

CIVIL RIGHTS

ISSUES IN MAINE

MAINE ADVISORY

COMMITTEE TO

THE U.S. COMMISSION

ON CIVIL RIGHTS

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957 and reestablished by the United States Commission on Civil Rights Act of 1983 (Act), is an independent bipartisan agency of the Federal Government. By the terms of the Act, the Commission is charged with the following duties pertaining to discrimination or denials of equal protection based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: the investigation of discriminatory denials of the right to vote; the study of legal developments with respect to discrimination or denials of equal protection; the appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection; the maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection; and the investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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These edited proceedings of the Maine Advisory Committee to the United States Commission on Civil Rights are submitted for the information and consideration of the Commission. Statements and viewpoints should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

Maine Advisory Committee
to the U.S. Commission on Civil Rights

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The Maine State Advisory Committee is pleased to submit these edited proceedings of a community forum as part of its responsibility to advise the Commission about civil rights issues in the State of Maine. At the June 13, 1988, meeting, the Committee unanimously approved these proceedings by a vote of 11 to 0.

The Advisory Committee held a community forum on "Civil Rights in Maine" on December 2, 1987, in Portland. Ten panelists representing civil rights enforcement agencies and advocacy organizations made presentations at the forum. In addition, a representative of the Anti-Defamation League also made a presentation. This report is an edited transcript of the presentations by those 11 panelists, not an exhaustive analysis of issues raised. As the Committee received a presentation critical of the English-only movement without the benefit of an opposing perspective, we sought and obtained a reply from U.S. English responding to that panelist's comments. That reply is attached as an appendix.

The Maine State Advisory Committee hopes this document will be of use and interest to the Commissioners as well as to State officials and citizens concerned about civil rights progress in Maine.

Respectfully,

GRAYCE E. STUDLEY, Chairperson
Maine Advisory Committee

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Acknowledgment

The Committee is indebted to its colleague, Ms. Elinor Multer, for her professional editorial contribution and staff of the Commission's Eastern Regional Division for planning the community forum as well as for editing and overseeing the proceedings. The forum was planned and conducted under the leadership of Ms. Shirley Elias Ezzy, Vice Chair of the Committee. A complete transcript of the forum is available in the Eastern Regional Division office of the Commission.

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SUMMARY

The Maine Advisory Committee believes that a periodic assessment of the status of civil rights in Maine is helpful in planning the Committee's future activities. Such an overview may also serve as a catalyst in calling the attention of the public and State officials to current and emerging civil rights issues in Maine. With these purposes in mind, the Committee held a community forum on "Civil Rights Issues in Maine" on December 2, 1987, in Portland, and heard presentations by the Maine attorney general and nine representatives of civil rights enforcement agencies and advocacy organizations. This report is an edited transcript of the presentations by these 10 panelists.

The panelists who made presentations at the forum are James Tierney, Attorney General, State of Maine; Patricia Ryan, Executive Director, Maine Human Rights Commission; Betsy Sweet, Executive Director, Maine Commission on Women; Stuart Ferguson, member, Maine Committee on Aging; Gerald E. Talbot, President, Black Education and Cultural History, Inc.; Kathy McGinnis, former President, Maine Association of Handicapped Persons; David Vielleux, Coordinator, New England Functional Support Center; Anne Irene Pardilla, Lt. Governor, the Penobscot Indian

Nation; Sambo Sok, President, Union Cambodian Association of Maine; and David Stauffer, Refugee Coordinator, Maine Department of Human Services.

The panelists discussed a wide range of topics, from a conceptual analysis of the evolving nature of civil rights to specific incidents of sex segregation and harassment and intimidation motivated by racial and ethnic prejudice. For example, the Maine Attorney General placed the evolving nature of civil rights concerns into a historical context by tracing the way the Maine Human Rights Act has expanded its coverage over the years. To keep the act responsive to emerging civil rights needs, he appealed for informed public attention and debate. Representatives of State civil rights agencies such as the Maine Human Rights Commission, the Maine Commission on Women, and the Maine Committee on Aging described agency activities and discussed problems in areas of their respective jurisdiction.

In addition, representatives and officials of civil rights advocacy groups representing blacks, Native Americans, Southeast Asian refugees, and handicapped persons spoke of the issues that are of pressing concern to these groups. They covered such issues as allegedly receding civil rights sensitivity in the State and across the Nation, societal pressure for coercive assimilation into mainstream culture, and the insensitivity and

stereotypes directed to handicapped persons and refugees from Southeast Asia.

