, and he wanted to know
22 if there was any legal recourse. And I said no, the
23 employer can let you go for whatever reason, but don't
24 blame the Hispanics for your firing because maybe you
25 weren't doing your job. But this is what happens, you

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1 know.

2 Workers are afraid, and I have witnessed
3 this particularly in the blueberry fields. Workers
4 are afraid to leave the labor camp to go to the local
5 grocery store to buy groceries because they're afraid
6 that they're going to get stopped, they're going to be
7 questioned. They just don't want to deal with that.
8 So something wonderful has happened now, however, that
9 a number of entrepreneurs have developed to have their
10 own mobile taco stands that they go to the labor camps
11 to sell tacos, so you can see that. Probably they're
12 paying higher prices than they would at the store, but
13 they just don't want to leave the camp.

14 I have heard an employer, for example,
15 that threatened a family to accept unacceptable
16 housing conditions, and if they would not accept the
17 housing, he threatened to call immigration, so they
18 called me instead, and we're still having a case
19 against that employer.

20 I recall a couple in Colombia, Maine that
21 a young Honduran man got married to an American girl,
22 and someone did not approve of that kind of marriage,
23 and he threatened this couple in the parking lot of a
24 Colombia supermarket. He was going to shoot them.
25 And I said, let me call the state police and let's

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1 file a protective order against this person.

2 What's happened in Portland, and perhaps
3 I'm the only person in this room that thinks that what
4 happened in Portland three or four weeks ago is a
5 wonderful thing. In my opinion, it's a wonderful
6 thing because this has been happening in the State of
7 Maine believe me, long before it happened in Portland.
8 But now that it happened in Portland, I think we have
9 your attention. And now we're having people like
10 yourselves here en masse, and we're putting faces and
11 names together, so for me, that is really a good
12 thing, because it's wonderful that we sit down and
13 talk, and do dialogue and converse with each other.
14 So that is the positive thing that I think is coming
15 out of all this.

16 Like Paula and Steve said, we're sitting
17 down, we're talking. And I'm really hopeful and I've
18 very optimistic that we're going to make progress, and
19 that we're going to make life better for migrant
20 workers, refugees and immigrants.

21 By the way, just as a parting shot, let me
22 tell you that I came to this country over 40 years ago
23 as a refugee, so I am a refugee. I'm an American
24 citizen now, but I came here as a refugee. Thank you
25 very much for listening to my comments.

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1 MAYOR SMITH: Members of the Committee, I
2 thank you for your service. I'm impressed with the
3 longevity of some of you at this, and that speaks of a
4 deep, deep commitment to civil rights.

5 I agree with a large part of what we've
6 already heard from speakers here, and I'm very
7 encouraged by the recognition that we need to find a
8 balance between the challenge of bringing people into
9 our community, immigrants and refugees, and living up
10 to the promise of this country, which is to have
11 people step into the mainstream of American life and
12 become in due course full citizens, and contribute as
13 they have in Portland, and all over our country.

14 It's no secret that Portland was built by
15 immigrants. It continues to be built and enriched by
16 immigrants and refugees in our community. And so it's
17 the struggle we find, I think, and the balance we
18 strive to achieve in recognizing that there is a place
19 and a role for law enforcement on the one hand, but on
20 the other hand, it's very important to build
21 community. And I think that's really what the
22 District Attorney was getting at to some degree, and I
23 agree in large part with most of what she said about
24 trying to strike that balance, trying to get a
25 dialogue going in a state that is small enough to

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1 still have that kind of discussion.

2 I recall recently when someone talked
3 about the border patrol sweeps in Portland, and
4 someone was talking to someone from the southwest and
5 said -- this was a national public radio person. And
6 they said oh, this isn't news nationally. This
7 happens all the time in the southwest. This isn't
8 anything of note. And I remember at the time
9 thinking perhaps our sensitivities are a little more
10 heightened in Maine. Maybe we're the canary in the
11 cage or something like that when it comes to civil
12 rights, but I think that's actually a good thing. And
13 perhaps there is a level of sensitivity here because
14 of the smallness of our communities, and the immediacy
15 of impacts which makes us more aware of what's going
16 on, and hopefully makes us do a better job of finding
17 the right balance.

18 I just wanted to mention for a moment or
19 two some of the things which the city has been trying
20 to do to -- the work that the city in conjunction with
21 other cities and organizations in the state and so on
22 have been doing in order to try to work and get ahead
23 of the mistrust of people in positions of authority,
24 people who wear uniforms, and see those involved in
25 public safety as they can be seen, perhaps at their

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1 very best, which is helping us, all citizens of our
2 community. And I'm talking now whether it's police,
3 or fire, or other people who come from official
4 positions. And it's that trust that we've been trying
5 to build in our communities, which is such a fragile
6 thing given the background of immigrants and refugees
7 who come to our community, and that has been talked
8 about.

9 Prior to 9/11 we had established an Office
10 of Equal Opportunity and Multi-cultural Affairs.
11 We've had community policing stations that have been
12 particularly important in some of the housing projects
13 where we have large numbers of immigrants and
14 refugees. We've had refugee orientation sessions
15 working with the police and fire departments, and
16 Catholic Charities Refugee and Immigration Services.
17 We've been working on cross-cultural training and
18 education to the city staff.

19 In addition, we've been working on our
20 communication system to provide language line
21 services, live interpretation and translation. This
22 is particularly important when you keep in mind that
23 we have 57 different native languages spoken in our
24 elementary schools in the City of Portland.

25 Post 9/11, there are a number of other

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1 steps that the city has been working on, in addition,
2 obviously, to meeting with people in the different
3 communities in the city and trying to listen and
4 evaluate, and address the concerns that were raised
5 post 9/11 with particular events that have been
6 documented in other places.

7 There have been collaborative efforts to
8 get community dialogues to reinforce the commitment in
9 our community with groups such as Portland West, the
10 Portland Public Schools, the Center for Prevention of
11 Hate Crimes, and several mosques and churches in our
12 community.

13 There's been a production of a fire safety
14 video by the Portland Fire Department, which is now
15 getting national attention, which is teaching fire
16 safety on a video in different languages. And this is
17 something which is actually being looked at across the
18 country, and people are purchasing this video. It's a
19 very simple thing, but it's a very important one. And
20 we have to keep in mind that if you have a uniform and
21 you're teaching fire safety, you may not be trusted or
22 listened to in person because of the background that
23 people have when they come to this.

24 Steve Wessler, whom you've heard from
25 earlier, where the Director of the Center for the

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1 Prevention of Hate Crimes has conducted training on
2 racial profiling and harassment to the Portland Police
3 Department, and these trainings continue in various
4 formats with other professional training consultants.

5 I guess what I'd like to say in
6 conclusion, the city has also passed an ordinance
7 along with many, many other cities in this country,
8 which is prohibiting its law enforcement from getting
9 directly involved in immigration enforcement, except
10 under very limited circumstances.

11 But I just want to go back to the theme,
12 which I think is a pervasive theme that has been
13 coming through a lot of the comments that have been
14 made here; and that is that there is, and we're
15 dealing with a group of people who come from very,
16 very different backgrounds when it comes to dealing
17 with authority, and people in positions of authority.

18 And yet, the fear, the climate of fear in our
19 community that has been brought about by recent events
20 in particular, but obviously, they haven't been
21 limited to recent events, is something which undercuts
22 this tremendous community effort that's being made to
23 live up to the promise, to walk the talk of a land of
24 opportunity and bring people into the mainstream of
25 American life. And so it's finding that balance, you

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1 know, the balance of public safety and all its aspects
2 with the balance of living up to a promise. And I
3 think this is encouraging. I think your having this
4 kind of forum is encouraging. I think the sort of
5 dialogue that is occurring among various
6 organizations, law enforcement officials, as well as
7 others, is exactly the right direction to have this
8 discussion, because there must be a better way to
9 accomplish both ends. And I think that's a challenge
10 that we all face. Thank you very much.

11 MR. NADEAU: Thank you, Members of the
12 Commission, for inviting me to speak with you today,
13 and to members of the panel and members of the
14 audience, thank you for participating in this event.
15 Regrettably, like an earlier speaker said in the first
16 panel, it's unfortunate that there aren't more people
17 that are participating in this kind of process, but I
18 think what many of us has discovered over the course
19 of the last few years that I've been intimately
20 involved with what has been going on in Lewiston is
21 that when there's a crisis, everyone attends. And
22 when the crisis abates, you have to work that much
23 harder to do what it is that you need to do as a
24 community to improve the quality of life for all the
25 residents that live within your community.

