

1 VIRGINIA ADVISORY COMMITTEE
2 TO THE U.S. COMMISSION ON CIVIL RIGHTS

3 - - -
4 FORUM
5 - - -

6 IDEAS FOR THE DESIGN AND IMPLEMENTATION OF
7 FEDERAL BLOCK GRANT PROGRAMS TO MEET THE
8 NEEDS OF MIGRANT AND SEASONAL FARMWORKERS

9 - - -
10 August 3, 1982
11 - - -

12 The Committee met at Central High School, Painter,
13 Virginia at 2:11 p.m., Reverend Curtis W. Harris, Chair-
14 person, presiding.

15 PRESENT:

16 CURTIS W. HARRIS
17 SELMA BAXT
18 EDWARD BROWN
19 CALVIN MILLER
20 MARTHA JANE OGDEN
21 BERTHA PLA
22 DOUGLAS WILCOX

23 CCR
24 3
25 Meet.
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1 ALSO PRESENT:

2 Dr. Ralph Hambrick
3 Mr. Kevin W. Boyd
4 Dr. Monica Heppel
5 Mr. E. Philip McCaleb
6 Mr. Jack Engler
7 Mr. John H. Parsons
8 Dr. Belle DeCormis Fears
9 Ms. Pauline James
10 Mr. Michael T. Robinson
11 Mr. Kenneth Annis
12 Ms. Jenny Ruducha
13 Mr. A. K. Fisher
14 Mr. George H. Irby, Sr.
15 Mr. James R. Kee
16 Ms. Marion Anderson
17 Ms. Kathy O'Keefe
18 Mr. Philip Ericson
19 Mr. Raymond John Pelletier
20 Mr. Robert P. Owens
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and problems in meeting their needs

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Overview of some of the issues raised for
migrant/seasonal farmworkers in the State
administration of Federal block grant programs,
and suggestions/recommendations for the design
and implementation of Federal block grant
programs to meet the needs of migrant/seasonal
farmworkers

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P R O C E E D I N G S

1
2 CHAIRPERSON HARRIS: -- to disseminate informa-
3 tion concerning civil rights problems, the laws relating
4 to them, various procedures for resolving such problems.
5 Other members of the Advisory Committee present today are
6 to my left Selma Baxt, Ed Brown, Martha Ogden. To my right,
7 Douglas Wilcox, Bertha Silvn Pla, Calvin Miller. And to
8 my far right are two members of the staff, Attorney Robert
9 Owens, Regional Attorney; the Regional Director, Ed Rutledge.
10 And out in the audience, the lady with the green blouse on
11 that you see bobbing about is Wanda Hothman, and also
12 another staff person over here, Susanne Cromwell.

13 At present, is Chester Wickwire, a member of the
14 Maryland Advisory Committee of the U.S. Commission on Civil
15 Rights, chairman of their Subcommittee on Migrant and
16 Seasonal Workers.

17 This forum will focus on the needs and problems
18 of migrant and seasonal farmworkers in Virginia and how they
19 may be addressed in the state's administration of federal
20 block grant programs.

21 The goal is to generate ideas that may be useful
22 to the state in planning for the design and implementation
23 of federal block grants, and to assure equal protection
24 under the law for migrant and seasonal farmworkers in
25 Virginia.

1 While the forum will focus on the needs of
2 migrant and seasonal farmworkers in Virginia, the Advisory
3 Committee believes the ideas and topics discussed will
4 frequently overlap with the needs of all citizens in the
5 state.

6 The forum will include panel discussions concern-
7 ing the needs of migrant and seasonal farmworkers and
8 problems in addressing those needs, the kind of services
9 for these workers and their eligibility for services to be
10 provided under federal block grant programs, Civil Rights
11 monitoring and compliance mechanisms, and suggestions and
12 recommendations for the design and implementation of federal
13 block grant programs to meet the needs of migrant and
14 seasonal farmworkers.

15 A list of names and titles, addresses, phone
16 numbers of persons who have volunteered to lead panel
17 discussions is also available on the publication table over
18 to my left up front. However, they will be introduced to
19 you as each panelist gets underway.

20 Today's proceedings are being recorded to assist
21 the Virginia Advisory Committee in its preparation of a
22 summary report. This report will be distributed to public
23 and private groups in the state as deemed appropriate by
24 the Regional Director, Mid-Atlantic Regional Office, U.S.
25 Commission on Civil Rights.

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1 While we want to encourage a free exchange of
2 ideas during today's forum, we believe that a few ground-
3 rules will help to achieve that objective as well as to
4 obtain a clear record of the proceedings.

5 At this time, I would like to introduce Douglas
6 Wilcox, who will talk about some of the groundrules. He
7 is Chairman of the Subcommittee on Migrant and Seasonal
8 Farmworkers of the Virginia Advisory Committee of the U.S.
9 Commission on Civil Rights, and he will be chairing this
10 afternoon's forum. So we present at this time Douglas J.
11 Wilcox.

12 MR. WILCOX: Thank you, Mr. Chairman. Thank you
13 all for coming to our meeting today. I am sorry I am going
14 to read this, we are not going to read everything, but I
15 will read what I have here.

16 In order to provide all persons an opportunity
17 to express their views and share information on today's
18 topic, we will use the following procedure from now until
19 about 5:00 p.m. Persons who have been specifically asked
20 by the Virginia Advisory Committee to share information and
21 views about each of the topics will be given the first oppor-
22 tunity to discuss the subject to be covered under each
23 topic. Next, members of the Virginia Advisory Committee
24 will discuss these issues that have just been spoken. Then
25 other people, yourselves, speaking one at a time into that

1 microphone right there, will identify themselves and address
2 matters from the floor related to the topic under discussion
3 as time permits. In other words, the speaker will speak,
4 then I'll ask any question that I can think of that's per-
5 tinent, then I'll ask the Committee to ask questions if they
6 wish, and they I'll turn it all over to you. That way you
7 won't have to wait all day to ask your question, you can
8 ask it right away.

9 From 5:00 o'clock until 7:00 p.m., the forum will
10 be recessed for dinner. Originally when we planned this
11 meeting we weren't quite sure how we would have you ask your
12 questions. We thought maybe that it would be better if we
13 kind of had a period from 7:00 o'clock to 9:00 o'clock
14 tonight when you can more or less ask any question you wanted.
15 We have a sign-up book at the back of the room and for any
16 of you who wish to make a speech, make some comment, please
17 sign up in the book sometime during the next few hours.
18 We will have a break about half-way along. It doesn't show
19 here, but I get tired sitting for three hours, so we ought
20 to have a break about half-way through our meeting.

21 If we find at 5:00 o'clock that there really
22 isn't any other interest in making any further speeches,
23 we will not have a meeting at 7:00 to 9:00. On the other
24 hand, if there is intense interest on the meeting from 7:00
25 to 9:00, we'll be delighted to have a meeting. We'll be

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1 here all night.

2 During the last two hours of the forum, the
3 Virginia Advisory Committee will hear the views, suggestions
4 and recommendations of all persons who have signed up to
5 share their ideas for the design and the implementation of
6 federal block grants to meet the needs of migrant and sea-
7 sonal farmworkers. Any of you who do not have an ample
8 opportunity to express your views this afternoon are
9 encouraged to sign up for this evening.

10 Before we get right into the forum, there are a
11 few other concerns that will be addressed by the Regional
12 Attorney, Mid-Altantic Regional Office, U.S. Commission on
13 Civil Rights, who is Robert Owens. Robert.

14 MR. OWENS: Thank you, Ed Wilcox. I'll try and
15 speak up so that all of you can hear me without the need
16 for standing.

17 I would like to say at the outset that today's
18 forum is being held pursuant to rules applicalbe to state
19 advisory committees and to federal advisory committees for
20 the U.S. Federal Government.

21 The Civil Rights Commission, under the Privacy
22 Act of 1974, is required to inform each of the persons from
23 whom we solicit information of our authority to do so. The
24 authority to conduct a forum such as we have today is being
25 done pursuant to 42 U.S. Code, .Sectin 1975 (C). The

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1 authority for the advisory committee rests there also.

2 I would like to say that, as was previously stated
3 by the chairperson and by Mr. Wilcox, the U.S. Commission
4 on Civil Rights, and thereby this committee, has authority
5 pursuant to 43 U.S.C. 1975(C) to study and collect informa-
6 tion regarding discrimination or denial of equal protection
7 of the laws under the Constitution based upon race, creed,
8 color, national origin, sex, age, or handicap. It is pur-
9 suant to that authority that today's forum is being held.

10 Finally, I would like to say that those people
11 who will serve today as panelists and who will present
12 information are doing so voluntarily. We are not at this
13 time utilizing the Commission's subpoena power. This is
14 not a hearing per se but rather a factfinding forum.
15 Therefore, there will be no sanctions imposed against anyone
16 or any group which chooses not to provide us with informa-
17 tion as we may have requested.

18 Finally, the Commission has some rather strict
19 regarding defame and degrade. These proceedings are not
20 anticipated to be adversary in nature. They are primary
21 utilized for the purpose of creating a record upon which
22 to make recommendations and reports to the U.S. Commission
23 on Civil Rights. Therefore, this committee will ask that
24 no one make statements which tend to defame or to degrade
25 any individual. Should I, as the Regional Attorney, detect

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1 that such statements are being made, I will call that to
2 the attention of the speaker and ask that he or she refrain
3 from making those statements.

4 One further comment, anybody who presents informa-
5 tion today has the right not to be reported or photographed
6 by the press or other media if they desire. Therefore, if
7 someone has that kind of reservation, I'll have to ask that
8 any member of the press comply with their wishes. Short
9 of that, I think that we are at this time prepared to begin
10 the forum.

11 MR. : What responsibilities do we have
12 for the participants' information? This is just a matter
13 for information.

14 MR. OWENS: With regard to that, I assume you say
15 "we" you are talking about people who present information
16 to the commission today. With regard to that, you are only
17 required to be as accurate as you possibly can, as you
18 normally would in conducting the affairs of your organiza-
19 tion. Now, beyond that, it is up to this advisory committee,
20 in making the recommendation or whatnot, to research and
21 validate any information that seems to be on its surface
22 questionable. So we will, therefore, take at face value
23 any information which is given to us today and we will make
24 recommendations accordingly.

25 If there are no further questions, and seeing

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1 none, I would at this time return the chair to Mr. Wilcox.

2 MR. WILCOX: Thank you very much, Bob. Can you
3 all hear me? I'd hate to stand all afternoon -- let me
4 continue. We have at the back of the room a packet
5 material, of information. I hope you all have gotten the
6 packet. The information is entitled, "Summary of Block
7 Grants," which is a summary of the information on each of
8 nine federal block grants established by the Omnibus
9 Budget Reconciliation Act of 1981 under Public Law 97-35.

10 The intent of this federal legislation was to
11 provide states the maximum flexibility in administering the
12 consolidated programs by minimizing federal restrictions
13 on the use of funds and eliminating most paperwork and
14 reporting requirements. However, there are broad anti-
15 discrimination provisions contained in the Omnibus Budget
16 Reconciliation Act of 1981.

17 Part of our concern today will be to discuss how
18 monitoring and compliance with Civil Rights provisions will
19 be carried out by the federal, state, and local governments
20 in order to assure equal protection under the law for
21 migrant and seasonal farmworkers in Virginia. These nine
22 block grants have stirred great expectations in some, and
23 great concern in others. As a result, there is intense
24 interest in determining as quickly as possible how the
25 state is proceeding in the design and the implementation

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1 of federal block grant programs.

2 One of the greatest theoretical appeals of block
3 grants for state administration was the opportunity for
4 increased flexibility in administration. In Virginia, the
5 lead has been taken by the governor to develop an efficient,
6 effective, and economical administrative process.

7 At this time, I would like to introduce Dr. Ralph
8 Hambrick, director, Center for Public Affairs, Virginia
9 Commonwealth University, who is on the staff to the
10 Governor's Commission on Federal Block Grants. We have asked
11 him to give you a brief presentation on the mandate of the
12 Governor's Commission. From his presentation, we believe
13 you will see the role that can be played by each of you in
14 making recommendations for the design and the implementation
15 of federal block grants to meet the needs of migrant and
16 seasonal farmworkers. Dr. Hambrick, thank you for coming
17 today.

18 DR. HAMBRICK: Thank you. I appreciate very much
19 the opportunity to be here. I was afraid that I might not
20 be able to attend since the Governor's Commission on Block
21 Grants is in fact having a major meeting today. By pure
22 happenstance, both of these groups chose today as the day
23 to have a meeting. If that were not the case, I suspect
24 that perhaps some other members, some other staff members
25 as well as some other members of the organization might be

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1 here -- of the Commission might be here.

2 My primary purpose for being here really is to
3 listen, to hear the concerns that are voiced and the ideas
4 which are voiced and to carry those back to the Commission
5 as effectively as I can. Of course, your report will do
6 a much more comprehensive job of that, I am sure, than I
7 will, but I may get back first so I can provide some of that
8 information.

9 Let me just say a few things about the Governor's
10 Commission on Block Grants to give a bit of a context
11 because I think that it is a major focal point for addressing
12 issues which come out of groups like this and which come
13 out of a whole concern for federal block grants, federal
14 funding for a variety of problems, both social in character,
15 community development in character, educational in charac-
16 ter.

17 The Commission was, as an idea, was announced very
18 shortly after Governor Robb was elected to office, during
19 the transition period, with the announcement that because
20 of the importance of this, he would assign the Lieutenant
21 Governor as the Chairman of the Block Grant Commission. The
22 Commission, in an effort to put together a very representa-
23 tive group, was several months in the making. The Commis-
24 sion began its deliberations last April and has met several
25 times to this point. It is, however, very much in the

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1 formative stages, it is still very much in the process of
2 collecting ideas and concerns, although issues have been
3 formulated and I can give you some indication of some of
4 the issues which that group is attempting to address.

5 Let me, if it is appropriate, take a couple of
6 minutes to go through the Executive Order which established
7 the mandate for the Commission, then I will indicate to you
8 the basic timetable under which the Commission is operating
9 and then indicate a couple or some of the issues which the
10 Commission is expected to address. And then if there are
11 other questions which you would like to address, I'd be,
12 of course, pleased to answer those.

13 I do have a few copies, I think enough to make
14 available to everyone who is interested, copies of a couple
15 of very brief newsletters about the Commission's activities,
16 which gives a list of members -- I think that is also avail-
17 able in the packet which was mentioned earlier -- and also
18 states the mandate, provides an address where you can call
19 or write. So that information I will make available after
20 this first panel in the back of the room on the information
21 table.

22 The Executive Order, Executive Order No. 5, from
23 the Robb Administration, establishes six directives to the
24 Commission, to a commission to which there is no announced
25 termination date, so one of the areas that the Commission

1 may recommend is whether it goes out of existence at the
2 conclusion of its report or continues in some fashion.

3 The first mandate to the Commission is to review
4 the financial impact on the Commonwealth of Virginia of
5 federal block grant programs, as approved by the Congress
6 and the President.

7 The second mandate is to review the current
8 delivery of those human service, education and community
9 development programs by state, local and non-profit
10 agencies which are part of the federal block grant concept.

11 The third mandate to the Commission is to make
12 recommendations to the Governor for immediate changes neces-
13 sary for the Commonwealth to assume responsibility for the
14 administration of block grant programs.

15 The fourth mandate to the group is to recommend
16 to the Governor long-term changes in those state programs
17 which are part of the block grant concept necessary to
18 eliminate any duplication and fragmentation of programs and
19 services which might exist.

20 The fifth, to recommend to the Governor ways to
21 ensure that the citizens of this Commonwealth are the
22 beneficiaries of sound plans and programs which maximize
23 limited funds and which are performed in an efficient and
24 timely manner.

25 And sixth, to work closely with the Governor's

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1 office, his secretaries, members of the General Assembly,
2 and members of Virginia's congressional delegation in
3 forwarding concerns and recommendations to Washington
4 regarding the impact of block grants on the Commonwealth
5 and its citizens.

6 That concludes the charge to the Commission by
7 Governor Robb in the Executive Order No. 5.

8 As you can see, there is an emphasis on what goes
9 on in the state. There is also a concern about conveying
10 back to the federal government issues, concerns, recommenda-
11 tions which the Commonwealth of Virginia perceives to be
12 appropriate and of importance.

13 I think it is appropriate to say that the likely
14 impact of the Commission, although it is already in some
15 ways has some impact, but the primary impact of the Commis-
16 sion is likely to occur really into -- probably in the
17 third year of block grants programs in terms of any major
18 policy recommendations.

19 As you know, block grants began or in operation,
20 many of them, not all of them, this fiscal year. It will
21 be into the second fiscal year before the full report of
22 the Commission is available. And given some lag there, it
23 is likely to be the third year of block grant operation
24 where the major impact of the Commission might occur.

25 I might indicate that Lieutenant Governor Davis,

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1 Secretary Fisher, and others involved have indicated a very
2 strong intent to take the recommendations of the Commission
3 and argue as persuasively as they can to the Governor and
4 to the General Assembly and other appropriate bodies about
5 those recommendations. So we expect that this commission
6 will not only produce a useful report, but attempt very much
7 to make that report used.

8 Let me indicate some of the dates, some of the
9 target dates. These are not a part of the Executive Order,
10 these are part of the hope and intent of the Commission to
11 meet.

12 The Commission has divided its self into three
13 committees, and I'll mention those committees in a minute
14 as we talk about some issues. The current plan is to have
15 committee reports completed by September 15 in a draft
16 form, to have individual committee reports completed by
17 September 15.

18 During the period from September 15 to about
19 November 15, the full commission will be meeting and
20 considering committee reports. Additionally, it is hoped
21 that individual committee chairmen or other commission
22 members will present the recommendations, the proposed
23 recommendations not yet final, to various organizations,
24 groups such as this, or VMI, or Virginia Association of
25 Counties, or other groups that appear to have a need and

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1 an interest in knowing the recommendations of the Commis-
2 sion. That will occur during the period September 15 to
3 November 15.

4 In the midst of that period, about October 15,
5 again, these are target dates not hard and fast, it is
6 expected that an exposure draft of the recommendations of
7 the Commission will be made available for public review.
8 An exposure draft on or about October 15th.

9 In mid-November, after the exposure draft has
10 been available for some period, in mid-November there will
11 be public hearings held around the Commonwealth of
12 Virginia. It is expected there would be four or five
13 public hearings held in geographically different areas of
14 the state to make it possible for the most numbers of
15 people to provide comment to the Commission. So those
16 public hearings will be held in mid-November.

17 Then about December 1 it is hoped that a draft
18 report incorporating suggestions from public hearings and
19 any other input which is received would be incorporated
20 into a report in draft form and that final consideration
21 by the Commission be made early in December so that the
22 report, this initial full report of the Commission, be made
23 available to the Governor and for forwarding to the General
24 Assembly by the end of December.

25 That is basically the schedule on which the

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1 Commission is intending to operate.

2 Let me just mention briefly the basic committee
3 structure and a few of the issues which have already been
4 identified and are being considered and being talked about,
5 and then that will conclude any remarks that I make unless
6 you have questions.

7 Three committees have been established. These
8 committees are an effort to represent some of the basic
9 substantive concerns that the Commission has uncovered and
10 placed on its agenda. The first committee is called Roles
11 and Responsibilities, a Committee on Roles and Responsibil-
12 ities. That committee is looking at the whole division of
13 labor and division of responsibility between the state and
14 the local government; looking at the question of the private
15 sector role; looking at the whole issue of decisionmaking,
16 of the decisionmaking structure as it deals with block
17 grants; is looking at the question of public participation
18 in block grants, a concern about the extent and the mechan-
19 isms for public participation. Additionally, that group
20 is looking at the question of administrative organization
21 or administrative reorganization, if any is required, to
22 effectively administer under the block grant concept.

23 The second committee is program administration
24 and service delivery. That committee is looking at the --
25 is examining the content of the programs that are covered

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1 under block grants, the effectiveness of their delivery.
2 It, for example, is looking at questions of coordination
3 between state agencies, to what extent is appropriate
4 coordination as it affects the client occurring and to what
5 extent is it not. That committee is looking at issues of
6 intake, issues of eligibility, issues of fees for services
7 in some cases insofar as they may relate back to eligibility
8 and intake. It is looking at reporting and monitoring and
9 evaluation of programs, and it is looking at the basic
10 service mix which is provided: Is there an alternative
11 service mix which is more appropriate than that which is
12 being delivered currently?

13 The final committee is called the Committee on
14 Priorities and Allocations. That group is looking at
15 questions of uniformity versus diversity in service levels,
16 to what extent should the same services be provided through-
17 out the Commonwealth, and other issues of that sort. It
18 is looking at the question of how dollars can be spent more
19 effectively, how can we make more effective use of fewer
20 dollars is really the issue since, as you know, there are
21 fewer dollars now than there were before, before the block
22 grant concept. Looking at questions of alternative revenue
23 sources, expanding available resources. Is looking at
24 rural/urban differences. Is looking at the whole question
25 of formulas and the fund allocation mechanisms that exist.

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1 So those are the three committees and some of the
2 kinds of issues that they are dealing with. It is hoped
3 or expected that the Commission will take a broad policy
4 view with respect to these issues, but, at the same time,
5 come to grips with some of the real nitty-gritty problems
6 that may be involved.

7 This, of course, is all going on at the time in
8 which individual state agencies are already administering
9 block grant programs, and in some cases some changes have
10 occurred and in fact there has been, in addition to adminis-
11 trative agency administration of these programs, there has
12 been some legislation which has been involved, although
13 that has been minimal to this point.

14 That concludes a general overview.

15 MR. WILCOX: Thank you very much, Dr. Hambrick,
16 and we appreciate your taking this long, long trip to see
17 us here. I really appreciate it, since we all took a
18 similar trip.

19 DR. HAMBRICK: You know how far it is!

20 MR. WILCOX: Yes. Listen, I have just one ques-
21 tion I might ask. Looking at your block grant form,
22 could you point your finger at where it talks about block
23 grants for migrant and seasonal farmworkers? Do we have
24 any? Are there any now?

25 MR. PELLETIER: I am going to answer that because

1 it's my problem.

2 MR. WILCOX: Fine, would you please? Would you
3 please come up to the mic, introduce yourself so we'll know
4 who you are.

5 MR. PELLETIER: I was going to speak later, but
6 I am Rick Pelletier from the Office of Civil Rights, Depart-
7 ment of Health and Human Services. The form you see before
8 you is designed to save you riffling through a lot of pages
9 on block grants. It gives you the pertinent data there.

10 As far as migrants are concerned in block grants
11 and the regulations, there is a mention of migrants, so that
12 is the fact that for fiscal '82 they were covered by the
13 Transition Office, as I understand it. And for fiscal '83,
14 the state will take over that responsibility. In other
15 words, they will have to apply to the state for block grants
16 in fiscal '83. That's why you don't see migrants specificall-
17 ly in that particular form.

18 MR. WILCOX: Thank you very much. Do any of the
19 members of the Committee have any questions? Curtis, do
20 you have a question?

21 CHAIRPERSON HARRIS: Yes. Dr. Hambrick, you
22 talked about the three year period during which time the
23 Commission will develop and formulate programs to give to
24 the Governor to perfect the various interests and concerns.
25 In the meantime, who is making the decisions? Money is

1 already being allocated to Virginia and it is being dis-
2 bursed. Who is making the decision, number one; how can
3 we, persons or groups, impact upon the present decisionmaker
4 while we wait for three years, and just in general what is
5 happening now while the Commission is putting it together?

6 DR. HAMBRICK: Okay, let me first clarify the
7 three year remark, in one sense that is misleading. I
8 don't mean three years from now, what I meant was the
9 third year of the block grant program, which is about a year
10 from now --

11 CHAIRPERSON HARRIS: We're into the first year
12 now?

13 DR. HAMBRICK: Yes, the first year is almost over.
14 The second year will begin October 1, and the Commission
15 report will be issued in the middle of the second year, but
16 most of the administrative and most arrangements will have
17 been made since the money will already -- since those
18 programs will already be in the process of being adminis-
19 tered. So, based on that, I assume that it would be the
20 third year of the block grant program where the major impact
21 of the Commission could be felt.

22 Now, right now, the Commission is passing along
23 any concerns, it is involved to some extent in raising
24 issues about block grants. It has that kind of immediate
25 charge, too, but the principal impact I think will be

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1 occurring about the third year.

2 Now, in terms of what is occurring now and what
3 has occurred up to now with respect to block grants, there
4 is an administrative and legislative procedure, which is
5 the normal administrative/legislative procedure, which has
6 been occurring. I like to describe what has occurred in
7 Virginia, and I think it has been in many respects very
8 effective, as a two-level process in which you've got the
9 administrative response and the administrative management
10 of block grant programs which picked it up immediately --
11 there was only a couple of weeks lead time really from the
12 time block grants became law until they began to be adminis-
13 tered. So the administrative agencies picked up responsi-
14 bility and began I think in a very smooth way in Virginia
15 administering those programs which were continuations under
16 new guidelines or under law of programs which existed
17 before in most cases.

18 So that has occurred, although some blocks
19 have not even begun to operate. So one response to block
20 grants has been at the administrative level in which the
21 Governor assigned particular blocks to specific agencies,
22 Department of Social Services or Department of Welfare
23 under its old name, continued, for example, to operate the
24 Social Services program, which was a further consolidation
25 of Title XX. So that administrative agency picked up and

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1 through that administrative and advisory committee apparatus
2 and through the legislative appropriation of funds, which
3 is required in this case, operated through that process.

4 At the same time, the Commission began to operate
5 at a broader policy level to make recommendations which
6 might impact on that administrative process which already
7 existed and might change that administrative process which
8 was already in place. If that's not too long an answer to
9 your question.

10 CHAIRPERSON HARRIS: Thank you.

11 MR. WILCOX: Do any other members of the Committee
12 have any questions they would like to ask? I would like
13 to have the people who have come here who are very concerned
14 about block grants to speak.

15 We are very much aware of the economic effect that
16 the block grant program will have in this area, and we are
17 very much concerned about preparing and making recommenda-
18 tions to the proper kinds of programs. So is there anyone
19 who would like to ask Dr. Hambrick a question? John,
20 would you please go to your mic and tell us all who you are.
21 We know who you are but --

22 DR. PARSONS: I'm John Parsons, custodian here.
23 I'm the best in the business.

24 MR. WILCOX: John is the principal.

25 DR. PARSONS: My question to you is what specific

1 programs in the State of Virginia serve migrants from the
2 block grant program? What specific programs? You're
3 talking about block grants, there might be 10,000 programs,
4 there might be one, there might be two, what specific
5 programs does the block grant serve for the migrants of the
6 State of Virginia? By name. Can you answer that for me,
7 sir?

8 DR. HAMBRICK: The answer to that question is
9 that I am not sure that I can answer. That is a concern
10 which is involved -- which I have not specifically addressed
11 in the work that I have done which is involved with adminis-
12 trative agencies that are involved in, for example, social
13 services, the Title XX program, and in others. I do not
14 have a good answer to that. I hope that representatives
15 here from the administrative agencies will be able to give
16 you good answers, but I do not have a good answer.

17 MR. WILCOX: John, sir, would you like to address
18 that, please?

19 MR. PELLETIER: The one program I might mention to
20 migrants is the Community Services Program. If I can take
21 a minute, I took the liberty of bringing the regulations
22 that underline that portion.

23 MR. WILCOX: Please do.

24 MR. PELLETIER: Okay, in the regulations it states
25 under provisions relating to particular block grants,

1 under Community Services Block Grants, it says, "Under the
2 Community Services Block Grant, 90 percent of the funds
3 allotted to a state for fiscal year 1982 must be used to
4 make grants to eligible entities as defined in the statute,
5 or to organizations serving seasonal or migrant farmworkers.
6 Different requirements apply beginning of fiscal year '83."
7 And as I explained before, that's because of the transi-
8 tion. The state takes over in fiscal '83. That's why it
9 only specifically mentions '82, but the Community Services
10 was taking care of the block grants in fiscal '82. Now,
11 whether it was or not, I can't answer that.

12 DR. PARSONS: Would you read that again, sir?

13 MR. PELLETIER: Surely. "Under the Community
14 Services Block Grant, 90 percent of the funds allotted to
15 a state for fiscal year 1982 must," which, of course, ends
16 30 September, "must be used to make grants to eligible
17 entities as defined in the statute, or to organizations
18 serving seasonal or migrant farmworkers. Different require-
19 ments apply beginning fiscal year 1983."

20 DR. PARSONS: All right, you partially answered
21 my question. What are some of those entities? I want
22 some specific names.

23 MR. PELLETIER: I can't really answer that
24 question.

25 DR. PARSONS: Is it for education?

1 MR. PELLETIER: We're not in education, right?
2 I'm from Health and Human Services. I have nothing to do
3 with education.

4 DR. PARSONS: I use that as a terminology. When
5 you talk about block grants and you can't identify what
6 organizations you serve, what programs you serve, you leave
7 me in the dark.

8 MR. PELLETIER: Well, first of all, the various
9 block grants are supposed to consolidate what we would
10 call categorical grants. In other words, specific programs
11 like drug abuse and alcohol combined in something else.

12 DR. PARSONS: Okay, that's what I want.

13 MR. PELLETIER: You've got it right here.

14 DR. PARSONS: I don't see so well without my
15 glasses.

16 MR. PELLETIER: All right, but when you do have
17 them, column 1 gives you the current block grant.

18 DR. PARSONS: That's what I want to know.

19 MR. PELLETIER: Okay. Then the third column gives
20 you the consolidated programs. These are the programs that
21 are now within the new block grant. In other words, you
22 have 25 programs and now -- I'm not talking education now,
23 that's another one -- but you have 25 old programs consoli-
24 dated into seven block grants from our purposes.

25 DR. PARSONS: All right, thank you.

1 MR. WILCOX: Thank you very much. Are there any
2 other questions? Yes, Calvin?

3 MR. MILLER: Mine is just a follow-through. Can
4 we assume that all of these categories of block grants now
5 will apply to migrant workers?

6 MR. PELLETIER: I can't answer that, sir.

7 MR. MILLER: Let me ask another question then,
8 it is not clear then. The other question that is not clear,
9 if we can only identify the block grants and identify those
10 that will become categorical grants, but we can't say
11 which one of the categorical grants will apply specifically
12 to migrant workers. I don't know who to ask the question
13 too, but we are to assume then that some block grants are
14 available for migrant workers and some are not, and since
15 the Commission is here, one thing we should leave here with
16 is knowing specifically what grants apply to migrant workers/
17 seasonal workers.

18 MR. PELLETIER: It is my understanding that the
19 Commissioner of Welfare of the Commonwealth of Virginia
20 will be responsible for block grants when the state takes
21 over in fiscal '83. Leukart, is it?

22 MR. MILLER: Leukart.

23 MR. PELLETIER: Perhaps Dr. Hambrick can better
24 answer that. That is my understanding, that he would be
25 the one who could probably give you a clearer idea of

1 specifically what programs will apply to migrants.

2 DR. HAMBRICK: I think the point here, one can
3 have two kinds of things, you can have titles which apply
4 to specific target populations, like migrant workers. And
5 you can have programs which could provide services to the
6 populations like that along with a variety of other popula-
7 tions. There is very little, as has been indicated, that
8 actually targets in the block grants migrant workers or any
9 other group.

10 One of the efforts of the block grants is to get,
11 as far as possible, to get away from targeting groups or
12 targeting specific programs, but to provide a much broader
13 kind of funding base, it will become a matter for consider-
14 ation, at least to a large extent, of the Commonwealth of
15 Virginia about who is eligible for social services, com-
16 munity service programs and so forth, which are not spelled
17 out in the federal regulations.

18 MR. MILLER: Could we assume then that probably
19 one of our responsibilities, or somebody's responsibilities,
20 community responsibility, is to see that the migrant and
21 seasonal workers know about all of these regulations and
22 they would have to be responsible for knowing what the
23 mechanism is to get these programs to apply to them, is that
24 the situation?