In particular, the panelists gave prominent coverage to the following civil rights issues in Maine as in need of public attention and scrutiny:

1. Housing discrimination based on handicap, gender, and source of income (i.e., public assistance programs);
2. Sexual harassment and violence against the elderly and women;
3. Bigotry, harassment, and violence motivated by race or national origin;
4. Discrimination against those with AIDS or perceived to have AIDS;
5. Employment discrimination based on age, gender, handicap, and race;
6. Sex bias in court decisions and divorce cases;
7. Occupational sex segregation as perpetuated in part through counseling and vocational training.

The Committee was pleased to learn that the State of Maine is leading the Nation in protecting the interests of handicapped persons in part because of the advocacy role played by the Maine Human Rights Commission. It was reassuring to hear that advocacy groups view the office of the State Attorney General and the Maine Human Rights Commission as actively enforcing the

Maine Human Rights Act. On the other hand, however, the Committee was distressed to learn of the incidents of alleged harassment and intimidation directed against the Southeast Asian refugees. Although many issues such as employment discrimination, housing discrimination, sex inequity in pay and job training, and discrimination based on AIDS are matters of great concern to the Committee, there was a general consensus among the members that the Committee should conduct followup activities with respect to the incidents of bigotry, harassment, and violence motivated by prejudice based upon race or national origin.

As noted, the Committee received a presentation critical of the English-Only movement. A reply to that presentation is attached as an appendix.

The Maine Advisory Committee hopes this report will be of interest and value to the Commission in its monitoring of civil rights concerns nationwide as well as to State officials and citizens concerned with civil rights issues in Maine.

**OPENING REMARKS BY SHIRLEY ELIAS EZZY
VICE CHAIR, MAINE STATE ADVISORY COMMITTEE**

I would like to call this community forum to order. My name is Shirley Ezzy, and I'm Vice Chair of the Maine Advisory Committee to the U.S. Commission on Civil Rights. I welcome all of you to this forum on civil rights issues in Maine this afternoon and thank you for participating.

Based on today's forum, we will prepare a report to inform the Commissioners, and we will also use the information to help us set our priorities for activities for the coming year.

**PRESENTATION BY JAMES TIERNEY
ATTORNEY GENERAL FOR THE STATE OF MAINE**

For many, civil rights in America is still synonymous with the struggle for equality by America's black citizens. Maine has played a long role in that struggle. Maine sent more men to fight in the Civil War, on a per capita basis, than any other State, North or South. The people of Maine were touched by the injustice of slavery, and it was no surprise that the civil rights movement in the 1960s fell on fertile ground in our State.

As your attorney general for the last 7 years, I can assure you that the civil rights laws of this State and of this country have moved more in the last 20 years than they have in the previous 200. Nationally, the legal barriers have fallen.

Even Senator Strom Thurmond and Governor George Wallace campaigned in favor of the Voting Rights Act seeking black votes in their states. In the State of Maine, the Human Rights Act is alive, well, and vigorously prosecuted by an able Commission and staff.

As the Maine Human Rights Act was originally passed, it dealt with our basic constitutional rights; the issues of race, color, religion, national origin. Soon the Maine legislature expanded the law to include protection of those discriminated against based on sex, physical handicap, age, mental handicap, and, in some cases, children and marital status. These changes are important because civil rights is an evolving process. For some of you these issues may be easy. For those persons, I feel some envy that for you the lines are so clear. For most people in this society, however, it is difficult to make the evolving choices as to where our civil rights movement will move. Things are not so black and white anymore.

Although we have made progress in the legal area of civil rights, few of us really feel that this Nation is less segregated than it was 10 or 20 years ago. The wages of black Americans, the working conditions, and the dropout rates in inner-city high schools all speak of a sober reality.

I believe the fundamental challenges facing civil rights in Maine and in this country are not going to be solved by our laws or our regulations or the lawsuits that I might bring. Our problems will be solved only by a change of attitudes that

comes in our churches and our schools, our main streets and our country clubs, in our union halls, and perhaps most of all, our homes and in our families.

One month ago, I had the privilege of touring the Soviet Union. I visited homes of individuals who have long since applied for immigration to Israel. In talking with them, I sensed the pain they were suffering and the lack of human rights they suffer on a daily basis. This experience helped me evaluate my own country's successes and failures.

Back home, I looked again at the issue of civil rights and at my record as attorney general. If civil rights is an evolving concept, how can we now facilitate that process? Where should our priorities now be?