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1 And as Mayor Smith alluded to, similar to
2 what has occurred in the City of Portland, the City of
3 Lewiston has also, for those of you that have been
4 following it through the media, has been involved at a
5 fairly high public level in engaging a number of
6 groups and social service agencies and government
7 agencies in a collaborative kind of effort to do what
8 the community frankly needs to do and continues, and
9 needs to do on a continuing basis, which is to find a
10 way to be able to provide a quality of life for its
11 new immigrant residents that they deserve, and that
12 they should have at least the benefit of having that
13 kind of life similar to those residents that live in
14 that community, and have lived in that community all
15 their lives.

16 Needless to say, this experience is only
17 about three years in the making, the first families
18 moving into Lewiston, the first Amalie families moving
19 into Lewiston in February, 2001. It isn't to say that
20 there weren't any other immigrant families that were
21 living in Lewiston, but if you look at the census
22 numbers, they were very few living in the community at
23 that time. Lewiston being about 96, 97 percent white
24 as of the last census, not unlike most of the State of
25 Maine, which is about 98 percent white. And according

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1 to the U.S. census, the whitest state in the nation.

2 The challenge, frankly, for the City of
3 Lewiston in going through this experience was what to
4 do under a set of conditions in which you have little
5 time to prepare for. You know, we have often publicly
6 stated that we have tremendous admiration for what the
7 City of Portland has done over the course of the last
8 20 or 25 years in working with its refugee
9 populations, given that effectively Portland was
10 effectively ground zero for refugee resettlement in
11 the State of Maine over that period. And many of the
12 lessons learned in the City of Portland are the
13 lessons that we carried with us in bringing forward
14 many of the programs that we've developed in the City
15 of Lewiston. And I could sit here and I could run off
16 all the programs, and all the initiatives that the
17 City of Lewiston has put in place. Many of them, I
18 think a reflection of the efforts that were put in
19 place in the City of Portland. And I would go so far
20 as to remind those of you that don't know, or at least
21 state for those of you that don't know, that there's
22 even a collaborative effort between the cities of
23 Portland and Lewiston, which is unlike anything else
24 in the country. And frankly, we have received
25 inquiries from other parts of the country about what

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1 we've been able to accomplish between the two largest
2 cities in the state.

3 But aside from the fact that you see this
4 commitment, and this commitment between the two cities
5 is very visible, and what we do within our communities
6 is very visible. Frankly, the biggest concern that I
7 have for the State of Maine, when we discussed the
8 sense of community is what is going on outside of the
9 two cities.

10 I think it's pretty evident on many levels
11 that there is a significant commitment on the parts of
12 both Lewiston and Portland to do what it needs to do.

13 And it's understood that you can never do enough, but
14 the commitment is clearly there. The biggest concern
15 for us is how to communicate this concern to the rest
16 of the State of Maine, to the rest of the communities
17 of the State of Maine. And I think the evidence of
18 that is the difficulty in trying to elevate the
19 discussion on cultural diversity and what it means to
20 be a culturally diverse community on a statewide
21 basis.

22 Frankly, most of the conversation that we
23 have when you discuss this in terms of the statewide
24 community falls on deaf ears. And that's -- I think
25 it's understandable on a number of levels. I mean,

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1 this is a state in which we have a legislature that is
2 dominated by rural communities. And most of these
3 rural communities really don't understand what it is
4 that you need to do on a community level to be able to
5 address the kinds of concerns that we've been
6 addressing for years in both the cities of Lewiston
7 and Portland. But as in anything else, the delivery
8 of that kind of message, and the delivery of that kind
9 of initiative has to start in Augusta. And we see
10 elements of progress in that regard, and I think what
11 has gone on over the course of the last three years in
12 working with departments like DHS and the Department
13 of Labor, the Department of Education, I think it's
14 evident that progress has been made. But there's a
15 long way to go when you start having this kind of
16 conversation with communities outside of Lewiston and
17 Portland.

18 I'll give you one small anecdote just to
19 indicate what the level of frustration is at our
20 level. When you have a discussion with a municipal
21 official north of your city, and that municipal
22 official basically tells you don't you start putting
23 people on a bus and start sending them our way. In a
24 way, I think what he's saying, it's a reflection of
25 what is going on within our two communities.

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1 There is a significant perception out
2 there, and throughout the rest of the state, that the
3 cities of Lewiston and Portland are in charge of
4 cultural diversity for the rest of the State of Maine.

5 You know, if you want cultural diversity, I'll give
6 you a couple of cities. I'll give you their phone
7 numbers. Go over there, they'll take care of you.
8 You know, if you want diversity you'll find it there,
9 but don't bother the rest of us. And don't start
10 managing what we might look like because you're having
11 problems in your community. Don't put them on a bus
12 and send them up the I-95 corridor.

13 I think that's a reflection of what is not
14 being said in Augusta. I think there's an unwritten
15 understanding that if you need -- you know, what you
16 need to do within these two cities, frankly, is our
17 responsibility and beyond that, there isn't much that
18 we're going to be able to do relative to what the
19 message is going to be. And I'm not just talking
20 about funding. I'm not talking about just dollars and
21 cents here. I'm talking about a sense that there is
22 some sort of message that is coming from the State
23 House that says we are committed to cultural diversity
24 in this state, and what is it that we need to do to be
25 able to step up so that we can address the kinds of

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1 things that we're not only hearing about what's going
2 on in Lewiston and Portland, but the kinds of things
3 that we were hearing about in those stories about West
4 Paris and Kennebunk, and all of those other
5 communities in which individuals are having the
6 problems that they're having, either with law
7 enforcement officials or local government agencies. I
8 mean, we're currently engaged in discussions with DHS
9 and General Assistance to try to find a way to enable
10 General Assistance Administrators, who are the first
11 line -- they are the first people that many secondary
12 migrants are going to see if they move to the state,
13 and what do they need to do to be able to equip them
14 properly, to be able to deal with them, and to be able
15 to service them properly.

16 I could go on forever, but thank you. My
17 time is up. Thank you very much.

18 MS. ROSS: Thank you, Phil. I want to say
19 thank you to all of our panel members. I'd like to
20 now moderate some questions from the advisory
21 committee to the panel. I'd like to start by asking
22 the first question: "What processes or mechanisms are
23 in place to safeguard against racial and ethnic
24 profiling by law enforcement authorities operating in
25 Maine?" I'll repeat the question: "What processes or

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1 mechanisms are in place to safeguard against racial
2 and ethnic profiling by law enforcement authorities
3 operating in Maine?"

4 MS. SILSBY: I begin by addressing federal
5 law enforcement authorities that are operating within
6 the State of Maine, and all federal law enforcement
7 authorities in this country are bound by, or guided by
8 the guidance regarding the use of race by federal law
9 enforcement agencies that was issued out of the Civil
10 Rights Division of the Department of Justice in June
11 of 2003.

12 These guidelines are available on the
13 Department of Justice website, for anybody that
14 chooses to read them, and these promulgated pursuant
15 to the President's directive in February of 2001. So
16 all federal law enforcement authorities operating
17 within the State of Maine and nationally are bound by
18 those guidelines.

19 MR. ROWE: It's becoming on the state, the
20 constitution of this country, the constitution of this
21 state, the laws of the country, the laws of the state
22 are all taught to law enforcement officers. Every law
23 enforcement officer came to the Criminal Justice
24 Academy, as I indicated before. Throughout that
25 instruction there is training on prohibited profiling

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1 practices, and so education. Perhaps should we do
2 more, that's under consideration, as I indicated
3 before. A specific block of continuing education
4 dedicated to this issue is something that is being
5 looked at very seriously.

6 The other issue is reporting. And I heard
7 today from a couple of panel members about the state
8 police and municipal police officers engaging in
9 activities are violative of the rights of those
10 individuals they're stopping and detaining. If that
11 occurs, we need to know about it; we being the Office
12 of the Attorney General, the Department of Public
13 Safety, and we can take quick action to find out what
14 happened, and to take appropriate actions with respect
15 to those officers. So I guess the education up front,
16 and then the reporting and the corrective activity to
17 cure any problems, that we have police officers --
18 it's one thing to be uninformed, it's another to be
19 informed and to do it anyway. And those people ought
20 not to be engaging in law enforcement in the State of
21 Maine. So I guess that's my answer to that question.

22 MR. NADEAU: If I might add to the
23 Attorney General's comments as well - unlike the City
24 of Portland, the City of Lewiston does not have an
25 ordinance which prohibits a law enforcement officer

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1 from specifically approaching an individual and asking
2 for their immigration status. However, the City of
3 Lewiston is one of two or three police that has one of
4 two or three police departments in the state which is
5 certified by the Commission for Accreditation for Law
6 Enforcement Agencies, and follows the CALIA Protocols
7 which prohibit the practices associated with racial
8 profiling.