25 DR. HAMBRICK: That could be the situation.

1 In fact, right now, you talk about programs which exist right
2 now, there is probably very little change this year over
3 last year. That is, if Title XX was a program in Virginia,
4 if migrant workers were eligible for Title XX last year,
5 my guess is that they are eligible this year. If there are
6 community service -- community action programs in this
7 area which provided services to migrant workers, it is very
8 likely that those programs are funded, or at least are
9 eligible, this year.

10 I think there is a lot of mysticism about block
11 grants and what they do and what they cover. One of the
12 questions that I had originally in thinking about this
13 commission and its focusing block -- bringing together the
14 question of migrant worker services and concerns and
15 block grants was the extent to which there is an overlap
16 and the extent to which there is not an overlap.

17 There is some potentially, not because it is
18 spelled out in the federal legislation, but because
19 migrants might be eligible for services and might not,
20 depending to some extent -- depending essentially on what
21 the state does. Insofar as block grants represent a kind
22 of a movement toward more state control and less federal
23 control, groups like migrant workers may be much more
24 vulnerable than they would have been under categorical
25 programs.

1 MR. MILLER: Just one further thing to clarify
2 it. So then probably a key point in time is waiting for
3 the state to give their guidelines when they take over in
4 FY 83?

5 DR. HAMBRICK: The state is already administering
6 I think it is seven of the block grant programs and they
7 initially began to administer those under the old -- see,
8 all the block grants do is to take one or two or 40 cate-
9 gorical programs which existed before, put them all together
10 in one box, shake the money up and say "you can decide again
11 how to administer that under the same umbrella."

12 So those programs, if the state chooses to oper-
13 ate the programs on the same basis, and in most cases, the
14 first year, there was not enough time to do very much dif-
15 ferent. So most of the agencies continue to operate
16 essentially as they had operated before, to begin with.
17 And then gradual changes began -- are beginning to occur
18 and so there is an open question.

19 MR. WILCOX: Thank you, doctor. We had better
20 continue with the meeting. Are there any other questions?
21 Go right ahead, ma'am. Would you please identify yourself
22 and speak into the microphone.

23 DR. FEARS: Yes, I'm Dr. Belle Fears of the
24 Eastern Shore Health District, and I think I can clear up
25 a couple of things which I was going to do on the next

1 panel.

2 The State Health Department administers two
3 block grants--preventive health services and maternal and
4 child health. Migrant and seasonal farmworkers have always
5 been eligible for Health Department services however they
6 are funded, and down the road I see where they will con-
7 tinue to be eligible for all services administered through
8 the Health Department. So no matter how the money is pas-
9 sed down, all people will be eligible--local, migrant,
10 seasonal--for whatever service the Health Department gives,
11 whether it comes in a block or in a category.

12 MR. WILCOX: Thank you very much, doctor.

13 MR. : Dr. Belle, is that up to the limit
14 of the amount of money available, the total amount of money
15 available.

16 DR. FEARS: Oh yes, The thing that concerns me
17 about block grants is that I understand when the money is
18 all shuffled around and passed out there will be 30 percent
19 less, or even less than that, and that concerns me as an
20 amount, not how the care is distributed. But if we have
21 less funding, we are going to have less care for everybody,
22 not discriminating against one or the other, just be less
23 in the basket.

24 MR. WILCOX: Thank you very much, doctor. I
25 think we'd better keep the meeting going here.

1 VOICE: It's impossible to hear from the back.

2 Is this microphone on?

3 MR. WILCOX: None of them are on.

4 VOICE: None of them are on?

5 MR. WILCOX: No.

6 CHAIRPERSON HARRIS: They are not public mics,
7 they are recording mics.

8 VOICE: We can hear you, but we cannot hear them.

9 MR. WILCOX: Okay. Thank you again, Dr. Hambrick,
10 for coming. We appreciate all the help that he had in
11 answering his questions. Now we would like to begin the
12 second phase..

13 Our second group, which is listed here on my
14 form as a panel discussion, is that this advisory committee
15 would like to take a look into some of the needs of
16 migrant and seasonal farmworkers and the problems in
17 meeting these needs.

18 We have asked a lot of people to talk to us
19 today, some we've heard before, but we'd like to hear them
20 again. There is Mr. Philip McCaleb, who is a member of the
21 Migrant and Seasonal Farmworkers Commission, whose members
22 are appointed by the Governor. Mr. Kevin Boyd, State
23 Administrator, Migrant and Seasonal Farmworkers Associa-
24 tion. Mr. Jack Engler, Executive Vice President, Associa-
25 tion of Virginia Potato and Vegetable Growers. Ms. Monica

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1 Heppel, who worked as a migrant on the Eastern Shore while
2 researching her dissertation in the field of anthropology.
3 And Mr. John H. Parsons, whom you've already heard, who
4 is the principal of this school that we are in, Central High
5 School in Painter, Virginia.

6 Would those people I called please come sit at
7 these tables so we will kind of be half-way organized. We,
8 first of all, want to thank you all for coming. It is a
9 hot day. The mics do what they're supposed to do, but
10 hopefully it will all work out as long as we remain calm.

11 First of all, I would like to hear from Mr.
12 McCaleb, who is again a member of the Migrant and Seasonal
13 Farmworkers Commission whose members are appointed by the
14 Governor. Mr. McCaleb, please.

15 MR. MC CALEB: Thank you very much. I am not
16 wearing a jacket and tie, not meant in any way to be a
17 mark of disrespect for this committee. I spent six years
18 in this school and 14 years as a volunteer coach so I knew
19 where we were going to be and I figured you all would be
20 better off taking these things off especially if we are
21 going to be here three more hours.

22 I had the privilege of addressing at length the
23 Committee in Richmond earlier. My basic thoughts on block
24 granting is not a major change since that time. What Dr.
25 Fears just enunciated is basically the concern that I have

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1 but also the answer I think to a lot of the concerns of
2 this Commission.

3 The idea is that the laws that these various
4 bodies operate under designate a client population as set
5 by federal statute. The eligibility for the service has
6 not changed whatsoever, as I understand this program. The
7 only difference is that the states are having more leeway
8 as to what they can actually spend the total amount of money
9 for. Perhaps Virginia does not need as much drug rehabili-
10 tation money as it needs alcohol rehabilitation money, or
11 teen-age pregnancy money, or something. This is theoreti-
12 cally the idea is to be able to give the states the neces-
13 sary leeway to make the most efficient use of these
14 resources. I think that is good.

15 Of course, the other same thing as she has
16 pointed out is the total amount of money is not there.
17 Of course, again, the theoretical basis is that since there
18 is one less layer of administrative overload that they can
19 get the same mileage out of less money.

20 The other thing that has been pointed out or has
21 been brought to me very clearly since I got here, in
22 looking at some of the publications and things like this
23 on the back table and listening to some of the news
24 releases about this particular meeting, is that everybody
25 agrees that the present system is atrocious. There are

1 abused people, there are exploited people, there are
2 ignorant people all over. They are now, they have been
3 there.

4 The current system has not been any paragon of
5 success. I question whether it might not be a good thing
6 that they are trying to change this because, obviously,
7 with the problems that are existant under programs that have
8 been in place for 5, 10, 20 years and you've still got a
9 problem, it does not bespeak of tremendous efficiency in
10 solving these particular problems. Perhaps block grants
11 may be a better way of doing it. I feel it deserves a
12 chance. Thank you.

13 MR. WILCOX: Well, thank you very much, Mr.
14 McCaleb. I have just one question. Since you are a
15 member, as we know, of the State Commission, the question
16 I have is what do you think should be the -- in light of
17 block grants and the statement you just made of the need
18 for change, there is certainly a need for evaluation,
19 what do you think the purpose of this State Commission that
20 you are a member of should do? What should they do in
21 light of all these things that you've described? What should
22 be their purpose?

23 MR. MC CALEB: Let me answer that in two ways or
24 in two segments. What can we do as opposed to what should
25 we do.

1 Bear in mind that our commission is strictly an
2 advisory commission. So, in essence, we can do no more
3 than what you can do, which is advise. And what I am
4 saying right now I am saying strictly as an individual who
5 happens to be a member of the Commission rather than in any
6 official capacity. I want that clearly understood.

7 One of the charges to the Commission is to try
8 to coordinate the -- I mean, to improve coordination and
9 delivery of services to migrants which are provided by
10 local, state, and federal bodies. We have had, I think,
11 because of the pressure and the moral suasion that we have
12 been able to apply on a state level to develop reasonably
13 good cooperation between the various state bodies which
14 have migrant service delivery and administrative and regu-
15 latory powers. I feel that we have accomplished quite a
16 bit in this area.

17 We are having considerable more trouble expanding
18 that to include federal programs. What I would like to see
19 done is some way that we could also tune in, perhaps, the
20 federal regulators, service delivery people and avoid
21 significant duplications and overlaps in this area.

22 In other words, we are all for a more efficient
23 delivery of services to migrants. Now, since we are a
24 state body, it is damned hard to do. When the Department
25 of Health, which now has inspection regulation duties

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1 for the State of Virginia, makes an inspection and the day
2 after a federal inspector comes for wage and hour, comes
3 wandering in and inspects the same labor camp and can find
4 20 or 30 violations, something is wrong.

5 Now, what's wrong? It happens to be that the
6 wage and hour man may feel that the regulation reads that
7 you should have a light inside of each porta-john rather
8 than one over hanging the place because the regulation
9 says you've got to have lights in your bath. We cannot
10 even get copies or any information on the details of
11 inspections until about Christmastime.

12 MR. WILCOX: What should specifically the purpose
13 of the Commission be then? Be a liaison between the new
14 federal grant programs?

15 MR. MC CALEB: We're trying to be, but we're not
16 getting much cooperation as we would like to get from the
17 federal level.

18 MR. WILCOX: You want to play a liaison role,
19 basically.

20 MR. MC CALEB: Yes, that's all we can be really.

21 MR. WILCOX: Do the committee members have any
22 questions? Yes, Selma. Thank you very much.

23 MS. BAXT: When you say you are having problems
24 getting details from the federal regulators and so forth,
25 isn't the purpose of the block grant programs to eliminate

1 the federal --

2 MR. MC CALEB: This particular program is not
3 blocked.

4 MS. BAXT: Oh, excuse me. I am a little unclear
5 about that because this sheet we got is all HHS, is that
6 correct? It doesn't relate to any other federal govern-
7 mental program? Purely HHS. So that anything else like
8 I would assume wage and hour and things like that would not --

9 MR. MC CALEB: Wasn't blocked. That was not
10 blocked.

11 MS. BAXT: That's not blocked. So you are -- this
12 is what is confusing me. You are still dealing with the
13 federal government on anything that is outside the block
14 grant program.

15 MR. MC CALEB: That is correct.

16 MS. BAXT: And the problem at least for me is
17 what is covered now by block grants and what isn't. This
18 is where I am getting very confused. I don't know about
19 other members of the committee.

20 MR. MC CALEB: This gentleman here noted on that
21 community service grant informed me of something that I was
22 unaware of. The only specific, in addressing John Parsons,
23 Mr. Parsons here, the only specific mention in the item
24 that Dr. Hambrick pointed out was migrant education is
25 specifically included in the Title VIII grant, a block

1 grant. That is the only reference that we could find of
2 a specific program which has been blocked for migrants.

3 MS. BAXT: Mr. McCaleb, I believe that your
4 commission could do us a great service by giving us a list
5 perhaps or a differentiating what's now under block grants
6 and what is still -- what you still have to deal with the
7 federal government. Is that possible? I may be asking
8 the impossible. But I just feel that it would certainly
9 help us in our considerations if we understood better what
10 is now being covered by the states under the block grant
11 program and what is still being administered out of
12 Washington.

13 MR. MC CALEB: Unfortunately -- I can tell you
14 what some of the programs are that are still being adminis-
15 tered out of Washington, some of the others we don't know.
16 As I say, I think Dr. Hambrick and looking around at some
17 of the other people who are going to be here, they have
18 more specific information as to how it is going to deal with
19 their particular branch than we do. I can only list the
20 things that as far as I know are not blocked.

21 Dr. Fears, of course, can tell you about the
22 health programs. Some other people in there are going to
23 be able to tell you what applies to their programs. And
24 we are running into the problem in the coordination with
25 these items that are not blocked.

1 MS. BAXT: Well, if you have any ideas on how we
2 can help you help the migrant workers, that's what we are
3 here for. If you have any suggestions that you can add to
4 help us in this consideration so that we can start trying
5 to untangle this mess because that's what it seems to me
6 to be.

7 MR. MC CALEB: It is.

8 MS. BAXT: And I think that we should be able to
9 work together.

10 MR. MC CALEB: The tragedy of this whole thing
11 is that everybody loses their credibility in this situation.
12 If I were a local health inspector and came in on Monday
13 and inspected you and cited you for three things which you
14 fixed that afternoon, and you came in the next day repre-
15 senting Wage and Hour and found 30 things, both of us
16 obviously to that farmer or to that crew leader don't know
17 their ear from their elbow. In other words, neither of us
18 has any -- in other words, an enforcement regulatory using
19 the identical set of specifications should come out exactly
20 the same with only minor interpretive basis.

21 MR. WILCOX: Did he answer your question?

22 MS. BAXT: Yes, thank you.

23 MS. PLA: Is there any way that you as the chair
24 of the Commission could improve the connection of those
25 contacts that you have with the state government?

1 MR. MC CALEB: We generally have had excellent
2 cooperation from the state departments. In fact, a number
3 of the secretaries are on the Commission or the department
4 heads or the commissions of the various departments are on
5 this commission. That I believe is one of the reasons we
6 have been able to accomplish as much as we have. We have
7 found a great deal of difficulty in cooperating and expand-
8 ing cooperation with the federal programs.

9 We have had -- in fact, we have encountered I find
10 a great deal of hostility on behalf of a couple of Depart-
11 ments of Labor ancillary bodies just because Virginia is
12 not rolling over and playing dead and trying to hold them
13 accountable for some of the problems.

14 MS. PLA: I wonder if there is any way that we
15 can help you.

16 MR. MC CALEB: It's a new idea and it is certainly
17 something that we will be keeping in mind. To be perfectly
18 candid, I didn't even realize that you all existed. Pro-
19 bably you didn't know we existed either.

20 MS. PLA: I know you exist.

21 MR. MC CALEB: But, as I say, it is definitely
22 portends the possibility of, in other words, a cooperative,
23 persuasive situation which would be definitely beneficial.

24 MS. PLA: Now you know that we exist and we can
25 work together.

1 MR. MILLER: Probably my question will get into
2 some philosophy. I have difficulty in rationalizing what
3 I am hearing in light of certain information and pictures
4 that I have in my mind, in my head, the actual day-long
5 life and activity of the migrant worker, whether you say
6 the federal government is at fault, the federal government
7 is conflicting with the state and the state is -- my ques-
8 tion would be is there a real concern of not who is at
9 fault but bringing about a resolution?

10 I would find something wrong with a state
11 inspector who certified a migrant camp today and a federal
12 inspector the following day discredited it. Something has
13 to be done with vision. I think the problem is why do you
14 get these two different interpretations rather than a lot
15 of accusations.

16 We have documents, documents, statutes, what have
17 you. So I think there has to be some basic concern. It
18 is not necessary to be a civil engineer to see some of these
19 things here, and I think that is the concern. So I guess
20 my question would be how can this commission and your com-
21 mission and the commission and task force the governor has
22 put together resolve some of these basic problems like
23 housing and staff at the migrant labor camp without being
24 accusative and this type thing?

25 I think the mere fact that the international

1 press said some very discouraging things about Virginia and
2 I don't seem to see where there is much disclaimer. But
3 to me that would be the basic problem. So I guess my basic
4 question is what can we do now, in 1982 and beyond, to
5 help the resolution? Do you think that -- you said block
6 grants would help. How would block grants improve? Or if
7 you say there is a conflict between the federal law and the
8 state laws, could one idea be can we get all this together
9 and try to come up with an overriding regulation that every-
10 one can live with?

11 You see, this reminds me of what happened in the
12 Virginia coal fields. It took a lot of death, a lot of
13 claims, a lot of court suits suing the mines and owners
14 before someone began to have some common sense about what
15 was on that coal field. I don't think we need to wait here
16 until pick up paper and the migrants start dying and the
17 babies blowing up and all this type of thing to get some
18 resolution done.

19 So do you think this is in the right direction?
20 Probably the critical issue is let's get the tension out
21 of the two sets of regulations and get honest inspectors
22 who are actually going to inspect, not just pad it on the
23 rooftop and send the bill there and say it's okay.

24 MR. MC CALEB: I'm having a little trouble. Each
25 one started off as a question and then sort of tailed off

1 into philosophying. Let me say what I am going to try to
2 address what I understand your question to be. Is there
3 any specifics that we can do to solve these problems that
4 are wrapped up or appear endemic in the migrant situation?
5 Is that in essence your question?

6 MR. MILLER: Right.

7 MR. MC CALEB: Okay. I wish there was a simplis-
8 tic answer. Unfortunately, there are probably a hundred
9 factors tied up in this whole migrant problem. In other
10 words, it contains everything from economic factors, to
11 race factors, to just plain bureaucratic bumbling and
12 everything else. I think we all recognize that there are
13 hundreds of these.

14 Unfortunately, again, I am going to partially
15 retreat behind my first comment in saying that we being a
16 state body cannot function and have only a limited impact
17 at all on any federal bureaucracy. The way I view it, the
18 single most important problem facing resolution in migrant/
19 seasonal worker problems on the Eastern Shore of Virginia
20 is housing.

21 Now, the financing of housing obviously is a
22 critical question. Hopefully because of some of the
23 pressure that the Commission brought on Congress, they
24 have, since our last meeting, they are changing some of the
25 requirements for federal funding of migrant labor or of

1 labor housing. I haven't seen those rules and regulations
2 yet. They held hearings all over the country and one of
3 them was held right up here. Our commission testified as
4 to what the problems on the federal level were.

5 However, you run into this problem. A local
6 farmer applied for zoning variance to construct a labor
7 camp, a nice one, a new one on the eastern shore of Virginia
8 about a mile from here. They got about 500 letters from
9 people who lived as far as 10 miles away from that camp
10 protesting the zoning variance. So the farmer threw up his
11 hands and said, "to hell with it, it's not worth the flack,
12 I'll just put them in unregulated housing," which they can
13 do because the regulations are very clear, the law is very
14 clear, on what is considered to be migrant housing.

15 Now, here's a case where a man who had the
16 economic wherewithal to put a camp ran up against other
17 problems which -- we, of course, were not approached with
18 the idea of appearing on behalf of this camp before the
19 Zoning Board because it never got to the Zoning Board. But
20 one of the other problems, on the other hand now, is that
21 economically farming can't justify housing. And theoreti-
22 cally, the federal program, which is supposed to make one
23 percent money available for housing, the only one percent
24 program in the whole country, three percent maximum, up to
25 90 percent grant, we've got some people in here who can

1 tell you a horror story about trying to qualify for that
2 kind of money. It's impossible.

3 Now, what the resolution is and what we can do
4 about it other than cry in the wilderness, I don't know.

5 MR. WILCOX: Did that answer your question?

6 MR. MILLER: Yes, it gave me some information,
7 yes.

8 CHAIRPERSON HARRIS: I need to know -- Calvin was
9 not concerned about who is responsible. I need to know who
10 is responsible because if we are going to impact -- when
11 I played football, one of the most embarrassing things that
12 I ever confronted was to tackle the man who didn't have the
13 ball. So if we are going to make any changes, we have got
14 to find out who is responsible.

15 We know that there are unsanitary housing. We
16 know that there are other health care problems in the
17 migrant camps. The federal government has made the provi-
18 sions for industry to locate in anybody's community in
19 spite of noise pollution, air pollution, water pollution.
20 They changed the regulations to make it possible for the
21 industry to locate under the guise of providing jobs for
22 the people and therefore stimulating the economy.

23 If the federal government can make that kind of
24 provision for big industry, they ought to be able to make
25 similar kinds of provisions for farmers who need also to

1 locate their employees somewhere near the farm in decent
2 housing. Somebody is responsible for these unsanitary
3 housing conditions continuing to exist. There are viola-
4 tions of state building codes. If they have exemptions
5 through federal legislation, then there ought to be change
6 in those exemptions so that they don't have exemptions
7 because we are dealing with human beings.

8 Does the Health Department play a role, for
9 instance, in the development of regulations on certain
10 health conditions? The Department of Housing, does it play
11 a role in the development of proper housing. And if so,
12 what kind of recommendations come from the commission
13 that is supposed to advise those in authority, those who
14 can make decisions and make changes, what kind of role
15 is the Commission playing in impacting on those agencies
16 that can clean up the kinds of situations that you can see
17 in a moment, a twinkling of an eye, just walk out of here
18 and it is all around. Somebody is responsible. Who is
19 responsible?

20 MR. MC CALEB: There is no one answer, obviously,
21 to all you say, I mean, to all you mention.

22 CHAIRPERSON HARRIS: Just give me two or three
23 so I can get started on somebody.

24 MR. MC CALEB: In large part, the resolution to
25 a lot of these problems lies in regulation.

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1 CHAIRPERSON HARRIS: Federal or state?

2 MR. MC CALEB: As far as I know, they are pri-
3 marily federal regulations because federal regulations, in
4 most part, dealing with migrant labor override or usurp the
5 authority of the state. We will use the FHA housing one
6 percent money for an example.

7 Congress did a great thing. It said farmers
8 need help in providing housing for their labor and we will
9 appropriate X number of dollars for this purpose. And it
10 also added onto that we will provide \$200 million for this
11 program and we direct the Farmers Home Administration to
12 make all necessary rules and regulations to regulate this
13 particular program, which they dutifully did after I am
14 sure exhaustive public hearings which ended up with regu-
15 lations that are unworkable.

16 You are talking about a lot of these things.
17 It is a standard practice in a lot of law -- it is a
18 common practice of grandfathering. There are a lot of
19 camps on the eastern shore and around the country that I
20 believe are grandfathered out of certain regulations for
21 a period of time. They are not the significant -- what I
22 would call the significant regulations so far as keep the
23 clean, for God's sake, or having running water in the bath-
24 rooms and stuff like this. But there are a very -- I mean,
25 this is just part of a very well established legal precedent

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1 of grandfathering. That creates part of the problem.

2 CHAIRPERSON HARRIS: What is the time limitation
3 on the grandfathering?

4 MR. MC CALEB: It all depends on the law. Some
5 of the laws like OSHA and Housing, I believe there was five
6 years on some of them, which has all run out by now. But,
7 as I say --

8 CHAIRPERSON HARRIS: We're not dealing with the
9 grandfathering now.

10 MR. MC CALEB: Not on that specific one.

11 CHAIRPERSON HARRIS: Okay.

12 MR. MC CALEB: But then you come back to the
13 chicken and the egg problem. "My labor refuses to go to the
14 privy at night and instead uses a bottle or a can or just
15 goes off the side of the bed." I am not saying anything is
16 not done. And he says, "Why should I, because the farmer
17 doesn't keep this camp well?" But the farmer's response
18 is, "Why should I provide a good privy when the guy just
19 goes off the side of the bed at night when he wants to go?"
20 You are faced with a chicken and egg situation. Both sides
21 loss all credibility with the other.

22 CHAIRPERSON HARRIS: But under the law, isn't he
23 supposed to provide the privy whether anybody uses it or
24 not?

25 MR. MC CALEB: He does provide the privy. Now,

1 it may not be what you and I are used to, or it may have
2 a light over top the port-o-let instead of one inside of
3 it. But the key is the laws are drawn in such a way that
4 you can legally abide the law and still not be what you and
5 I as human beings or as, let's call -- I mean us human
6 beings would consider-first class accommodation. But you
7 get somebody out of a rice paddy in Cambodia, they'd think
8 they'd died and gone to heaven.

9 MR. WILCOX: Are there any other questions?

10 MR. BROWN: I don't know whether this is a ques-
11 tion or not, but I seem to hear, and I hope I'm somewhat
12 mistaken, that the conditions that the migrant workers are
13 being subjected to to some form of thinking is probably a
14 direct result of their alleged misconducts.

15 I found it to be true in the concern, less than
16 genuine, with the persons who are incarcerated in penal
17 institutions. Most people don't have a genuine concern
18 of what happens to people in penal institutions because they
19 think that maybe everybody there belongs there in the first
20 place, they've done something wrong to be there.

21 I seem to feel that there has been a complete and
22 total absence of genuine and sincere public desire to
23 improve the lot of the farmer and migrant worker. I know
24 that there are meetings that you probably have participated
25 in far more than I have, but I also hear that all of the

1 meetings and the regulations and things have not at least
2 satisfied you that it has been anything but a whole bunch
3 of -- a hard part of the confusion. And I haven't heard
4 yet a real significant recommendation on what the solution
5 would be.

6 Might I suggest that the only solution would
7 be genuine groundswell concern by the public for the condi-
8 tions -- for the improvement of conditions either through
9 block grants or otherwise for the conditions that the farm
10 workers are insisting on. I don't see that the farm worker
11 problem is no different from any other problem unless the
12 public is educated to such a degree that there is a public
13 demand through the ballot box and otherwise.

14 I think we are going to end up just like you said
15 before. When we talk about adequate and proper toilets,
16 we talk about the hen and egg, I mean the chicken and
17 egg, I don't know where that gets into it. Certainly,
18 persons who have not been accustomed to liveable conditions
19 have adjusted to that and it may be difficult for them to
20 readjust when they are presented with liveable conditions.
21 But that still doesn't excuse the fact that they have a
22 legal and humanitarian right, if no other reason, to be
23 able to work under regular conditions such as everyone
24 else is expected to. But I don't believe that the
25 problem is going to ever be solved unless there is an

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1 intensive educational program that is objective, the objec-
2 tive being to educate the public and to develop public
3 interest and a strong public desire to correct the condi-
4 tions that the farm worker works under.

5 I know these meetings such as we are having now
6 have a great deal of help, and I know that everybody here
7 is here because they want to be. I know I'm here. And I
8 see a few of you, I know you have a genuine interest in it.
9 But I believe that the public -- there must be a ground-
10 swell of public interest and there must be a great deal of
11 information made available to the public at exactly what
12 has happened to the migrant worker, and I think only
13 through that will we achieve some kind of solution to
14 these problems.

15 MR. WILCOX: Thank you.

16 MS. BAXT: I have one quick question. Just a
17 very -- should take just a second. How many inspections
18 does a farmer have in a season?

19 MR. MC CALEB: If you are talking about housing
20 inspections --

21 MS. BAXT: Housing --

22 MR. MC CALEB: -- I would say that the average
23 on the eastern shore right now for this season would
24 probably be -- Art, are you back there, Bub, is it two or
25 three health inspections for you all this year?

1 VOICE: Biweekly.

2 MR. MC CALEB: Biweekly.

3 MS. BAXTER: Biweekly?

4 MR. MC CALEB: Biweekly from the Department of
5 Health, and at least two or three from the federal Wage and
6 Hour or OSHA inspectors. Now, OSHA inspectors here in
7 Virginia come in only upon specific complaint, but the
8 Wage and Hour comes in at least twice.

9 You see, Virginia has been subjected the past
10 couple of years to an intensive effort, enforcement
11 effort by Wage and Hour. It is illustrated by the fact that
12 I believe Virginia is 9th or 10th, maybe as low as 12th
13 as far as the number of migrants in utilization in the
14 country and they are 6th in the level of enforcement.

15 Of course, it is curious also that the percentage
16 or the number of citations and stuff like that found in
17 Virginia is one of the lowest in the country on a percentage
18 basis in spite of an intensive effort to inspect on a
19 federal level for Wage and Hour.

20 MR. WILCOX: Mr. McCaleb, we want to thank you
21 very much for coming today. It is very warm. I just got
22 a note, we have -- we want to thank you and, if there are
23 no further questions, there's a couple of announcements.
24 One, it is now 3:41, we are going to break. There are coke
25 machines down the hall. Take a break until -- there is

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1 coffee I believe at the rear of the room, at 4:00 o'clock
2 we will start again. We are going to try to move the chairs
3 forward a little bit so we can hear a little better. And
4 I understand that there are several migrant workers with
5 us, and after our break I would like -- we'd like to hear
6 what they have to say. So please take a break.

7 (Whereupon, a brief recess was taken.)

8 MR. WILCOX: Would you all please be seated. We
9 must get started. It is now 4:00 o'clock. We are probably
10 about an hour behind schedule but the meeting is going very
11 well. I do want to establish some time rules. I don't want
12 to interfere with anyone's presentation because, obviously,
13 that would be wrong. But I do think that even though it
14 will cut off some debate, I think that we'd better limit --
15 I'll limit with my little watch here -- limit our question
16 and answer session to five minutes after each presentation.

17 Mr. Parsons has to leave here in a moment. Mr.
18 McCaleb, would you mind answering some questions of Mr.
19 Parsons? It is only going to go on for five minutes. He
20 asked me specifically he had some questions and then when
21 you're through with that, I would like to have the migrant
22 workers who have come here, talk to us about some of their
23 problems, and then we will start with Mr. Boyd, continue
24 with Mr. Boyd after that. So, Mr. Parsons, if you have
25 those questions, please ask.

1 MR. PARSONS: All right, thank you. Mr. McCaleb,
2 I would like to direct two questions to you and I would like
3 to make one statement prior to that.

4 I've heard of all types of federal regulations.
5 I've heard of soil bank grants and all that sort of thing.
6 But I've never heard of a federal grant for housing for
7 migrant workers, people who do the work. That's a statement
8 I've made.

9 The soil bank protects the farmers during bad
10 years. Nothing protects the migrant workers in their
11 living conditions. It's as fair for the goose as it is for
12 the gander.

13 Number two, the question is in order to solve some
14 of this legal maneuvering, if the federal government had
15 one set of specs and that set of specs would correlate with
16 the state set of specs, then you would have one examination
17 and that would eliminate some of the problems.

18 My question to you is this. We talk about
19 federal bureaucracy. I believe you made mention that
20 you've been working for 15 or 20 years. Has it ever
21 occurred to you that block grants given to states could
22 lead to gigantic political operation of nepotism? Has that
23 ever occurred to you? It's a good question, isn't it?
24 That federal grants given to individual states could lead--
25 could lead to political -- gigantic political operation

1 of nepotism. And that is one of the reasons that a lot of
2 people are unwilling to go to block grants. The haves
3 will continue to have and the have-nots will continue to
4 have no. That is a fact. Thank you.

5 MR. WILCOX: Thank you, Mr. Parsons. Could you
6 answer that please, Mr. McCaleb.

7 MR. MC CALEB: As I got the question, there are
8 two questions. One, will one set of specifications solve
9 the legal maneuvering and overlap and stuff like this?
10 Is that the first question?

11 MR. PARSONS: Right.

12 MR. MC CALEB: I'll try to answer that first.
13 We have almost come to that place where there is -- there
14 is not major differences, as I understand it, between the
15 two sets of specifications which can apply to farm labor
16 under certain -- I mean, housing under certain situations.
17 I am not as versed to answer that as a couple of the other
18 gentlemen in the back of the room.

19 The problem though, John, I can call you John,
20 I hope.

21 MR. PARSONS: Anything you want to call me.
22 That's good.

23 MR. MC CALEB: That it is a case of personal
24 interpretation, not only between state and federal regula-
25 tors which are reading the same regulations, but federal

1 regulators from region to region.

2 There is no -- it is just like -- when the regu-
3 lations were made by the various departments, not by Con-
4 gress, remember, the Congress only passed the enabling
5 legislation which enabled the departments to make up the
6 regulations. The power of interpretation in a lot of
7 these cases are left to regional directors. And you have
8 tremendous discrepancies in interpretation between one
9 district and another, or region, I should say.

10 Will one -- no, I mean, unless you change the
11 rules and it gets so cumbersome that you've got page after
12 page after page after page after page after page of inter-
13 pretation, it is not going to solve the the problem
14 because the interpretation defect, I believe, is inherent
15 in the laws.

16 Rephrase that second question for me. I didn't
17 write that one down.

18 MR. PARSONS: In your opinion, since the federal
19 regulations did not work --

20 MR. MC CALEB: Okay, I got it, I remember now.

21 MR. PARSONS: Is it in your opinion that block
22 grants would lead to gigantic political operation of
23 nepotism? Continue with the have's have and the have-not's
24 have not.