Clearly, one evolving area is that of physical handicap. We continue to receive a significant number of complaints in this area. After the legislature voted to include physical handicap in our Human Rights Act, we found it was difficult to define discrimination based on physical handicap. Only after lengthy litigation with the Canadian Pacific Railroad Company were we able to flesh out the outlines of this important provision of the law.

Canadian Pacific had made personnel decisions on three individuals, based on the fact that these men had a physical infirmity which put them in a classification which rendered them suspect for future injury. One had worked as a heavy laborer without difficulty, but because he had a heart murmur,

he was denied employment as a section man because the company believed he had an increased risk of suffering a heart attack. A second individual with a leg brace was affected based on the company's belief that there was a propensity that he might slip and fall. Another man had a laminectomy and was denied even the opportunity to apply for a job because of the propensity that people with back problems may have for developing physical problems later on. In winning that case, of which I am very proud, perhaps the most important element that emerged out of it was the fact that civil rights is an individual right. It stops people from being put in classifications because of situations over which they have no control. It was the individualization of the physical handicap issue which was important.

The next issue concerning physical handicap occurred when the City of South Portland was required to purchase lifts so that people in wheelchairs could travel on the city bus system. It was a complicated issue. In our advocacy for civil rights, we have pushed this law to at least its legal limit. Our Supreme Court upheld the action of the Maine Human Rights Commission by only a four to three vote.

The point is that this civil right was evolutionary. The initial thought was that a person certainly should not be fired for a physical handicap. The second was that the right should apply so that people cannot simply be put in arbitrary classifications. The third was that an entity, public or

private, must take affirmative action to accommodate citizens with a handicap. The right has gone through an important evolution.

In conclusion, let me ask you the same question I ask myself, "Where do we go next? Where does civil rights evolve?" One area could be discrimination based on national origin. National origin applies to our friends in the Penobscot and Passamaquoddy Nations who were here before we were. National origin also applies to our newest arrivals, our new friends and new citizens from Southeast Asia who in this city are faced with serious problems because of where they came from and how they look.

Another priority or direction is to expand the Human Rights Act. Discrimination against single parents particularly disturbs me. Is that a civil right? The issue of single parents' rights is very troubling to me. Is it not true that single parents have great difficulty in being hired for particular jobs? Are they not denied promotion? Are they not denied the chance to live in a particular place not because they are a parent, but because they represent a single parent?

Does one's physical appearance become an area of a civil right? Skinny people, fat people, tall people, and short people are denied jobs based on how they look every day. We all know it. Is that a civil right? Is that an area we should enter?

**PRESENTATION BY PATRICIA RYAN
EXECUTIVE DIRECTOR, THE MAINE HUMAN RIGHTS COMMISSION**

I'm Pat Ryan, the Executive Director of the State agency charged with enforcing Maine's antidiscrimination laws. We receive and investigate complaints in the area of employment, housing, access to public accommodations, credit, and education.

The Commission has five members appointed by the Governor for staggered 5-year terms. No more than three members can be of any one political party. The Commission appoints the Director, and the Director in turn is responsible for appointing and supervising the staff. The staff and the Commission function in four major divisions: investigation, conciliation, legal, and the support and administration always necessary to keep an organization going. The bulk of our work involves investigation of complaints filed with us.

In the last year, over 500 complaints were filed with the Commission alleging discrimination in areas in which we have jurisdiction. During that period of time some 580 complaints were resolved. The majority of our complaints, 88 percent, are filed in the area of employment. Most of these employment complaints are filed on the basis of sex. Sexual harassment in particular is a problem. Discrimination against women who are pregnant also continues to be a problem.

Allegations of discrimination on the basis of physical handicap comprise a significant and growing category of cases with the Commission. One of every three complaints filed with

the Commission last year was filed on the basis of physical handicap. A week ago the Commission was given jurisdiction over complaints to be filed by persons who are turned down for employment because they have made a claim under the Workers' Compensation Act.

Age discrimination is our third largest category of complaints. Most of the complaints alleging age discrimination are in the area of employment, usually termination. Unlike most of our other categories, people who file age complaints are generally white males in their fifties. Credit has become a growing problem area for persons when they are denied credit because of their age.

I also would like to talk about three areas we have not been able to focus on as fully as we wish. One is housing. Decent, affordable housing is a growing problem in the State of Maine, and that impacts particularly significantly on women who often are the heads of households, who may be receiving public assistance, and who usually have children. Overall, we know working women earn substantially less than working men. Women are more likely than men to be single heads of households, and they are more likely than men to receive public assistance.