9 There doesn't appear to be any, at least,
10 statistical evidence to show that there is any racial
11 profiling that is taking place within the Lewiston
12 Police Department to the best of our knowledge. And
13 I'm certainly not going to try to represent that this
14 is a perfect world, and that we have a perfect police
15 department in which this never occurs. However, the
16 basic premises that are associated with the practices
17 and the process of trying to empower those individuals
18 that are in a position of authority, whether it's the
19 law enforcement officials, or even government
20 officials that work in city hall, it comes down to
21 educating the individuals that have to be engaged on a
22 daily basis. And there's a lot of that that is going
23 on in both the cities of Lewiston and Portland. As a
24 matter of fact, tomorrow morning our ongoing
25 relationship with the U.S. Department of Justice that

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1 we started two years ago is going to involve a
2 cultural education session for city employees, which
3 will be extended through the police department. But
4 it needs to be an ongoing process. You can't just do
5 it once and then let it drop. It needs to be part of
6 an ongoing programmatic effort that is always going to
7 be present, that is always going to reinforced. And
8 frankly, the concern that I have is that you get to a
9 place where you get a level of understanding of what
10 it takes to be able to achieve that, and consider how
11 difficult that is going to be for the 490 other
12 municipalities in this state that have very often
13 limited resources, and very basic programmatic systems
14 to address what is, in some cases, police departments
15 of no more than two or three people with a very
16 limited ability to be able to deliver that level of
17 sophistication in its training protocols. But that,
18 again, has to come back down to where agencies like
19 Maine Community Policing Institute, and the Criminal
20 Justice Academy, and those kinds of organizations, how
21 they can serve in terms of backfilling what is a
22 critical need, that is most likely not going to be met
23 when you try to push that need down to the local
24 level. It's not going to be accomplished if that is
25 going to be, in effect, the final solution, because

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1 these communities in most cases are rural communities,
2 and are not going to be equipped to be able to deliver
3 on that kind of level. Thank you.

4 MR. ROWE: I just want to clarify
5 something. If you violate somebody's constitutional
6 rights, either through ignorance or through
7 intentional violation, either way it's wrong and it's
8 unacceptable. So I wanted to make sure you understood
9 what I said. We can do more, and I think what we just
10 heard from Phil is one of the issues with respect to
11 the rural nature of the state.

12 We have well over 450 municipalities
13 around this state, and many have police departments,
14 full-time, part-time, and sometimes a two-person
15 police department is a large police department, so
16 there is a challenge here. There's more to do. We're
17 doing a wonderful job, but I do believe that we have
18 the training program in place, and we need to really
19 focus on this issue with those programs, and with
20 ongoing continuing education to law enforcement
21 officers, not just the academy training at the
22 beginning of your career.

23 MS. ROSS: Thank you. Grace.

24 MS. VALENZUELA: I have two questions.
25 I'm not sure which one I want to start with following

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1 your statement. Mr. Febles, you said that you have 12
2 to 18 thousand migrant workers in this state.

3 MR. PEREZ-FEBLES: Yes, that's correct.

4 MS. VALENZUELA: And where would they be,
5 most of them? What part -- are they in urban centers
6 or rural communities?

7 MR. PEREZ-FEBLES: No, they're in the
8 rural communities, and we have arrived at this number
9 through a very lengthy process by interviewing
10 agricultural employers, and through a study of the
11 acreage, and how much acreage it takes to harvest so
12 many -- how many workers are needed per acres to
13 harvest say blueberries, or apples, or broccoli, and
14 an egg farm which are considered in Maine as migrant
15 workers.

16 MS. VALENZUELA: So am I right in hearing
17 that most of the testimonies that we heard that there
18 are people that are stopped for vehicle infractions or
19 traffic infractions, are from rural communities? Am I
20 right in hearing that in the testimony?

21 MR. PEREZ-FEBLES: That is my experience,
22 because the folks that I work with, they live in the
23 country.

24 MS. VALENZUELA: So the panel previous to
25 this one also spoke about those kinds of stops by law

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1 enforcement outside Portland and Lewiston. And I'm
2 just trying to put it in my head together, that really
3 there needs to be something -- there is a big gap
4 there of the people are living in the rural
5 communities, and so, therefore, those violations of
6 their civil rights happen in the rural communities.
7 And I'm just trying to clear this in my head.

8 MR. PEREZ-FEBLES: Yes.

9 MR. ROWE: Your point is a good one, Ms.
10 Valenzuela. I think it's a good one, and the key --
11 and no excuses here, but there needs to be immediate
12 reporting, as immediate as possible, and so I think
13 that's one thing that we can all do. And I'm looking
14 at Tom, he may want to make a comment on this.

15 MR. HARNICH: Just the educational piece
16 goes both ways. I mean, we heard stories from Beth
17 Stickney that frankly would have been more beneficial
18 from our perspective to hear those when they happened.

19 Understanding that some of the victims in those cases
20 are fearful of dealing with law enforcement, and
21 probably even more fearful of complaining about law
22 enforcement, so that compounds the problem.

23 We only know about what we know about, and
24 I think that we need to do -- we certainly need to do
25 the job with educating law enforcement officers on

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1 their responsibilities, but we also need to get the
2 word out to the impacted communities that these types
3 of issues need to be reported, and they need to
4 develop a system that they have confidence in that
5 something is going to happen in a positive way after
6 they report it. I just cannot over-emphasize the need
7 for quick reporting so we can address the situation.

8 MS. VALENZUELA: I think I understand why
9 people are not reporting. I understand that part, but
10 I think I also heard something about -- a comment that
11 don't you start putting people on the bus and sending
12 them our way. There is that prevailing attitude in
13 certain communities, as well.

14 MR. PEREZ-FEBLES: If I may ask a question
15 of Tom. Is the reporting -- do I need -- for example,
16 if a migrant worker comes to me and has an issue, from
17 my perspective, I need to get an interview with the
18 worker, and I need the worker to sign that complaint
19 in order for me to make a referral to the authorities.

20 Can I make the complaint on behalf of that worker, or
21 does the worker have to make the complaint himself?

22 MR. HARNICH: You can make the complaint
23 on behalf of the worker.

24 MR. PEREZ-FEBLES: I don't have to have a
25 signed statement by the worker.

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1 MR. HARNICH: No, but in terms of being
2 able to investigate it, you have to have access to
3 that worker.

4 MR. PEREZ-FEBLES: Yes. And that's the
5 problem that I encounter in my line of work. Right
6 now, I mean like 10 days ago, I went to Auburn to
7 interview a whole family which had an issue, and they
8 were afraid, and it took an inordinate amount of time
9 to try to convince them. And I brought in the federal
10 investigators for which an hour, and this lady was
11 afraid because she said, "Am I the only one? I mean,
12 I don't want to sign anything. Am I going to get in
13 trouble for this?" And she was perfectly legal. She
14 had every document in the world. She had children
15 that were born in this country, and she was fearful of
16 the fact that there were going to be retributions and
17 reprisals against her because she was being paid less
18 money than guest workers that were here. And that is
19 a big federal violation, by the way.

20 MR. HARNICH: I think one of the problems
21 that we're dealing with, and everybody is well aware
22 of, is the communities that we're talking about are
23 subject to exploitation on a whole host of levels;
24 employment, housing, a whole host of levels. And
25 there is a fear of complaining. We've established

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1 that.

2 The problem is if we don't do as much as
3 we can to get passed that fear of complaining, it
4 exacerbates the exploitation. If you have somebody
5 who is afraid to complain about the condition of an
6 apartment, the apartments can get worse. If you have
7 somebody who is afraid to complain about violation of
8 federal wage and hour law, the employer is going to
9 continue to exploit that person and more persons.

10 Under the federal law that you're talking
11 about, there are statutes that prevent the retribution
12 or retaliatory action by an employer, so I think it's
13 incumbent upon us as advocates and as government
14 officials to do everything we can to try to make that
15 fear dissipate, and to do everything that we can to
16 give people the confidence that if they report these
17 types of incidents to government, the government is
18 going to take them seriously, will investigate those.

19 And they're actually going to be in a better position
20 because they reported instead of remaining silent.

21 MS. ROSS: Thank you. Grace.

22 MS. VALENZUELA: Yes, I have another
23 question. Mr. Rowe, is it legal or is it appropriate
24 legally to ask for papers, your proof that you're here
25 legally?