25 MR. MC CALEB: John, the political process being

1 what it is, those dangers are inherent, yes. They are
2 already inherent and part of the current federal programs,
3 too, however.

4 MR. WILCOX: Thank you very much.

5 MR. PARSONS: Excuse me, may I ask one more thing?

6 Therefore, you concluded that if the enabling legislators
7 and the legislators adjudicating the law were not the same
8 people who owned the farms, we wouldn't have the problems,
9 right? Thank you, that's all.

10 MR. MC CALEB: I think you are putting words in
11 my mouth, John.

12 MR. WILCOX: John, thank you, and thank you
13 again, Mr. McCaleb. We really must continue one. I am sure
14 we will be discussing that for years.

15 At this time, I understand there are several
16 migrant workers who have asked to talk to this commission.
17 Would they please come to the center microphone and intro-
18 duce themselves? I understand that they would like to
19 tell us about some of their problems and needs. That's
20 what this commission is all about. We are very happy to
21 have you here.

22 MR. : I don't know how to speak as plain
23 as some people, but I speaks the truth.

24 MR. WILCOX: Please speak in the microphone.

25 MR. WESTBROOK: I speaks the truth. I tell

1 peoples just what it is. Now, our needs is kind of dis-
2 crimination of the food stamps and things that we be getting.
3 That's one part. That's one part.

4 VOICE: Speak louder.

5 MR. WESTBROOK: There's a little discrimination
6 with our food stamps. You take me, I've been up here the
7 whole year and I ain't go any yet. And I've been off of
8 work a whole month here. This fellow down to Eastville,
9 he give me the run-around. I don't know why. Sometime
10 there they had a film was going on, they asked me to speak
11 and I spoke and everytime I go there he turns me down.

12 MR. PARSONS: You said the wrong thing, that's
13 why! Whatever it was.

14 MR. WESTBROOK: Yeah, well, I didn't say the
15 wrong thing. No, I didn't say the wrong thing. I don't
16 know where you've coming at, but I didn't say the wrong
17 things. I know how to speak. I know how to speak and I
18 know good and well I might not speak good as you but I
19 won't be saying the wrong thing. I asked him for the food
20 stamps and he turned me down. He said that they signed
21 me up, said I was eligible to get them and I haven't got
22 them yet. So I don't know whether I spoke wrong or not.
23 If I spoke wrong, I apologize.

24 MR. PARSONS: You told the truth, that's what I
25 meant by that.

1 MR. WESTBROOK: Right, right, I did, because I
2 told the truth because God have give me the message to go
3 tell the truth. I am a reverend and I ain't going to lie
4 for nothing.

5 Frank about it, we don't have sufficient houses
6 to say in and a lot of things is short, but this office
7 here what this school right there, they is verified, they
8 raised the hopes of a great deal of help for us, this
9 first office right here, what Pauline run. They ticipate
10 (phonetic) real good but the rest of the part is real
11 poor.

12 I think we migrate all the way from Florida,
13 we live on Virginia streets and we bear our own expenses
14 up, and then when us go up there to get help from this man,
15 he turned us down and tell us we got to have a certificate
16 to sign up from a crew leader and we don't have a crew
17 leader 'cause we have our own crew leaders. We work for
18 inner vision, we don't work under crew leaders because
19 crew leaders done took all the money now, that's why we're
20 not working under them. We work for ourself. Thank you
21 all.

22 MR. WILCOX: Thank you very much. Is there any-
23 one else, a migrant worker, who would like to make a
24 speech, make a statement? What is your name, sir?

25 MR. WESTBROOK: Lolly Lee Westbrook.

1 MR. WILCOX: Lolly Lee Westbrook. Thank you
2 very much, sir. Mr. Westbrook, would you mind answering
3 a question? Would you please come up to the mic, Calvin
4 would like to ask you a question, if you don't mind.

5 MR. MILLER: I've heard a lot of talk about the
6 crew leader but this is the first time I've heard of
7 individual contract. To what extent, how large a group
8 of private contractors do you have?

9 MR. WESTBROOK: I didn't say individual contrac-
10 tor, I say we are individuals come on our own. We stay
11 (indistinguishable) and pay our own rent and we works right
12 off of Virg_nia streets, and I feel like we should have
13 some kind of way where we can get supplies just like the
14 rest of the people.

15 MR. MILLER: All right.

16 MR. WILCOX: Thank you very much. Would the
17 other migrant worker like to make a statement? Yes, sir,
18 would you please give your name and --

19 MR. COX: My name is Spencer Cox, I am a farm
20 migrant worker. I usually travel individually but experi-
21 ence has taught me not to follow crew leaders around
22 the place, crew leaders are like brothers, you scratch my
23 back, I'll scratch your back, whatever you can. The crew
24 leader is not basically interested in the welfare of the
25 people who work for him because without him he is nothing,

1 but usually the type of people that he has are derelects,
2 people who have drank so much, having lost all of their
3 thinking ability, doesn't care what happens as long as they
4 get a pint of wine at night and three squares to eat, and
5 everybody isn't that fortunate.

6 This gentleman made the statement that the camps
7 in Virginia are inspected biweekly. That seems to me kind
8 of -- some of the camps we live on haven't been inspected
9 or if they have passed inspection, should have been con-
10 demned five years ago and people are still living like that.
11 So if he is inspecting a camp biweekly, it seems to him
12 and the farmer are either brothers, uncles, cousins, or he's
13 protecting the farmer. He couldn't say that the chicken
14 house in the place that was built to house chicken is
15 adequate for people, human beings to live under any condi-
16 tions. There is a difference between a human being and
17 a chicken and yet all the farms I've -- camps, and I know
18 every camp around here, some of their houses were build in
19 the sixteenth century. Mosquitos are in there, they carry
20 diseases. Yet they're okay for people to live in. Outdoor
21 toilets, no hot water to bathe in, you've got to take a bath
22 and shave in cold water. I don't think you would like, you
23 know, inspectors would like to live -- do that.

24 But they get the impression somehow migrant
25 workers are less than human beings, you know, they are

1 just here temporarily so why should -- you know, it seems
2 like it is political. Any anything I distrust is politi-
3 cians, they're crooked. Even the President would have been
4 indicted if he hadn't made a bargain with them, you know.
5 Even the inspectors are not doing their jobs. Because you
6 can go to any camp and see the conditions. How can they
7 approve it under any conditions? Somebody is not showing
8 genuine concern about the migrant workers. This is the
9 observation I get.

10 I'm not so mainly interested in food stamps, I
11 can always get white potatoes to feed myself. But living
12 conditions which you are subject to live under and other
13 things, health problems. We've got a lot of kids on these
14 camps out there.

15 And they seem to be racist, too. These are
16 eight the Haitians or they are black people or they are
17 Mexican. They are all human beings no matter what they
18 are. Once you get them to understand that -- and the farmer
19 needs the worker as well as the worker needs the farmer.
20 He can plant it, but he can't harvest it. And machinery
21 is vastly taking over but it hasn't reached the point yet
22 where they can disregard the migrant workers, they still
23 need them. If you do it without them, that means a lot of
24 people, even rich people, won't be able to buy commodities
25 because they won't be there for them to buy. Then you'll

1 chaos.

2 I think more emphasis should be placed upon --
3 more interest should be placed upon, whether from a state
4 level or federal level, whatever it takes to improve the
5 conditions. If the farmer can't absorb the natural burden
6 of making the camps adequate for people to live in, then
7 the state government and the federal government should
8 appropriate the necessary funds. We can loan billions of
9 dollars to other countries, fight wars, any other reason.
10 Thatcher came over, she got money to run the peoples back
11 to Argentina, drop bombs. We can find reasons to spend
12 billions of dollars to send men to the moon, which may be
13 necessary, this may be good, but what about human beings
14 suffering today, you know, people, that are trying to do
15 a constructive job.

16 You've got to have food. The backbone of any
17 nation is food. Without food, you've got nothing. The
18 farmer has a point. He's trying to save money, he has
19 problems, but what about the migrant workers, they have
20 problems also.

21 I think it is like passing the buck, all this
22 maneuvering around. The committee does one thing, suggests
23 they have no power to enforce nothing. The governor, he
24 plays ball with people who elects him in office. You can't
25 be governor without some influential peoples around. Most

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1 the influential peoples in America is rich people. Farmers
2 makes a living at it. They could have 5 and 10 brand new
3 cars, beautiful \$65,000 home, \$100,000 home, all come from
4 the farm unless they've got some other income which I don't
5 know anything about. So there is some money being made.

6 We've got good representatives, people who can
7 talk you this guy is very good. Inspectors who isn't
8 buddies with them. Seems to be that way. To represent
9 their cause. And people like you are just finally
10 beginning to take interest in migrant workers. It's been
11 going on for the last 50-60 years. I was coming over here
12 when they didn't even have that tunnel built, take the
13 ferryboat to Backbay, Virginia. So I know the conditions.

14 And if you go out and see what people are living
15 in today, I know people who have pets live better than the
16 migrant workers are living, eats better. And they go to
17 church on Sundays and say, "Well, I'm a Christian," yet
18 they have no feeling for this other man. It's stupid, in
19 my opinion.

20 The situation could be cleared up. Like this
21 gentleman said, he wanted to know who is responsible.
22 That's the main thing.

23 MR. WILCOX: Thank you very much.

24 DR. FEARS: Mr. Chairman?

25 MR. WILCOX: Is there any other migrant worker --

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1 yes, yes?

2 DR. FEARS: I'd like to --

3 MR. WILCOX: Would you please give your name? I
4 know who you are Dr. Fears.

5 DR. FEARS: I'm Belle Fears. I'd like to know
6 which camp that gentleman is living in.

7 MR. COX: Pardon?

8 MR. WILCOX: This is Dr. Fears.

9 DR. FEARS: Which camp are you living in?

10 MR. COX: I refuse to live on any camp.

11 DR. FEARS: Oh. Because -- well, is your housing
12 regulated?

13 MR. COX: (Away from microphone - inaudible
14 comment)

15 DE. FEARS: If you didn't have hot water, I
16 wanted to know where it was.

17 MR. COX: (Inaudible comment)

18 MR. WILCOX: Again, thank you very much. If
19 there are no other questions, we'll continue with the
20 regular schedule. I would like to ask Mr. Kevin Boyd,
21 State Administrator for the Migrant and Seasonal Farmworkers
22 Association, Incorporated, if he would talk to us now,
23 please. Please speak into the mic.

24 MR. BOYD: Thank you very much. I want to thank
25 the Virginia Advisory Committee for holding this forum

1 and for inviting me to participate in it.

2 I have been working with migrant workers, migrant
3 and seasonal farmworkers since 1975. I started in North
4 Carolina as a job counsellor and moved to another part of
5 North -- that was in eastern North Carolina. I moved to
6 the northwestern part of North Carolina for a year, I was
7 District Manpower Chief. I came to Virginia in 1976 as the
8 State Administrator for this program.

9 Those of you who don't know about our organiza-
10 tion, we are a private non-profit organization. We started
11 out in 1965 at the North Carolina Council of Churches
12 Migrant Project. We got our first grant from the old
13 Office of Economic Opportunity basically on the efforts of
14 a group of church women united to try and do something
15 about the conditions that migrant workers lived under in
16 North Carolina.

17 At that point in time, we were basically providing
18 rest stop areas for traveling crews, health and personal
19 hygiene kits, information and referral services, and it was
20 only a temporary operation. But we learned a lot about
21 that from that experience. We learned a lot about migrant
22 workers, their problems, their needs, their concerns, but
23 we also discovered, working with the migrants, that there
24 was a large population of resident people who also suffered
25 from the same economic and social problems as did the

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1 migrants. The only difference is that the migrants
2 travel from state to state in search of agricultural work
3 and the seasonal farmworkers were residents of the area.

4 As I said, we started out providing very basic
5 types of services, trying to -- actually, we found out we
6 were dealing with the symptoms rather than the causes of
7 the problem, and began to develop programs to get to the
8 causes of the problems which seemed to all stem from the
9 job situation.

10 The one common denominator that you will find
11 among the vast majority of farmworkers is poverty. In my
12 view, that is the number one problem that should be dealt
13 with that hasn't been adequately dealt with by the State
14 of Virginia and a number of states across the country.

15 Housing I would put as a second major problem.

16 We expanded our programs and decided that unless
17 we do something about the job situation we'll never be
18 able to resolve the health problems, daycare problems,
19 the emergency kinds of things that come up, the need for
20 nutrition, good nutrition, good food, et cetera, et cetera.
21 And also the problems that are inherent in -- seem to be
22 inherent in seasonal agricultural work and that is exploit-
23 ation and abuse by crew leaders and growers who see an
24 opportunity to make a little more money off the people that
25 do the harvesting for them.

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1 We've gathered a lot of statistics over the
2 years in documenting the problems of farmworkers. I would
3 like to share some of those with you. The statistics I
4 will give you came from a sampling of farmworkers that we
5 enrolled, encountered last year from October 1, 1980
6 through September 30, 1981, which, to get a good picture,
7 you have to take a full year of activity to really under-
8 stand the problems of the farmworkers.

9 Most of the statistics I will give you are
10 strictly related to migrant workers. I isolated them
11 out because their problems are even more -- well, they are
12 worse than the seasonal farmworkers but generally they
13 represent both migrant and seasonal farmworkers.

14 We enrolled approximately 1,139 migrant workers
15 in the State of Virginia, 67 percent of those were on the
16 Eastern Shore of Virginia. About 78 percent of those
17 workers are black, about 11 percent are white, and about
18 10 percent are hispanic. Those figures are for statewide
19 programs. We didn't have any specific figures for the
20 Eastern Shore, but from what we have been able to glean
21 from our records, those percentages on the Eastern Shore
22 will decrease somewhat for the white population and will
23 increase slightly for the hispanic population.

24 Basically, the majority of farmworkers come from
25 Florida, migrant workers. About 62.3 percent of the

1 farmworkers we enrolled claimed Florida as their home base.
2 About 10.5 percent claimed Virginia as their home base.
3 And about 6.4 percent come from Texas.

4 Because they do seasonal farmwork, they don't
5 have full-time jobs, so consequently they go through long
6 periods of time without any employment. During those
7 times the general rule is that they become dependent on the
8 crew chiefs or the growers wherever they happen to be,
9 whoever happens to be their employer, for their subsistence
10 needs. What happens is when they don't have enough money
11 to buy the evening's meal, or provide whatever necessities
12 they need, they borrow money, which is freely lent to them
13 by the crew chiefs and the growers, and they get into the
14 debt situation.

15 You heard Mr. Westbrook say he has not worked
16 for a month already since he has been here, and I am sure
17 that he is having problems, financial problems now. When
18 they do finally end up working, they first have to pay off
19 their debts to the crew chiefs, which leaves them very
20 little money in their hand to use for themselves. At the
21 same time, they end up incurring new debts, and this cycle
22 of poverty repeats itself year after year.

23 Approximately 90 percent of the farmworkers that
24 we encounter are \$1,500 or more below poverty levels based
25 on a yearly income calculations.

1 The employment status when we encounter them goes
2 like this: about 22 percent have part-time or seasonal
3 work, about 72 percent are unemployed, they have no jobs
4 whatsoever although they may be expecting to work at some
5 point in time. The problem there is that it is very diffi-
6 cult to arrange for a crew to arrive at the precise time
7 that the harvest activity starts. Weather conditions will
8 cause problems, a number of other factors, and so generally
9 when most of them arrive here they have to wait for a
10 period of time before they start to work.

11 We looked into the possibility of them getting
12 unemployment insurance during that period of time and it
13 is sad to report that none of the farmworkers when we
14 enrolled them were receiving any sort of unemployment
15 insurance. Some of them may be eligible for unemployment
16 compensation provided that their previous employers paid
17 into the system. A lot of times they don't even know the
18 growers that they worked for. They know crew leaders, some
19 of them don't even know the names of the crew leaders they
20 work for, they refer to them by nicknames.

21 They have to give that information and all that
22 information has to be verified before they can draw any
23 sort of unemployment insurance, and that is a lengthy
24 process, if any of you have gone through it, and it simply
25 results in none or very few -- I don't know of any cases

1 where any farmworkers are receiving any type of unemployment
2 insurance.

3 Contrast that with the programs that are available
4 for growers when they experience losses in crops, they can
5 get crop insurance, they can get disaster loans, et cetera,
6 et cetera. The farmworker has very little to fall back on.
7 And in those situations, again, they have to search for more
8 work. They end up getting further into debt, and this
9 goes on and on.

10 Educationally, farmworkers have very little educa-
11 tion. Our statistics show that migrant workers, excluding
12 preschoolers, have about a 7th grade attained educational
13 level. An amazing 60 percent are dropouts. We are con-
14 cerned about the education of the children, particularly
15 because they are moving from place to place, they are going
16 from school to school, they get behind in school, they can't
17 keep up with the rest of the students, they get dissatisfied,
18 frustrated, and end up dropping out. In a lot of instances,
19 the families find the greater need for the kids to work in
20 the fields to help bring in more of an income to the family
21 rather than to go school.

22 There are programs -- one of the block grant
23 programs has to do with migrant education. They do the
24 best they can, as far as I can tell, but the programs that
25 they run during the summertime for migrant children are

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1 of a short duration, they are not very well funded, and
2 they do help to some degree. But it is really not enough.

3 Housing we have talked about here a lot today.
4 It is a big problem on the Eastern Shore. I've heard
5 people who have traveled around the country, have been in
6 migrant camps all over the country, describe those condi-
7 tions on the Eastern Shore as some of the worst they have
8 ever seen.

9 Our statistics show, when we enroll migrant
10 workers, that 67 percent of them live in migrant camps, 18
11 percent have no dwelling at all, 42 percent have some or
12 all outdoor plumbing. They range from converted horse
13 barns to good block construction.

14 Transportation is also a major problem. About
15 73 percent of the migrant workers have moderate to serious
16 need for transportation in that they either have a car
17 that is in disrepair or they have no means of transportation
18 whatsoever. Typically, you will find migrant camps
19 located in rural, isolated areas away from the services
20 that are generally available in town. A common practice
21 is for the crew leader to go into town, because he generally
22 has the transportation, and buy whatever foodstuffs or
23 drinks or whatever he thinks may be needed, and he brings
24 them back and resells it to the worker sometimes at double
25 and triple the price that he paid for it. This again is

1 a system of getting people into debt. It is encouraged.

2 About 56 percent of the migrant workers when
3 they arrive have no regular medical care or need emergency
4 medical treatment. About 74 percent have no cooking or
5 food storage facilities and do not participate in food
6 programs and/or have no food at all. Nutrition is a serious
7 problem among farmworkers.

8 As far as the State of Virginia's record in
9 services to migrant and seasonal farmworkers is concerned,
10 in my view it is a pretty dismal one. As I said, we
11 started out as a North Carolina program. The only reason
12 we came to Virginia was because we found out that there
13 wasn't any program like this operated in the state. No
14 state agency had applied for the funds, no other group in
15 the state had applied for the funds, and there were rumors
16 that in fact instructions were given to state agencies not
17 to apply for the funds.

18 When we found this out, we were concerned about
19 it, we put in an application to receive the funding for
20 -- to provide employment training services to migrant
21 workers, and we were subsequently funded and we began
22 operations on the Eastern Shore in 1975. Every year
23 after that, surprisingly enough, the state took a real
24 interest in the program and began competing with us for
25 the funds year after year.

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1 Fortunately, we were able to hang on to the
2 grants and continue to provide the services and, more
3 recently, our major competitor, the Virginia Employment
4 Commission, has recognized, and I think much to their credit,
5 that it would really pose a conflict of interest with them
6 if they were to operate the grant in trying to provide
7 services both to employers and workers. They suggested that
8 another state agency perhaps would be a better vehicle to
9 administer migrant programs in the state. That department
10 being the Department of Welfare.

11 In 1977 on the Eastern Shore of Virginia we
12 encountered problems even getting into the camps to talk
13 to the workers. Several of our workers were denied access
14 to the camps and in order for us to prove our right even
15 to go into the camps and talk to the workers, we had to go
16 to court. This was in the mid-summer, the heaviest time
17 of the harvest activity, and there were people in need,
18 services that we were trying to deliver, and we were flatly
19 denied the opportunity to even go into the camps and talk
20 to the workers as if we were trespassing on someone's
21 property.

22 Fortunately, the judge ruled that in the tenant-
23 landlord relationship, which is in effect what exists
24 between a migrant worker when he is provided housing as a
25 condition of employment, that the landlord has no right

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1 to monitor visitors that go into the camps, to screen
2 visitors, to disallow anyone who is a service provider
3 access to those workers. It is up to the workers to say
4 who they want to come in and visit them in what is in
5 effect their home.

6 We encountered the same problem out in southwest
7 Virginia when we opened up an office out there in Maricon,
8 Virginia. Again, we were denied access to the camps. And
9 again we had to go to court to prove that we had the right
10 to go into those camps and the workers had the right to
11 receive visitors. Fortunately, again, the court system
12 ruled in our favor.

13 In 1978, the Virginia Legislature created the
14 Migrant/Seasonal Farmworkers Commission. That grew out of
15 an ad hoc committee that met for 18 months discussing the
16 needs and the problems of farmworkers, and decided that
17 in order to really get to the needs and problems of
18 migrant and seasonal farmworkers and help resolve those
19 problems that a statutory base was needed. The piece of
20 legislation passed, the Farmworker Commission was created.

21 It allowed for representation from growers,
22 farmworkers, and state government representatives or other
23 interested parties. Not surprisingly but kind of disap-
24 pointing when Governor Dalton did not see it practical
25 enough to appoint any farmworkers or any farmworker

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1 representatives to that commission.

2 Once again, more recently, Governor Robb has
3 made appointments to that commission again and again no
4 farmworkers, no farmworker representatives were appointed
5 to the commission. It seems to me a futile effort for
6 farmworkers to expect to get any sort of resolution to
7 their problems out of a commission where they have no repre-
8 sentation whatsoever.

9 I have been to many of the Commission meetings
10 and in my opinion the problems they have dealt with are
11 more geared to what the growers' problems are with farm-
12 workers rather than what the farmworkers' problems are
13 for themselves.

14 The Commission did some work, did some good work
15 and touched on some areas that needed touching on, but one
16 thing that showed me where they were at basically was when
17 they attempted to, and they did, develop a model contract
18 which could be used between the grower and the crew leader.
19 When some representatives there asked that the Commission
20 consider developing a model contract between the crew
21 leader and the worker, that idea was rejected.

22 More recently, our organization did a survey,
23 an unscientific survey, questioning migrant seasonal farm-
24 workers and growers and grower organizations as to the
25 problems that they saw from their level that needed to

1 be addressed, such things as pay housing came out and
2 seemed to dominate the concerns. We submitted that that
3 survey to the Commission and several members kind of said
4 "well, there's not much we can do about this." So I don't
5 know what their real concerns are.

6 Most of the programs that have been effective
7 for farmworkers have been federal programs. They haven't
8 been state programs. The migrant health programs were
9 operated by the state for awhile but are now operated by
10 a private non-profit group. Employment training programs
11 for farmworkers have been operated by private non-profit
12 groups. Migrant Headstart program is operated by the
13 Virginia Council of Churches. The migrant education program
14 is the only program specifically for farmworkers that is
15 administered by the state.

16 My concerns with block grants are many, basically
17 because I haven't seen an interest on the part of the State
18 of Virginia to really get at the problems of migrant/sea-
19 sonal farmworkers and deal with them. My concern about
20 residency requirements that may be imposed as migrants
21 move from one state to another, they may find they are
22 eligible for some programs in some states and not be
23 eligible for the same programs in the next state they move
24 into.

25 We are concerned that definitions of migrant/

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1 seasonal farmworkers may vary from state to state. Again,
2 the potential exists for 50 different definitions, one
3 different one for each state, as to what is a migrant/sea-
4 sonal farmworker.

5 We are concerned about undercounting of farm-
6 workers. There has never been an accurate count of
7 how many migrant and seasonal farmworkers we are talking
8 about. The Department of Labor currently uses social
9 security data. But, again, that's as accurate as -- the
10 accuracy of that depends on how well it is reported by the
11 employers.

12 We are concerned that with less money being
13 available overall in block grants that farmworkers will end
14 up having to compete with local people, other groups of
15 people and, if history repeats itself, the farmworkers will
16 be the losers.

17 Few states are set up to handle farmworker
18 programs. I know the one program that was talked about
19 here, the Community Services Block Grant Fund, was the only
20 block grant that the State of Virginia did not accept in
21 fiscal year '82 and the reason being is they did not have
22 a vehicle to administer the program. Hopefully, the block
23 grant commission will address that problem, and I am sure
24 they are, since the state is mandated to accept the block
25 grant monies in fiscal year '83.

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1 Basically, we haven't seen -- I haven't seen
2 much that the state has done on behalf of farmworkers. I
3 think there needs to be some particular emphasis, some
4 special considerations given to the needs of farmworkers'
5 if they are to be properly served. If they are expected
6 to walk into offices and ask for services, they'll never
7 get services. As I said, they don't have the transporta-
8 tion, they are out in rural, isolated areas, their educa-
9 tional levels are alarmingly low, and I just don't see,
10 unless some changes are made, unless specific regulations
11 are put into effect to serve farmworkers, I don't think
12 they are going to be served through a block grant formula.

13 My recommendation would be that the state recog-
14 nize that fact and suggest to the lawmakers, the people
15 responsible, that farmworker programs can best be adminis-
16 tered at the national level. In fact, the National
17 Governors Association went on record in 1980 specifically
18 saying that programs to serve interstate populations can
19 be best administered at the national level and one of the
20 examples they gave was migrant programs.

21 Thank you.

22 MR. WILCOX: And thank you very much, Mr. Boyd.
23 Does anyone on the Committee have a question? We have
24 a five minute question session. Anyone on the Committee?
25 Yes, Mr. McCaleb?

1 MR. MC CALEB: Several specifics addressed --

2 MR. WILCOX: It's five minutes for everybody now,
3 we've got to keep going.

4 MR. MC CALEB: Several specifics addressed to
5 Kevin. You made the comment that every year the state has --
6 since 1976, the state has been competing for this grant also.
7 Did you say every year or two or three times?

8 MR. BOYD: Every year that there was competition,
9 the state competed except for the last one.

10 MR. MC CALEB: Okay, you also said, as I under-
11 stand it, that the court decision was a blanket permit to,
12 in other words, to enter any labor camp. Did not the court
13 indeed impose certain restrictions to entrance to the camp
14 as far as responsibilities on behalf of the entering party
15 should a farmer request it? Such as you'd have to check
16 in at the gate and stuff like this, tell them who you were.
17 They couldn't deny you access but they had the right to
18 actually find out who was going on the camp. Am I correct
19 on that?

20 MR. BOYD: I didn't say that they gave blanket
21 approval, I said that --

22 MR. MC CALEB: I thought I had that quote there.

23 MR. BOYD: No, what they did was say that the
24 growers and the crew leaders did not have the right to
25 monitor visitors or screen visitors into the camp. They

1 suggested that visits be made in hours that would not be
2 disruptive to the harvest activities. Obviously, harvest
3 activities are conducted in the fields, not in the camps.
4 We don't get into -- nobody that I know of goes into the
5 fields. And suggested that some reasonable hours be estab-
6 lished.

7 MR. MC CALEB: And did it not also establish
8 that they had a right to know who was going on the camp?

9 MR. BOYD: I don't recall that. I know it was
10 suggested as a courtesy that people introduce themselves
11 and let them know what their business was, but I think the
12 bottom line is that the -- you know, I rented a house for
13 many years and if my landlord tampered with my visitors,
14 I would be very upset.

15 MR. MC CALEB: You made a comment about defini-
16 tions of migrants. Are you aware of how many definitions
17 already exist in federal programs for the definition of
18 migrant? Something like 112 or something like this.

19 MR. BOYD: I don't know that there's that many.
20 There's more than one.

21 MR. MC CALEB: There's a passel of them. That's
22 one of our problems in coordinating a program and stuff
23 like this. Somebody that meets the definition for your
24 program doesn't meet it for health or something like this.
25 Another potential and perhaps addressable problem. Again,

1 mostly on the federal level.

2 MR. WILCOX: Any other questions?

3 (No Response)

4 MR. WILCOX: Thank you all very much. Our next
5 speaker will be Mr. Jack D. Engler, the Executive Vice
6 President for the Association of the Virginia Potato and
7 Vegetable Growers. Would Mr. Engler please tell us what
8 he'd like to say.

9 MR. ENGLER: Mr. Chairman, ladies and gentlemen,
10 I guess most of us are somewhat alike at a thing like this.
11 I had an image, a vista, when I got the letter coming here
12 that I could really sit down, I suppose, and listen with
13 a great deal of respect and a great deal of intentness to
14 what you all were saying, keep my mouth shut if I had nothing
15 to say, and go home. And then about one minute before you
16 started, this pretty young lady around here somewhere came
17 up and said I'm supposed to sit up here, and that's dirty
18 pool. If I would follow my own advice, in all courtesy
19 to you and the audience, I would take it, which is if I had
20 nothing to say, sit down. But I guess it is incumbent
21 upon me to make two quick statements as I have heard what
22 has been said.

23 One is, without being redundant myself, I think
24 it is perfectly obvious that there is a duplication, a
25 triplication of regulations of enforcement agencies

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1 et cetera ad infinitum. And I would certainly, as I am
2 sure you have already known way ahead of my comment, urge
3 you ladies and gentlemen not to replicate it into 5, 10,
4 15 sets of the same regulations as you go along. So much
5 for that.

6 The other one, which has not been mentioned, and
7 if you will permit me simply to comment on it this way and
8 it will take only a minute or two. I suppose that some of
9 you ladies and gentlemen, and I am sure in the audience,
10 like myself over the years have been independent business
11 persons -- I started to say men, persons, independent
12 business persons -- and have had familiarity with the
13 deep problems of a payroll to meet, sales to get, costs
14 to keep down, regulations hitting you from all sides,
15 mostly local, making a profit, paying your own mortgage
16 in the business and so on.

17 What I am getting at is if you've had that experi-
18 ence, you know that the farmer -- I'm only familiar with
19 the ones here since I grew up here and went away and came
20 back two years ago, and they haven't changed a whole lot
21 even though they've got cadillacs now, I admit, instead of
22 Model T's in 1927, that the farmer here and everywhere else
23 is an independent businessman. He has the same problems
24 I had running my own small business that I own, and he has
25 one more, and I will rephrase it very quickly and sit down,

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1 but in your deliberations I urge you please to keep in
2 mind, you know it, it is simply this.

3 In my own little businesses, as well as in the
4 manufacturing/food plants that I have run over the years
5 in cities, 700, 800, 900, 1,000 people, we had all of the
6 same problems you are familiar with, all of the ones the
7 farmers do, with one exception, and it has been mentioned
8 here by these gentlemen who work at it and they are so
9 right, and by others. Never in my manufacturing management
10 experience did I ever have to provide housing for the
11 people who work for me in a plant in New York City, or
12 for the people who worked in my plant in San Francisco, or
13 for the people who worked for my small business in Wilming-
14 ton, Delaware. Never did I have to provide housing.

15 As bas as that problem is, I would certainly
16 urge you in your solemn deliberations to keep in mind that
17 obvicusly it is one of the toughest, and I make no
18 apologies, I don't know that much about it, for a farmer
19 who in the middle of his growing season, planting, fertil-
20 izing, so on and so forth, sweating about the weather,
21 sweating about the seed cost, sweating about potato prices
22 now which are running them into a hole and so on, I won't
23 shed tears, to on top of it have this problem, which he
24 should have humanely, of providing first class housing.
25 I can't agree more. It should be there. The only question

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1 ladies and gentlemen, I'd like to close, as a businessman
2 who owned my own little business and who ran big factories
3 and never faced a problem of providing housing, is whether
4 in your deliberations on block grant, whether it be federal
5 or whatever, I know it comes through the state, whether or
6 not, as it has been mentioned, the vital problem of housing
7 which affects health could be, should be a part of a federal-
8 state dash program, block grant, whatever, to relieve some-
9 how off the back of the independent businessman, the grower,
10 the farmer, this outrage, this horribly difficult problem,
11 when he has got all of the other problems.