All of these things--discriminating in housing against people because they are female, because of their sex, because of their source of income, because they have children--are illegal. The problem is that many people in seeking housing do not realize they are being discriminated against. Some people

may not be shown units because they receive public assistance, because they have children, or because they are female, single heads of households. Even when they realize it, they are more interested in getting a place to live than in pursuing a discrimination complaint. This is an area that needs greater attention. We as a Commission are trying to address some of those problems, but it is an area that is ripe for involvement by other organizations.

There are problems related to hate and violence in the State of Maine: the appearance by the Ku Klux Klan in the State earlier this year, the incidents of violence against members of the gay community, and the incidents of violence we hear about against members of other minorities and refugees. This needs to be addressed. It is not an area in which the Maine Human Rights Commission has any direct jurisdiction to go into communities and deal with these problems. We could use and everybody could use some assistance by calling attention to these situations.

The final area is AIDS. AIDS is considered a physical handicap under the definition of physical handicap in the Maine Human Rights Act. Thus, someone who is fired from a job because of AIDS, because of a positive test for the virus, or because one is perceived to have AIDS, is protected by State law. The Maine Human Rights Commission makes individual assessments to determine whether that person is able to perform his or her job.

We are concerned about access by those with AIDS to places of public accommodations and medical facilities. If you have AIDS and you are not allowed into the hospital for treatment, you can file a complaint. We have jurisdiction, but that is not good enough in this situation. We need more information, public education. People in the State need to understand more about AIDS, how it is transmitted, and understand that in employment situations and in access to medical facilities, discrimination against a person with AIDS is a violation of that person's civil rights. We can do it on the enforcement end when individual cases come to us. By the time, however, the person with AIDS files a complaint with the Commission if, in fact, one has AIDS, one's life span may not be very lengthy, and it seems a cruel process to put someone through at that point. It's been shown in the few years we have known about AIDS that in those communities where serious education efforts have been undertaken, problems are alleviated quicker. I think that this Committee as well as others can be a very positive force in this area particularly.

**PRESENTATION BY BETSY SWEET
EXECUTIVE DIRECTOR, THE MAINE COMMISSION ON WOMEN**

This summer I had the privilege of selecting 36 students from all over the State of Maine and taking them to the Soviet Union as part of an international exchange. To come up with

these 36 students, we interviewed 106 students. As part of the interview process, we asked those kids to name three advantages of living in the United States, and then we asked them to name three advantages of living in the Soviet Union. Of all these kids not a single student, young adult, named the Declaration of Independence, the Civil Rights Act of 1964, the Bill of Rights, or the U.S. Constitution as an advantage of living in the United States.

Some of them did mention, to their credit, freedom of the press and one of the provisions of the Bill of Rights, but no one mentioned the overall concept of what a democratic form of government is like. Now there are two ways to look at this. Optimistically, my interpretation is that these young people take them for granted and therefore are not able to articulate them. In a way, it is good that people should take them for granted. The pessimistic way of looking at that is that these Americans do not know what their rights are, they are not particularly concerned about their rights, and most importantly, they may not think there are any problems left.

I think this is particularly true in the women's movement when I talk to young women in high schools, elementary schools, and colleges. They think the women's movement is over, and the reason they think it is over is because they think everything is already done and that everything is fine. I think what that shows is that the idea of equality based on gender, based on sex, is accepted. The idea of equality and certainly the rhetoric of equality is accepted.

What is now required is the enforcement of those laws that protect the rights of women. It requires educating people about their rights, what rights they have, how they can pursue them individually, how they can pursue them as a society. The most obvious one to me is that we have no equal rights amendment in this State or in this country, and until we get that we cannot talk about full equality for women. We still have the problems of unequal pay for doing the same work, job segregation, discrimination against pregnant women, all kinds of things that are protected against legally but, in fact, still happen in our society.

Women are in the work force in record numbers to try to achieve a decent standard of living. Eighty-five percent of women work because they are either the sole provider for their family or because their husbands in the State of Maine earn less than \$10,000 a year, and their income keeps them out of poverty or at least above the official poverty line. The Norman Rockwell version of America---man at work, woman at home taking care of the kids, with the 2.3 children, the panel stationwagon, and a white picket fence and a dog---is a reality for less than 10 percent of Maine families. Ninety percent of us are in some kind of fiscal crisis: women are working because we must to maintain a reasonable standard of living.

In Maine 47.9 percent of our work force is female. One-half of mothers with children under the age of 5 are in the work force, and yet only 5 percent of the children who need

child care or who need to be in supervised settings actually are in those settings or in registered homes. Child care is a significant problem that we have only begun to touch. I do not know whether child care is a civil right, but it certainly is a right--something needed to enhance and protect the civil rights of working women and families.