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1 MR. ROWE: Not simply because of the color
2 of your skin or because you think somebody is from a
3 particular country that has to be -- let me turn to
4 the U.S. Attorney, who is -- this is immigration law.

5 MS. SILSBY: And I'll let Matt answer you
6 in more detail, but the law requires that those who
7 are not citizens carry at all times their immigration
8 papers on them. How one would get to the point of
9 asking for those papers is, of course, the issue that
10 is the challenging one.

11 Any law enforcement officer can engage in
12 a consensual encounter with an individual, and Matt
13 can address how his organization, the border patrol,
14 goes about doing that on a regular basis with respect
15 to those that they are encountering up on the northern
16 part of the state coming across the border.

17 MS. VALENZUELA: I asked this question
18 related to what Ms. Stickney said earlier, about the
19 Department of Motor Vehicles. These are people who
20 work in the state government.

21 MR. ROWE: The answer is no, they should
22 not be doing that.

23 MR. MORGAN: We had virtual unanimity in
24 the first panel about the level of fear and anxiety
25 has actually been increasing since 9/11. In fact,

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1 that it is deeper and more widespread more recently
2 than it was immediately thereafter. We had virtual
3 unanimity also that racial profiling is widespread in
4 that it is occurring, particularly as the phrase was
5 being used by the panel as that of driving while brown
6 in this state. So I'm encouraged by what the Attorney
7 General is saying about the level of activity and
8 increased cooperation that is going on in the last six
9 months to try to improve these situations.

10 And actually, I see that Mr. Wessler is
11 still in the room. I'm hopeful that some of this
12 information that we got about this increased level of
13 anxiety and fear came from two studies that he did,
14 one as recently as last summer, so I'm hopeful that
15 maybe a year from now that another survey can be done
16 in that sense to see that this is really going in the
17 direction that everybody here is hoping that it goes.

18 I want to go to what we began talking
19 about, and Mr. Nadeau started really talking about it,
20 and that's simply, obviously it's not nearly enough to
21 do what is going on in the cities of Lewiston and
22 Portland to try to address the situation that we face.

23 If the statistics that I have in my hand are correct,
24 actually with the migrant workers that we have in this
25 state, we have a nearly equal population of people of

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1 color in rural areas of this state outside the urban
2 areas of this state that we do -- it's nearly equal to
3 the permanent population of people of color that we
4 have in this state. Which truly makes this a
5 statewide problem, and not merely an urban problem.

6 And I regret, as you indicated, Steve,
7 that we don't have a representative from the
8 Department of Public Safety here today. Everybody
9 started getting at it, and maybe we need other people
10 on this panel to really address this question, going
11 back specifically to racial profiling, which we're
12 focusing on. How do we get the law out, the
13 requirements of the law out to local law enforcement
14 agencies throughout the entire state, because
15 obviously, the big part of the problem is there too.
16 It's not only within the federal authorities, but
17 amongst the state authorities.

18 MS. ROSS: Thank you, Kenneth. Barney.

19 MR. BERUBE: Question for the Attorney
20 General. When people are stopped, are police asked to
21 record at the time with the paperwork that they do
22 when they go back to the station, as it were, that
23 Person X is of such and such a color, but not their
24 criminal history. Is there any -- is there data that
25 just sort of tells you that people have been stopped,

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1 and they happen to be Asian, whatever. Does that
2 happen?

3 MR. SMITH: I haven't the faintest idea.
4 I would be interested what the Attorney General says
5 on that, or the U.S. Attorney, either one.

6 MR. HARNICH: I don't know. I did hear
7 talk of a piece of legislation that's been proposed to
8 deal with that issue. My minimal understanding is
9 that there was a concern about the state ever doing
10 that, so they stopped the program, and now the concern
11 is switched to the other side about using it as a
12 measuring stick to see what is the extent of this, but
13 we don't have --

14 MS. SILSBY: Matt speak on what the border
15 patrol --

16 MR. ZETTS: The border patrol, anyone that
17 we arrest for deportation or removal, we document
18 their nationality. That's a given because that's part
19 of the deportation proceeding.

20 MR. BERUBE: Right, that's if somebody is
21 illegal. Now just out of every ten stops you make, X
22 number are persons of color, or you would --

23 MR. ZETTS: No. We do track on every
24 vehicle stop, we do keep a record of every vehicle
25 stop.

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1 MR. BERUBE: But not the race of the
2 individual.

3 MR. ZETTS: No.

4 MS. ROSS: Shelley.

5 MS. ROSEBORO: Yes. I guess I have two
6 questions. Given the severity of the issues, I'm
7 struck by how good it is to have both sides together,
8 and am wondering how often that happens, and how
9 centralized a commitment there is to deal with these
10 issues. And I guess my other question, it's a great
11 opportunity to do dialogue, and I wish that these
12 groups that have sort of more in-depth, rather than
13 just what public officials have go to say, or
14 community officials is if you could just sort of speak
15 briefly about what you need from the other side,
16 public officials, what sort of things I think Tom has
17 spoken about briefly - what utility you need from
18 these communities, and some of the community people,
19 having these public officials here, what you need from
20 them.

21 MR. PEREZ-FEBLES: Well, from my
22 perspective, I find that meetings like this and like
23 the one that we had before in Paula's office are
24 tremendously helpful to me, because now I know who
25 Matt is and what he looks like, and I have his

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1 business card, and I can call him up. And I say I've
2 seen this, and that, and the other, Matt. We're
3 friends now. I brought him here. He followed me all
4 the way over here, so I think opportunities like this
5 are wonderful. And I think we're all human beings,
6 and if we have human contact and a face, and a
7 handshake, I think it's very important. And this is
8 why I said in my comments, I am very optimistic that
9 meetings like this and the ones that we're going to
10 continue to have are going to be very productive, and
11 very good.

12 MS. SILSBY: And I'd like to echo what
13 Juan said. I think it's very important to those of us
14 in law enforcement -- let me start by saying that we
15 all agree that the law prohibits racial profiling.
16 Federal policy, state policy prohibits racial
17 profiling. It is unconstitutional, it is illegal, it
18 is immoral, it is detrimental to the effort that those
19 of us in law enforcement are trying to make, which is
20 to keep a community safe. And in order to do that,
21 you have to have the cooperation of your community.
22 And if they're too afraid to report to you violations
23 of law that occurring, then you, as a law enforcement
24 official, are not able to be the most effective that
25 you can be, and that your job responsibilities

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1 require.

2 Given that premise which everybody at this
3 table in this room agrees with, what law enforcement
4 now needs is for reports of any conduct that is
5 contrary to the law and to those policies, to be
6 brought to our attention so that those in a position
7 to effectuate change can do so. And having these
8 issues battled in the press where it just feeds on
9 itself, the misconceptions, the stories, the
10 inaccuracies just feed on themselves to, in fact,
11 further increase the level of fear in the community is
12 not productive for any of us. And in our meeting
13 earlier today, Juan and John, and Ben and others agree
14 that we need in law enforcement to hear about these
15 situations, where people perceive that they have been
16 the victim of racial profiling, or any other unlawful
17 activity on the part of law enforcement. And those
18 who -- Matt, as the Chief of the Border Patrol here,
19 is in a position to put in place a process to deal
20 with that, to correct that, to investigate it and
21 determine whether, in fact, that is what happened or
22 not, in order to have that addressed.

23 With respect to individual cases, if there
24 is a need, and I'm saying this about Matt just because
25 he's sitting here to my left. It holds true for all

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1 federal law enforcement in the State of Maine. If
2 there is a need for further training within the border
3 patrol in Maine, they receive training nationally, but
4 if there's a need for further training in Maine, that
5 can be done. If there's a need for disciplinary
6 action, that can be taken. If there is a need for
7 community outreach, it can be engaged in. But we have
8 to know about it, and we have to rely - as I said in
9 my presentation - a climate of trust between those who
10 are leaders in the communities and us to have the
11 dialogue to address the issues, and to move in a
12 positive fashion to correct any wrongs that are, in
13 fact, occurring.

14 MS. ROSS: Mayor, did you want to comment?

15 MAYOR SMITH: I'd like to second some of
16 the comments that have been made earlier. I do think
17 that a number of people in the community have had the
18 courage of stepping forward and speaking out about
19 events. And you've heard from some of those
20 individuals today. We had a forum in the city after
21 the events of January 24th, where we had a number of
22 people, a large number of people came and spoke about
23 those events. And it was -- it asked something we
24 hadn't necessarily earned, it was asking -- or we were
25 asking for them to trust us by having people come to a

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1 public forum and speak on that kind of issue. And I
2 think that trust has to continue to be earned, but I
3 think the people who have spoken out have done all of
4 us a great service. I mean, I think it's forced us to
5 re-examine some pretty basic principles,
6 constitutional principles and legal ones. And
7 frankly, we've all learned a lot from that, and I
8 guess we now need to keep working to get beyond the
9 fear part of this.