12 I am not, not, not excusing him, believe me. I
13 just ask you to wonder myself, since I never had to do it
14 as a businessman before I retired, what I would do if my
15 little business, which at one time employed 15 people, it
16 was a good one, it wasn't a big corporation I ran plants
17 for, for those 15 people I had to provide housing. I ask
18 you to think about that. I don't know what I'd have done,
19 I really don't.

20 So I'll take my own advice, ask your indulgence,
21 again, I have no more to say, I'll shut up and sit down.

22 MR. WILCOX: Thank you very much, Mr. Engler.
23 Does anyone on the Committee have a question? Yes, Selma?

24 MS. BAXT: Mr. Engler, would you recommend that
25 the present camps be closed and the state take over the

1 camps? Either closed, or renovated to make them liveable
2 and the states take over the responsibility of running
3 them?

4 MR. ENGLER: I know you didn't mean to trap me,
5 but I'll give you my philosophical attitude as a taxpayer
6 on it. So long as the federal money is coming in block
7 grants, I would certainly think that the government,
8 assuming this means the Commonwealth of Virginia, the state,
9 should consider part of its long range responsibility this
10 housing problem. Now, as to closing the camps, I am in no
11 position to say, I just can't answer that. I simply do say
12 that if I were a farmer, or I had my own little business,
13 and I had to supply housing, it would be an enormously
14 difficult job to keep that done properly and at the same
15 time remain solvent.

16 So I think a joint effort -- what I am trying to
17 say, if I am being lucid and clear -- is the state
18 approach should be it. But as to close them, I can't answer
19 that. I don't know what you'd do in the interim.

20 MR. WILCOX: Any other -- Calvin?

21 MR. MILLER: Yes, I like the comment about his
22 housing. Do you feel strongly enough about housing with
23 a recommendation, say, to this commission and a recommenda-
24 tion on to the task force for the governor that this housing
25 is that important, is that complex in a business sense,

1 that we just isolate housing as a one shot program and
2 deal with it exclusively, say, FY 83?

3 MR. ENGLER: Are you asking me, sir?

4 MR. MILLER: Yes.

5 MR. ENGLER: I am not sure I have enough wisdom
6 to answer it, but if you want my druthers, yeah.

7 MR. RUTLEDGE: I was very much interested in
8 your comments since you referred back to 40-50 years ago.
9 Sitting here today for me brings me back more than 40 years
10 ago when I was the Farm Security Administration. At that
11 time, when the federal government did propose and built
12 migratory labor camps throughout the country, particularly
13 during the period of the dust bowl, and during the period
14 of migration of many of the tenant farmers from the south
15 through the boll weevil on the tractor, and these were
16 farmers who began to follow the crops. You recall that
17 there was a great deal of opposition by the growers to
18 the fact that the government owned these migratory labor
19 camps. Do you think that sentiment has changed very much?

20 MR. ENGLER: Since I am in a position to be
21 completely candid and honest, the answer is that I don't
22 know. I would simply respond to you that if I were a
23 grower, I would certainly feel favorably disposed to not
24 having to provide housing. If that meant government
25 building them and maintaining them, so long as the tax

1 monies are there, yes. I don't like the taxes being spent,
2 but if it is going to be done, I can't answer, I have no
3 survey. I gave you a personal opinion.

4 MR. WILCOX: Are there any other questions?

5 MR. COX: You seem to have some reservation about
6 answering whether or not the camps should be closed. I can
7 answer it for him directly. Visit one and come back and
8 you will not have any reservations.

9 MR. ENGLER: I have, I have.

10 MR. COX: I haven't seen one that I would consider
11 fit for human beings to live in. Whether or not who picks
12 up the tab, but it should be closed, and until the farmer
13 or until someone gets something done and the farmer just
14 don't plant no more. There's solution. I don't know of
15 any camp, and I've been to every one in Virginia, just
16 about, I've been here for 40 years, should be closed.

17 MR. MILLER: I just want to ask you a question.
18 Did I hear you correctly say you have been a migrant
19 farmer for 40 years?

20 MR. COX: Off and on. I come over here since I
21 come out of the Navy in 1949. There is no difference.
22 They've got houses in them woods you wouldn't believe. No
23 one live in them until the migrant workers come in and call
24 them a camp. This gentleman tried to paint a picture as
25 a camp having a gate or lock to it and you have to have

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1 permission to enter. Most of them doesn't have that. The
2 contractor doesn't want them there asking questions because
3 he does a lot of illegal things on those camps and gets
4 away with it. They're selling booze. Everybody knows
5 they're bootlegging. Everybody charges twice for cigarettes.
6 They serve substandard food and charge you three times the
7 price of it. But the farmer doesn't care if he works with
8 the contractor as long as the contractor brings in his
9 potatoes and gets them out to the market. That's the bottom
10 line, getting his crop so he can make some profit. We all
11 know this.

12 You, anybody, can go to any camp, pick a camp,
13 and ask yourself "should it be closed?" There's only one
14 answer.

15 MS. RICE: Pick mine.

16 MR. COX: Anyone.

17 MS. RICE: Mine. Pick my camp.

18 MR. COX: I don't know your camp.

19 MS. RICE: I have a good one.

20 MR. COX: I don't know you, you're the only one
21 has a good one.

22 MS. RICE: I'm an exception.

23 MR. COX: You're the only one. Which doesn't
24 speak very much for migrant workers. They're just like one
25 out of a hundred. What about the other 99 --

1 MS. RICE: You can't say every one is alike.

2 There are --

3 MR. WILCOX: Would you give us your name and
4 speak into the microphone please? We came here to find out
5 what's happening.

6 MS. RICE: My name is Elizabeth Rice.

7 MR. WILCOX: Elizabeth Rice would like to speak.

8 MS. RICE: Yes, and the governor appointed me to
9 represent all the migrants on the Eastern Shore. There are
10 some good people and there are some bad ones. Everybody
11 shouldn't be judged alike, that's wrong.

12 I have a migrant camp down in Nelson, Virginia.
13 I have running water, I have practically everything, even
14 washing machines. My people goes anywhere they want to any
15 time. I grate potatoes. Some of my people don't like to
16 grate potatoes because they like to do piece work. I say,
17 "Go anywhere you want to and do piece work." I'll use
18 Virginia people, they like to do our work. And that's the
19 way I live with my people. You can visit my camp, they'll
20 tell you the same thing.

21 I finished work now. But half of my people went --
22 they done piece work for someone else and I use some Virginia
23 people and I done my grating with my potatoes because they
24 make more doing piece work than they do working by the hour
25 because the farmers couldn't hardly sell the potatoes this

1 year and we didn't make many hours.

2 But you can't judge everybody alike. It is so
3 wrong to judge everybody the same.

4 MR. MILLER: May I ask my question now?

5 MR. WILCOX: Go ahead, Calvin.

6 MR. MILLER: I understand that you represent the
7 farmworkers.

8 MS. RICE: Yes.

9 MR. MILLER: How can you represent the farmworkers
10 if you are a contractor and a crew leader?

11 MS. RICE: I am a contractor and a crew leader.
12 The governor appointed me.

13 MR. MILLER: But how can you represent the
14 migrant workers if you are not a migrant worker?

15 MS. RICE: But I was a migrant worker for so many
16 years.

17 MR. MILLER: No, but I'm talking about 1982 or
18 1980 when the governor put you on a commission. You are
19 at the other end of the spectrum. It's all right, I'm
20 not being antagonistic, but I'm just trying to unravel the
21 boll weevil here. One question what bothers me when the
22 gentleman over here states that there is no representation
23 of the farmworkers on the commission, then you say you
24 represent, you were appointed by the governor to represent
25 the migrant worker, and I think this is part of the problems

1 the you, the crew leader, one of the players in this
2 complex game, with a different set of circumstances,
3 representing another group with a different set of circum-
4 stances. And I would like to think the Commission's
5 position is that we want a migrant worker to represent the
6 migrant worker. And I think as articulate as that gentle-
7 men there was being right here 40 years, I imagine he
8 could express himself pretty well on any commission in
9 Virginia.

10 MR. WILCOX: I hate to interrupt you, Cal, but
11 we really were talking to Mr. Engler and the subject is
12 housing. If there are no further questions, I want to
13 thank you, Mr. Engler, for your extemporaneous speech. It
14 was from the heart and we appreciate that.

15 Our next speaker is Monica Heppel, who worked as
16 a migrant on the Eastern Shore while researching her dis-
17 sertation in the field of anthropology. And if Monica
18 would please go find the microphone --

19 CHAIRPERSON HARRIS: Excuse me, Mr. Chairman.
20 Our basic responsibility is to get information. We have
21 a conflicting report. I think we do need to determine how
22 extensive is the conflict.

23 MR. WILCOX: All right.

24 CHAIRPERSON HARRIS: That if we have one out of
25 a thousand, that's one thing, but if we have 25 percent

1 such as Mrs. Rice's operation, we need to have that in the
2 record so that we can, when we go through our evaluation,
3 can evaluate it. We had one farmworker to make a statement
4 and we had a crew leader to somewhat contradict the state-
5 ment but did state that "I'm an exception."

6 There was a statement that she represents farm-
7 workers on the Commission and she is not a farmworker. I
8 think we need to pursue it a little bit to determine whether
9 or not she is a true representative of farmworkers on the
10 governor's commission because that is one of the areas that
11 we will be getting into a little later.

12 MR. WILCOX: Monica, could you wait just a
13 moment. Mrs. Rice, would you be willing -- the chairperson
14 is Rev. Curtis. He would like to know, could you explain
15 to us a little more in detail how you function on the
16 governor's commission, how you -- would you please speak
17 into the mic.

18 MS. RICE: I can sit here. I really haven't
19 been talking like I should, because I live in -- well, my
20 home is on the Eastern Shore, but I go to Florida to work
21 in the winter, and I didn't have the funds to come from
22 Florida up here even though they would reimburse me to do
23 that, but I didn't have it from the beginning. So I would
24 get all my brochures what they sent me and I would read
25 them. But whenever I am here, I go to the meetings in

1 Richmond.

2 MR. WILCOX: That's how you -- you see, our
3 biggest problem is we gave Mr. McCaleb a pretty rough time
4 because he was on a migrant worker and a growers committee--
5 commission -- and we were a little rough on him because we
6 said he didn't really reflect the interests of the migrant
7 worker. I am not condemning that, I'm just saying we said
8 that. Now you say you represent the migrant worker. We
9 are wondering how you can do that between here and Florida
10 and -- do you attend meetings regularly?

11 MS. RICE: Not unless I (inaudible). -- but I
12 attend them.

13 MR. WILCOX: Do you think you could? Could some
14 arrangements be made for you to attend these meetings
15 regularly?

16 MS. RICE: Sure, I could.

17 MR. WILCOX: Would that be -- how difficult
18 would that be with you living part-time in Florida?

19 MS. RICE: But I'm not going to live anymore; I'm
20 not going to travel anymore. I'm going to live home now.
21 I'm not going to travel anymore.

22 MR. WILCOX: Okay, does that answer your question?

23 MR. MILLER: No, that doesn't answer mine. It
24 doesn't matter whether she goes to Florida or goes to
25 Yugoslavia, how can she legitimately represent the

1 migrant workers on a state commission appointed by the
2 governor?

3 MS. RICE: I was a migrant worker for many years.
4 Let's see how many years. I was a crew leader. I was a
5 migrant for 16 years.

6 MR. MILLER: But the point is you are a crew
7 leader now.

8 MR. WILCOX: Yes, ma'am? Would you please speak
9 in the microphone, give us your name and speak in the
10 microphone.

11 MS. JAMES: Yes, I am Pauline James and I work
12 with the migrant/seasonal farmworkers. I would like to know
13 exactly how many meetings Mrs. Rice has attended.

14 MR. WILCOX: Could you answer the question, Mrs.
15 Rice, how many meetings you have attended?

16 MS. RICE: Since I was appointed, just a second
17 here. About five.

18 MR. WILCOX: Five, she says she has attended
19 five meetings.

20 MS. RICE: Two years.

21 MR. WILCOX: Two years. Are there any other
22 questions? Let's ask one question at a time. Are there
23 any othe questioncs? Do you have a question to ask? Do you
24 have a question, Martha?

25 MS. OGDEN: I have one. How many times a year

1 do you usually meet?

2 MS. RICE: I don't meet.

3 MS. OGDEN: The Commission.

4 MS. RICE: I think they meet four times.

5 MR. WILCOX: Did you have a question, Ed?

6 MR. BROWN: She answered my question.

7 MR. WILCOX: Mr. McCaleb, do you have a question?

8 MR. MC CALEB: I'd like to make the observation
9 that there seems to be somewhat of a misapprehension on
10 behalf of the board that, one, the interests of the farmer,
11 two, the interests of the crew leader, and, three, the
12 interests of the laborer are mutually exclusive. They are
13 not.

14 MR. WILCOX: We have been -- I think we have
15 carried this conversation far enough. I think what you are
16 saying is true, Mr. McCaleb, that there are three definite
17 interests here and I think in fairness to all of us here
18 I think we have carried this conversation far enough.

19 I would like to have -- Monica, would you please
20 give your presentation. Again, I will introduce Monica
21 Heppel who worked as a migrant on the Eastern Shore while
22 researching her dissertation in the field of anthropology.
23 Monica.

24 DR. HEPPEL: Okay, I think I know some of you,
25 even worked for a couple of you in here. I was here for

1 about a year and a half looking at this whole system of
2 migrant labor from different perspectives. I spent a fair
3 amount of time talking to farmers as well as working as a
4 migrant, and with that time working full-time to try to get
5 a picture of things, it's very difficult.

6 One thing I will second that Mrs. Rice said is
7 that there is no simple good guys and bad guys, that all
8 the farmers are bad and all the crew leaders are worse and
9 all the workers are good. It is very easy to see things
10 in that way and there are a lot of bad crew leaders. There
11 are -- I think Mrs. Rice -- I heard of her when I was here,
12 I didn't work with her, is, as she says herself, an
13 exception. I think there are more places where the camps
14 are extremely substandard, they are difficult to live on.
15 Many times the farmers don't have the resources to put in
16 to keeping up the camp, they don't have the time. I think
17 this is an argument for some sort of state or federal
18 intervention in this whole program.

19 Who is ultimately responsible? It becomes a
20 moot point if you want to do something about it right now.
21 And whoever is responsible isn't going to do it and you
22 can't make them do it. The thing is to get someone else
23 in who can do something about it.

24 So I think rather than pointing fingers I would
25 like to reinforce the idea that some sort of outside

1 intervention in the housing area is necessary.

2 I would also like to say that from what I have
3 learned when I was here -- I was here in 1980 -- and
4 talking about how things were in the past, things have
5 improved. While a lot of the programs are not working as
6 well as they might be, and while there are a lot of holes
7 still, things have improved enormously.

8 Kevin mentioned access. That was quite an issue
9 when I was here, the fact that people could come and go on
10 the camps much more than they could in the past. I think
11 health has improved. There are daycare centers where a few
12 years ago there weren't. So things have gotten better.
13 It is not like the programs that have been put into effect
14 over the past 5 or 10 years have been a complete bust.

15 Again, that is one of the problems with looking
16 at block grants. We can say thank heavens they're working
17 so things have to get better. They don't have to get
18 better. There's a lot of room for them to go backwards.
19 And we have to be careful that that doesn't happen because
20 the only way that they have found to deal with migrants
21 is either through private non-profits or through federal
22 programs. The state has been I think somewhat successful
23 in the health inspection area. Offhand, that's about all
24 I really know where they have done a reasonable job of
25 improving the situation.

1 Problems on the camps and with the housing lead
2 to more than just living in substandard housing. They
3 lead to all sorts of sort of personal degradations that
4 come about from living under those kinds of conditions.

5 One of the workers mentioned the heavy drinking
6 that goes on in the camps. I even would take issue with
7 him in terms of how it was phrased, that a lot of these
8 migrants are sort of good-for-nothing because they drink
9 all the time. I drank more living on the camps than I
10 have ever drunk in my life. I think if I stayed there, I'd
11 probably drink a whole lot more. It is easier to deal with
12 mattresses that have stuffing coming out and rats running
13 around and the smell of garbage and privies that haven't
14 been emptied or port-a-toilets that perhaps passed inspec-
15 tion at the beginning of the season but then haven't been
16 changed. And if inspections have increased such as it
17 sounds as if they have, then those things would be somewhat
18 better. But at that point it is easier to drink, which is
19 again, you can't blame the victim for that kind of response
20 to the type of situation in which they are in.

21 So that was one problem that was apparent in
22 1980 with the lack of reinspection. Many times camps
23 would be all right when we moved in, there would be hot
24 water, but the propane tanks would run out and they were
25 never replaced, so we did have cold waters to take showers

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1 for weeks at a time. Even so, there were perhaps a camp
2 of 80 people with two very small faucets with which to
3 take your showers. The showers would be one room with just
4 a little hole was cut out in the side of the wall so the
5 water runs out and collects for mosquitos.

6 I think there are enough examples that I don't
7 have to go into all of those, but there were problems
8 living there and the problems overflowed into all other
9 areas of your life in terms of how much you could pick, how
10 willing you were to do it, what your attitude was like.

11 Kevin was talking about some of the problems with
12 migrants. He mentioned poverty as being a critical one and
13 housing. I go along with those. I think also something
14 that needs to be dealt with that hasn't been talked about
15 a great deal but that the migrants talk about when you go
16 in and say, "What do you think the problems are?" And one
17 of the major problems is monotony. It is living on these
18 isolated labor camps, seeing the same people day after
19 day with very little to do. That leads again to the
20 drinking, to an increase in violence, to dissatisfied
21 workers, which isn't to the benefit of really anyone.

22 One of the reasons, I think, for that is the
23 isolation of the camps. Keyed in sort of with the isola-
24 tion of the camps is the dependence on the crew leader
25 that was also mentioned, which is also critical. Workers

1 come here, usually without their own transportation, and
2 so you lose sort of an ability to function autonomously as
3 an adult when you are living out somewhere where you don't
4 really know where you are staying, you don't know the area
5 at all, and you can't get anywhere. You have to buy your
6 food, you have to buy your beer, you have to buy your
7 cigarettes, you have to buy a ride into town to the laundro-
8 mat because most camps don't have washing machines. So if
9 you want to do any washing, you have to pay the crew leader
10 to take you into town. Everything has to be funneled through
11 that one individual. That makes it very difficult to func-
12 tion as a person and retain a certain amount of pride and
13 a certain amount of self-esteem.

14 We talked about the attitudes of the community
15 that was brought up, the fact that these people, in many
16 instances migrants, whether they are black or whether they
17 are hispanic, whether now they are Haitian-blacks, aren't
18 really treated as humans, aren't considered as humans, and
19 sort of as evidence for that they point to some of the cir-
20 cumstances that are provided for people to live in. But
21 we can't wait for those attitudes. I think, first of all,
22 those attitudes aren't shared by all the growers with whom
23 I spoke or whom I've worked for. They were characteristic
24 of some growers, they were also characteristic of many
25 community members. However, we can't wait for those things

1 to change, they are not going to change. So you have to
2 come in and just impose.

3 These attitudes are things that the people have
4 grown up with, that they've been hearing from their parents
5 from the time they were two years old, and it is going to
6 take awhile to change them. But what we do have the
7 ability to change is what the camps look like and where they
8 are, whether they are back on these little dirt roads.

9 The number of inspections even now is referring,
10 I think, just to regulated camps. There were a lot of
11 camps, I didn't stay on them, but that I know of and that
12 I visited, that I would come in and mention to someone at
13 Legal Aid or someone at Migrant Health and they didn't even
14 know that there was a crew working there and living there.
15 Therefore, there was no way they could have been inspected.
16 And there is a fair amount of that going on.

17 We have the resources and we have the abilities
18 if you put the energy in the proper direction to really
19 regulate those things. I think now many of the growers
20 are extremely upset with the type of regulation that is
21 going on and I can understand why they are because they
22 are cited for, for example, having lights in the privies.
23 Migrants don't care, many of the migrants. I didn't care
24 whether there was a light in the privy. I cared whether
25 the privy was emptied or not. I cared whether you could

1 get to the privy without walking through grass this tall
2 and often had snakes in it and things like that. I cared
3 about the garbage that wasn't carried off from the camp
4 periodically. Many times what was done was there would
5 be a dump truck and we would just throw garbage in there
6 loose until it was full and then the crew leader would
7 drive it to the dump.

8 Okay, those types of things you care about. I
9 don't know whether -- how they are covered in the regula-
10 tions but it is somehow possible for an inspector to come
11 in and give a farmer an incredibly difficult time about some
12 regulations and let others go right by, perhaps because
13 they are not in the books. I think all those things, what
14 we really need is a revamping of many of the regulations
15 that are on the books and a rethinking in terms of the whole
16 picture rather than should there be one light bulb or two
17 light bulbs in this area, or should there be screens when
18 there are holes in the wall, and sort of deal with things
19 on that level.

20 I think I would like to just open up for any
21 questions.

22 MR. WILCOX: Thank you very much, Monica. Does
23 anyone on the Committee have a question? Yes, Ed?

24 MR. BROWN: Some speaker earlier suggested that
25 maybe one of the solutions would be a single set of rules

1 federally enforced that all the states would have to comply
2 with against the possibility of having 51 sets of rules
3 where each state would have separate rules and separate
4 definitions of migrant workers. What is your judgment in
5 that regard?

6 DR. HEPPEL: I think that would make -- I'm not
7 sure whether it would improve conditions for the migrants
8 significantly, it would make life a lot easier for everyone.
9 I think those regulations could be drawn up in a different
10 way such that they would improve things. I think the
11 regulations generally that exist now are not all that help-
12 ful in many respects. Some of them certainly are: the idea
13 of having to have hot water, and having to have showers,
14 and basic, but there are some other basic -- perhaps the
15 people who were writing up the regulations, you know, it
16 would never occur to them that someone would do some of the
17 things that have been done on the camps, therefore, they
18 weren't written in. So I think a much better set of regula-
19 tions needs to be written, and I would certainly go along
20 with having one set simply to facilitate matters and to
21 try to ease some of the communication between -- Mr. McCaleb
22 has said that farmers and crew leaders and growers aren't
23 necessarily, you know, have mutually exclusive goals, and
24 that is true, they are all trying to make money and trying
25 to get things done. However, they do have very different

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1 perspectives on how is the best way to do that.

2 I think there has to be a lot more non-adversary
3 communication between those groups for everyone's benefit.

4 MR. BROWN: One final question. Since you have
5 studied the situation and also lived part of it, what are
6 the instances that you know of where a farm was closed for
7 violation of federal/state regulations regarding housing
8 or anything else? What are the incidences of actual
9 closing a farm down because of the conditions that are in
10 violation of the rules?

11 DR. HEPPEL: What I am aware of that usually
12 happens is someone is heavily fined and they choose to
13 close. They either have to comply or they will be fined
14 heavily and so there is compliance or the payment of fines
15 more than there is actually closing. I think other people
16 probably know more about that because once I actually
17 started living on the camp, I was isolated, too, and it was
18 difficult at that point to get an overall picture during
19 the season. But I knew many more instances of people
20 being fined for violations rather than closings.

21 MR. WILCOX: Curtis?

22 CHAIRPERSON HARRIS: You've lived on the camps,
23 several camps, as a farmworker. If you were continuously
24 a farmworker -- you had another purpose in mind which you
25 got -- at least you were exposed to it, you saw the

1 conditions, you saw the operation generally. If you were
2 a continuous farmworker and you had to have representation
3 on a governor's commission, would you be comfortable with
4 a crew leader representing your interests on the governor's
5 commission?

6 DR. HEPPEL: Absolutely not.

7 CHAIRPERSON HARRIS: Thank you.

8 MR. WILCOX: Calvin.

9 MR. MILLER: He stole my question, but I have
10 another question. I think it is important -- I listen to
11 her testimony, she reminds me of being very sensitive from
12 a humane point of view, she makes a distinction between a
13 hole in the wall and a screen. You talked about monotony.
14 I think it is very important that some recommendations
15 probably in that general area, but my main question to you,
16 and I think I can identify priorities, having your experi-
17 and probably being objective with your data, analysis and
18 so forth, what would be your top recommendations in trying
19 to resolve some of these problems from your point of view.
20 If you had the money and the wherewithal, the regulations
21 say do it.

22 DR. HEPPEL: Okay, I'm sure I'm going to get
23 some negative reactions by some people to this. Awhile ago
24 on the Shore there were large labor camps that I think were
25 run by the Farm Bureau. They were either county maintained

1 or state maintained, where different crew leaders housed
2 crews. Those were closed down for various reasons. Many
3 of the farmers to whom I spoke didn't think that that was
4 a good idea because what would happen would be that
5 workers, when the picking was bad with one farmer, they
6 still needed the workers there to pick by the piece. Or
7 even if they were going by the law, which most of the
8 people worked for did not make sure that you received
9 minimum wage if you were working by the piece, but even if
10 they were, the workers were interested were going where the
11 picking was best so they could make, hopefully, above
12 minimum wage.

13 Many people don't seem to feel that that should
14 be a right of the worker, that the worker should sign some
15 sort of contract, even though there was no contract which
16 guarantee him anything, but should sort of lock him into
17 an obligation to someone to perform, for better or worse.

18 One of the problems with these large camps would
19 be that workers would go where the work is rather where
20 the farmer needs them. I think that is all right. We can
21 all do that. I can leave my job if I don't like it.

22 My recommendation would be -- and I think that
23 would ease things on several counts. It would help with
24 transportation costs because hopefully these would be out
25 closer to areas. It would help one of the major problems

1 that I think programs that I think try to serve migrants
2 in this area have, is a lack of outreach because they
3 simply don't have the money, they don't know where many of
4 the camps are. And even if they know where they are, how
5 can you get to them all with two vans?

6 So it would ease those kinds of problems. It
7 would ease the boredom and the isolation for some some
8 of the workers because you could have some recreational
9 facilities at a larger type of encampment. And I think
10 that would be my one recommendation if I had to focus on
11 one.

12 MR. MILLER: I never heard what the recommenda-
13 tion was.

14 DR. HEPPEL: Build four labor camps for every one.

15 MR. WILCOX: Build four labor camps for every one.

16 MR. MILLER: All right.

17 MR. WILCOX: We've exceeded our - I'll tell you
18 what, Mr. McCaleb, we've exceeded it by one minute. You
19 take the next extra minute. What's your question?

20 MR. MC CALEB: Basically, mine was for informa-
21 tion purposes on your question about closing the labor
22 camps. It is extremely rare for a regulator, inspector
23 to close a labor camp because he is not permitted to do so
24 under the law unless it is a situation of immediate danger
25 to health and life.

1 What happens as far as closing camps, you do not
2 get an opportunity to, under a Wage and Hour inspection,
3 to correct a defect. If it is existant at the time of the
4 inspection, you are fined. What frequently does happen
5 if there is a county health inspection or prior to occupancy,
6 which is in part advisory, you find a situation where it
7 is going to cost X number of dollars to bring your camp up
8 to standards or something like this, you can't afford it,
9 then you close your camp. Those are the situations in
10 which camps are closed.

11 MR. WILCOX: Thank you very, very much. We
12 really should stop this. Poor Mr. Fisher, who is the
13 Assistant Superintendent of Schools of Accomac County,
14 Virginia, has probably thought he would talk about 4:30 this
15 afternoon and I would love to hear what he has to say. I
16 am sorry.

17 MR. FISHER: I will talk very briefly, I don't
18 think controversial.

19 We have had a migrant education program here in
20 Accomac, which Mr. Boyd alluded to, since 1967, and this
21 year the figures are that we serve kids 3 through about 13
22 in the day program, we have 187, and in the evening we
23 serve people in their late teens and early twenties, we have
24 132, and on Saturdays we serve 87, and in the camps them-
25 selves we have a customized school bus that takes

1 handicrafts and films and so forth to work with migrant kids
2 in the larger camps now, and we have about 225, for a total
3 of 629 children that we serve. About a 15 percent increase
4 over previous years, largely because of the influx of
5 Haitians. They are the most highly motivated learners we
6 have ever had because they are desperate to learn English
7 and therefore they are coming in some numbers into the
8 evening program to learn English.

9 I should tell you that we got a grant of about
10 \$280,000, all federal money, and I have very little
11 expectation that either the state or the local governments
12 would pick this up in the event that the federal government
13 stops providing the money. And I know of no migrant educa-
14 tor who is in favor of block grants.

15 MR. WILCOX: Thank you very much, Mr. Fisher.
16 Are there any questions for Mr. Fisher on the Committee?
17 Are there any questions in the audience? Yes, Mr. McCaleb?

18 MR. MC CALEB: Just an observation for your
19 benefit. The Commission study of all segments involving
20 migrants, it was the decision or the conclusion of that
21 Migrant/Seasonal Farmworkers Commission that education is
22 probably the best handle of all programs that affect
23 migrants in any way.

24 MR. WILCOX: Thank you very much, Mr. McCaleb.
25 Any other questions? Yes, Boyd?

1 MR. BOYD: I have a question. Do you feel like
2 the programs are adequately funded, adequately staffed to
3 really make an impact on the extent of the problem?

4 MR. FISHER: I can speak only as a representative
5 of somebody in a so-called receiving state. The home based
6 states are basically California, Texas and Florida. I
7 can't speak for them.

8 But from the standpoint of Virginia, and the
9 Carolinas, and Maryland, and so forth, they are adequately
10 funded. And all we do is provide a bridge. Their education
11 is disrupted. They usually leave their home base state in
12 April and get back in November, and the receiving states,
13 summer states if you will, provide a bridge for that child's
14 education. I think we are doing an adequate job with the
15 time we have him.

16 MS. BAXT: Are migrant children covered by
17 Compulsory Education Act, mandatory attendance?

18 MR. FISHER: I can't answer that. I assume they
19 would be in their home states.

20 MS. BAXT: Not here?

21 MR. FISHER: They obviously wouldn't be in the
22 summer because no kid is required to go to summer school.

23 MR. PARSONS: Mr. Fisher, do you have any
24 statistics to account for how many children has gained a
25 college education that are migrant since the main stream

1 started to flow through here?

2 MR. FISHER: No, it is still very, very small,
3 but it is increasing.

4 MR. PARSONS: How many Ph.D.'s would you say?

5 MR. FISHER: There are some. I've heard some
6 speak, but, there again, it is miniscule the number of
7 Ph.D.'s who come from the migrant camps.

8 MR. WILCOX: Okay, one more question, Boyd.

9 MR. BOYD: You made the statement that you don't
10 know of any migrant educator that would be supportive of
11 block grants. Could you give us reasons why you feel
12 that way?

13 MR. FISHER: I think that you want, you know,
14 if-it-ain't-broke-don't-fix-it kind of thing, and I think
15 migrant educators and the man in charge of the state
16 migrant education program is in the back, Mr. Irby, and he
17 probably would like to address that. In fact, I think
18 I'll let him do it right now if he would.

19 MR. WILCOX: Well, no, not just yet.

20 MR. FISHER: He can't do it? I can't yield the
21 floor so I would say that we feel that we are adequately
22 funded now and we thank Mr. McCaleb for that observation
23 which I think is rather universally held that we are doing
24 a good job and therefore we want to leave it alone. We
25 are pretty sure of our present funding and we want to leave

1 it alone.

2 MR. WILCOX: All right, thank you. We have a
3 decision to make as a committee. It is now 5:31. We
4 were supposed to be completely through by 5:00 o'clock. We
5 have five more speakers. Now we have a decision to make
6 as a group. Do you want to have a short break? We haven't
7 had one in two hours. Do you want to have a break and
8 then continue on, or do you want to go out and eat and
9 come back, or what do you want to do?