Our whole workplace policy has got to change. It is necessary to provide for pregnancy leave for workers, maternity leave and paternity leave. All of the things required to have a family and work at the same time do not happen in our country.

Pay inequity still exists. For every dollar that men make in Maine, women make 61 cents. That is a rise of basically 1.3 cents over the last couple of years. In 1964, however, women earned 64 cents of every dollar that men made. So although we are now finally in the last couple of years beginning to creep up again, women went through a dip as we entered into the low-wage, low-paying sectors of our economy.

Lack of health benefits is a critical problem. These part-time service sector jobs, 95 percent of which are occupied by female workers, often do not provide for benefits. We see many Maine families who do not qualify for Medicaid or Aid to Families with Dependent Children (AFDC) and health benefits, but whose employers do not provide health benefits. As a result, people are going without health care, without preventive care, without regular checkups, children without regular checkups. The whole issue of health benefits for work

is a critical one. We are seeing more and more industries having several people in a part-time job rather than one person in a full-time job simply to avoid paying benefits.

We still see job segregation, which is one reason for that 61 cent figure. Eighty-six percent of women in Maine still work in traditional women's work, clerical or service or restaurant business. Very few of our managerial positions are held by females--whether it's our school systems, our State government systems, or private industry. There is talk now about the "glass ceiling," that women can move so far in corporations and in social structures but not advance above that to really get where decisions are made and money is made. If you look at our educational institutions and educational training that prepare us for the world of work, we still see a great deal of sex segregation. In our vocational-technical institutes where a lot of training will be done for future jobs, we still have tremendous sex segregation.

I want to share with you a poignant example of sex segregation. When the Health-Tex workers were laid off recently, here were women in their thirties, forties, and fifties who had incredible dexterity skills and would have been able to go into nontraditional jobs. We put together a vocational training program for them in machine tooling because it required the same kind of skills. Although people applied and were in the program and got jobs as machine tool operators, we found later that 14 women were turned away from that program by one of the workers because "he just couldn't imagine a woman

in a machine tool shop." These are 50-year-old women who wanted those jobs, who wanted to be doing nontraditional jobs and getting that pay, and yet they were denied that opportunity, not because someone was a malicious person, but, in fact, because he simply could not imagine women in such roles.

In the workplace we have the problem of sexual harassment on the job, which continues to be the number one occupational hazard for women at work. It represents the majority of cases for the Human Rights Commission, and yet we know that 85 percent of the women who are sexually harassed either quit their job or never report it because of the fear of "victim blaming." It is the woman who is usually assigned the blame in those cases. So the workplace is not a very friendly place for women even though there are laws to protect our rights there.

Then there's the issue of violence against women. I think that surely violence is on the increase. Every 18 seconds a woman is abused, physically abused, and one of four women in this State and in this country will be sexually assaulted in her lifetime. One of seven women who is married is raped by her husband.

We are making some progress in these areas. The State of Maine has, with the help of the Commission for Women, the Women's Lobby, the Human Rights Commission, and a variety of groups, worked hard to make sure there is a network of both

battered women shelters and rape crisis centers to support victims of violence and give them someplace to go. We have successfully gotten rid of the exemption for marital rape and the exemption for voluntary social companions in our laws in the last few years. With the community training project of the Family Crisis Shelter Coalition, we are starting to get to the point where people will talk about abuse, where it is not hidden in the closet. Communities are beginning to understand it is a community problem that they must address.

**PRESENTATION BY STUART FERGUSSON
MAINE COMMITTEE ON AGING
(Substituting for Romaine Turyn, Maine Committee on Aging)**

I'm Stuart Fergusson, a member of the Maine Committee on Aging, a 15-member group appointed by the Governor to advise the Governor, the legislature, and the State and Federal executive agencies on matters affecting the aged and elderly. It also plays an advocacy role for the elderly. I am 73 and retired.

Having worked in Paris in the early days of World War II for some months, I know the experience of living as a minority person. Most of us do not until we get older. Attitudes toward the aged are less favorable in the U.S. than in any other country, and particularly in Western Europe.

Emotional bias is not the source of prejudice against the aged or discrimination against the elderly. People do not intend to be mean to elderly. They do not have anything against them necessarily. I think they are afraid of the aged to some degree just as they are of the handicapped, and fear engenders a kind of prejudice by itself.