10 MR. ROWE: Can I add one thing?

11 MS. ROSS: Sure.

12 MR. ROWE: Okay. We had these problems
13 long before 9/11/01 and the aftermath, or the Mayor's
14 letter in Lewiston, or the border patrol's visit to
15 Portland. This has raised the awareness, but one of
16 the problems is we have an event, something happens
17 and it's all over the news, and we have these
18 meetings. And then we all get busy, and times goes by
19 and we start doing other things. We can't let up on
20 this, and I guess one of the things that I wonder if
21 the advocates, who some are still here - we have 14
22 people in the audience. At 5:40 we're going to
23 comments by members of the public.

24 One of my concerns, and I know people
25 don't come because they're kind of afraid, I know this

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1 - but we had an event - Grace, we had the event, and
2 thanks to the Office of Multi-lingual Multi-Cultural
3 Affairs going to all the schools, helped with that
4 event at the middle school. One of the things I would
5 like to see is more folks coming, and I don't know how
6 we alleviate the fear. If it's fear that's keeping
7 people away, we've got to find out what we can do,
8 because I see a lot of the same faces when we do these
9 things. It's the same advocates, and not all the
10 time. There were some people there, I'm not saying -
11 there were maybe 20 people there, but I just think
12 that if we got more people, and we need to do the same
13 with the rural police officers and sheriffs. I mean,
14 we need to get them together, because I think once you
15 participate in this and you see the issue, you can
16 feel it. But a lot of it is communications, and
17 there's some real I think barriers.

18 I think the Lewiston thing was wonderful.

19 All the people who were leaders there, that brought
20 the community together, brought the state together,
21 and we remember that, but time has gone by, and I'm
22 just kind of fearful that we keep having these events
23 to remind us we need to do this. So I don't know, but
24 there's that fear that we need to alleviate.
25 Everybody has talked about that today.

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1 MS. ROSS: Well, I'll take a little
2 liberty here, Steve. Racial profiling didn't start
3 with 9/11, and so there's been decades, and decades,
4 and decades of racist behaviors associated with law
5 enforcement. There are communities in this state who
6 have experienced it all of the time that they've been
7 here, so just the recent border patrol sweeps and
8 effects of 9/11, if we just limit our conversation to
9 that and not look at the totality of experience of
10 immigrants, refugees and those who are American born
11 minority groups, I think we'll continue to just get
12 four or five people at events. This did not just
13 happen in 2001.

14 MR. ROWE: No, I didn't mean, and I stand
15 corrected not to infer that, but it's just that it's
16 heightened the awareness. And I think it's brought
17 these ad hoc meetings, and I'm simply saying this
18 ought to be a continuous effort.

19 MS. ROSS: Most definitely.

20 MR. ROWE: Yes. No, I'm agreeing with
21 you.

22 MS. ROSS: Yes. We need some patterns of
23 practice that will allow members of our community to
24 trust these procedures. I think Phil Nadeau had a
25 comment, and then we'll go back to Shelley again.

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1 MR. NADEAU: Yes, I was going to say maybe
2 it wasn't elevated to the level that we would like to
3 have it elevated to, because prior to February of
4 2001, everybody thought diversity only existed in
5 Portland, and didn't exist anywhere else. Now we've
6 added Lewiston to the list, so people are at least
7 beginning to get the idea that there are at least
8 maybe two communities in the state in which diversity
9 exists. And I'm talking about general perceptions
10 outside of our two communities. If you go to Augusta
11 and you speak to rural legislators as often as I do,
12 it's frightening about what their perceptions of where
13 we are as communities, and where the rest of the state
14 should be.

15 You know, Jim Tierney was the lone voice
16 in the wilderness for the last year and a half or so
17 talking about Maine's declining population growth and
18 again demographic, and he made mention as just part of
19 the comments in addressing the kinds of things that
20 the state could do to address the declining population
21 growth rate; one of which had to do with inviting
22 immigrant and refugee groups to the state as part of a
23 strategy in trying to build up population levels.

24 And he received a number of public
25 comments, criticizing comments that he made, so it's

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1 not an easy issue to attract a large crowd to discuss.

2 You really have -- and I think Steve alluded to it --
3 you really have to work it. And I'm glad you're doing
4 what you're doing, even though this is a small crowd.

5 The more we do it, the more we get the word out, and
6 I think the more we benefit from that. And I
7 appreciate the opportunity to share these --

8 MS. ROSS: Thank you, Phil. We do have
9 another hearing to get to which will allow members of
10 the public to comment. We're going to take two more
11 questions from the committee, one from Shelley who had
12 a follow-up question, and I think Grace.

13 MS. ROSEBORO: Yes. I had a question for
14 Steve Wessler, who's in the audience. I hate to put
15 you on the spot, but as somebody who has prepared a
16 report on some of your thoughts, your sense of what
17 needs to go forward to alleviate some of the things
18 we've been hearing about.

19 MR. WESSLER: You know, I think in your
20 comment before, that it would have been a good idea to
21 mix these panels up, in hindsight makes sense, because
22 I think there's a real disconnect here. We're talking
23 about racial profiling as if it's separate from
24 profiling by race, which the federal government has
25 been consistently since September 11th -- we're not

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1 talking about that in terms of the training that the
2 police get. I think every single anti-terrorism
3 program, starting with the detention of 1,200 people
4 who were all here, starting with going on to the
5 voluntary interviews that the FBI conducted, going on
6 to the mandatory restoration program which people from
7 all different nations could only apply to - I think it
8 was 1,900. All of those were Muslim or Arab, except
9 for one, North Korea. We could go on and on, so we
10 have this disconnect which is felt very strongly by
11 immigrants and refugees.

12 They either personally have experienced or
13 they know people who have experienced, whether it's
14 detention, or it's interview, or it's the mandatory
15 registration, only selected because of their race,
16 ethnicity, or religion. So I think that we have to
17 broaden our discussion of what we mean by racial
18 profiling, because if we were going to be talking to
19 the immigrants and refugees that we have included in
20 our report, they're looking at this not just in the
21 context of whether a police officer does, whether it's
22 Portland, or Lewiston, or the state police, or in
23 Washington County, they're looking at it in the
24 context of what's happening around the country,
25 including Maine, which is the policy of the federal

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1 government to apply it's anti-terrorism efforts,
2 focusing by race, and by religion, and by nationality.

3 I want to come back specifically to answer
4 the question Shelley raised. One thing the state could
5 do would be to send a strong message from the state
6 level as possible, that whether it's law enforcement
7 officers or it is anybody else in the state government
8 that it is simply prohibited, subject to legitimate
9 exceptions, to ask somebody their immigration status.

10 And there are certainly a lot of legitimate
11 exceptions, basically take the steps to put this on to
12 the same level. There were ongoing negotiations with
13 a group of advocates, a number of whom were on the
14 earlier panel, the current gubernatorial
15 administration which ended with the Governor's talk a
16 that point. They decided they didn't want to go down
17 the route of having -- I think that ought to be
18 restarted, because I think that that would send not
19 only a follow-up message about how immigrants and
20 refugees can rely on local law enforcement, and state
21 law enforcement, but I think it will really make a
22 real practical difference.

23 So the communication is great, but we need
24 to start taking some steps to say you are going to be
25 safe if you talk to a police officer in Portland,

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1 Lewiston, and also in Lisbon Falls, also in Bangor,
2 and also out in Turner, or up in Washington County.

3 MS. ROSS: Thank you, Steve. Grace.

4 MS. VALENZUELA: Actually, that was my
5 question, is what Steve said about the ordinance. Ms.
6 Stickney said that after the ordinance was passed,
7 that greatly reduced inquiry about status in Portland.

8 After that ordinance was passed in Portland, there
9 was not one report of complaints from Portland
10 residents. So my question is, how easy is it or what
11 is the strategy that needs to be done to have an
12 ordinance such as Portland has across the state, or
13 statewide?

14 MS. ROSS: Steve.

15 MR. ROWE: I'm not sure we have the right
16 people here to answer that. It would be much more
17 difficult because you're talking about many, many more
18 law enforcement officials, and you're talking about
19 scattered out across the State of Maine, so you're
20 talking about the Portland Police Department versus
21 law enforcement. Not just law enforcement officials,
22 but other public employees.