10 You want to go on through? Is it the consensus
11 that we should take a break right now, we are at a breaking
12 point. The next topic is to explore the concerns for
13 the eligibility of migrant and seasonal farmworkers under
14 the nine federal block grants and the current level of
15 services being provided for these workers, we want to have
16 all this testimony, all this information, but I really
17 think we need a break. I am exhausted sitting here. A
18 kidney break. It is now 5:31. How about coming back in
19 here about quarter to 6:00.

20 (Whereupon, a brief recess was taken.)

21 MR. WILCOX: If I may have your attention, I
22 really think we ought to get going. It is 5:46. Some of
23 you, I am sure, have plans for dinner. Some of us are
24 going to be here all night, so it doesn't make any
25 difference. But in fairness to those of you who thought

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1 we should leave at 5:00, I think we should move on.

2 The next topic, as I said earlier, in this
3 particular panel discussion, we as a group are going to
4 explore the concerns of the eligibility of migrant and
5 seasonal farmworkers, under the nine federal block grants,
6 some of which you see here, and the current level of
7 services being provided for these workers..

8 So I would like to introduce right now Mr.
9 George H. Irby, Sr., Supervisor of Migrant Education, says
10 Chapter 1, Virginia State Department of Education. So if
11 Mr. Irby is here, would you please speak. And thank you
12 for being so patient as to wait so long.

13 MR. IRBY: That is perfectly okay. I am George
14 Irby, Supervisor of Migrant Education for the State
15 Department of Education. To begin with, I would like to
16 just reemphasize again perhaps some of the points that Mr.
17 Fisher brought up in reference to migrant education.

18 We feel very good about some of the progress that
19 we are making in migrant education. Migrant students do
20 not belong to any one state. They belong to the nation.
21 And that is the attitude and the philosophy that we have
22 at the State Department in Virginia reference educating
23 migrant students.

24 Travel with me, if you will. The majority of our
25 migrant students that we serve in the Commonwealth come

1 from the State of Florida. And as Mr. Fisher mentioned,
2 Florida is a home base state. Virginia is a receiving
3 state. From that little bitty school division in Florida,
4 we have the vehicle to track a particular migrant student
5 from Putnam County, Florida as he moves northward, through
6 Georgia, through South Carolina, through North Carolina,
7 and into the Commonwealth of Virginia.

8 We are able to get that child's educational
9 record and/or health record within 24 to 48 hours, to get
10 those skills to our teachers here in the state as to the
11 last skills that child was working on.

12 I must at this point disagree with Mr. Boyd as
13 far as what education is doing for migrant students here
14 in the state. Again, we are able to track any migrant
15 student that has enrolled in the migrant education program
16 in 49 states and Puerto Rico. In 49 states and Puerto Rico,
17 there is an individual, my counterpart, in each one of those
18 localities that have the same purpose that I have serving
19 here in Virginia, and that is specifically coming up with
20 programs to educate migrant students.

21 Our programs primarily service students from
22 birth up to age 21. We currently are predominately though
23 serving students from ages 4 up to age 21.

24 Again, some of the other things that we get
25 involved in as far as progress is concerned: not only are

1 we able to track a student by the record and tracking
2 system, we are also able now to transfer credits for gradua-
3 tion from state to state. This has taken a long and diffi-
4 cult effort, of course, and much coordination, as you can
5 imagine, being that competencies, regulations are different
6 from state to state. But we are able now to coordinate it
7 so that a child going to school during the winter in
8 Florida may be able to receive a degree here in Virginia,
9 or Oregon, or Rhode Island, or California.

10 We would like for migrant education funding to
11 stay categorical. We feel that this will keep the national
12 scope of the program in tact. However, in Virginia, we
13 feel that if we were in the block grant, placed in the
14 block grant, that we would receive a fair share of funds
15 to operate our programs.

16 But I speak nationally because our program is
17 national in scope, and that would be the one recommendation
18 that I would have for the Committee, is that funding for
19 migrant education stay categorical on the federal level.

20 MR. WILCOX: Thank you very much, Mr. Irby.
21 Does the Committee have any questions? Calvin, yes?

22 MR. MILLER: He mentioned that you can track all
23 of the students that are registered in the migrant educa-
24 tion program. Are there students who are migrants who are
25 not registered?

1 MR. IRBY: I'm sorry, I didn't catch the last part
2 of your question.

3 MR. MILLER: You say you can track all of those
4 who are in the migrant education program, are you implying
5 that there are some outside of registration?

6 MR. IRBY: There may very well be; however, our
7 program emphasizes identifying and recruiting migrant
8 students. We have specific individuals designated to do
9 that within our program. Once migrant students enter the
10 State of Virginia in a locality, in a local division, we
11 do have persons at each locality to identify and recruit
12 migrant students into the program. So I would say there
13 may be some, but there are very few.

14 MS. PLA: Do you provide for Spanish-speaking
15 students or workers?

16 MR. IRBY: Yes, ma'am, as a matter of fact, our
17 program is designed and is flexible enough to serve any
18 student regardless to race, language barrier problem.
19 That is why we are here and that's what we are all about.
20 So we do, in our program, provide for Spanish-speaking
21 students or any other language.

22 MR. WILCOX: Do you have any other questions,
23 Committee? Please tell us who you are and speak into
24 the mic.

25 MS. RUDUCHA: Okay, I'm Virginia Ruducha. I

1 work for the Migrant Health Program here in Virginia. One
2 question I have relates to the adequacy of the information
3 system that you have established. I know an additional
4 component to the educational part that is that system is
5 the immunization information that we are able to get as a
6 health project, which is also a part of that system. But
7 I know what we have recognized is that many centers up and
8 down the streams do not regularly put in additional informa-
9 tion. So a lot of that information in that system is not
10 updated and therefore it is very difficult to get immediate
11 information on that student's progress or their immuniza-
12 tions or anything like that because it is not regularly
13 maintained because local centers may feel overburdened
14 or that may not be a priority in terms of the time limita-
15 tions that they have. So I just wanted you to comment
16 on your impression of the information that exists.

17 MR. IRBY: Okay, my comment is that we have
18 recognized from time to time a lag of information being
19 placed on. However, a great deal of emphasis is placed
20 on adequately and promptly putting the information on the
21 records.

22 The state directors of migrant education, the
23 gentlemen who are my counterparts in each state, have taken
24 that as a priority to make sure that under their level of
25 responsibility that this is being done. However, there are

1 some other agencies that feed information in that the state
2 director does not have direct supervision over, and this
3 is where we have found a part of the problem as far as
4 getting the information on promptly.

5 MS. RUDUCHA: Does your active recruiting begin
6 in June, or would that begin when the migrants arrive?
7 Because this year we've had quite a number of migrant
8 families that have arrived in Virginia in February and
9 March and there was no active outreach out to the migrant
10 camps to recruit students into the various programs.

11 MR. IRBY: We can only -- the local educational
12 agencies or local school districts have to apply to the
13 state as a subgrantee. They have a project start-up time
14 and this is usually when the recruiters are hired under
15 contract. However, during any time of the year, whether
16 it is the regular school year or summer school, if the
17 local division is contacted and they offer a migrant
18 program, then the child will be served. There is no
19 question.

20 MS. RUDUCHA: But there is no outreach at that
21 point?

22 MR. IRBY: Here again, let me state that we can
23 only hire during a contract time and when the local appli-
24 cation is valid. In other words, there is a summer
25 program that starts here on the Eastern Shore in June.

1 That's when the majority of the migrants are received and
2 the local division applied for the funds during that time.
3 So that is when the people are hired.

4 So I guess in answer to your question, that's
5 correct, but that is the best that we can do as far as
6 hiring people specifically for that purpose, as far as
7 going out to each camp.

8 MR. WILCOX: Thank you very much, Mr. Irby.
9 Again, thank you for your patience in waiting so long.
10 Our next speaker will be Marion Anderson, Human Resource
11 Specialist in the Virginia Farm Bureau, and I want to thank
12 you for waiting so long.

13 MS. ANDERSON: Thank you. Someone mentioned
14 that we were all players in this complex game, I guess I'm
15 one, too, because I represent the growers. Mr. Chairman,
16 it is nice to be here. My name is Marion Anderson and
17 I represent the Virginia Farm Bureau, which I should
18 explain is a volunteer organization of farmers across
19 the state with membership in 92 counties and we represent
20 over 35,000 farm families. We are not a state agency, our
21 members pay dues, and the main purpose of the organization
22 is service to its members mainly working for legislation
23 that is beneficial to the farmer.

24 Our current Farm Bureau policy for this year
25 reads, and I quote, "The American Farm Bureau and the

1 Virginia Farm Bureau support the decentralization of power
2 and responsibility in the federal government and believe
3 that public functions should be performed by the qualified
4 unit of government closest to the people. Based upon this
5 policy, the Farm Bureau supports the basic principles of
6 the new federalism and the block grant system."

7 As you know, the present relationship between the
8 federal and the state and the local government has empha-
9 sized the centralized role of the federal government and
10 although the federal government provides categorical grants
11 as well as block grants to state governments; it also
12 requires compliance with federal regulations that accompany
13 this federal funding.

14 In other words, Washington has been telling
15 Virginians how Virginians may spend their money. We must
16 face the fact that Congress became hooked on entitling
17 almost every constituency with some type of government hand-
18 out.

19 In his 1982 State of the Union message, President
20 Reagan presented his plan to develop a new relationship
21 between the federal, state, and local governments. I am
22 sure you are aware of that. The ideology behind the new
23 federalism is one of returning power and authority to the
24 states. Replacing funding grants to the states with block
25 grants is the key component in this program.

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1 We believe that the states are able to make
2 this important, although it is going to be difficult,
3 decision for all within the various agencies as how block
4 grants shall best be spent. The block grant system will
5 allow for more diversity and flexibility and eventually
6 some savings for the government as duplication of services
7 we feel will be eliminated.

8 The Farm Bureau is naturally concerned with
9 the future of agriculture in this country. American
10 agriculture is the Indy of most nations of the world.
11 We continue to produce high quality food and fiber. Nowhere
12 else on earth can consumers buy food for a smaller propor-
13 tion of the income than they can in this country.

14 Agriculture production is a highly competitive
15 enterprise with the producers, but unlike other business,
16 having little power or influence in the pricing of marketing
17 of what they sell -- now, this has not been mentined
18 heretcfore this afternoon. I don't think the farmer is to
19 be condemned for wanting to make a profit. I don't believe
20 any of the rest of us here in this room work for our
21 expenses or for no compensation at all. Most farmers are
22 keenly aware of the problems of the migrant workforce and
23 probably can say these problems better than anyone else.

24 I gew up on a farm, I still live on a farm, and
25 I do some unpleasant work myself with what I raise, a

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1 different type of farming, I raise sheep, but I know the
2 problems of farmers and I am still attached to it.

3 We know that the concerns of many of these
4 people in this hearing is of equal protection of the laws
5 for certain persons who may spend part of each year in
6 Virginia.

7 I think a problem, too, here is of the definition
8 of a migrant. We have heard this before this evening.
9 I think it was mentioned earlier that a number one problem
10 is poverty with the migrants, and I think that could be
11 coupled with a lack of motivation. I don't believe that a
12 migrant is forced to be a migrant.

13 It should be noted for the record that there is
14 machinery in place for the protection of these persons
15 who wish to remain in the migrant field. For example,
16 the migrant camps have been pointed out as being bad in
17 this part of the state. I think it is a dismal situation.
18 It is unfortunate that thousands of taxpayers' dollars
19 have been poured into it and there seems to be no improve-
20 ment, although the federal Occupational Safety and Health
21 Act and the state OSHA regulations are in place to regulate
22 them. The Virginia Health Department is required to keep
23 records of immunization shots of all persons, I have been
24 told.

25 Mr. Irby has pointed out that education funding

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1 for migrant children has been coming to Virginia through
2 Title I funds distributed in the 10 school districts
3 throughout the state involved with migrant education.
4 It is our belief that the State Department of Education
5 in its wisdom will continue to adequately fund this program.

6 A lot has been mentioned about the farm labor
7 contractor here this afternoon. I know that you are aware
8 that crew leaders through the complicated FLCRA legislation
9 are required to keep accurate records of workers' wages,
10 FICA deductions, length of employment, workers compensa-
11 tion, and so forth. There are employment standards
12 administration Wage and Hour Compliance Office monitoring
13 these activities on the Shore as has been pointed out.

14 Crew leaders will tell you that many workers do
15 not wish to have their wages verified if they are undocu-
16 mented aliens, and that crews change overnight sometimes.
17 They are free, I think, to come and go.

18 If I can mention that it was pointed out that
19 migrant camps are often far from town, and I would like to
20 point out that it would seem unlikely that a grower would
21 place a migrant camp away from his center of operation. I
22 don't think that is unusual.

23 In conclusion, we feel that the needs of migrants
24 will continue to be met and persons administering these
25 funds will be more sensitive than government persons who

1 are more removed from the situation. We feel that the
2 block funds and programs will be better tailored to the
3 needs of the people who are closer to the situation. The
4 block grant program will work; however, it will take much
5 hard work and much optimism and not an attitude that it
6 can't possibly work. Thank you.

7 MR. WILCOX: Thank you, Marion. Do the committee
8 members have a question?

9 MR. MILLER: I have one.

10 MR. WILCOX: Yes, Calvin.

11 MR. MILLER: She mentioned the fact that these
12 people were poor, so I'm going to mention poverty, but you
13 add not only is it the matter that they are poor but they
14 are not motivated and no one told them they could come and
15 work. As representing the growers, would you be satisfied
16 if they were to lose all motivation and disappear and there
17 would be no migrant workers? Do you have a substitute?

18 MS. ANDERSON: I don't have a substitute, but
19 I think that the number of migrants have decreased on the
20 Shore and other areas and farmers have gone to raising
21 crops that can be harvested.

22 VOICE: Can't hear you. I'm sorry but I can't
23 hear you.

24 MS. ANDERSON: Growers have had to change the type
25 of farming operation and go to crops that can be harvested

1 mechanically.

2 MR. WILCOX: Are there any other questions?

3 MR. BROWN: Yes.

4 MR. WILCOX: Yes, Ed?

5 MR. BROWN: OSHA, I thought you mentioned OSHA.

6 It is my information that because of federal cutbacks for
7 that program that OSHA in most industries is sorely inade-
8 quate because of shortage of funds and personnel. I happen
9 to know that on the waterfront there has been a gross cut-
10 back in the coverage, and you have mentioned that OSHA was
11 one of the agencies that was looking after the safety condi-
12 tions. Do you feel that under today's austerity program
13 by the federal government that OSHA now is capable to
14 deliver adequate service to the farmworkers?

15 MS. ANDERSON: I don't know whether I can answer
16 that adequately. Probably from the standpoint of the
17 migrant, maybe not, I don't know. I don't know how much
18 machinery is involved with migrants if they do actual
19 handpicking.

20 MR. WILCOX: Does the Committee have any other
21 questions? Yes, Robert?

22 MR. OWENS: Ms. Anderson, I'm glad that you were
23 able to come and share some time with us so that we can have
24 some balance inasmuch as you represent the growers, but I
25 am curious, you have indicated that you do agree that the

1 problems on the Virginia Eastern Shore are somewhat despic-
2 able with regard to the migrant situation and you have also
3 stated that the farmers know more about the problems
4 probably than a lot of the people who are involved.

5 Now, with OSHA and the Education Department and
6 the Health Department all doing their part, as you have
7 indicated, what reason can you give as a representative of
8 the farmers as to why the conditions remain so despicable
9 here in Virginia's Eastern Shore?

10 MS. ANDERSON: I think you know that farmers --
11 their margin of profit is very slim and if you travel up
12 and down the Shore, I understand that some potato farmers
13 are at this point not getting their crops dug maybe because
14 they feel that it is not worth digging for the price they
15 will get. Where \$14 a hundred pounds, I think it has
16 dropped to \$4.

17 MR. WILCOX: Are there any other questions?
18 Marion, we appreciate your time and your concern and your
19 patience. Thank you very much.

20 Our next speaker, if she is still here, I think
21 she is, is Dr. Belle DeCormis Fears, M.D., Agency Director
22 and Program Director for Eastern Shore Health District.
23 If you are still willing, would you please tell us what you
24 wish today.

25 DR. FEARS: Yes, sir, I'm willing. How able,

1 I don't know.

2 I would like to backtrack a little, although we
3 are addressing eligiblity and current services. I have one
4 thing to say about needs and problems and to go back to
5 housing. I think most of us agree that housing leaves a
6 lot to be desired. I must say something in defense of
7 the migrant camp inspectors who are not farmers and, as far
8 as I know, they don't have any ciose relatives that are
9 farmers. They are doing the job. They can only do what
10 the state rules and regs say, which are minimum standards
11 for camps, and you understand these are called camps.

12 I was surprised that gentleman didn't have hot
13 running water because I know he is supposed to have, and
14 that is why I asked what camp he was in.

15 I think that you on the panel should be aware of
16 the definition not of a migrant, which has been addressed
17 several times, but of a migrant camp. A migrant camp houses
18 10 or more people, one of which is a migrant. So any
19 house, or shack, or whatever occupied by 5, 6, 7, 8, 9
20 people is not by definition a migrant camp and we cannot
21 regulate it. We cannot regulate any private housing. Some
22 people do live in private housing. I am familiar with some
23 in the Cape Charles area and that is not A-1 housing either.

24 So there is certainly a problem, and it is even
25 a problem in enforcing minimum standards which this state

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1 has in its rules and regs.

2 The about the biweekly inspection. Naturally,
3 an inspector can go through a camp today and all the
4 garbage has been picked up and the water is hot and by
5 tomorrow the gas can run out and the garbage can pile up
6 and he is not back for two weeks. So I would think that
7 you really have to have daily inspections to keep up sani-
8 tation and to maintain the migrant camps in topmost condi-
9 tion.

10 I will have to say something on behalf of Mrs.
11 Rice, who was a migrant worker and she and her husband
12 worked themselves up into becoming crew leaders. If I were
13 a migrant, I would rather work for Mrs. Rice and her
14 husband than anybody I know in that she does realize what
15 migrants go through having been one, and I think she can
16 very well serve as a migrant advocate. In fact, when I
17 had the -- or the State Health Department had the federal
18 program for primary care for migrants, we had an advisory
19 committee, and migrant crew leaders were the most outspoken
20 as to the health needs of the migrants. There were many
21 that were migrant advocates, many not. I think we know that
22 Mrs. Rice is not indeed rich, she is still struggling, and
23 I think had she exploited her people that she might have
24 been a little more wealthy. I don't notice she rides in
25 a cadillac or any of those things that some crew leaders

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1 do. So it just goes that there are some crew leaders that
2 exploit and some crew leaders that I have found are very
3 sympathetic and very understanding of the crew that they
4 work with.

5 Mrs. Rice says she has bathrooms in her camp and
6 she keeps them unstopped and insists that her crew keep
7 them in fairly good condition. I know that's a job. But
8 I think Mrs. Rice is gone -- oh, no, there she is, there
9 she is. But I do think that at times crew leaders can
10 speak for their people and they have.

11 In fact, on our advisory committees the workers
12 themselves have very seldom been outspoken.

13 Now we will move on to eligibility and current
14 services where we are supposed to be. I think I took care
15 of eligilbity in my other statements in that migrants
16 are eligibile for anything that anybody else is eligible in
17 the Health Department and they will be covered under MCH
18 block grant and some under the preventive health services
19 block grant.

20 I am concerned with migrant primary care and at
21 the risk of overlapping Ms. Ruducha in her federally
22 funded project, I believe that due to the special needs
23 of migrants which the seasonal farmworkers do not have,
24 the seasonal farmworkers are in a medical system year-round
25 and, good, bad, or indifferent, they fit in the medical

1 system in their community and they are part of the community
2 and it is easier for them, they know what services are
3 available, where they can get them, how they can them.
4 Migrants are not familiar with the services in their com-
5 munity. They are in so many different communities that it
6 is confusing. One community does it this way, one does
7 it another way, and they are changing so that I believe
8 that migrants will -- it is my belief that migrants
9 will need a categorical grant to meet their special needs
10 because of their migrancy. They will need outreach.

11 You could put in a beautiful clinic for migrant
12 farm laborers right out here and open it up every night
13 during the week and very few would attend. You could
14 advertise in the papers, you could advertise on the radio,
15 but unless you do outreach and one-to-one work and visit
16 in the camps and help these people make appointments and
17 even transport them to the clinic, you will not meet their
18 needs. Isn't that the way you fee? They will always
19 need special consideration because of the nature of their
20 work which takes them from one community to the other.

21 I don't think it will be addressed in the primary
22 care block grant. As I say, I am not concerned about
23 their taking advantage of Health Department clinics,
24 which I think they would not really unless they were out-
25 reach and from a special project that would acquaint them

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1 with public health clinics and preventive medicine clinics.

2 The primary care block grant, as I read it, is
3 concerned on the Eastern Shore with a rural health initia-
4 tive. The rural health initiative has set up three
5 practices and as the initial intent of the rural health
6 initiative was to encourage physicians to come to this
7 medically underserved area and set up practice. They
8 have been successful in two areas. There is one still run
9 by the rural health system, Eastern Shore Rural Health,
10 but if the -- and, of course, they have to be a self-
11 supporting kind of process and they do have to charge.
12 I just think that migrants have special needs that have to
13 be addressed.

14 I believe that is all, but I would like to reserve
15 the right to say something later on because I know I'll
16 think of something.

17 MR. WILCOX: You always have that right.

18 Doctor, I want to thank you very much. I have just one
19 question. All day long we have been talking about inspec-
20 tion of camps.

21 DR. FEARS: Right.

22 MR. WILCOX: And you are the first one who has
23 said let's do it everyday, and maybe you're right, I'm
24 not arguing the point. Do you have any idea at all what
25 that would cost?

1 DR. FEARS: Oh, it would cost.

2 MR. WILCOX: What are we talking about, \$100 mil-
3 lion a year, or 50, or 10?

4 DR. FEARS: At one time when we were federally
5 funded we did inspect every week and that was better than
6 every other week. But, of course, funds are limited and
7 you have to set up your priorities and do the best you can
8 with what you have. We inspect -- I think the law states
9 that they shall be inspected before occupancy, so you
10 inspect them, and they must have a permit. Whoever runs
11 your -- whoever houses these laborers must have a permit
12 issued by the Health Department saying that the dwelling
13 meets certain minimum standards, and they are minimum and
14 it is a camp. And then as often thereafter as necessary.
15 Well, perhaps we are not doing as often as necessary. It
16 might be twice a day that's necessary but we are doing it
17 every other week.

18 MR. WILCOX: There is a committee question.

19 Selma.

20 MS. BAXT: Dr. Fears, I'm very concerned about
21 this child who died a few weeks ago --

22 DR. FEARS: That was in Maryland.

23 MS. BAXT: I know it was in Maryland but it isn't
24 that far from here, and in Sunday's paper, I believe, there
25 was a follow-up article to the effect that there is an

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1 influenza epidemic in that area. Has that -- among child-
2 ren, small children -- has that hit the Virginia camps and
3 if so, what is being done about it? Are you concerned
4 about it coming down? I should think that these people
5 do intermingle.

6 DR. FEARS: We do have some diarrhea in the day-
7 care center. The only identified pathogen that we've found
8 is something we don't usually find, it is a parasite. It's
9 a parasite rather than salmonella or something like that.
10 Salmonella or Hugella (phonetic). The other children must
11 have a viral infection because no organisms come back on
12 it, just the two as a parasite. So we do -- but you have
13 diarrhea among children, all young children, and especially
14 in migrants during the summer. One has been in the
15 hospital -- how many, do you know? I know of one that was
16 in the hospital. More than one then has been in the
17 hospital.

18 MS. BAXT: Do we have to wait until children die
19 in order to try to do something about bettering their care
20 and their conditions? I mean, I knew things were bad but
21 when I saw the article and the pictures of the parents,
22 and so forth, it really upset me very much, especially
23 knowing I was coming out here today.

24 DR. FEARS: It concerns me. Migrant children
25 have died of diarrhea in this area, but not recently that

1 I know of, not in the last few years.

2 MS. BAXT: What can we do about it? Do you have
3 any recommendations to make to us that we can pass along
4 in our report? What can be done about --

5 DR. FEARS: That's why I think that the migrants
6 should have special outreach to acquaint young mothers and
7 these pregnant women with the services available, and they
8 are available in the Health Department, the preventative
9 services, and your MCH things, we have immunizations, we
10 have prenatal clinics.

11 We said something about what the migrants are
12 eligible for in the Health Department, and this goes on the
13 year round, they are eligible for immunizations, prenatal
14 care, well-baby checkups, a WIC program which is very, very
15 important. That is a federal program under the Department
16 of Labor, and that is very important in that if it is just
17 a baby is just like a machine, you put your best products
18 into it and you get a better machine out, and if you feed
19 the pregnant mother, you get a better baby.

20 We get special funds to have outreach. We have
21 a nutritionist-outreach worker in the migrant camps to
22 acquaint migrants with this WIC program and, of course, it
23 is for pregnant and lactating mothers, infants up to the
24 first year, and children to the fifth year who are
25 financially and nutritionally eligible. And we consider

1 just about all migrants financially and nutritionally
2 eligible.

3 I think if you get a healthier baby to be born,
4 then he is more resistant to all the diseases that come by
5 everybody. There are some excellent daycare centers run
6 by the Virginia Council of Churches with Head Start funds.
7 We are working with the diarrhea in the daycare centers.
8 You have to realize that in an ordinary daycare center
9 your child comes to the daycare center and if he is sick,
10 he is isolated and you take him home and you keep him home
11 until he gets well then you take him back. Not so in the
12 migrant daycare center. You have to receive him the next
13 day, sick or well, because he just doesn't have any other
14 place to go. So it does pose a problem and we address
15 the problem the best we can, and children do get sick and
16 go to the hospital and of course -- do you have any
17 funding this year for the hospital? Have a little?

18 MR. WILCOX: Dr. Fears, Ms. Ruducha is on next.
19 Why don't we just let her do her thing.

20 DR. FEARS: Oh, yes, let her do her thing. See,
21 I did her thing for 14 years.

22 MR. WILCOX: I'm sorry, doctor, Robert has a
23 question. Excuse me.

24 MR. OWENS: Dr. Fears, going back to your recom-
25 mendation for the daily inspections of the camps --

1 DR. FEARS: I didn't say I really recommend, but
2 we might.

3 MR. OWENS: Let's say more frequent than biweekly.
4 But at any rate, following that up just a little bit, not-
5 withstanding the current requirements of the law, speaking
6 from your experience --

7 DR. FEARS: As often as necessary, who knows?

8 MR. OWENS: All right, that's what I want to get
9 to. From your experience, do you feel that there are cir-
10 cumstances in the migrant camps that would necessitate
11 greater than the biweekly inspections and do those circum-
12 stances constitute, in your opinion, a danger to the
13 immediate community?

14 DR. FEARS: I don't think it really poses a
15 public health epidemic threat, you know. I know from
16 the testimony of our lady who is an anthropologist, it is
17 not real nice to have to smell garbage, but smelling
18 garbage doesn't make you sick unless it has something
19 pathological in it and the flies get on it, so it is always
20 a potential hazard. But as an actual hazard, I don't know.
21 You know, it is best to have your garbage picked up every
22 day. Mine is picked up twice a week and if 40 laborers
23 made twenty times as much garbage as my husband and I,
24 they'd have to have twenty receptacles to put it in and I
25 just don't -- they probably don't have enough and it runs

1 over.

2 MR. WILCOX: Okay, fine, thank you very much,
3 doctor.

4 MR. MILLER: You say smelling the stench doesn't
5 necessarily damage your health, but doesn't that compila-
6 tion, isn't that a basis for disease generation? The
7 compilation -- the stench is one thing.

8 MR. WILCOX: Does the compilation cause ultimate
9 sickness?

10 DR. FEARS: It doesn't give you a disease. It
11 is bad, I don't like it.

12 MR. WILCOX: A transmitted disease.

13 DR. FEARS: Same thing when somebody dumps
14 clam shells across the street from there, they will smell
15 and they will draw flies and the only thing you can get --
16 but it will not cause an epidemic of anything; therefore,
17 the only thing -- I can't make a farmer, if he allowed
18 somebody to dump them across here and made all the children
19 say they're sick from smelling it, I can't make him do that
20 as a health hazard. But as a public nuisance, then some
21 of the people around can force him to cover them up or some-
22 thing like that. But it is a public nuisance, and an odor
23 is a nuisance, not a health hazard.

24 The same way with our chicken processing plants,
25 they don't smell very good sometimes.

1 MR. MILLER: But the garbage that stands for
2 two weeks or two month period, doesn't that compilation --
3 that deterioration generate disease or a basis for it?
4 A fly comes by and it is a disease.

5 DR. FEARS: It doesn't generate typhoid fever
6 unless there's some typhoid germs in there.

7 MR. WILCOX: Rotting garbage does not --

8 DR. FEARS: But it attracts rats and rats carry
9 disease. It attracts flies and flies carry disease. We
10 worry more about flies getting on fesces and causing
11 disease than on garbage. So, you know, it is unpleasant,
12 I agree with you there, and it shouldn't be.

13 MR. WILCOX: Thank you, doctor. I would like to
14 introduce now Ms. Jenny Ruducha, Migrant Health Project,
15 Delmarva Rural Ministries from Exmore and advisor to Dr.
16 Fears. Isn't that right?

17 DR. FEARS: It happens that she and I work
18 together.

19 MR. WILCOX: I am sure you do.

20 DR. FEARS: And she knows more about one thing
21 in migrants and I know more about the other so I concede
22 to Jenny.

23 MS. RUDUCHA: Okay, thank you.

24 MR. WILCOX: Thank you very much, and thank you
25 for your patience.

1 MS. RUDUCHA: As was stated previously, our
2 project is federally funded. This year we have maintained
3 our categorical funding. Just pointing out the necessity
4 of maintaining migrant health at the national level, our
5 project operates in two other states, in Maryland and
6 in Delaware also. We are a private, non-profit organiza-
7 tion. Just from that experience alone we are able to trans-
8 fer a lot of information just amongst ourselves and better
9 be able to coordinate services for migrants who travel
10 along the Delmarva peninsula.

11 In terms of eligibility requirements, the Office
12 of Migrant Health states that migrants who are traveling
13 in the migrant stream for less than two years are migrants,
14 and if it is after a two year period that they have lived
15 in one particular area, then they are regarded as seasonal
16 farmworkers.

17 Our funds at the present time -- we do have funds
18 for migrant and seasonal workers, but we have four times
19 the amount of funds for migrants as for seasonal workers.
20 The reason for that is, as has been mentioned before,
21 migrants are a special population and they do not have
22 the access that seasonal farmworkers do to the local health
23 care, so we really do need to have something, another type
24 of a system in place to help migrant farmworkers out.

25 The way our project functions is that we have

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1 a clinic in Nassawadox and we hire mainly nurses and nurse
2 practitioners and outreach workers. Our outreach workers
3 go out to the camps and they register all the migrants on
4 the camps and in the houses that might be eligible for
5 services.

6 Sometimes we have haphazardly come across migrants
7 because a lot of them, because of the overcrowding in the
8 camps, have chosen or have had no other alternatives but
9 to live in local housing, and many times it is hard for us
10 to identify who migrants really are. Therefore, in terms
11 of making a recommendation for the future in terms of
12 migrant housing, I think there needs to be a structure, a
13 physical place where migrants can be housed so that they
14 can be better traced and better well taken care of versus
15 the local housing which isn't regulated, it is very hard
16 to find.

17 This year we have been seeing a lot more migrants
18 than usual. I am not really sure why that situation exists.
19 I think the economic situation in Florida was really bad
20 and a lot more migrants came up in this area, even though
21 a lot of them may not be working.

22 At the present time, some migrants may be working
23 one or two times per week and alternating between other
24 people on the camps that are working, and I think their
25 living conditions do contribute a lot to their health

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1 status. A lot of the families, a lot of the Mexicans come
2 with their families versus the blacks and the Haitians
3 traditionally have been coming alone or with a single
4 partner. So up on the Mexican camps [we may have a family
5 of 10 that may be living in one room and they have
6 mattresses on the floors that they put during the day so
7 they can walk through the area.