There are a lot of subconscious perceptions, and the State of Maine has put out an excellent study on the status of older workers in the Maine State government. The study points to the general misconception that the older person will not perform as well or will present problems or something of that sort. These perceptions work against the older worker. Given somebody in his thirties against someone in his forties or fifties, the tendency is to hire the younger person. According to the common stereotypes, young people will be more flexible and will not present the health problems that older people might have. Age discrimination starts as low as the forties. It's not a question of being in the eighties. People do not look at you as old when you are in the eighties; they look at you as ancient. They start looking at you as too old in your fifties and even in your forties today.

There is also the question of health care. Doctors are not interested in patients over 65, as old patients do not present "interesting" problems. We have no interest in preventive medical care in this country before people get old. We wait until somebody is 70 and then ask, "how did you get this way?"

Once you get old and you have medical problems, there is another kind of discrimination. Many older people, by virtue of their health and income status, often have to deplete their resources (spend down is the saying), until they are paupers to get Medicaid to pay for medical bills which they simply cannot afford otherwise. When they get to the point where they need to live in a nursing home, they find they are discriminated against in getting into a nursing home because they are on Medicaid. It's not legal, but it is a matter of fact.

We should turn our attention to "what can we do specifically?" Generalities will not do it. I think we do have to try and find some specifics with which we can work. We should remember, first, that any antidiscrimination measure helps all others who are discriminated against simply because everything that is antidiscrimination is against all discrimination.

Older people are subject to violence more and more as with children. If you are small and weak, you face violence against you. As people get older, they get weaker and suffer more violence. Women suffer more violence certainly because of the perception, even in marriage, that they are weaker than men.

I think hiring is a good place for a specific attack because there is something there you can focus on; there's the job interview, there's the business of hiring, putting on the payroll, promoting, and raising pay. That's a specific area to which I think attention could be paid, and your committee can do a great deal to spearhead this kind of effort.

Training and retraining is the third specific. Employers do not want to spend the time and money training and retraining older workers. Training is worth the effort, and older workers should have just as much training and retraining as younger workers. Speaking as somebody who is 73 and looking around seeing many younger people, all I can say is you just wait until the baby boomers reach 60.

**PRESENTATION BY GERALD E. TALBOT
PRESIDENT, BLACK EDUCATION AND CULTURAL HISTORY, INC.
(FORMER PRESIDENT OF THE MAINE NAACP)**

I am Gerald E. Talbot, a past President of the NAACP, but I have not been asked by the NAACP to speak for it. I represent Black Education and Cultural History, Inc., incorporated since 1980 with the State of Maine.

Because many people in the private and public sectors of this State do not really understand the meaning or significance of racism, let me start there. Racism may be viewed as an attitude, action, or institutional structure which subordinates a person or group because of his or their color. With that in mind the bottom line is yes, there is racial discrimination in the State of Maine, and there always has been. As a native Mainer, an active black with over 25 years of experience, I feel the gap between black and white will even get wider.

In the past year, a young black man, a county employee with a clean record, education, work habits, job-related schooling,

and seniority has been denied a promotion not once but three times, and it has never been explained why. A prominent black businessman in the Portland area was accused of sexual harassment of a white woman, had a public hearing, and the complaint was thrown out because of no foundation or merit. A visitation by none other than the Ku Klux Klan in Rumford needs no explanation, except that they say they will return. A well-educated black man, an appointee under three Governors, tried to enter the private sector only to be continually denied employment across this State. The excuse used was "overqualified," something we have heard many times before. A black person in the city of Bangor with a good employment record, a retiree with enough money to hold him over, attempted to buy a house in Bangor, and that bank made him get a job before he got that money.

Since 1980, white America has been in reverse gear concerning civil rights, and blacks are still in the back of the bus. Civil rights organizations on the whole, including those in Maine, have come to a grinding halt. The once visible organizations who stood up and were counted on are now invisible to the black community. We do not hear or see them. Therefore, the black community has little or nothing to turn to in time of crisis.

Let me quote from the Governor's Task Force on Human Rights in 1968:

To be black in the State of Maine means being subjected to all discrimination in, for example, housing, employment, and social and civic groups which Negroes are subjected to throughout the rest of the North. Having to face this discrimination alone or as a small family group without even having the moral support of a substantial black community with which to exchange ideas or which can be organized to exert political pressure....As a result you feel almost totally isolated in a basically hostile community, subjected to pressures which your white neighbors cannot understand even when occasionally they try.

This is not to say we have not made advances. We all have, and we will in the future, but here in 1987 black people are still collecting scars to add to our continued collection of scars. Let me conclude by reading this anonymous letter I received 2 months ago: "A white revolt is coming to this country. It's better for you to go back to Africa where you belong."