23 Grace, earlier when I talked about the
24 Secretary of State, I'll look at that. Generally
25 speaking, you can't do that. Now there may be

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1 somebody trying to help somebody, but there's not a
2 federal or state -- one of the things we looked at
3 were from the state. I don't know where that it is,
4 and maybe that's the Governor's office, but we talked
5 about the unintended consequences of having a real
6 stark -- in some cases it's beneficial because of the
7 federal requirement for us to try to assist an
8 individual. But generally speaking, I think it's fair
9 to say it would be much more difficult.

10 Steve's right, it's going to have some
11 impact unquestionably, but in terms of zero tolerance
12 in terms of straying from it, I think it would be more
13 difficult just because of the numbers of people
14 involved.

15 MS. ROSS: Mayor Smith.

16 MAYOR SMITH: Yes. In theory, you would
17 need to get it adopted by the governing bodies in each
18 of these, whatever number of towns that you have. I
19 suppose if one were doing, practically you might want
20 to focus on the towns that actually have police
21 persons, full or part time involved. There are a
22 number of towns that don't. They rely on the county
23 government really to supply that enforcement
24 capability anyway. So I think that's a possibility.

25 I also think that would be a big challenge

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1 in a number of smaller, more rural communities. I
2 think it's just an issue that's not really on the
3 radar screen. Now I say that. There may be
4 communities where it might be on the radar screen
5 where there are large numbers of migrant workers, for
6 example, where the issue is at least more -- the
7 existence of people who come from other backgrounds
8 and interact with the police or authorities is more
9 common. But I think it's a huge challenge to do it at
10 that level, at the municipal or county level, as
11 opposed to say at the gubernatorial, executory level,
12 or at some other state legislative level.

13 MS. ROSS: Thank you. Pierrot.

14 MR. RUBAGA: Yes. I just had a quick
15 comment. I wanted to follow-up on a couple of things.

16 One was Shelley's question, then Steve's comment. I
17 believe your question was what is it that you can
18 bring back to our communities, or what is it that you
19 need from those very same communities. One comment
20 you hear over and over when you talk to different
21 groups, different ethnic leaders, different
22 communities would be we've been at these meetings. We
23 go there every day, yet it is the same old thing we
24 hear, and nothing gets done. So I guess it's a
25 question of a follow-up to any of these subjects, to

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1 sit down and we talk about.

2 The second thing will be, and again that
3 would be as to this type of meeting. I mean, it's
4 greatly beneficial to get together every now and then
5 and talk about some of these issues. I mean that
6 would probably tie in with some of Phil's comments.
7 Portland began as the only place where people will sit
8 down and talk about some of these issues. Now it has
9 reached Lewiston, Portland and Lewiston are getting
10 together and they're talking about it, but in such a
11 way that we have problems, where I know that if I have
12 an issue with the Portland public schools, I know
13 Grace is there, I know Tae is there. I will pick up
14 the phone and be like, Tae, can you look into this, so
15 on and so forth. So this needs to be raised, brought
16 to the state level. I mean, something has got to be
17 done at that level.

18 Now just to quickly comment on Steve's
19 take on the state of policies and regulations, federal
20 laws and policies. I mean, that is really fueling,
21 and it is up to a certain point criminalizing refugee
22 and immigrant communities. When you listen to the
23 fiery, inflammatory rhetoric that comes out of this
24 administration, especially when it comes to looking at
25 -- and, you know, maybe more so with talk show heads

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1 and so on and so forth, when it comes to immigrants
2 and refugees, illegal aliens, I mean it is so
3 inflammatory that whatever happened in Lewiston with
4 the Mayor writing that letter, it was just as another
5 consequence or as a follow-up to what comes from the
6 federal government, or from the national level. It
7 trickles down, it goes down to the -- in such a way
8 that any individual person or citizen can just follow-
9 up on that, and just take on that.

10 So I guess part of what is building up in
11 Portland would be a City of Portland ordinance with --
12 and I don't know what the state of the proposed
13 executive order of the governor's office is, but
14 having a movement that starts from within, hopefully
15 one would hope that it will send a strong enough
16 message to counter whatever attitude and whatever we
17 have been seeing mounting since 9/11.

18 MS. ROSS: Thank you, Pierrot. We are now
19 going to conclude this panel discussion. I think we
20 can see that what was evident in the first panel, we
21 just haven't had enough time to fully engage in a
22 discussion and get all of our thoughts and questions
23 out there. I do want to say on behalf of the
24 Chairperson, Shelley Roseboro, and Aonghas St.
25 Hilaire, the other members of this advisory committee,

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1 we truly thank you for your time and your expert
2 testimony this afternoon. Thank you very much for
3 joining us.

4 We hope that you'll stay around so maybe
5 some cross-dialogue can occur in this next panel,
6 which we will not take a break. We'll move right
7 into. I'd like to turn the moderation for this panel
8 over to Grace Valenzuela.

9 MS. VALENZUELA: Thank you.

10 AUDIENCE MEMBER: I'm just a little
11 curious. Why would you guys leave and not hear what
12 the public has to say? I don't mean that in a
13 confrontary way. You know, I mean that just from a
14 practical point of view. Obviously, the public that's
15 here right now wants to talk to you.

16 SPEAKER: We assumed we were supposed to
17 go out and leave the table for another group. That's
18 all.

19 AUDIENCE MEMBER: Here right now, members
20 can talk to the public officials that are here right
21 now.

22 SPEAKER: If the Commission would like to
23 have us sit at the table with them, we'll be more than
24 happy to join.

25 SPEAKER: But is it fair to ask to stay at

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1 5:40, and some have families waiting for them, and
2 child care providers and whatnot.

3 AUDIENCE MEMBER: I understand that, but
4 it just doesn't make a lot of sense, I don't think.

5 SPEAKER: Well, for those of us that
6 don't, we're happy to stay.

7 AUDIENCE MEMBER: Thank you. I really
8 didn't mean that in pejorative way. I mean, I'm
9 certainly -- I would --

10 SPEAKER: My son is 25 years old. He can
11 take care of himself.

12 **IV. Open Period for Comments by**
13 **Members of the Public**

14 MS. VALENZUELA: We're moving into this
15 open period for comment from the public, and the
16 microphone that we're going to use is -- okay. All
17 those of you who -- Mr. Febles will be passing the
18 microphone to the members of the public who will
19 speak. And we ask that you limit your comments to
20 three minutes. And will I be the one ringing the bell
21 for all this at this point? Which is your timer, it's
22 this one?

23 SPEAKER: Yes, that is it.

24 MS. VALENZUELA: Okay. We're ready.
25 John.

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1 MR. CONNOR: I'd like to just make a
2 comment and ask one question.

3 MS. VALENZUELA: Please use the microphone
4 because it's being taped.

5 MR. CONNOR: I'd like to make a comment
6 and ask one question, if I could. I think they'll be
7 fairly brief. Somebody made a statement, I think
8 quite honestly, that law enforcement is supposed to
9 protect the people that are citizens and residents,
10 and they didn't have anything to fear. In the Latino
11 community, the people we're talking about are
12 documented, are part of the family. I don't see how
13 we could separate that fear. We know that you people
14 have been forced to laws that we have Congress writes
15 and the legislature writes. It's our job to get them
16 to change the laws we don't want too, but I think it's
17 very, very important to remember that people were
18 talking about undocumented people, are human beings.
19 They're not from another planet. They're part of our
20 family, they're part of our community. And when
21 they're taken away, it has a tremendous personal
22 impact on many of us.

23 The other one is, a lot of the small
24 police departments use INS Border Patrol as their
25 interpretive service, and I know when you called, you

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1 have to do your duty; that means to inspect. Is there
2 anything saying you're forced to go out and act as an
3 interpretive service for other police departments?

4 MR. ZETTS: No, we do it on --

5 MS. VALENZUELA: Excuse me. I think for
6 the purposes of the record, we need you to identify --
7 we all know who you are, but the state doesn't.

8 MR. CONNOR: I told them.

9 MS. VALENZUELA: It's all there?

10 MR. CONNOR: Yes.

11 MS. VALENZUELA: Okay.

12 MR. ZETTS: And I'm Matt Zetts, Acting
13 Chief responding. No, there's no requirement. We do
14 cooperation with other law enforcement agencies. We
15 actually do court interpretation when the courts in
16 Holden run out of interpreters, so we do it as a
17 courtesy.

18 MS. SILSBY: And I would like to clarify
19 something for John. My remarks were meant to include
20 all those who are legally in this country, and the
21 distinction was between those who are lawfully in
22 whatever status, and those who are here unlawfully.
23 And I did not mean, and to the extent that I did, that
24 was not my intent.