8 So I think like, for example, if the kid has
9 diarrhea and if he is in such crowded living conditions,
10 of course, there is a lot of potential for spread of that
11 diarrhea to other members of the family and then to
12 adjoining rooms. Some of the camps also don't have -- I
13 think this is only a few, they only have outdoor exits.
14 Like you have to go through a long narrow alleyway before
15 you are able to exit that migrant camp. So in those
16 situations, they don't even have access to the outdoors.
17 So I think their living conditions, their housing, really
18 does contribute a lot to their health status.

19 Sanitation, we have noticed, is a real big
20 problem and I am not really sure what the solution is.
21 I know that there aren't very much receptacles for
22 garbage out on the camps, so migrants have no other alterna-
23 tive, they just have to get rid of their garbage, and many
24 times it does pile up. There are a lot of flies around.
25 The camp conditions themselves, the roads may have a lot

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1 of like holes in them and stuff like that, so when it rains
2 it attracts a lot of flies and there is a lot of algae
3 and a lot of growth in those areas. Plus, on the Mexican
4 camps, with a lot of the children running around and
5 vehicles driving very fast, pulling in and out, we had an
6 incident a couple years ago where a kid was killed because
7 he was playing under a truck that just happened to pull
8 out. They have no place to play, they don't have any type
9 of a guarded area, any type of confined area so that they
10 can play.

11 The daycare I think is a really good thing.
12 In Accomac County they do have a daycare facility speci-
13 fically for migrants. In Northampton County they do not
14 have a facility. So a lot of the children are not in day-
15 care, they are out on the camps. That creates a very bad
16 health hazard in terms of safety and other factors that
17 exist. So we have been seeing a lot more sick kids this
18 year than we've had in other times of the year due to a lot
19 of these problems, I think.

20 Plus, the problem of refrigeration, of not
21 having -- some of the camps do have individual little
22 refrigerators in every room, but most of them have com-
23 munity eating facilities, so mothers may not have access
24 to store the children's medications in refrigerator or to
25 store their bottles. So they are staying out of the

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1 refrigerator and that poses a very big health risk to the
2 migrants.

3 I think that our project, in terms of providing
4 the primary health care services, we should definitely
5 continue to do that. I think our staff would need to
6 increase. I mean, we've always -- everyone always, I guess,
7 wants more funding to provide more service, and right now
8 I think we are just basically meeting the minimal needs,
9 survival needs of the migrants. We have clinics that
10 operate three evenings a week and we do see migrants at that
11 point. We do provide transportation although that has been
12 a real problem this year because we operate out of Nassa-
13 wadox and our whole service area is all the way up to the
14 Maryland County line and all the way down to the Bay Bridge
15 Tunnel, and we rent out our vehicles, our vans, and many
16 times they are very old and they break down. So it is just
17 extremely difficult trying to get people in because we do
18 not have our own van and we do not have funds to purchase
19 a van. So we have had to work out alternatives with
20 the crew leaders and just doing all sorts of things, going
21 out to the camps -- nurses make camp visits, too, and they
22 try to take care of as many problems out in the camp as
23 possible, but many of the people are just so sick that
24 do need to come in and see a doctor and need to have a
25 medical diagnosis and need to be treated.

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1 This year for the first time we have gotten some
2 federal funding to provide some hospitalization for migrants.
3 Before, migrants were hospitalized but their bills were not
4 being taken care of. And that has really created a lot
5 of problems at the local level, a lot of resentment by the
6 hospital and other people in the area because of this great
7 burden that migrants place. But one thing should be men-
8 tioned in terms of medical assistance. Migrants are not
9 eligible for medical assistance in the State of Virginia,
10 and that has been a really big problem. In other states,
11 there are special provisions for migrants because of their
12 transitory nature, but in the State of Virginia that has
13 never existed and that has contributed to the problem.

14 Migrants have limited access to hospitalization.
15 It is only the crisis situations that we can really
16 hospitalize migrants for because the other problems, what
17 we do, what we have been doing is just recommending to
18 migrants that they go back home and they seek their
19 hospitalization or they can get their medical assistance.

20 So I feel that is a limiting factor. So in
21 terms of one recommendation I would like to make is someone
22 at the federal and at the state level to work on getting
23 medical assistance for migrants in Virginia.

24 I think that in terms of the block grant program,
25 in every category I think that would affect migrant

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1 farmworkers there needs to be some type of a policy set to
2 identify migrants as a target population that need to be
3 serviced. And in the WIC program where the Health Depart-
4 ment hires someone extra during the summer to handle the
5 burden, the load of patients, I think maybe that is some-
6 thing that should be instituted in the other areas, in
7 the prenatal program and in the family planning.

8 For example, in the family planning clinics,
9 they operate during the day and most of our women work
10 during the day. So it is very difficult to convince some-
11 one to lose a day's pay to go to family planning clinic.
12 So I think special considerations need to be made in terms
13 of providing services for migrants, even within the
14 preventive service area in the Health Department.

15 I guess that's all I have to say at this point.

16 MR. WILCOX: Thank you very much, Ms. Ruducha.

17 Are there any questions from the panel? Yes, Calvin?

18 MR. MILLER: One is, you refer to Mexican
19 camps, are these camps ethnically isolated?

20 MS. RUDUCHA: In most cases, yes, there are very
21 distinct ethnic separations. The majority of our popula-
22 tion -- last year we registered 2,800 migrant farmworkers
23 on the Shore and about 51 percent were blacks, and mainly
24 black single males between the ages of like 25 and 35, and
25 the next biggest group was Mexican Americans who do travel

1 with their families and they comprised about 45 percent of
2 the population. And the Haitians, we had about 500-600
3 Haitians last year, this year -- no, about 300, excuse me,
4 and this year we have about 500 to 600 Haitians. The
5 Haitian camps and the black American camps sometimes are
6 mixed, but within the camps themselves you have the
7 black Americans in one area and the Haitians in another
8 area. I think they are just getting adjusted to each other
9 and learning about each other versus in the last couple of
10 years we've had some problems but we've seen those problems
11 diminishing as time goes on and people get adjusted to each
12 other.

13 MR. MILLER: My second question was since you are
14 giving outreach services to the migrant population, why
15 can't you organize your services to when they are available
16 rather than trying to do the reverse? Since they are a
17 special target group and they work in the day and they are
18 free in the evening, why can't your outreach service be
19 an evening service?

20 MS. RUDUCHA: We do. In terms of our project
21 itself, we do organize our services so that we do work in
22 the evening. Most of the time during the day, the nurses
23 are in the clinics and we see walk-ins. We have a lot of
24 walk-in patients during the day who are having problems
25 who just come into our clinic. Then the nurses and the

1 outreach workers go out in the evening and spend time with
2 migrant farmworkers and take care of their problems.

3 MR. MILLER: The only reason I asked that ques-
4 tion, I thought you made a point of saying that the women
5 who need prenatal care are in the fields working.

6 MS. RUDUCHA: That's not our project. We have
7 the primary health care, that's the Health Department.

8 DR. FEARS: The Health Department does not have
9 night clinics but the migrant project does.

10 MS. RUDUCHA: We only operate night clinics. Now
11 because of some family planning concerns, we started
12 operating a family planning clinic every other Sunday,
13 sometimes on a Sunday just operating all day and in the
14 evening, so we are very flexible. Because it is just
15 limited. I mean, if we have four nurses taking care of
16 2,500-3,000 farmworkers, they have to visit camps and if
17 we have clinic every night of the week, they just wouldn't
18 be able to do that. So we adjust ourselves to their
19 schedule.

20 MR. WILCOX: Are there any -- yes, yes, sir,
21 Mr. Pelletier.

22 MR. PELLETIER: You mentioned basically Mexican
23 camps, basically Haitian camps and so forth. Are these
24 separated by race by choice? And, if they are, would
25 you say that one is better off than the other?

1 MS. RUDUCHA: That's a difficult question to
2 answer. I think --

3 MR. PELLETIER: I mean, would you say, for
4 instance, in a camp that is primarily Mexican, are they
5 better off than, say, the camp down the road that might be
6 strictly black American or Haitian or whatever? I'm asking
7 this as a Civil Rights official, that's why. My ears
8 perked up when you mentioned that. Would you know at all?

9 MS. RUDUCHA: I think that system, in terms of
10 the migrant system and the way migrants are recruited into
11 it, usually the crew leaders that recruit the migrants, if
12 they are a Mexican crew leader, they are going to recruit
13 Mexican people, and if they are a black crew leader, they
14 have black people working for them in Florida.

15 MR. PELLETIER: But you think the camps would be
16 mixed nevertheless. If you have 500 people in one camp,
17 you might have 100 Haitians, you might have 200 blacks,
18 you might have 300 Mexicans. It just happened to be the
19 way it fell when they arrived there, for example. Or is
20 there some effort made to keep them separate because they
21 prefer it that way? Do you know?

22 I don't want to put you on the spot. I am just
23 curious to know whether there is some effort made to
24 separate them.

25 MS. RUDUCHA: I think there is some preselection

1 in terms of the migrants themselves, or the crew leaders,
2 or the farmers. I think probably all of them contribute
3 to this. In terms of which group of people are better off,
4 I think that there are distinct differences between the
5 reasons why each group is in the migrant stream. I think
6 the Haitians are in the migrant --

7 MR. PELLETIER: By better off, I mean are their
8 camps better off and some not? Whether they themselves
9 are better off financially or otherwise, but whether their
10 camps -- in other words, does the Mexican camp have better
11 toilet facilities than the black camp, or better than the
12 Haitian camp? Do you know?

13 MS. RUDUCHA: As a general rule, I mean, I have
14 no objective evidence to back this up, just my own personal
15 viewpoint, I think that --

16 MR. PELLETIER: I'm just curious.

17 MR. WILCOX: Thank you very much. Thank you
18 again, Ms. Ruducha and again thank you for your patience.
19 Mr. Kenneth Annis, the Assistant Rural Services Supervisor,
20 from the Virginia Employment Commission now on stage, sir.

21 MR. ANNIS: Okay, thank you. First, I would like
22 to kind of go over the services that we provide to migrant
23 and seasonal farmworkers. After that, I would like to make
24 a few general comments and clarifications on some things
25 I've heard today. So the first thing I would like to do

1 is just run down basically the services that we provide.

2 We are federally funded. We are state employees
3 but not state funded. All of our funds come from the federal
4 government. Recently, we received severe cuts, as a lot
5 of state agencies that were receiving federal funds through-
6 out the state have. We had to close something like 12 or
7 13 offices statewide. We are down to 17 now, I believe.
8 So we have been cut back. In the Exmore office, the staff
9 is now down to one farm placement supervisor and I am cur-
10 rently stationed there on a special program. So we have
11 received our cuts.

12 However, the Department of Labor is still holding
13 us to our goals. We must contact 51 percent of all migrant
14 and seasonal farmworkers in the area with this reduced staff.
15 So we are going to do our best.

16 Some of the things we do: we provide job refer-
17 ral, we obtain job orders from growers, we place workers.
18 Basically, we are a no-fee, I stress that, no-fee employ-
19 ment service. There are no charges involved. We provide
20 service to anyone: migrant, seasonal farmworker, local,
21 it doesn't make any difference. We provide equal services.

22 However, in the case of the migrant, we provide
23 some additional services. We provide testing, counselling,
24 job development. One of the major things we provide to the
25 migrant is we handle migrant and seasonal farmworker

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1 complaints. We take complaints in writing from all migrant
2 and seasonal farmworkers. They are investigated. If they
3 have not been referred to the Employment Commission, the
4 majority of them are referred to Wage and Hour, or the
5 appropriate enforcement agency. However, all migrants do
6 have an access to a complaint system.

7 We provide bilingual assistance. I think many
8 of you may know Mrs. Maude Frazer, she speaks Spanish,
9 Haitian. She is a very outstanding individual. She pro-
10 vides a lot outreach.

11 We provide assistance to crew leaders and
12 workers. We have provided I think something like 3,500
13 copies of "Terms and Conditions of Employment" this year
14 to crew leaders and workers. So most workers on the Shore
15 should know basically what they are doing and how much
16 they are supposed to get. The majority of the people
17 tell us they find those all over their tomato patches,
18 their potato fields, and on their potato graters. But
19 they've had it.

20 Something I would like to clarify. We do pro-
21 vide unemployment insurance. I don't know if Kevin is
22 here or not, but many workers in Virginia receive unemploy-
23 ment insurance. They have been receiving it for several
24 years.

25 A few years ago there was a disaster up and

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1 down the East Coast. Farmers were given disaster assistance.
2 Migrant and seasonal farmworkers were given disaster
3 unemployment assistance. They had never paid into this yet
4 they received it. I think that needs to be stressed.

5 There are many crew leaders right now that are
6 covered by unemployment compensation. A local crew leader
7 in Exmore last week paid over \$3,000 in back taxes. So
8 people are paying into it. The problem is it becomes very
9 difficult for a worker to obtain this. The reason being
10 workers are from Florida, from Texas, they've worked for
11 many different employers. There is a long lag time of
12 these funds getting into the system. The periods of time
13 that the workers are working the unemployment system is
14 like a lag time I think of nine months. The workers here
15 may not get at a time.

16 There's a lady in the audience now, a couple of
17 years ago -- the reason I refer to her -- some workers
18 drew \$1,500 to \$1,600 in back claims that had been filed
19 in Texas, so workers do get unemployment insurance. We
20 put that information out.

21 I think we need to clarify some things on this.
22 It gets me a little upset when I hear things that are not
23 exactly right because I think if we are going to serve
24 the migrant and seasonal farmworker, we need to get things
25 out that are correct and not slanted. Lay it like it is.

1 Not all crew leaders are bad, not all are good. Not all
2 growers and not all workers.

3 You keep reading our local paper, you hear some
4 bad things happening late at night. My daughter is a nurse
5 anesthetist at the local hospital. She gets some bad week-
6 ends sometimes. So people are not all good. I'm kind of
7 getting off a little bit now, I'll try to get back.

8 But we do provide a lot of services to workers,
9 and, again, it's a free service. My major job is providing
10 registration to crew leaders. Crew leaders leaving Florida,
11 coming up the East Coast, they are subject to federal
12 registration. In Virginia a few years ago, it was costing
13 workers and crew leaders over \$100,000 in assessments and
14 most of those assessments were made in these two counties.
15 I ask you: where do you think that money comes from when
16 Wage and Hour takes it from the crew leader? I don't
17 think I have to answer that. Just think about it.

18 The people we are talking about protecting are
19 the people that are paying it. Anything you take from
20 them, it comes from the worker, and eventually you are
21 going to pay for it when you buy the pound of potatoes
22 or tomatoes or whatever it might be. Almost every crew
23 leader that came to Virginia this year we had to amend
24 their cards. Due to cutbacks in Florida, people didn't
25 have the time to register them properly. They purchased

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1 insurance, they should have been authorized to transport
2 but due to some technicality they failed to get the right
3 cards. They came north. We have already corrected over
4 100. I am talking individual crew leaders and workers to
5 make them legal.

6 When I first received notice of attending this
7 meeting, I noticed on the back and it says we need to
8 devise some means of recordkeeping, compliance, social
9 security, and all that. These things are in place. There
10 are two teams of Wage and Hour on this Shore today con-
11 tacting crew leaders and workers, investigating.

12 The worker has some protections. It is a system
13 out there. It has problems, but it is doing a lot better
14 job than it used to be. There is more compliance in
15 these two counties than any other area other than Mt. Olive,
16 North Carolina. I think that is one of the highest in the
17 country. But these two counties, there are people investi-
18 gating crews. Wage and Hour has been here since June and
19 I think they have talked to -- Phil, you correct me, I
20 think there eight people have been on the Shore, so the
21 migrants are being protected.

22 We are talking about additional housing inspec-
23 tions. Wage and Hour is inspecting the housing. They are
24 citing crew leaders. If the camp is filthy, the crew leader
25 gets an assessment. These fines run from \$100 to \$1,000.

1 People on the Shore are paying a lot of money. A lot of
2 it might be technicalities, but they are paying it. We
3 don't agree with all the things they are writing them up
4 for, but they're doing it. So people are being protected.

5 I heard some people say about the locations of
6 the camps. I would like to just respond to that. Either
7 way you go on the Eastern Shore, I don't know how many of
8 you are familiar with it, but if you go four miles this way
9 and four miles that way, you are going to be in the creek.
10 So under no circumstances will you be more than four miles
11 from the highway. If you go to Roses on a Saturday after-
12 noon or a Sunday, it is the most ideal point for anyone
13 here to provide outreach. The buses that were there this
14 past weekend was astounding. Workers were all over. Stores
15 are having trouble because the people do not speak Haitian.
16 You may get in a checkout counter, and it is a problem, when
17 the people don't have enough, they don't understand. Maude
18 Frazier has been involved in translating and explaining to
19 the people what they must do. But people do have access
20 to stores. Not all people do, but a lot do, and I think
21 we need to recognize that and look at things the way they
22 really are.

23 I don't have the exact figures of migrants in these
24 two counties this year, but we try to beef it around. Our
25 definition is quite different. We talked about definitions.

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1 Kevin has a definition, BEC has a definition, School Board
2 has a definition. So we estimated this year there may be
3 4,000 migrants passing through this area. That is during
4 the season.

5 We hear that everything is so bad here. And a
6 lot is bad. But have any of us wondered why these people
7 come back here year in, year out when there is good
8 housing in Pennsylvania, when there is good housing in
9 Winchester, when there is good housing in southwest
10 Virginia? I'm looking for an answer because I don't quite
11 understand that. Something doesn't add up. :

12 MR. MILLER: Why doesn't the dog like his master?

13 MR. ANNIS: That's probably true.

14 CHAIRPERSON HARRIS: Let's not be naive. If you
15 have no other alternative to survive, you'll take a lot of
16 things. I'm sure you know the history of this country,
17 the history of sixteenth century slavery and eighteenth
18 century slavery, why did the slaves stay with the master?

19 MR. ANNIS: Okay, I expect a response -- what I
20 am saying though, and we touched on it, there is a lot
21 of work here, that people come here before they are forced
22 to. Not everything is right, but there are jobs here and
23 they come here because there is work. There is a lot of
24 unemployment this year, a lot of crews left Florida this
25 year because of the bad conditions down there, they left

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1 early. And it created a lot of problems.

2 The Migrant/Seasonal Farmworkers Association had
3 a lot of people in early. But the people come north. If
4 there is nothing to do, they have to come north.

5 One more thing. I know at the Governor's Commis-
6 sion we tried -- I'm not on that board, but I know a couple
7 of people here are on that board and a lot of people are
8 looking into a lot of problems regarding migrant/seasonal
9 farmworkers. Meetings very similar to this went on 10
10 years ago, maybe 15 years ago, and things have improved.
11 There is still room for a lot of improvement. You are an
12 advisory group there and you can only recommend, there is
13 only so much you can do. A lot of things are going to be
14 up to the individual worker. Something is going to have
15 to come from that person. Something is going to have to
16 come from all of us and get involved.

17 I think that is basically all I have except just
18 one more little thing. We are talking about block grants.
19 I don't really have any I guess opinion at this time. The
20 only thing I would like people to think about is the
21 duplication of services that everybody is overlapping now-
22 adays. How many people are providing job training,
23 counselling, job development? I think if each person did
24 what they were mandated to do, we could get a lot more
25 money for our dollar. That's about all I have now. I

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1 really thank you for the privilege of being here.

2 MR. WILCOX: Thank you for the opportunity to
3 listen to what you have to say. Are there questions?
4 Selma.

5 MS. BAXT: Perhaps I misunderstood you, but when
6 you were talking about unemployment compensation, I got the
7 impression that you said that workers don't get it because
8 they haven't paid into it. It was my understanding that
9 employers pay the unemployment compensation tax, not
10 employees.

11 MR. ANNIS: I'm sorry if I said that because
12 workers do not pay in it. New Jersey, I believe, is the
13 only state that does that. In this case --

14 MS. BAXT: I know that that's a common impression.

15 MR. ANNIS: -- when I mentioned disaster unemploy-
16 ment, no employers have paid in on that, that was a special
17 type of funding so that the migrant workers could be
18 eligible for this.

19 MS. BAXT: But it is a general -- a rule that
20 employers are the ones who pay into it, not employees.

21 MR. ANNIS: Right, not employees, I'm sorry.

22 MR. WILCOX: Any other questions? Yes?

23 MR. BOYD: I have a couple of questions.

24 MR. WILCOX: Could you come up here and chitchat
25 into the microphone, please.

1 MR. BOYD: I agree with you, Kenny, that factual
2 information should be used. When I made the statement
3 about workers not getting unemployment insurance, that was
4 based on the information that we get from the workers that
5 we have enrolled. They don't get it. And it is exactly
6 what you said it was, that the system when people apply
7 for it up here, the system is so cumbersome and so detailed
8 that by the time there is any information that gets back
9 that says they are eligible, they are long gone. Isn't
10 that correct?

11 MR. ANNIS: No. Could I ask for a lady that's
12 an expert. Would you mind responding to that, Margaret,
13 because I'm not an expert in unemployment, but I know that
14 workers do --

15 MR. WILCOX: Would you please give your name and
16 speak in one of these microphones.

17 MS. VASS: I am Margaret Vass, the manager of the
18 VEC at Exmore. Previous to that, I was an unemployment
19 claims deputy. I think the incident that Kenny is referring
20 to was Mexicans or Texas Americans from Eagle Pass, Texas.
21 They filed a claim in the fall in Eagle Pass when they went
22 home. What happened in the Eagle Pass office I do not know.
23 But they came back up here in the spring and came into the
24 office and filed a claim because there was no work avail-
25 able when they arrived.

1 I called and wrote back to Eagle Pass, they had
2 a non-valid claim. I found out they had credit with an
3 employer in Eagle Pass, Texas. They also had the earnings
4 with Kay Miller, or at that time it was G. O. Webster. So
5 I combined those two wages and went back and picked that
6 claim up from last fall when they went home. That is what
7 the Eagle Pass office should have done. When they filed
8 their claim there, they should have combined their Virginia
9 wages. What happened, I don't know. But when they came
10 back here, I combined the wages, dated it back, and some
11 of those people got \$1,500, \$1,600, \$1,700. And that was
12 one crew. Then we had to isolate it.

13 I know that same year we had several interstate
14 claims from Florida. That was strictly where they had just
15 worked for various employers in Florida.

16 If you work for a long time obtaining information,
17 it is not too difficult to get it from the crew leader.
18 They will tell me maybe they work for Boober or Babber, or
19 some names. I will go back to the Farm Placement Section
20 and say, "What crew leader" -- usually the Farm Placement
21 could tell you, "Oh, that's so-and-so," maybe they'd tell
22 me that was Brook so-and-so, but they called him something
23 else. So with the help of the Farm Placement Section, I
24 didn't really have too much difficulty in getting a claim
25 set up for them. In many cases, maybe they hadn't worked

1 long enough to have a claim. But we do have them coming
2 in and filing claims, and I am not involved with it this
3 year but I have seen -- I know there was at least a half a
4 dozen in the office the other day filing claims. Now
5 whether they'll have one or not, I dont know. But you can
6 obtain the information and you can get claims set up for
7 them, and there is a possibility, as I say, you can com-
8 bine a number of states, not only where they have worked,
9 in Carolina or Virginia, you can pick up any state that
10 pays unemployment on those, combine those wages and set up
11 what is known as a combined claim for them.

12 MR. WILCOX: Thank you very much. Calvin, do you
13 have one more question?

14 MR. MILLER: Yes, I just want some clarification
15 on what I hear the difference between eligibility and pro-
16 cessing what you are eligible for, I just want it stated
17 very plainly that migrant workers are eligible for
18 unemployment compensation.

19 MS. VASS: If they meet the requirements.

20 MR. MILLER: If they meet the requirements.

21 MS. VASS: Yes, they have to earn a certain
22 amount that is on a scale, and they are -- it is the same
23 as anyone else. Anyone who works for a certain number of
24 quarters -- each state has its own laws, by the way, which
25 makes it very difficult for them to understand. If you

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1 work in Virginia, only work in Virginia, you may not be
2 eligible. You may go to another state, earn that same
3 amount of money and be eligible.

4 MR. WILCOX: Thank you very much, and thank you
5 Mr. Annis. We appreciate your patience in staying so
6 long. It is very late but we still have two more speakers
7 -- as a matter of fact, we have three or four more. In
8 this session we have two more. The next speaker is Ms.
9 Pauline James, Employment and Training Specialist, Migrant
10 and Seasonal Farmworkers Association, Incorporated.

11 MS. JAMES: Thank you. As he said, I am the
12 Employment and Training Specialist for the Migrant and
13 Seasonal Farmworkers on the Eastern Shore. We have two
14 offices, one located in Exmore and another in Bloxom.
15 Exmore is in Northampton County, Bloxom is in Accomac
16 County.

17 This time of year during the migrant season we
18 employ two extra people to do outreach in the migrant
19 camps. We are a CETA program, Title 3, 303. Our eligi-
20 bility criteria is as follows: any farmworker who in 12
21 consecutive months who has done farmwork on a seasonal
22 basis could be eligible for our program. The least amount
23 of time spent in the farmwork would be 25 days. The least
24 amount of income would be \$400, or 50 percent of their
25 time or 50 percent of their income.

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1 We offer a variety of services to the migrant
2 farmworker the same as we do to the seasonal farmworker,
3 so they both benefit from all the programs that we offer.
4 We have job placement, job development. We do job followup.
5 We have money to relocate migrants out of the migrant
6 stream, this is if a migrant wants to get out of field
7 work and get into a more productive lifestyle.

8 Last year we had about 15 that did get out of the
9 stream and are now steadily employed in other fields of
10 work. So some do want to get out.

11 We have emergency assistance. We have some
12 medical services which are very limited. We provide
13 housing when there is housing. Right now there is none.
14 We have a nutrition program, we provide nutrition in
15 emergency situations where there is no other food source
16 and food stamps cannot provide or we can't pick up any
17 food from anywhere else.

18 We also have limited transportation. We have a
19 work experience program where we provide training and we
20 pick up the costs for a limited amount of time. There is
21 an on-the-job training program and this is where we make
22 an agreement with an employer to pick up 50 percent or
23 less of the income, whichever the case may be, and we
24 provide the rest.

25 I started out as a farmworker, by the way, not a

1 migrant farmworker but a farmworker nevertheless. It is
2 hard work, I've got to tell you, and people do not want to
3 continue to do it. But I think the problem is we don't
4 have enough people trying to get out and say, "Hey, we
5 care about you and there is a better life." If you are a
6 farmworker, you stay a farmworker. I think that has been
7 the basis for this state, you stay a farmworker in this
8 state, especially if you are a migrant farmworker because
9 there is not a lot of people caring about migrant
10 farmworkers. We give them a service, sure, but it is sort
11 of superficial, it is not long-lasting. It can't be
12 because of the nature of their work and the way they
13 travel up and down the East Coast. But we do try.

14 As far as camp life, we were talking about that
15 this morning, how the camps were and the living condi-
16 tions. I was a field service rep. I did active outreach
17 into camps. I have seen some camps that were good by camp
18 standards, but that's by camp standards. If you've ever
19 seen a camp here on the Eastern Shore, you'd know good is
20 not very good. And I've seen some really rotten living
21 quarters. I wouldn't stay there and I wager you that
22 nobody here in this room would without some hesitation.
23 So they can say that it is good and this is as good as it
24 is and this is as good as they've got, but it could be
25 better and I know that. But it is going to take me and

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1 people like me that care about these people to get them
2 into better housing, better working conditions, maybe not
3 even crew leaders. I don't think a migrant necessarily
4 needs a crew leader.

5 We had a couple of migrants here today. They
6 don't work under crew leaders. And there are about 20
7 other people that live over there where they live that
8 don't have crew leaders, but they work when there is work
9 to do.

10 I haven't met a good crew leader. I've met crew
11 leaders who said they were good, but I've also met the
12 migrants that work for these crew leaders and they say
13 they were bad, really bad. So what I am trying to say is
14 I don't know how block grants will affect migrants. I
15 know how federal grants affect them and it is not a lot
16 because they don't get -- they get the benefits from the
17 organization and the service providers, but out on the
18 camp if they get benefits, they can get food stamps, the
19 crew leaders even gets part of the food stamps or all, if
20 they get any type of service that is not something that he
21 can eat up right then, the crew leader might benefit from
22 that service. You don't know whether you are serving a
23 crew leader or the participant. That has happened in a
24 lot of cases.

25 I've had people coming through my office to tell

1 me, "Yeah, we get food stamps, but we don't get them, the
2 crew leader takes the car sometime and goes to the post
3 office and picks up everybody's food stamps." I can't
4 believe this because you are not supposed to give anybody
5 else's mail to anybody else, but it happens. It happens
6 here in Northampton and Accomac County. They never see
7 the food stamps and wages, I'm glad they're paid unemploy-
8 ment, they should get it because they never get wages. So
9 if they can draw something off something, they should.

10 We had people come in have made \$100, they draw
11 three pennies. You wonder where all that money went, but
12 then when they start taking out for rent, for food, for
13 cigarettes, which are \$1.00 a pack now, a fifth of wine,
14 \$6.00 and stuff like that, they can't help but draw three
15 cents. And these people do drink, they drink, they have
16 to drink, they have to do something to forget where they
17 are. If I lived on a camp, I would drink if it made me
18 forget because I've seen some bad situations on camps, and
19 I would drink. But I don't even think the drinking would
20 help me because I would still be aware of what was going
21 on around me, and it don't help them either because they
22 get drunk and they walk away.

23 Sometimes the crew leader gets them back. They
24 camp hop. They'll go from camp to camp trying to find a
25 good crew leader and they don't find them and they do

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1 drink. But if he is going to take all the money anyway,
2 why not let him drink, why not let him drink? He gives
3 them the drink so he can get all the money. And this is a
4 philosophy of just about every crew leader here on the
5 Shore. You've got \$6.00 a fifth of wine, you've got \$1.00
6 cigarettes, you've got \$1.00 can of beer, you've got neck
7 bones, string beans and white potatoes that they're
8 getting up out there in the field \$3.00 a plate, all this
9 pork, they feed them pork all the time, they get high
10 blood pressure, they drop dead somewhere, maybe not here
11 but somewhere they drop dead at a very early age.

12 Who do you blame for this? I mean, you don't
13 blame society, the society is not as a whole doing this,
14 the crew leaders are. and they do have a responsibility to
15 the people that they bring up here, but they don't do it.
16 And it is organizations like the one that I work for in
17 the past that have tried to make some sense out of this
18 mess. I've been doing it for five years and I still
19 haven't made any sense out of it, I just keep doing it
20 because I feel like these people need me and they need all
21 the people that can help provide services for them.

22 As far as state block grants, very bleak. I
23 don't feel like the state is going to do anything except
24 revert back to the oldtime way when you got them on the
25 camp and you kept them there. They never got off. They

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1 kept them there so you never saw it. It's the social
2 programs like ours that made you aware of what was really
3 going on. So what they'll revert to is hide-away.
4 They'll hide them back again and you'll never see them
5 unless you do go out there to look. But if there are no
6 service providers to go out there and look, then you can
7 guess what will happen.

8 So I can't really give you an opinion on what I
9 think state block grants will to. I don't see a very pro-
10 mising situation here. I am getting a little bit carried
11 away.

12 We also have a youth program, and it helps
13 seasonal youth as well as migrant youth farmworkers. Like
14 I say, I've been doing this for five years and you get
15 good migrants and you get bad migrants, it's the same with
16 everybody, you've got good people and you've got bad
17 people. But with a rotten crew leader like some of these
18 people got, I would get rotten, too. I mean really
19 rotten. That's the only way you can survive.

20 I have never lived on a camp and I pray to God
21 that I never do. this is just how bad I see it. I don't
22 think I could adjust to camp life. I'd go crazy. And a
23 lot of people do, they drink. Some of those people are
24 30, 40 years old and they are so senile. I've seen people
25 30, 40 years old and they are senile because of the bad

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1 kind of situation that they have to live in. And some
2 people are migrants not by choice but by circumstance. I
3 don't believe that a person can just say, "I don't want to
4 be a migrant" and he is no longer a migrant. You can't do
5 that, you need help, and you need help from people like
6 all of us here today. I am going to do my bit, I don't
7 know about anybody else.