**PRESENTATION BY KATHY MCGINNIS
FORMER PRESIDENT OF THE MAINE ASSOCIATION OF HANDICAPPED PEOPLE**

I am an organizer now and former President of the Maine Association of Handicapped People. I am here to talk about people with disabilities and the status of people with disabilities. There are disabled people who are black, women, old and young of either sex or sexual preference. We are a grassroots civil rights organization. We provide no services. We organize people and try to motivate them for change.

Many times we focus on disabled peoples' differences, for example, Kathy cannot get from here to there because she cannot walk. That's not the problem. The structural barrier is the problem, not my inability to walk. What we want to say to people is to get rid of what we consider our greatest disability: it is the social and political institutions and individuals with power to affect social and political change that block our access to equal rights and full participation in every aspect of our lives.

If we are saying, "There's a bunch of people we need to give services to and help them because they are sick and pitiful," wipe that out because that is not the reality you have in this country. There are millions of Americans with disabilities who are capable, willing, and able to contribute, but are being oppressed. I am sure all of us hear those words and use those words, discrimination and oppression, but that is an everyday fact of life for us. There is not a day that goes by that someone or something does not make you feel inferior or less equal or slap you in the face to say you are not good enough, and the effect of that is quite powerful.

Maine has a higher percentage of people with disabilities than any other State in the Nation. I am talking about 10 to 13 percent of the population of the State of Maine. That is a huge percentage for a State so small. The reasons for that are environmental. There is a lot of hands-on work, and a lot of people get injured in the workplace. Maine is very rural, so

it's much harder work, with more toxic work environments, as well as a lack of equality in medical care and preventive measures in the more rural sections of our State.

In 1981 there was a study done here in Maine of folks in nursing homes and health care facilities. It showed 30 percent of these people were healthy, disabled people who had no other place to go. At present, we have disabled people who are capable of living in a community, but they cannot because of barriers, a lack of accessible, affordable housing, a lack of transportation, and an ignorance regarding the need for independent living, being able to be out on their own.

There is a tremendous shortage now in the disabled community of what is known as personal care assistants; that is, an individual, a tool, something to help you get up in the morning, help you cook your meal, and then you are off and ready to go. There is a real shortage there, and the effect is that those people who are in their homes end up being prisoners in those homes. There is a lack of understanding and ignorance as to that need, that tool. As an interpreter is a tool for a deaf person, this chair is a tool for me. An accessible building or facility is a mechanism to free me to do what I have a right to do, and transportation and housing are keys to that. I know many disabled people who had very good job offers but had to say, "I'm sorry, I cannot accept it because I do not have reliable transportation."

Many disabled people do not get any benefits. When you look at the homeless statistics now, a huge percentage of homeless are people with either physical or mental disabilities who have been dropped through the cracks because they did not fit into one particular program or service. Forty percent of disabled people between the ages of 16 and 64 earn less than \$3,600 a year. The U.S. Census Bureau tells us that 76 percent of disabled women capable and willing to work are unemployed.

You could be disabled in a \$50,000 a year job and not be able to get an insurance company to cover you because there is blatant discrimination in the insurance industry with regard to covering disabled people. There are now Federal mechanisms to try to address that, but they have caps that basically leave a small fraction of people able to get some coverage and then the rest of the people are supposed to shell out the hundreds and hundreds of dollars a year, paying for their own medical cost. All of those things add tremendous pressure on disabled people.

According to the Census statistics, 40 percent of working disabled people were getting well under the minimum wage. Of those working, disabled men make now what women used to make, 59 cents on the dollar of every able-bodied white man. Disabled women make 39 cents on the dollar of an able-bodied white man. If you are a black or Hispanic disabled woman, you make even less, anywhere from 25 to 39 cents on the dollar that someone else would make. All this happens despite Federal and State civil rights protections. So when we start approaching the core

issue, it is education for disabled people, and we were fortunate to work with the Maine Human Rights Commission to get some amendments to the Human Rights Act. Until last year when we approached the Commission, disabled people were not protected for their rights to education under Maine law.

Although numerous Federal mandates and regulations have been issued, there is wholesale violation of section 94142 of the Handicapped Children's Act. We're constantly finding schools deliberately segregating disabled students. A blatant example may be found here in Portland where a young man who was mentally disabled was tethered to a radiator over a period of 3 months, up to about 20 times, because school officials were not sure what to do with him. I would love to be able to say that is a rarity in 1987, but that seems to happen quite frequently, including such incidents as kids not getting materials or books, transportation not provided, or disabled kids being segregated in a portable classroom where they are told to play and occupy themselves, seeing the teacher once or twice a week if lucky. That does not live up to the letter and certainly not the spirit of what is intended.