25 MS. VALENZUELA: And I'm also going to

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1 remind the public that they're also addressing the
2 Commission.

3 MR. YOUNG: First of all, thank you very,
4 very much for agreeing to stay. I hope that you
5 didn't misunderstand my tone. I'm Paul Young of the
6 Conference on Racial Equality. I was mystified at the
7 suggestion that there were violations, federal
8 violations, municipal and state violations, sometimes
9 criminal that were not known about, that somehow were
10 not being communicated to you. It seems to me, just
11 from what I know, and I'm not even in the loop any
12 more, there are violations of individual immigrants
13 and non-white people's civil rights. There are
14 felonies being committed against immigrants and non-
15 white people in the State of Maine on a daily basis.
16 Just this weekend, Steve Wessler who was here earlier,
17 I don't know where he went, but convened a meeting in
18 honor of a young gay man who was killed in 1984 in
19 Bangor. Nobody ever went to jail for that. You know,
20 the violations that are reported at the time on a
21 daily basis are enough to inspire criminal charges, so
22 I don't really understand that particular point of it.

23 And I guess the only thing that I'm -- I
24 know that you have a political function, political
25 role to fill. You're very important people in your

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1 bailiwicks, and particularly in terms of federal law
2 enforcement.

3 I guess the question that I would ask you
4 is, if you were a person naked, and cold, and alone in
5 jail, wrongly accused of a crime, could you call you?

6 Would you be able to call you for some kind of
7 relief? Do you understand my question? I know that
8 Juan Perez-Febles has been crying out in the
9 wilderness for years, but it took Ben Giuliani going
10 to the State of Mexico to file suit against --
11 everybody knows those people should have gone to jail
12 years ago. Nobody is in jail. The fines were
13 nominal. These people made billions over that period
14 of time. What is that to them?

15 And the only way that this could occur is
16 if non-white peoples, and immigrants in this state
17 were perceived as sub-human. That's the only way this
18 has occurred, this can occur. You talked about there
19 being a problem in Augusta. This problem originates
20 on all our desks. This is all our problem.

21 Why don't you call John Valdacì, Governor,
22 we need your leadership. Governor, we're suffering
23 here. We need your leadership. That's a political
24 function too. Conscience is a political function,
25 humanity is a political function. Thanks so much for

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1 your patience.

2 MS. VALENZUELA: Thank you. Ben.

3 MR. GIULIANI: Hi. Ben Guiliani, Central
4 Latino Maine, the President of Central Latino Maine,
5 Inc. First and foremost, thank the panel and the
6 guests, and the previous panel, as well. It's
7 certainly -- I want to echo what Juan Perez-Febles
8 said with respect to building bridges. We can
9 certainly go around and want to spare with one
10 another, get in the construction mode, and continue
11 the trend how Maine goes, there goes the nation.

12 Mayor Smith, from our perspective, we want
13 to thank you for being a leader in Portland.
14 Certainly, at Lewiston we have Latinos coming to
15 Lewiston, since at least taking the bus to Lewiston
16 from the Rio Grande Valley of Texas, since at least
17 1988. In 1992, Steve Wessler had Tom Harnett's job.
18 They tore down this sign that said no visitors. In
19 '95, OSHA came and said the working conditions are
20 bad. But then suddenly, we had to fight for the
21 living conditions. We finally filed suit, with the
22 Governor of Mexico as a co-plaintiff of 14 migrant
23 workers. And eventually in 1998 to 2004 we had a
24 settlement, but the fight had to start from the
25 community. And the community had to stand up, so

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1 we're working together -- and by the way, Juan, I know
2 that you helped Matt to get over here, and I'm now
3 concerned that he has your license plate. I'm only
4 kidding.

5 So the other thing that I want to mention
6 is the census. We got under-counted here in Maine.
7 We have been in Lewiston for a long time. When
8 Aquila lost his life in an industrial accident in
9 Lewiston, Maine, I sent the body home myself, and so
10 we've been there for a long, long time, and we've been
11 building America. We're not tearing down America.

12 And I think it's important to understand
13 in 1994, I had a personal problem in a Wal-Mart
14 shopping center. My company serviced all the shopping
15 centers in Maine when Wal-Mart started to come to
16 Maine. And they put the white supremacists in the
17 parking lot, and I reported it to the state. And the
18 State Attorney General's Office at that time, they
19 thought that was not a big deal. I was told I don't
20 like your kind. And I said what kind is that? We
21 don't like Puerto Ricans. I said you and I should get
22 along just fine. Swell. I'm not Puerto Rican. Well,
23 what are you? Mexican-American, and I'm proud to be
24 both. But we don't like Mexicans.

25 Eventually, the State Attorney General

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1 didn't want to intervene, but a federal jury in Bangor
2 intervened, and the jury verdict was \$654,440, so the
3 justice system does work. But I think it didn't even
4 need to get that way. If somebody wouldn't have
5 raised the white supremacy of the parking lot, and
6 wouldn't have people harassing us while we were
7 working, we would have stayed out of the federal
8 court. But even in Bangor, there's diversity, because
9 the federal jury saw it our way. You don't have to --
10 it could be Lewiston, it could be Portland, could be
11 even Turner, so I want to say that the only way that
12 we're going to get ahead here is to have meetings like
13 this, and to build bridges like this.

14 I'm very gratified by the NAACP taking
15 action on the State Monitor Advocate in the Richie
16 decision, and I want to tell all of you folks here,
17 Maine has the best Monitor Advocate than the 50 states
18 in the country. I have preached that about the United
19 States, so Matt, you can't stop it, because you have
20 his place. And then last but not least, a couple of
21 more things.

22 President Bush said January 7th,
23 immigration laws are unjust, and I would hope that
24 sometime soon everybody gets into action and starts
25 calling Congressmen, just don't call Congressman Tom

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1 Crello - we call him Tom Incredible, but he's really
2 hell bent against migrant workers. But I also want to
3 say that I was raised at the Mexican border, and I
4 know that the border patrol checkpoints are - as
5 you're coming away from the Mexican border, and I
6 found the check points here in Maine as you're going
7 towards Canada, to wonder why they don't it coming out
8 of Canada. Are you trying to get the Mexicans going,
9 or the Canadians coming? And that's going to be a
10 question, but the other point I want to make is -- and
11 with all due respect, driving while Mexican - that was
12 something, OWM, operating while Mexican.

13 Workers in the fields, do you ask
14 everybody in the field, all colors with respect to the
15 things or just Mexicans. And I don't think that those
16 encounters are casual. And that's what I have to
17 comment about. Would you answer the question - and
18 with all due respect. I'm not trying to put you in a
19 position, here.

20 MS. VALENZUELA: Thank you.

21 MR. ZETTS: Again, this is Matt Zetts,
22 Acting Chief of the Border Patrol responding. I'm
23 going to the chalkboard. This is my attempt to draw
24 the State of Maine. Here's Jackman, way down here is
25 Calais, down here is Portland. I run check points

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1 down at Sydney and just off the York exit. That's
2 where I catch anybody coming from Canada, 201 comes
3 in, 395 from Calais. We do run checkpoints. If you
4 were in northern Maine, you'd see the checkpoints on
5 Route 11 way up here. But if I wanted to catch these
6 folks coming in from Quebec, what we call the western
7 boundary, and the folks coming in from New Brunswick,
8 we'd have to do it down here. That's the only way it
9 works, because if you put it up here, they go -- it
10 takes them a half hour to figure out where the
11 checkpoints are.

12 MR. GUILLIANI: I'm talking about the one
13 in back of you, not -- it is going? That's obviously
14 going.

15 MR. ZETTS: The one that you're talking
16 about happened probably before my time, several years
17 ago. It was a point-to-point violation that was
18 targeting truckers, Canadian truckers illegally
19 picking up loads and transporting them into the U.S.
20 We don't run that checkpoint operation any more. All
21 of our's are southbound, no northbound.

22 MR. GIULIANI: Thanks.

23 MS. VALENZUELA: Anyone else?

24 MR. UMMAH: Yes. My name is Dawud Ummah.
25 I'm the Imam for the American Muslim Society of

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1 Maine. It was just a couple of years ago the City of
2 Portland hired their first African-American fireman in
3 100 years, so I said wow, if they keep this up they'll
4 probably get another one in 200 years. The hiring
5 practices for the state, the cities has been extremely
6 poor. And then when you are hired and you're working
7 on the job, that's where most of us that work in the
8 municipalities suffer probably the worst racism
9 possible, because you're working against a government
10 system that has the financial resources to defeat you
11 if you were to file any type of harassment.