8 MR. WILCOX: Thank you very, very much. Are
9 there any questions at this table? Yes, Susan? Would you
10 please come up here and honor us with a little chat in the
11 mic.

12 MS. CROWELL: My name is Susanne Crowell and I'm
13 with the staff of the Office of the Commission on Civil
14 Rights. I had a question and I don't know who has the
15 answer. I've heard reference made more than once to crew
16 leaders selling tobacco and alcohol, which in my own naive
17 way I assume is not a legal thing to do, and I wonder is
18 there any investigation of these practices since they seem
19 so commonly known, or is it considered to be on private
20 property or what?

21 MR. WILCOX: Philip?

22 MR. MC CALEB: This is an item that the Commis-
23 sion has studied very carefully. The state ABC Board
24 monitors the sale of alcohol very ineffectively. The
25 difficulty in the monitoring of this type of program is

1 the ability to identify outsiders, i.e., undercover
2 investigators. It is extremely difficult to infiltrate
3 and get the goods on the illegal sale of alcohol in this
4 area. As far as tobacco is concerned, I don't know much
5 about that, that's not been a subject for any discussion.
6 But it is something that we identify as a definite
7 problem. However, the majority of the enforcement effort
8 that is being put forth is being put forth by the ABC
9 Board which is trying to do everything else. I would say
10 it is definitely categorized as inadequate.

11 MR. WILCOX: Our next speaker is going to be
12 Michael Robinson, a staff attorney for the Eastern Shore
13 Legal Aid Center, if you will hold your comment until you
14 make your speech. Are there any other --

15 MR. MC CALEB: I had two questions to Ms. James.
16 My question first is does MSFA provide any what I would
17 call after hours outreach like the people for the Health
18 Service do?

19 MS. JAMES: Yes. I am on call 24 hours a day.

20 MR. MC CALEB: On call. Is that in your office?

21 MS. JAMES: That's in my home, my home telephone.
22 Most service providers know my home telephone number and I
23 am on call 24 hours a day.

24 MR. MC CALEB: And have these job development
25 contracts that you mentioned, do you have any with local

1 employers here?

2 MS. JAMES: Yes, I do. Ms. O'Keefe is the Youth
3 Specialist for our youth program and she was supposed to
4 speak right after me to tell you or give you an idea how
5 our youth program works with the youth farm or young farm-
6 workers here on the Shore.

7 MR. WILCOX: Go right ahead. Introduce yourself
8 and go right ahead.

9 MS. O'KEEFE: I am Kathy O'Keefe and I am the
10 Youth Specialist in the Accomac County area. Basically
11 what my part of the MSFA program tries to do is to try to
12 help young farmworker youth, both migrant and seasonal,
13 although I only have two migrant youth in my program at
14 this time, to break the cycle that their parents and
15 possibly their grandparents are in, that you work in the
16 fields, the graters, et cetera, all summer, and go on
17 welfare or find odd jobs or whatever all winter.

18 It is an employment and training program. It has
19 two sections, one to deal with in-school youth to try to
20 keep them in school, and one section to work with youth
21 who are out of school either through dropping out or
22 having graduated.

23 The in-school program. We provide a lot of
24 counselling, career testing. We provide after school
25 tutoring for those who need it, and work very closely with

1 high school and junior high counsellors. So that we can
2 keep kids who are in school, in school, and kind of give
3 them the idea that if you stick with it there's more out
4 there, but you've got to finish high school first, then
5 you've got to get some training, but you can get out of
6 the cycle.

7 Out of school youth, if they have dropped out, we
8 have what is called a work-study program where we provide
9 a work situation with a non-profit organization or the
10 school system or county agency and the youth is paid for
11 that work which they do for the agency, we pay for that,
12 and we also pay for class hours towards their GED which is
13 the goal. Get the GED and then go on to other training.

14 Once a person has gotten their GED or, in the
15 case of some of our kids who have graduated, we have a
16 community college program where if federal BEOG grants do
17 not take care of all of the tuition and book money, that
18 we supplement that and pay the person a stipend for class
19 hours so that they won't have to spend time looking for an
20 after school job or whatever, they are paid for in-class
21 hours.

22 Basically, my thoughts on a block grant are that
23 it would give these kids a lot more to compete with.
24 Right now they compete with other federal youth programs
25 which are basically designed to do the same thing. Under

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1 a block grant, they would be competing with a number of
2 other community services. I am just not sure they would
3 get what they need.

4 MR. WILCOX: Thank you very much. Do you have
5 any questions, the Committee? Anyone in the audience have
6 any questions. Calvin.

7 MR. MILLER: Is your program coordinated with the
8 gentleman here in the State Department who represented the
9 migrant education?

10 MS. O'KEEFE: The summer migrant program?

11 MR. MILLER: Is your youth program in any way
12 coordinated or in conjunction with the director of the --
13 Mr. Irby's program?

14 MS. O'KEEFE: I do work in the summertime with
15 the outreach workers for the Accomac County in the fact
16 that if I know of camp that's in, I notify them to see if
17 they've been out there. Or if I've been to a camp and
18 there were children there. I doublecheck to see whether
19 they have been registered.

20 We also do lots of referrals to WIC and other
21 agencies. We all kind of connect together, lots of
22 referrals.

23 MR. WILCOX: We thank you both very much for your
24 contribution and also for waiting so long. I have made a
25 tactical blunder. I was handed a card about two hours ago

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1 and I just put it all together. It seems that Ms.
2 Beatrice Rivera is sick and to replace her -- our next
3 speaker will be Michael T. Robinson, Staff Attorney for
4 the Eastern Shore Legal Aid Center. So, if you are ready,
5 Michael, you are on. Just stand at the mic there, if you
6 will.

7 MR. ROBINSON: Thank you, ladies and gentlemen.
8 I am sorry to report that Ms. Rivera is unable, because of
9 illness, to be here today. I wish that she was able to be
10 present because she would be able to tell you in a far
11 more indelible way than I would about the problems and the
12 problems inherent in the migrant situation here on the
13 Eastern Shore.

14 Ms. Rivera herself was a former migrant who has
15 traveled the eastern stream for between 10 and 15 years
16 prior to her leaving the migrant stream and then working
17 for Migrant and Seasonal Farmworkers and then lastly for
18 the Legal Aid Center here on the Eastern Shore.

19 We run a project called the Virginia Farmworkers
20 Legal Assistance Project. It is the only project of that
21 sort in the entire state. Part of my responsibilities are
22 to work in that area; however, there is not a full-time
23 attorney representing or even assisting farmworkers in the
24 entire State of Virginia, just a portion of my time can be
25 donated toward that. Ms. Rivera is a paralegal. In addi-

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1 tion, we have four legal interns who are for the most part
2 law school students who assist and do outreach work much
3 like the other groups who have been here today.

4 Despite that, I've had the opportunity to observe
5 the farm labor situation here on the Eastern Shore for two
6 consecutive summers and I would like to give you some of
7 my observations regarding them from a legal standpoint.

8 The first is, having observed some of the, shall
9 we say, challenges over funds that have occurred in the
10 past, that is federal funds, I am convinced that when
11 there are funds available groups will fight over funds.
12 This has been demonstrated in the past, not only here in
13 Virginia but in other places too. Conflicts will neces-
14 sarily occur over scarce resources. For that reason, I
15 believe that block grants are a particularly inappropriate
16 mechanism for distributing funds since they do and will
17 necessarily cause that kind of conflict to occur.

18 I believe quite strongly that federal funds
19 should be preserved and specifically earmarked for
20 projects. So my recommendation initially would be to
21 strongly emphasize and recommend that federal funds be
22 earmarked directly from the federal government rather than
23 on a block grant basis.

24 I also have an observation about the allocation
25 of those funds if they do come down in blocks to existing

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1 government agencies or quasi governmental agencies. I
2 think the conflicts of interest will occur in that kind of
3 a scheme or setup.

4 On one hand, the agencies, such as the Virginia
5 Employment Commission or the Department of Welfare, can
6 and do provide services. However, when money is provided
7 to them, I think that there is a natural tendency,
8 especially in a time of scarcity, to fuel a bureaucracy
9 rather than provide a specifically targeted service. If
10 there are to be block grants, I believe that they should
11 be used to preserve specifically targeted programs like
12 the ones that are speaking here today.

13 I think it is quite sad that groups must come
14 into conflict because of the scarcity of resources. It
15 reminds me of the example two children fighting over a toy
16 or a piece of pie and the father must come in and award
17 it, and, of course, by that time, the toy is torn up.

18 I think that a primary and very worthy goal of
19 this advisory committee would be to protect and to speci-
20 fically earmark those funds for the projects that it deems
21 worthy.

22 There was mention made earlier today about the
23 lack or the stripping away of regulations and that there
24 have been excess regulations in this area. I must quite
25 strongly disagree with that. One does have to look at a

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1 balance here. On one hand, when regulations are removed,
2 there may be quicker appropriation under a block grant
3 system and there may be a uniformity of rules. However,
4 the question before this group and the question at large
5 is not over what is the definition of a migrant, that is a
6 specious question and I think it is pointing over here
7 when the problem lies squarely in front of us.

8 The question is, and the specific and important
9 question faced by this group, is about enforcement and
10 about regulation. Rather than less regulation, I think
11 that we should talk about more regulation since I think
12 our own eyes and our own ears tell us that this group of
13 people that we are supposedly talking about here are
14 deprived, deprived worse than any other group of Americans
15 thatn we know of.

16 There are dozens of problems, hundreds of
17 problems that are faced. I think that two members of the
18 panel today mentioned that there are despicable condi-
19 tions, and I think that those conditions exist as a result
20 of a system that allows growers to insulate themselves
21 from liability and allows people, basically, to pass the
22 buck between one and another.

23 I am not suggesting at this point that growers
24 need to erect a Hilton Hotel in Tazely to house farm-
25 workers. On the other hand, I think that if people are

1 recruited to work down in Florida or in New York under a
2 promise, a promise that they will be given decent condi-
3 tions when they are up here, that should be enforceable.

4 Unfortunately, the problem of poverty that was
5 mentioned previously is a circular problem and it has been
6 going on every since -- well, certainly well before the
7 broadcast "Harvest of Shame" that was done by Edward R.
8 Morrow in 1963. I think it might do all of us well to go
9 ahead and review that. There was a shot during that
10 broadcast of the ferryboat leaving Little Creek and then
11 entering Cape Charles, Virginia, and afterwards there is a
12 comment of the conditions by a farmworker advocate out of
13 Washington, D.C. who is associated with the Migrant Legal
14 Action Program, the conditions have not changed.

15 Based upon my discussions with farmworker
16 advocates up and down the East Coast, I think there is a
17 general consensus that Virginia is among, or the very
18 worst state, for enforcement on the East Coast and perhaps
19 in the entire United States. Thousands of migrants travel
20 through here each year. The State of Virginia and the
21 Eastern Shore of Virginia derive substantial benefit from
22 their labor, and I don't think that it is fair or appro-
23 priate, wise or even legal for us to close our eyes to
24 that. I see the problem under a block system with a
25 powerless group as being one that will get worse and

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1 worse.

2 The problems that we encounter are problems
3 primarily of violation of law. There is a uniform body
4 of law that was implemented in the early sixties and then
5 became revised in the early seventies called the Farm
6 Labor Contractor Registration Act, there are copies of it
7 available in the back of the room. Basically what it does
8 is impose restrictions upon crew leaders who are pivotal
9 figures in this entire scheme that we have been
10 discussing, that they have to make good on certain
11 promises, that they have to do certain things, they have
12 to register, they have to show their credentials to pros-
13 pective farmworkers, they have to live up to their
14 promises, they have to pay minimum wage.

15 Among other things, for example, the sale of
16 alcohol or tobacco is prohibited. In my experience, the
17 promises are never -- I have never seen, ever in my
18 experience, and I have spoken to migrant farmworker
19 advocates who have been practicing this for 10 years, and
20 I have never encountered anyone who has told me of a crew
21 leader that followed the law down to the letter, it just
22 doesn't happen, it just doesn't happen.

23 There is a move on in Congress right now to gut
24 this Farm Labor Contractor Registration Act, and this is
25 the only significant body of legislation that will protect

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1 migrant farmworkers and farmworkers in general other than
2 the Fair Labor Standards Act. I can't know what to tell
3 you about the future of farmworkers here on the Eastern
4 Shore. If the premonition does come to pass, it will
5 certainly get worse.

6 The problem that we have encountered -- of
7 course, crew leaders will recruit down in Florida, but we
8 have been seeing more and more recruiting up in New York,
9 upstate New York, and in different parts of New York, and
10 they are recruiting mental patients now and alcoholics
11 specifically from skidrow areas.

12 Your common sense will tell you what is going to
13 happen to these people when they are in a state of intoxi-
14 cation or a state of bewilderment because of their own
15 lack of natural resources and defenses, maybe they are a
16 mental patient who has been placed outside, and they are
17 recruited and they are made all these wonderful promises
18 and the next thing that they know 20 hours later without
19 stopping once on a rickety old school bus they arrive in
20 Virginia, where do they go? They don't have any money in
21 their pocket, they are in a camp, in a place, they don't
22 know where the telephone is. Sometimes they don't speak
23 the language. They don't have a sympathetic ear and they
24 don't know a person around.

25 In that kind of framework, if you can suggest

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1 that someone is free to go and has their liberty, I
2 applaud you because I think that implies the most
3 inventive of reasoning.

4 MS. JAMES: I have a question. Haven't you found
5 that most of the people that they recruit, they have never
6 done farmwork before so when they get here, they are not
7 eligible for most of the services that the county provides
8 and so they are at the mercy of the crew leader because
9 they are not eligile for anything because they are not
10 farmworkers.

11 MR. ROBINSON: She is absolutely right. Twenty
12 years ago I think the cycle was there were families, there
13 were groups of people who would regularly and on an
14 ongoing basis engage in farm labor. Not so anymore. I
15 think that more and more unsuspecting people are being
16 recruited and they are showing up here on the Eastern
17 Shore. And they are recruited with false promises in
18 many, many cases.

19 A problem arises, such as in the case of migrant
20 and seasonal farmworkers. In the past, we have relied
21 upon them. When a farm labor contractor recruited someone
22 with a false promise and they came up here without any
23 money, without any resources, and they have been injured,
24 they've had no way to get home, and they have been kicked
25 off a camp for requesting, for example, food stamps, they

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1 would be able to go to MSFA and get some return transpor-
2 tation money. Now they can't.

3 MR. WILCOX: Since you have been castigating the
4 farmers, I think Mr. McCaleb would like to make a comment.

5 CHAIRMAN HARRIS: He is not castigating anybody.

6 MR. MC CALEB: It was an observation I would like
7 to clarify here. Very interesting comment, when these
8 people are first recruited down here that they by
9 definition do not meet the definition of farmworker, am I
10 correct? Therefore, they are not eligible for any county
11 services, nor are they eligible for health services, nor
12 are they eligible for your services.

13 MS. JAMES: Excuse me. They are not eligible for
14 my services which means that a lot of times without my
15 services, I give referrals to food stamps, referrals to
16 Delmarva Rural Ministries for food.

17 MR. MC CALEB: I understand. The comment was
18 they weren't eligible for county, but you also neglected
19 to say they weren't eligible for yours either, right?

20 MS. JAMES: Right, they are definitely not
21 eligible for mine, so I can't give them these referrals
22 that would make them eligible for the services in the
23 county.

24 MR. ROBINSON: It is a legitimate problem. Now
25 when we send people over to them they can't send them --

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1 because they hve not engaged in 25 days of agricultural
2 labor, so in effect they are stranded. And we have had to
3 send people out of our office at night who had to
4 hitchhike back to Long Island without a dime in their
5 pockets, not having eaten in a couple of days. And that
6 is just a problem that is being faced. With the
7 increasing regulation of funds that are being disbursed,
8 it has just become increasingly less likely to be able to
9 provide anything approaching minimal service for migrant
10 farmworkers. Of course, we can only handle the legal
11 aspects of it.

12 Of course, there are threats of violence. People
13 get beat up, people get killed, people get sick. This is
14 not a very pleasant situation. Certainly one that none of
15 us would want our families to be engaged in.

16 The exploitation that occurs is horrendous. I
17 would say the vast majority of the time the farmworker is
18 cheated or shortchanged or is the subject of some illegal
19 activity by the crew leader or by someone else.

20 It was pointed out to me several months ago that
21 a survey was done and that the average salary of a crew
22 leader in the United States today exceeds \$200,000.

23 MR. MC CALEB: Gross or net?

24 MR. ROBINSON: I don't know, I'm not an
25 accountant. Other problems that we are talking about that

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1 occurred to us that we think are of some relevance are
2 underpayment. Of course, education has been mentioned.
3 Injuries. Most farmworkers that come to us with injuries
4 don't know that they can file a compensation claim. In my
5 two years, my two summers at Legal Aid, I have yet to
6 encounter one farmworker who has come in, one farmworker
7 who has come in and requested our assistance in filing an
8 unemployment compensation claim.

9 Transportation is a terrible problem. People get
10 recruited in other states, they end up here, and then they
11 get kicked off a camp or they have to leave for one reason
12 or another, they have no way of getting back.

13 Occupational safety and the use of pesticides.
14 These things are exposed regularly to farmworkers and they
15 have no -- there is no reporting requirement.

16 People have difficulty receiving public assis-
17 tance of one sort or another when the terms and conditions
18 that were promised to them down in Florida or wherever
19 they were recruited do not ripen and do not take place.
20 People have reported to us for years difficulty in
21 receiving food stamps at one of the local Department of
22 Welfare here, and in fact we are having to litigate those
23 kinds of problems for them on a regular basis.

24 Now, for a normal person who lives here on the
25 Eastern Shore, they might have family or friends who can

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1 assist them in a time of need. But if you walk into a
2 Welfare Department and you don't have a bite to eat and
3 you haven't eaten in two days and you get turned down for
4 your expedited service, as federal law requires, what are
5 you going to do? At that point, if you know about it, you
6 can go to Migrant and Seasonal Farmworkers where they may
7 be able to refer you to a church that will be able to give
8 you some food.

9 MS. JAMES: Or Delmarva Rural Ministries.

10 MR. ROBINSON: Or Delmarva Rural Ministries,
11 excuse me. But I fear that in many cases they don't.
12 Other problems regarding security of individuals and
13 privacy. When they come and they make reports of viola-
14 tions or they request assistance from outside agencies,
15 sometimes people are put in jeopardy for that very reason,
16 and I think that is a very, very real and substantial
17 danger that is posed.

18 I don't think that there has been any significant
19 duplication of services. I think that the group that we
20 are talking about is an underserved group and I think any-
21 one with their eyes open would see that there is no real
22 duplication of services and that we are maybe going in
23 different directions but we are trying to aim for the same
24 group of people.

25 There was comment made before that Virginia is

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1 the sixth in inspections by Fair Labor Standards people
2 out, again based on my observations, and not only mine but
3 those of people who know much more about these things than
4 I do, Virginia may be the last in compliance.

5 The question that I have is about, since this is
6 a Civil Rights panel, who is going to act as advocate for
7 this group of people? The group of people that we are
8 talking about are the subject of illegal and oppressive
9 activity everyday one way or the other. Again, FLCRA,
10 the law that we are talking about as being gutted, I think
11 money needs to be targeted for advocacy purposes, both
12 legislative advocacy in order to promote this kind of
13 ongoing activity and also legal advocacy. By that I don't
14 necessarily mean our group since the current administra-
15 tion has prohibited us from lobbying and I would not dream
16 of doing that, but I do believe that a genuine groundswell
17 can't take place without publicity in these matters. The
18 problem by its very nature is isolated. It takes place in
19 isolated areas where there is no communication available
20 because of the lack of telephones and conduits of informa-
21 tion.

22 This past year, the Washington Post, and last
23 year also, the Washington Post published a series of
24 articles on the conditions in labor camps and this year
25 pointed out the fact that a nine month old infant died

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1 about 70 miles north of here. You all should know that
2 there was a great deal of fallout from those articles and
3 that people, genuinely good, honest people who were
4 serving without any kind of axe to grind are reaping the
5 negative fallout of those articles, and I think that that
6 is terrible. I think that restrictions are being placed
7 on their ability to provide service and that is terrible.

8 I kept on being struck by the fact this afternoon
9 that each one of us had to strain our ears at one point or
10 another to listen to one another, to understand what we
11 were saying. You can see dozens of tomato and potato
12 trucks rolling by here, the question of regulation doesn't
13 occur when those trucks roll by. Those trucks are subject
14 to various state, local and federal legislation: weight
15 limits, taxes, the scales are about 35 miles north of
16 here, nobody blinks an eye about that, but the moment that
17 a health regulation is cited or something that is going to
18 require someone to get rid of mosquitos or garbage or to
19 put screens on a wall, then everybody starts screaming
20 bloody murder about how much this is going to cost.

21 By no means am I suggesting the growers be taxed
22 out of business. On the other hand, I am struck by the
23 irony of the fact that the suggestion that has been made
24 earlier might be understood to imply that the states
25 should subsidize farmers in constructing labor camps. I

1 am really not certain that is the way that we want to go.

2 The question that I would pose, lastly, to you
3 all, and again I thank you for your patience, is who is
4 going to act as an advocate for the assurance of these
5 various rights and services that are being bandied about
6 today, that are being bandied about in theory today, I
7 should say. Will the crew leader do so? History has told
8 us that he won't, he is going to act in his own self-
9 interest and he is going to try to get as much out of this
10 as he can. Will the Migrant and Seasonal Farmworkers
11 Commission, the Governor's Commission? As far as I know,
12 it won't. What agency will do so? None. History has
13 told us that these agencies are involved in their own
14 business of administering state law but not to act as
15 advocates.

16 So when problems arise regarding the implementa-
17 tion of rules, I think that an advocacy group is necessary
18 and I would suggest that funds be targeted for an advocacy
19 group to assist migrant and seasonal farmworkers in
20 securing their rights, the rights that we are discussing
21 here today.

22 MR. WILCOX: And thank you very much, Mr.
23 Robinson. Are there any questions at this time? Selma?

24 MS. BAXT: You made reference to emergency funds
25 and then -- I am a little tired now and I don't quite

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1 understand what -- I mean, I know that you mentioned the
2 25 day limit and so forth before, but I was under the
3 impression that public assistance departments did have a
4 certain amount of emergency funds for people who are
5 starving, literally.

6 MR. ROBINSON: We have been informed by the local
7 Department of Welfare that when people are stranded up
8 here and they are able to work, despite the fact that they
9 can't find work, that there are two situations in which
10 relocation money will be provided to them. The first is
11 if they are very ill, and the second is if they pose a
12 menace to society. That's it. So someone may be
13 recruited up here and dumped by the crew leader in the
14 middle of the highway and as far as we know that's --
15 unless we sue the crew leader or whoever else may be the
16 person making the promise.

17 MS. BAXT: Isn't the state regulation -- I mean,
18 aren't there any state -- does anybody know if there are
19 state regulations on such -- or is it strictly local?

20 MR. ROBINSON: I would think I would have dis-
21 covered them by now if they had existed, and I don't know
22 about them.

23 MR. BOYD: The only thing that I have been able
24 to discover is general relief funds that are sometimes
25 available through the local departments of social

1 services. That is strictly up to the local Department of
2 Social Services to provide or not provide. It is not a
3 mandated service by any means.

4 MS. BAXT: Thank you.

5 MR. WILCOX: Anyone else?

6 MS. JAMES: We've been notified that that money
7 in the General Relief Fund is county money and is only
8 used for the people that are here in the county. So a
9 migrant would not be eligible for any general relief money
10 not here in Northampton or Accomac County. I don't know
11 what happens elsewhere in the state.

12 MR. WILCOX: Mr. McCaleb. Okay, go ahead,
13 Calvin.

14 MR. MILLER: I would like to ask the attorney, I
15 didn't quite follow his implications at the series of
16 articles in the Washington Post, I guess somewhat of an
17 expose type articles, had a negative impact on people who
18 were trying to help the migrant workers in this area.
19 Could you clarify that point?

20 MR. ROBINSON: Pardon me for a moment, can we go
21 off the -- well, without being specific.

22 MR. MILLER: Right.

23 MR. ROBINSON: Various agencies and assistance
24 groups will visit labor camps in order to disseminate
25 information and to serve. We feel that we have the right

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1 to go on to camps and, of course, we would not make a
2 nuisance, we would only go on there for business of
3 providing assistance.

4 After the series of articles, and I am basing
5 this on secondhand information, but after the series of
6 articles last year appeared in the Washington Post,
7 Maryland, one large labor camp that was mentioned up
8 there, a great deal of fallout occurred in that access to
9 the labor camp was made very, very difficult to some
10 public health nurses up there. And they had to fight
11 light hell to get on there in order just to provide the
12 minimum kind of service that we have been discussing
13 today.

14 MR. MILLER: I hear what you are saying, but I am
15 somewhat confused because usually this is one of your
16 change agents, communication we call it, investigative
17 reporting or whatever, but usually this gets into one of
18 our change agents. If I am not mistaken, the Maryland
19 Supreme Court has ruled that you have access and listening
20 to someone where today --

21 MR. ROBINSON: I believe it was the Attorney
22 General Sachs of Maryland who came down with that access
23 opinion a couple of months ago.

24 MR. MILLER: Right, and I understand the
25 gentleman here said that two judges in Virginia have said

1 you have access. You can't go on as a tourist just to
2 peep but if you have legitimate business to go into the
3 camp, you do.

4 MR. ROBINSON: I have a copy of that consent
5 decree in my office if you all would like to see it. I
6 think I understand what you are saying now. I don't want
7 to be misunderstood to suggest that there should not be
8 publicity, that is not my implication. I think that --

9 MR. MILLER: See, we are an information organiza-
10 tion, we are not advocates. So if you are telling us that
11 certain information is going to hurt --

12 MR. ROBINSON: No, by no means am I suggesting
13 that. What I am saying, given the vacuum that presently
14 exists when some information is disseminated, it causes a
15 reaction. That is natural. What is the solution to that
16 problem? Is it less information? I don't think so, I
17 think it should be more information.

18 MR. MILLER: Thank you, that's all.

19 MR. MC CALEB: I just had a couple of observa-
20 tions or questions here. Mike, one of your first state-
21 ments was that you were concerned about the ability of the
22 farmer to insulate himself from the legal liability for
23 violations of the law. And I seriously question that in
24 face of FLCRA which -- in other words, I have a different
25 opinion as to whether FLCRA is being gutted or not. I

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1 think it is being clarified. But if you would study the
2 changes, I think your automatic short hole would not
3 necessarily be true.

4 In light of FLCRA, Wage and Hour, Workmens
5 Compensation Act, all, even though there is a clear inde-
6 pendent contractor relationship between a farmer and a
7 crew leader, it is the only business in the world that
8 devolve responsibility back to the farmer.

9 I see you wrinkling up your face and stuff like
10 this, I think that you have to agree that there is a big
11 difference in all these situations between what actually
12 is and what is legal. In other words, I feel and I think
13 the law will prove me out that if there is a legal prob-
14 lem that the farmer cannot insulate himself.

15 As everybody here knows, the reason there are so
16 many lawyers in this country is the fact that there always
17 are two opinions.

18 MR. WILCOX: Thank you very much. Is Mr. Kee
19 here? Good for you sir. Mr. James R. Kee, Deputy to the
20 Secretary of Commerce and Resources, the State Department
21 of Argiculture in Richmond.

22 MR. KEE: Thank you. Just to clarify the record.
23 I have no deputy secretary's position, I work for the
24 State Department of Agriculture, Consumer Services, and I
25 am the one person in our department that, in addition to

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the Commissioner, who tries to monitor the farm labor situation.

The Commissioner is charged with the statutory responsibility of looking out for the health and welfare of agriculture. Our interest in farm labor is not regulatory or legal, it is a part of a farming operation which is within itself very complicated. A farmer has to be a lawyer, he has to be a mechanic, he has to be a businessman, and he has to be an understander of regulations which has become more difficult in the last 10 years.

The Federal Register, it is assumed when it is published, is read by everyone in the United States, and I can assure you that is the farthest thing from the truth that ever was perpetrated.

Really, I am curious as to whether you all will move another forum to other parts of the state where migrant labor is a requirement. One of the reasons that we are interested in migrant labor, as I said before, is because it is part of an agricultural operation. If we want to farm intensively, meaning using lots of labor, then there are going to be needs at harvest times and a lot of times during planting times for supplemental labor that apparently is not available in the communities.

If you ride up and down Route 13 in Virginia as I have for the last over 20 years, you can see that some of

1 the fields that had irrigation water going all during the
2 summer, you could hardly find a field up here that wasn't
3 in some kind of a vegetable-intensive agricultural crop.
4 Right now, I just came up today, and I would estimate that
5 at least half of this productive vegetable farmland is in
6 the production of corn and soybeans which is grown nation-
7 wide from coast to coast, just about.

8 What we are doing by creating problems with
9 getting labor for harvest operations for agriculture is
10 forcing the vegetable production out of this part of the
11 country into other parts of the country or across the
12 border into Mexico. This has happened in many cases.
13 There are lots of vegetables produced in Mexico that could
14 very well be produced right here. Produce more net farm
15 income for Virginia farmers and for other farmers on the
16 East Coast.

17 We in our department have no block grants at all
18 for migrant labor, no supplemental -- no appropriations at
19 all for migrant labor. So I really, even though I have
20 heard today for the first time that block grants have been
21 in effect for a full year and we are about to get into the
22 second year, it appears that the block grant situation is
23 still far from settled, and maybe that is what the forum
24 is all about, to help find out how to settle the block
25 grant program that is coming to us out of Washington.

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1 I am not going to hold us any longer. I'll be
2 happy to try to answer questions if there are any.

3 MR. WILCOX: Thank you very much, Mr. Kee. Would
4 you like to address the movement of the forum somewhere
5 else now or later? Just in general plans, general ideas?
6 Ms. Wanda Hoffman, would you speak into the microphone,
7 just your general plans, no commitments at all, but he is
8 concerned about studying other parts of the state.

9 MS. HOFFMAN: Okay, the end of our fiscal year in
10 the federal government will be September of this year.
11 Within that framework, I don't see our holding another
12 forum of this type. However, we envision and hope that we
13 could hold at last two more hearings in other parts of the
14 state, particularly the apple-growing section and the
15 tobacco-growing section. That is merely a dream at this
16 point. Nothing has been approved, the concept has not
17 been submitted or approved. But we hope that we could get
18 that kind of balance because we feel that the problems
19 will differ somewhat in the three areas: the Eastern
20 Shore; the northern section of the state, apple-growing
21 area, over in the northwest area; and tobacco-growing
22 section around South Boston and that area.

23 So while we would not like to, however, wait to
24 make our recommendations to the Governor's Commission
25 pending that, so our plan at the moment is from this forum

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1 to submit our recommendations to the Commission on Federal
2 Block Grants within the next month.

3 MR. WILCOX: Thank you, Wanda. Does that answer
4 your question?

5 MR. MC CALEB: Yes.

6 MR. WILCOX: Are there any other questions for
7 Mr. Kee? From the audience, any questions? Thank you,
8 Mr. Kee for coming and giving us that information.

9 Seven of the nine federal block grants will be
10 administered at the federal level by the U. S. Department
11 of Health and Human Services. Those block grants are
12 pointed out on the chart to which you were referred to
13 earlier in the forum, this chart right here.

14 With us today is Mr. Raymond John Pelletier,
15 probably one of the most patient men in the world, Equal
16 Opportunity Specialist, Office of Civil Rights, U.S.
17 Department of Health and Human Services. He is also a
18 member of the Department's Block Grant Task Force. We
19 have asked him to discuss monitoring and compliance with
20 regard to civil rights provisions in the federal block
21 grant. We would like to know about current mechanisms as
22 well as mechanisms that might be developed at both the
23 federal, state and local levels in Virginia in the admin-
24 istration of federal block grant programs. Mr. Pelletier,
25 you are on.