12 One of my questions is, is there any way
13 that we could check and see if we could stop any funds
14 going to the cities that's receiving money that is
15 practicing racial harassment, and are able to use
16 those funds, those federal funds to defeat any effort
17 to bring these charges to court? And if there is, I
18 would like to know from that, because this is how we
19 normally lose when we do show up on these jobs. We
20 don't have any choice. We don't have the resources to
21 hire lawyers. The cities or the state, they basically
22 have their own law firms that could fight these cases.

23 Another thing is that the border patrol,
24 and the police departments - I'm sure you guys need
25 help, and how do we go about getting a job working for

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1 the border patrol, and do you have minorities that's
2 working for you? I know the Portland Police
3 Department is kind of lowering their minority hiring,
4 and I'm sure they are short of money, and they have
5 plenty of good excuses as to why we can't get hired.
6 But is there any type of recruitment efforts that's
7 going forward? And if not, then maybe you should
8 solicit our communities and see how we could get
9 actually hired on some of these areas that's pretty
10 difficult for you to service.

11 One of the ideas that came out of a lot of
12 discussions that we had going to different conferences
13 about race, is that you have to include African-
14 Americans mainly in this because in these
15 conversations that we're just having right now, you're
16 talking about racial profiling, ethnic profiling,
17 religious profiling. This is basically racism at its
18 best. We came down some nicer terms to describe it,
19 but it is racism. And if this is racism this is an
20 old problem in this country, and I know it's very
21 difficult, but if this is the best way we could get
22 around talking about it, then I wouldn't mind coming
23 and talking around these issues. But I think this is
24 basically the racism at its best, and I wanted a
25 response from you, Matt, if you can, because this is

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1 very serious.

2 MR. ZETTS: Yes. Again, this is Matt
3 Zetts responding. One of the things that each sector
4 - there's 21 sectors in the United States for the
5 border patrol. Holden sector basically is the State
6 of Maine. Each sector has at least one special
7 emphasis program manager. I've asked this person to
8 assign agents. We have agents trained to do nothing -
9 - well, to do other things, but their primary function
10 is to attend job fairs and do recruitment of targeted
11 universities. We do a lot in Portland, not as much as
12 we'd like to, but we do a lot in Portland. We do a
13 lot in Boston. That's my assigned area as far as
14 recruitment. We can get a big audience in Boston, we
15 get a big audience in Portland. We also do the local
16 high schools and some of the smaller universities.

17 I'd be very interested in speaking with
18 you. If you have a specific location, event, I will
19 have at least two of my recruiters at that event. Up
20 to recently, we've been restricted in what I could do
21 because of the threat level orange. There's a set of
22 conditions that it's out of my hands as far as what I
23 can do. I have a certain set of things I have to do
24 at the border, and one of the things is I have to
25 terminate all recruitment efforts, cancel annual

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1 leave, cancel all non-essential travel. And
2 recruitment was the first fatality of threat level
3 orange. As you know, we stayed on there for quite
4 some time, but we are doing robust recruitment. And
5 anyone can get a hold of me at 1-800-851-USPB. I can
6 be reached any time. That's a toll-free number, and
7 I'd be interested in speaking to you about setting up
8 a recruitment event. If you're available after this,
9 maybe we could talk.

10 MR. NADEAU: If I might also address that
11 issue. In the City of Lewiston, we have several
12 employees that are Somali and African-American that
13 work for both the Lewiston Municipal Government for
14 the School Department. Specific to the area of law
15 enforcement, that is not only a challenge for
16 recruitment when it comes to trying to attract
17 minority candidates, it's a problem just trying to
18 attract candidates period.

19 Back in the early 1990s, late 1980s, it
20 wasn't uncommon to see as many as 200 applications
21 come in when opportunities for testing through the
22 Civil Service process that we have in the City of
23 Lewiston would be opened up, and candidates would come
24 in to take the exams. Today, it's much more common to
25 only see 17, 20, 25 candidates come in and go through

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1 the process.

2 It's a concern for both municipal
3 government, specific to the City of Lewiston, and for
4 our law enforcement agency, for the police department
5 and the police chief to try to find a way to be able
6 to do what would be most useful to try to get more
7 minority candidates to simply apply.

8 I mean, to be honest with you, there are
9 very few if any minority candidates that even apply
10 for the position.

11 MR. YOUNG: You have to walk the talk.

12 MR. NADEAU: I understand.

13 MR. YOUNG: You'd have plenty of minority
14 candidates applying if you walk the talk, and you make
15 them walk the talk.

16 MR. NADEAU: You can certainly make that
17 point, but anybody that is willing to fill out an
18 application can fill out an application for a job with
19 the City of Lewiston. And there are individuals who
20 have been hired for those positions from those ranks.

21 However, the most challenging job to fill in the City
22 of Lewiston has been on the law enforcement side, and
23 it's not an issue of just hiring quality minority
24 candidates. It's an issue of finding quality
25 candidates period, right across the board. And it's a

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1 challenge, and I don't have the answers. But clearly,
2 there are better and more effective ways of doing the
3 recruiting, which I think is what you're alluding to.

4 And any time you would like to have that addressed in
5 a manner that can make some sense to us, Chief Welch,
6 Lewiston Police Department, very much an open door
7 kind of guy. It's very easy to contact him. And I'll
8 go one step further. If for some reason you're having
9 some difficulty reaching him for one reason or
10 another, you contact city hall and ask for me, and I
11 can do the work that needs to be done to get you a
12 meeting with the Chief and with the Assistant Chief.
13 So it's a concern, no doubt about it.

14 MS. VALENZUELA: Thank you. Anyone else
15 from the public who would like to make a comment?

16 MS. MILNICK: Thanks. I'll be really
17 brief. My name is Alysha Milnick. Not to keep
18 picking on the border patrol, but just one quick
19 question I had was, there was a lot of discussion on
20 both panels, and there's a lot of reported fear and
21 anxiety among people of color in immigrant and refugee
22 communities. And with the border sweeps that happened
23 in Portland, I was wondering if you could talk about
24 how the decision came about to target the specific
25 places that were targeted? And whether when those

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1 decisions were made, whether there was thought that
2 went into the fact that grocery stores and the
3 homeless shelter, places where people would either
4 need to be going to get sustenance for their family,
5 or to access public services, what that was going to
6 do to people then from those communities being willing
7 and able to access those things in the future?

8 I also wondered whether any thought went
9 into the impact of that with all these other programs
10 that appear to be outreach, and education, and
11 training, to try to increase both the ability of law
12 enforcement to handle situations with minorities and
13 refugees without increasing anxiety; that this would
14 be counterproductive to that bridge-building, because
15 if you're a minority or a refugee, you might not be
16 able to tell the difference between a Portland police
17 officer, or if this executive order were to happen, a
18 state police officer and the border patrol. Does that
19 make sense? Thank you.

20 MR. ZETTS: Yes, thank you. I've been
21 doing this job for over 20 years, and this is back
22 when there weren't a lot of policies against this kind
23 of stuff. I've never gone into a church to arrest
24 somebody. I've never gone into a schoolyard, a
25 hospital, or any other type of thing. Common sense

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1 tells you that's not where we need to be.

2 My efforts are up on the border area. I
3 also do disrupt operations for modes of transportation
4 and transportation hubs. There has to be some
5 expectation that an undocumented or an otherwise
6 removable person, some convicted of violent crimes in
7 another country, for example, is going to get caught
8 if he tries to transit using customary transit routes,
9 or sneak through the border.

10 The operation in Portland was drafted to
11 be a transportation hub check of the Portland trains
12 and bus areas, and do some initial contact with TSA
13 officials at the airport. That's what the operational
14 order which any operation that we have, other than on
15 the border, requires an operational order and has to
16 be approved by me.

17 What happened is some of the agents in-
18 between times when there were buses, like all newly
19 hired border patrol agents like to do, were making
20 themselves useful and questioning people. Lawfully,
21 they're entitled to do so. There was nothing about
22 this, and I don't want to suggest that there was
23 anything illegal or unlawful that we were not entitled
24 to do by the Immigration Nationality Act. It was
25 entirely lawful, but that was not what I wanted to

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1 have happen. I wanted a transportation check of the
2 hub in Portland, because it's been a long time since
3 we've been down here. And quite frankly, we need to
4 have more presence --

5 (Whereupon, proceedings were halted
6 prematurely due to the sounding of a fire alarm.)

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CERTIFICATE

This is to certify that the foregoing transcript in the
matter of: Meeting of the Maine Advisory Committee

Before: U.S. Commission on Civil Rights

Date: April 6, 2004

Place: Portland, Maine

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to
typewriting.