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1 MR. PELLETIER: Thank you. You know, when you
2 talk about patience, I am reminded of a movie that Cornell
3 Wild played in I think years ago called Pony Soldier being
4 tortured by the Indians, and he said, "This is what I get
5 paid for." So that's why I'm still patient. I am getting
6 paid to be here.

7 I would like to, since I am probably the last
8 speaker, or close to it --

9 MR. WILCOX: No, we have one more speaker.

10 MR. PELLETIER: All right, I'm next to the last,
11 I am going to take the liberty of a few observations
12 because, first of all, I found it most interesting being
13 here today. When somebody comes from Washington, a ques-
14 tion in many people's minds is "what does he know about
15 what we are doing out here?" I am just a federal bureau-
16 crat. But it seems that about 10 years ago I did come
17 down this same road for the Department of Agriculture
18 reviewing programs, food distribution programs. No, I
19 don't look familiar to you. And I came right down here to
20 Exmore. The migrant situation was pretty tough then and I
21 see it hasn't changed too much except, as I understand,
22 there has been some improvement.

23 I myself did a lot of stoop labor as a young boy
24 during World War II when the men went off to war, so I
25 won't compare myself with migrants because I could quit

1 whenever I wanted to, but I do know a little bit about it.

2 I didn't realize I was going to present anything.
3 I was told that I was sitting on the panel and I was sup-
4 posed to look intelligent, and if somebody asked me a
5 question, I would answer it if I could, otherwise I would
6 give you the usual bureaucratic answer, "I'll try to find
7 out and get back to you," and here I am sort of
8 presenting.

9 I have noticed in the course of the day there
10 seems to be a lot of wishing away the block grants. In
11 other words, I almost got the impression that this august
12 body is supposed to determine whether we are going to go
13 into block grants are not. Of course, you know that is
14 not the case. Block grants are a fact of life. You can't
15 wish them away, they are here. It is not a matter of
16 choice.

17 I didn't put them in place, I am glad to say,
18 but, nevertheless, they are a part of life and you have to
19 face it. So no amount of wishing is going to send them
20 away.

21 The only thing about block grants, the programs,
22 the sort of categorical grants, basically haven't changed
23 that much, it is just that now instead of the federal
24 government saying to the state, "you're going to put this
25 money in this program and this is how you are going to run

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1 it," the federal government now gives the states a bundle
2 of money saying, "here you are, run it the way you want
3 to," within certain general, very general guidelines.

4 My interest is primarily in civil rights. Civil
5 rights has got a role in this and we do have regulations.
6 Speaking of regulations, I've heard all sorts of pro and
7 con. I am here to assure you that as long as the federal
8 government has money involved in something, there are
9 going to be regulations; as long as the state is involved,
10 there are going to be regulations; as long as the county
11 is involved, you may have county regulations. So you
12 can't get away from regulations. That is another fact of
13 life.

14 Procedures, I believe my main interest is
15 supposed to be "What is Civil Rights doing in the way of
16 block grant procedures?" I happen to be a member of a
17 seven-member task force in the Office of Civil Rights,
18 Health and Human Services. We are developing a procedure
19 but I should point this out. In the case of Civil Rights
20 complaints, the system is pretty well the same as it is
21 now. The only difference now being that in block grants
22 the governor gets into the act. In other words, if we
23 received a complaint of a block grant violation, that is a
24 civil rights violation, and I might say we have not
25 received any yet so I can't really give you a specific,

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1 out of the air what you might expect. I can generalize
2 that perhaps a portion of a county might feel that, well,
3 that piece of the county five miles down the road got
4 \$10,000 more than we did because maybe mostly the people
5 here are minority groups. I am imagine that might happen.

6 But when we get the complaint, then we send it to
7 the governor. The governor -- well, first there is the
8 investigation and so forth, but the governor has 60 days
9 to resolve that complaint or come back to us and tell us
10 why he couldn't, and so forth. Now, the procedures are
11 not out, they are still being developed. When I say
12 procedures, it is a form of regulation in a way.

13 The final block grant regulations are out, I have
14 a couple of extra copies here, but the procedure that the
15 Office of Civil Rights will use in the event a complaint
16 is registered with the Office of Civil Rights through the
17 regional office is being now developed. So I really can't
18 discuss it too much because these things can be disap-
19 proved next week and then you have to start all over
20 again. But basically it brings the governor into the act,
21 or his representative, that is basically what it is about.

22 CHAIRMAN HARRIS: Excuse me, I didn't quite
23 understand. You said after the investigation has taken
24 place the governor becomes involved --

25 MR. PELLETIER: That is correct.

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1 CHAIRMAN HARRIS: -- is that at the conciliation
2 stage?

3 MR. PELLETIER: Let's put it this way. If you
4 send us a complaint, someone from our regional office will
5 come and investigate this complaint. If there is in fact
6 a violation, or even if we find that there is no violation
7 as far as we are concerned, then we contact the governor
8 and let him know, we give him a Letter of Finding, and we
9 leave it up to the governor to determine how he is going
10 to negotiate with the recipient agency as to how he is
11 going to resolve this alleged discrimination.

12 The federal government, in other words, is
13 staying out of it pretty much. We don't go up there and
14 tell them how they are going to change the system like we
15 used to do. It is up to the governor to negotiate with
16 the recipient agency -- "Well, you're not allowing these
17 people in between certain hours," let's say as an example,
18 "this has to change." But it is the governor's office's
19 responsibility now in block grants to resolve these situa-
20 tions in coordination with OCR, Office for Civil Rights.
21 But he is the one, or his delegatee, who is really going
22 to do the work, not us.

23 CHAIRMAN HARRIS: He has 60 days?

24 MR. PELLETIER: He has 60 days to resolve it. It
25 could be that on the 59th day he can let us know, "I am

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1 about to come up with a solution." We realize there are
2 lots of ins and outs here and a good lawyer can drag
3 things out for years, we all know that. So this is one
4 way to eliminate that, you see. Within a certain period
5 of time, if there is no satisfactory resolution, then the
6 Department proceeds with the timeconsuming process of cut-
7 ting off the block grants funds for that particular agency
8 through the state. But I can't give you specifics because
9 we haven't had any yet. This is still a fairly new --
10 see, there is no precedent for this, so we have to sit
11 down and scratch it all out from the very beginning and, I
12 tell you, it is not easy.

13 This is one of the reasons I came here, to hear
14 what the migrant concerns were, because as I read to you
15 earlier, they are not that involved at this point. They
16 were for fiscal '82 and, as I explained, because the state
17 is taking it over as of 1 October, then the migrant repre-
18 sentative organizations would then have to go to the state
19 agency that is responsible for block grants and make
20 application.

21 This is the way it is going to work. I might
22 also point out that, to the best of my knowledge, a state
23 -- if you look at that chart, there are many copies on the
24 back table by the way, they can take a certain percentage
25 of funds from, say, this program and put it into this

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1 program. There are some programs where they can't touch
2 the funds of another program. So it's all listed there.
3 That's why this was made, so that you can tell at a
4 glance the various intricacies of the block grants. Of
5 course, this can change, too. Nothing is solid, every-
6 thing changes. But basically that's it, very briefly.

7 I do have a question for this young lady here. I
8 have been paying attention. In fact, I'll tell you what,
9 one real achievement here today was the fact that from
10 2:00 until now I stayed awake because usually I have a
11 very hard time staying awake at conferences because I am
12 very easily falling asleep. So the fact that I am still
13 awake just goes to prove that this has been a very inter-
14 esting session to me because I don't often get out to the
15 grassroots anymore and, when I do, I thoroughly enjoy it.

16 But you mentioned something about -- this young
17 attorney here mentioned about recruiting in New York and
18 if they came down here and they hadn't been farmworkers
19 before, they weren't eligible for something. Does that
20 mean that anybody that wants to be a migrant has to have
21 some farming experience? Could I be a migrant if I wanted
22 to sign up with somebody, like this young lady did, sign
23 up and -- not that I'm going to, I don't have the backbone
24 anymore.

25 MS. JAMES: The minute you leave your home base

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1 to go to work to another home base, you don't necessarily
2 have to be a farmworker to be a migrant. I mean, you
3 know, you can migrate somewhere and do anything. But we
4 are talking about migrant farmworkers. Those people that
5 they recruit out of Philadelphia, New York, or the
6 northern part --

7 MR. PELLETIER: They need to work so many days
8 before they can come to you, okay.

9 MS. JAMES: They need to work so many days before
10 they will qualify --

11 MR. PELLETIER: Okay. I thought there was a
12 criteria like you had to be a farmer in order to do farm-
13 work. I misunderstood you.

14 MS. JAMES: No, you don't, but I am saying they
15 have never done it so when they get here they don't work
16 either, you know, they don't work, they can't do it, and
17 it is new to them. A lot of them don't even try, they
18 leave, they bring them in tonight and tomorrow morning
19 these people are ready to leave, but how do they get out
20 of town when there is no resource? This is what we were
21 pointing out.

22 MR. PELLETIER: All right. I am going to close
23 with a question. I hope that I don't have to walk through
24 the tomato patch for my dinner tonight. Are there places
25 open until 9:00 or 10:00 o'clock? Someone will enlighten

1 me later. That's all I have unless there are some
2 questions.

3 MR. WILCOX: Does the Committee have any
4 questions of Mr. Pelletier?

5 MS. CROWELL: Yes, I wanted to ask, and I hope
6 this isn't too arcane for the audience, but Title VI of
7 the Civil Rights Act of 1964 prohibits discrimination in
8 federally assisted programs. How does this --is this a
9 different category of money altogether? How does this
10 mesh with what you are doing now?

11 MR. PELLETIER: No, Title VI, you will notice if
12 you look over here, really applies to all of them. In
13 fact, we have added a couple.

14 MS. CROWELL: Okay, so did the courts at one time
15 say that an individual had a right under Title VI, or am I
16 wrong?

17 MR. PELLETIER: I don't want to get pinned down
18 on legalities as far as block grants are concerned because
19 I am not in the attorney end of this thing. In Washington
20 we are very careful. We are program people, or we are
21 legal people, or we are this people, or we are that
22 people. We are very careful not to step into the other
23 piece.

24 MS. CROWELL: So you are just writing Civil
25 Rights regs, is that it?

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1 MR. PELLETIER: No, I'm involved right now with
2 this other group in developing procedures which will tell
3 the regional offices and the states how to go about pro-
4 cessing a complaint based on block grants, discrimination
5 on block grants, whether it be by sex, or religion, or
6 whatever it may be. Title VI covers all programs across
7 the board, it always has.

8 MS. CROWELL: I guess what I am saying is this
9 new block grant program cannot impact upon --

10 MR. PELLETIER: It won't supersede Title VI.

11 MS. CROWELL: -- a person's right --

12 MR. PELLETIER: Not.

13 MS. CROWELL: -- any rights they may already have
14 under any court decision to go into court and do whatever
15 they can do.

16 MR. PELLETIER: Title VI will still apply, it
17 always does.

18 MS. CROWELL: So what it really does is changing
19 the internal enforcement mechanism of these programs.

20 MR. PELLETIER: Exactly.

21 MS. CROWELL: So that the federal government,
22 like it might used to conduct compliance reviews and go
23 out to the field and take a look at how all these programs
24 are being run and so on, that won't really happen anymore?

25 MR. PELLETIER: As a matter of fact, I can see

1 where we will be mostly involved in the auditing end of it.
2 In other words, we will go to a state auditor and say "how
3 did you account for how you spent this particular money
4 that was sent to you by the federal government for this
5 and that for block grants?" The state has the prerogative
6 of using that money the way it wants to.

7 MS. CROWELL: So you won't be necessarily --

8 MR. PELLETIER: That's where there might be some
9 danger but --

10 MS. CROWELL: -- any longer investigating whether
11 or not that money is reaching its target population or
12 whether there is any discrimination.

13 MR. PELLETIER: Only if there is a complaint.

14 MS. CROWELL: Only if there is a complaint.

15 MR. PELLETIER: Like I said before, if a certain
16 portion of the county or the state says, "Hey, they just
17 got a whole bunch of nice stuff up the street here and we
18 are getting garbage down here," that's a word that has
19 been thrown around a lot today, "we are getting a lot of
20 garbage down here, how come? We feel discriminated
21 against because maybe we are mostly minority people down
22 here and all the whites are up here and they are getting
23 the better stuff, they are putting more money into their
24 program," the state is, you see. Then you have a basis
25 for complaint that can be looked into.

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1 MS. CROWELL: Okay, you spoke in that sense of an
2 example that might involve a minority community, perhaps a
3 Shaw, Mississippi type thing where all the streets on one
4 side of the tracks are being fixed and all the streets on
5 the other side are not. Suppose I'm a farmworker and I
6 feel that I am being discriminated against because of my
7 race or national origin in a federally assisted program
8 that you have on your piece of paper there, what am I
9 going to do?

10 MR. PELLETIER: I see that -- I am being very
11 careful here, don't quote me, but I see that more under
12 Title VI. I don't really see an individual farmworker
13 complaining on the basis of discrimination under block
14 grants because that is -- we are talking about blocks of
15 money given to the state as opposed to an individual farm-
16 worker who maybe was put in a room without a latrine or
17 something and he feels he should have one so he complains
18 he is being discriminated against for whatever reason.

19 MS. CROWELL: Who is he going to complain to?

20 MR. PELLETIER: He should -- well, that's a ques-
21 tion that formulated in my mind tonight. If the migrant
22 worker is so restricted in his movements, I want to ask
23 you, who should he complain to? I've never received a
24 complaint from a migrant. Of course, I am not in the
25 Complaint Department, that's true, but I've never heard of

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1 one.

2 MR. MILLER: Isolation can be a Civil Rights
3 complaint.

4 MR. PELLETIER: I would assume that these people
5 who go to see the migrants, like the Health people or some
6 other people, if that migrant can get your ear or your ear
7 or somebody else's ear that visits migrants, they could
8 say, "Hey, this and this and that is going on," and it
9 would trigger a complaint because then this person could
10 make the complaint on behalf of the migrant that got to
11 her. I can't see the migrant walking out and making the
12 complaint.

13 MR. WILCOX: I promised him he'd have five
14 minutes, that's what he's had, five minute question.
15 Would you be willing to take another question?

16 MR. PELLETIER: I have no objection to answering
17 this gentleman's question here, he has been quiet all day.

18 MR. WILCOX: Yes, he hasn't said a word. Thank
19 you, Susan.

20 MR. PELLETIER: I may be sorry I said that.

21 MR. WILCOX: Yes. You said you wanted to -- all
22 right.

23 MR. ERICSON: My name is Phil Ericson, I am with
24 the American Civil Liberties Union in Virginia. I had a
25 question. I was reading through these regulations about

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1 the hearings procedure. Under that section it states that
2 the complainant or the injured party will not be allowed
3 to participate in a hearing. I was wondering if you had
4 any justification or if you knew why the regulation was
5 written that way. My impression is that we are talking
6 about violations here and a resulting hearing which will
7 take place in some room and it will involve federal and
8 state officials, or am I reading this wrong?

9 MR. PELLETIER: I am going to hide behind the
10 fact that I have nothing to do with the legal end of these
11 things, and that is a very legal question you are asking
12 me. If you want to leave me your name and address or
13 something, I can find out. That is the standard answer,
14 but that is the only one I can give you. If you leave me
15 your name and address, I will get in touch with you and
16 let you know, but I really don't know. I can't answer
17 legal questions.

18 MR. WILCOX: Is that it? Are there any other
19 questions? Are you willing to take another question?

20 MR. PELLETIER: Yes.

21 MR. WILCOX: Fine.

22 MR. MC CALEB: I think this is more of a comment.
23 In response to your question about the racial makeup of
24 camps, generally speaking there probably is a misconcep-
25 tion here. As I indicated in my note to you, probably

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1 the largest labor camp on the Eastern Shore may hold 150
2 people. The average probably will go 25 to, what, Kevin,
3 about 40 per camp average?

4 MR. BOYD: Something like that.

5 MR. MC CALEB: In other words, in essence, one
6 crew. Generally speaking, there is definite racial segre-
7 gation because if I am an hispanic crew leader, I've got
8 an hispanic crew. The only crew staying in that camp hap-
9 pens to be my crew; therefore, we are all hispanic. If I
10 am Haitian, or black, or, you know, that's the way it is.
11 You have a couple of camps on the shore which do have
12 multi-racial makeup, the larger ones.

13 MR. MILLER: You are looking at me, but my only
14 point is be must creative in the law in the sense I -- I
15 guess we all have certain interests, I am an old civil
16 rights and I've been out there a long time and I just
17 smell things that probably he won't smell like you, you
18 were a farm grower and you know something about that that
19 I never would anticipate. So I smell something. In 1982,
20 in any human grouping in this country where it just
21 happens to be all women, all Spanish, all Yugoslavs, all
22 Haitians, and all this, I think is something implicit --
23 as Adam Smith says, "some invisible handwriting in there"
24 that is isolating people which is violating the law,
25 that's all I'm saying.

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1 MR. MC CALEB: Well, of course, that is philoso-
2 phical and I completely reject that basically on the basis
3 of -- in this particular area. I will say -- when you ask
4 about who gets the best camps, generally speaking, the
5 best farmers have the best camps and they can get the best
6 crew. The best crews generally have the best camps,
7 whether they be black, hispanic, white, Haitian, whatever.
8 I think most people here would agree with that general
9 observation: the best farmers have the best camps and
10 they are therefore able to demand and get the best crew.

11 MR. MILLER: My only concern is about violation
12 of the law.

13 MR. WILCOX: Does anyone else have any question
14 of Mr. Pelletier?

15 MR. PELLETIER: I have a request.

16 MR. WILCOX: Yes.

17 MR. PELLETIER: Since I don't take many notes, I
18 would like very much to get -- I'll give you my address
19 and whatever, but I would like very much to be on the
20 mailing list for these tapes so that we can sit down and
21 study this whole business at our leisure in Washington
22 because maybe we could evaluate just the same way you do.

23 MR. WILCOX: Good, thank you.

24 VOICE: You are on the mailing list.

25 MR. WILCOX: I want to thank you very much. The

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1 hour is very late and I know that there will be many
2 conversations between people for years after this forum,
3 but I would like to -- Dr. Hambrick is still on the
4 schedule. Let me read what it says here, my little
5 speech.

6 For those present who were unable to attend this
7 afternoon's session -- we've never left -- and to refresh
8 the memory of those who were present, we have asked Dr.
9 Ralph Hambrick, Director of Public Affairs, Virginia
10 Commonwealth University, who is on the staff to the
11 Governor's Commission on Federal Block Grants, to
12 summarize the role of the Governor's Commission on Federal
13 Block Grants and the design and implementation of federal
14 block grants.

15 I realize you haven't had any time at all to
16 assimilate all of this, but that is what we are all about.
17 We are trying to come up with some way to better design
18 and implement federal block grants. Would you care to
19 address this or do you feel you have done it enough?

20 DR. HAMBRICK: I am very reluctant to make a long
21 speech at this point in the day. The one thing that
22 strikes me throughout is that some characteristics of
23 block grants or of the blocks which exist now -- another
24 year from now we may have another dozen block grants, but
25 of those that we have now, many of those programs are

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1 relevant to the problems of migrant and seasonal farm-
2 workers. At the same time, many of the programs which are
3 not involved in block grants at all are even more directly
4 relevant to the problems of the seasonal and the migrant
5 farmworker, and so we have got both an issue of what the
6 state does in terms of how it administers existing block
7 grants, and we also have a federal policy issue which has
8 been raised a time or two and I think it is relevant in
9 this sense, that is arguments that, hey, block grants are
10 not the way to go, which may be quite relevant because the
11 whole CETA programs has been talked about as an area where
12 the block grant concept might be applied, and so forth, so
13 both of those areas--both the federal policy area and
14 federal legislation area--and how the state administers
15 some programs which deal with a part of but not the whole
16 migrant farmworker are areas of concern.

17 With that, let me sit down.

18 MR. WILCOX: Yes, thank you very much, doctor.

19 Are there any questions --

20 VOICE: There are questions and there was one
21 speaker we overlooked.

22 MR. WILCOX: It is 8:19 in the evening, how many
23 more people?

24 MR. MILLER: You're in charge of this program,
25 tell him there is no clock in this hearing. We want to

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1 hear everybody.

2 MR. WILCOX: Fine, fine, we have gone six hours
3 and 19 minutes.

4 MR. MILLER: And we'll go six more hours.

5 MR. WILCOX: Fine, sir, we have to get through
6 the speaker schedule because some of these people may want
7 to leave. Now, what question do you have, Calvin?

8 MR. MILLER: I don't have a question. I'm
9 talking about other people --

10 MR. WILCOX: Go ahead, ask your question.

11 MR. OWENS: The question was to Mr. Pelletier.

12 MR. WILCOX: I didn't know you had a question,
13 I'm sorry.

14 MR. OWENS: When you indicated -- my question is
15 going to what you said about who may have standing to make
16 a complaint about discrimination in the administration of
17 a block grant. If I understood you correctly, and I want
18 to be very clear for the record here, is it your opinion
19 that only an entity, either a state or local government,
20 et cetera, who was the recipient of a block grant would
21 have standing to make a complaint about the administration
22 of that grant?

23 MR. PELLETIER: No. What I said was that a
24 recipient, like, for example, let's say you have a YWCA on
25 this side of town and you've got one on the other side of

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1 town, one that is predominantly white, the other is
2 predominately minority. This YWCA was given a grant, say,
3 of \$10,000 to refurbish whatever. All right? This one
4 was only given \$5,000 to do the same thing. So these
5 people in this YWCA feel discriminated against because
6 they got less money for the same thing.

7 Now, that is not the state, it is not the CETA,
8 it is not -- but the YWCA organization, or whatever group
9 receives the funds, the benefits and the funds, it can
10 make a complaint. I'm not that clear on the individual.
11 Again, we are getting into legal things here.

12 MR. OWENS: Let me pose a hypothetical somewhat
13 similar to your own. If, for instance, as has been sug-
14 gested at some point during today's proceedings, the
15 federal government, and let's say even the state govern-
16 ment, utilized block grant monies to fund or to establish
17 housing for migrants. If then a migrant laborer were
18 denied admission to that housing camp, would he, in your
19 opinion, have standing to bring suit or to file a
20 complaint at least about --

21 MR. PELLETIER: I'd have to disallow your example
22 because then you would be dealing with HUD.

23 MR. OWENS: I think you've answered it anyway.

24 MR. WILCOX: Calvin, do you have a question?

25 MR. MILLER: No.

1 MR. WILCOX: Does anyone else have a question for
2 Mr. Pelletier? I am really not trying to rush this
3 meeting. We've been here a long time. I am exhausted and
4 I have forgotten our final speaker. May I introduce Mr.
5 Phil Ericson, the American Civil Liberties Union, who
6 would like to say a few words. I'm sorry, I was told this
7 two hours ago and I just forgot all about it.

8 MR. ERICSON: That's fine, I signed up late.
9 I'll just try to be as brief as possible. Of course the
10 concern of ACLU of Virginia is that farmworkers are not
11 underrepresented, and particularly when we make the
12 transition to the block grant program or as we have
13 already made the transition to the block grant program.
14 So we have to address what happens or what might happen
15 when the state assumes the responsibility to administer
16 these programs and, more importantly, when the state
17 assumes the responsibility to set the priorities. It is
18 something -- I hope this won't be too redundant, but I
19 really need to emphasize that the number of farmworker
20 advocates available in Richmond to work in the State
21 Legislature is very small, the number of farmworker
22 advocates throughout the state is very small, the number
23 of farmworker advocates through the country is very small.
24 That is a problem we are always going to have. The money
25 simply isn't there to fund people to advocate on behalf of

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1 the farmworkers.

2 Our concern is that when these priorities are set
3 in rooms in Richmond, in state agencies there, that the
4 farmworkers will be represented at a level which is much
5 lower than that that they currently enjoy in Washington.

6 As an example for the State of Virginia, and
7 again we have talked about this all day long and I
8 appreciate Mrs. Rice's statements about the Farmworker
9 Commission and her position on the Farmworker Commission,
10 but I still question the ability of the Farmworker Commis-
11 sion to address the needs of farmworkers because of the
12 representation issue. It is fine that she has been a
13 farmworker before. I want to see that representation on
14 paper, and there are a lot of us who want to see that
15 representation on paper and we don't really see it.

16 Of course, this is a matter that we need to take
17 up with Governor Robb, and we have. Our organizational
18 and Migrant and Seasonal Farmworkers Association nominated
19 some farmworker advocates to be on the Commission, those
20 people weren't contacted. Kevin Boyd, in Migrant and Sea-
21 sonal Farmworkers Association, has sent a letter to Chuck
22 Robb. I don't know if you have gotten a response yet.
23 But that is definitely a serious issue.

24 I think that when we look at that Commission and
25 we see that there is that underrepresentation, doesn't

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1 that there cast a shadow of doubt on the ability of the
2 State of Virginia to handle these programs and make sure
3 that they meet the needs of farmworkers?

4 Let me just use an example here. A paper, this
5 was from the hearings on the Title XX Social Services
6 Block Grant. This paper was not binding, this is entitled,
7 "Future Directions for Title XX Social Services Programs."
8 This was put out by the Department of Welfare or the Depart-
9 ment of Social Services for comments in planning for the
10 long term.

11 Some of the options are worse than others. I'll
12 just read to you what I think are a couple of nightmares.
13 These are options that they wanted people to discuss for
14 future planning, Social Services block grants.

15 The State Board of Welfare has established as
16 mandates those services required under state or federal
17 law. The State Board could act to remove its mandates,
18 leaving the responsibility to each local Board of Public
19 Welfare to assure that its programs complied with appro-
20 priate state and federal law.

21 The sentence here that I want to point out is:
22 "The State Board could act to remove its mandates, leaving
23 the responsibility to each local Board of Public Welfare
24 to assure that its programs complied with appropriate
25 state and federal law." Again, this is just an option

1 that they wanted to discuss, but what we are talking about
2 here is an enforcement nightmare. I mean, a local board
3 of Public Welfare being given that responsibility and
4 having -- I mean, the whole block grant program we are
5 talking about giving limited guidance to the state and now
6 the state is considering giving limited guidance to its
7 localities and then we are going to have caseworkers
8 getting limited guidance in serving individuals. That is
9 just my opinion, but I have seen it happen.

10 Here is another option: because of funding
11 limitations, all individuals who are determined eligible
12 for a service may not be able to receive that service. I
13 mean, granted, we are going to have funding limitations,
14 but these priorities to me are very scary.

15 Here is another one: the most extreme option for
16 limiting expenditures for social services is to provide
17 services only to recipients of public assistance and to
18 those other individuals for whom services are required by
19 law. To limit services only to recipients of public
20 assistance. I don't know what percentage of migrant farm-
21 workers are receiving public assistance, it is very low.
22 That means no services for migrant farmworkers.

23 Again, these are just options, but this is part
24 of the planning for the block grant program, and I think
25 it is a very serious matter.

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1 Another thing, I have worked with some people,
2 had contact with some people, state agency administrators
3 in Richmond, and I have an additional concern and that has
4 to do with attitude, and this may be just a purely subjec-
5 tive perception on my part, but when I talk to people
6 about what specific programs there are for migrants, often
7 I hear, "Well, we have this and this, but you have to
8 remember that it is a very small percentage of the
9 population and we really don't want to spend that much
10 effort on it."

11 I can understand that they have a lot of people
12 to serve in the State of Virginia, but I can also -- I
13 think people need to be reminded that the migrant popula-
14 tion has very special needs, very specific health and
15 nutritional needs, and we cannot emphasize that too much
16 and that is why I am here today. Maybe I am just going to
17 beat this into the ground, but we cannot emphasize that
18 too much.

19 I think we need to devise some mechanisms to be
20 included in the block grant programs. I think we need a
21 mechanism for continuous farmworker representation on the
22 Block Grant Commission, farmworker or farmworker advocate
23 representation. I know there are some good people on the
24 Block Grant Commission right now. I don't know exactly
25 how the farmworker concerns are being addressed. But I

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1 think that that mechanism should be in place.

2 The civil rights issue concerns me a little bit.
3 I don't think we have a -- as you say, there are still
4 some regulations being developed, but I don't think we
5 have a totally clear picture of what is going to happen,
6 who is going to be responsible, who is going to enforce
7 it, are there going to be any teeth in it at all, and I
8 guess part of that is just a wait-and-see thing.

9 I believe the Health Department has -- my last
10 suggestion -- I believe the Health Department has a state-
11 wide WIC migrant coordinator, or there is someone who has
12 that responsibility, doesn't do it as a full-time job, but
13 I would suggest that any agency administering a block
14 grant should be required to have at least one position,
15 some migrant coordinator, someone to oversee how that
16 agency is impacting the migrant population. If we don't
17 create a position, if we don't put money in this specific
18 area, then nobody else will. I really haven't seen any-
19 thing that would lead me to believe otherwise.

20 So I don't know what role the Commission can play
21 in the development of these procedures or these mechanisms,
22 but I think we really need to make some specific recom-
23 mendations for money to be targeted for these people.
24 That's all I have.

25 MR. WILCOX: Thank you very much. Are there any

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1 questions from this table? No other questions? Any ques-
2 tions from you all, from the audience?

3 We want to thank you for coming, and I want to
4 thank all of you for coming. I want to thank especially
5 Chester Wickwire. Mr. Chester, I saw you in Baltimore a
6 long time ago and I remember when you volunteered for this
7 work. Congratulations.

8 I want to thank John Parsons, who is the princi-
9 pal of this school, for his help, tremendous help in
10 allowing us to have this room, for all the work to get it
11 all set up and everything. We want to thank our recorder
12 for his endeavors. And I thoroughly enjoyed the entire
13 affair, the forum, and I want to turn the meeting back to
14 our chairperson, Rev. Curtis.

15 CHAIRPERSON CURTIS: Thank you very kindly. This
16 has been a long time. We proposed to have a break from
17 5:00 to 7:00 and then come back and stay until 9:00, we
18 didn't have the break and it is still almost 9:00. It
19 reminds me of the baseball game I watched last night, 17
20 innings, five hours. So it looks like I'm getting into
21 long-term forums this week.

22 The persons who have appeared on the panels and
23 the persons who participated from the floor have all been
24 helpful to us in trying to develop the kind of information
25 we need to make recommendations toward the end of ensuring

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1 equal protection under the law. That is our responsi-
2 bility. We started off with that kind of statement and we
3 hold to it.

4 In some instances, when we engage in this kind of
5 activity, we have to dig deep and it hurts sometimes.
6 Feelings get a little aroused. But in order to dig deep
7 enough to bring healing, we have to sometimes do complete
8 surgery. We have not come to this area to antagonize
9 anyone, nor to anger anyone. We came to do our job as we
10 have set forth and in the process we had to confront
11 certain issues.

12 It is all in the record now. We stopped every-
13 time the recorder said stop, so there are not 18-minute
14 gaps in the record. After we edit the record, I don't
15 know, there may be some 18 or 20 minute gaps.

16 Before we go, to the members of the Committee --
17 I want to thank the members of the Committee, I know they
18 gave up a lot. All these people are volunteers, in case
19 you didn't know it. All these people at this table are
20 volunteers 'til we get to the end. We left our busy
21 activities to come because we want to. Some people have
22 served on this committee for a long time, some not so
23 long, but all of them have given themselves. There are
24 additional members of the Committee who could not come
25 today.

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To the members of the Committee, I would ask if there are any items of new business to come before us. Wanda, is there anything else that we should handle before we go?

VOICE: Where is a good place to eat?

(Whereupon, at 8:36 p.m. on August 3, 1982, the meeting was adjourned.)

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CERTIFICATE OF REPORTER

This is to certify that the foregoing transcript
In the matter of: THE FORUM OF THE VIRGINIA ADVISORY
COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

Before: Reverend Curtis W. Harris
CHAIRPERSON

Date: August 3, 1982
@ 2:11 p.m.

Place: Central High School , Paiter, Virginia

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to type-
writing.

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