Under the present system, we are producing people who forever will depend on a system to take care of them, dependent people, not independent people. We are dumping right now billions of dollars into tentative social programs whereas if we made a one-time investment in peoples' dignity and civil rights, we would have an open community, would have someone with

transportation to go to work. They would be capable of giving back by paying taxes. You would have a whole person contributing.

One proud thing I want to say about the State of Maine is that the State, in regards to transportation for disabled people, is leading the Nation. With Federal civil rights laws under Reagan totally gutted and accessible transportation eliminated, many States stopped doing it. People welded their lifts shut and said "We don't need to do it anymore." In Maine, we said, "No, that is a right of disabled people." The Commission, being, I am proud to say, one of the most active bodies here in the State government in regards to civil rights, was willing to back us. As a result, what we have is a mandate, and public transportation is a right for disabled people. We have fought for that for 6 years. Black people fought to sit anywhere on the bus; we fought for over 6 years to convince people we had a right even to be there. This work is not over; it continues.

While Maine is leading the Nation with regard to rights of disabled people, there are constant reminders that I have had in the past few days that we have a long way to go. There are times when I am proud of Maine's leadership, and there are other times when I laugh and it hurts because I know how far still we have to go. I think when I find someone, as I always seem to at election time, a disabled person who says to me, "I did not know I could vote because I was disabled" or when I get a call from a

vision-impaired man in Augusta who says, "They told me I couldn't take my wife there because they said the warden would have to vote for me, and I would have to tell him who I wanted." A group home in Hollis, Maine, was told, "No way will we let retards vote in our city."

**PRESENTATION BY DAVID VIELLEUX
COORDINATOR, THE NEW ENGLAND MULTIFUNCTIONAL SUPPORT CENTER**

I am a Franco American, employed under Title 7, Bilingual Education, at the Multifunctional Resource Center which serves the linguistic minorities in the New England area. I have specific responsibility for Maine, New Hampshire, and Vermont.

I am here today to alert the Advisory Committee and all people in this room who represent linguistic minorities in Maine. While we have made great strides in civil rights in this country, it seems as though we begin to go backwards again and return to some former prejudices and discrimination that we thought we had begun to eliminate. I wanted to address the issue of the English-Only movement and the impact it is already having on linguistic minorities in this country. Briefly, I will mention the U.S. English movement for those of you not familiar with it. According to its own brochures, "U.S. English is a national, nonprofit organization cofounded by former United States Senator S.I. Hayakawa." Its goal "is to make English the official language of the United States. We

are working to abolish bilingual ballots and limit bilingual education to a short-term transitional role. You can help make English the United States' one and only official language by mailing your tax deductible contribution with this survey in the enclosed envelope."

In addition, last year a letter was passed to me by a State legislator in Vermont. Apparently, all of his colleagues and all State legislators in the 50 States received a letter from former-Senator Hayakawa on November 13, 1987. The letter cites the recent passage of Proposition 63 in California designating English as that State's official language. Dr. Hayakawa argued that:

English is our common language, the tie that binds us all together as citizens of one nation... yet some politicians and ethnic leaders oppose giving English any legal protection. They will continue to demand the use of other languages by government such as mandatory bilingual ballots, bilingual education that doesn't emphasize English, and a federally endowed national Hispanic university system and other divisive measures.

Demographic projections indicate that the Hispanic population in this country by the year 2000 will comprise nearly one-third of the U.S. population, meaning that one-third of our entire country's population will be of Hispanic origin, and a great number of those, perhaps one-third, also will be speakers of Spanish primarily. What are we to conclude on the heels of these projections when a "national movement" arises to protect English, as if it needs protection, from "some politicians and ethnic leaders"?

Many of us who oppose English-only efforts do so because we see in this movement a xenophobia or, as I call it, "Hispanophobia," a movement really directed at one of the largest groups but by implication, all non-English-background persons in this country.

U.S. English indicates its real agenda when it refers to its goal of eliminating bilingual ballots, bilingual education, and other "divisive measures" which it fails to define. It supports its arguments by referring to the "political upheavals over language that have torn apart Canada, Belgium, Sri Lanka, India, and other nations...." To my knowledge, Canada is still a nation that has not fallen apart, and none of the other nations has fallen apart either.

The intolerance of other ethnic groups' cultural and linguistic differences is central to the policies of U.S. English. It makes the language spoken by an individual a loyalty test for citizenship. It ignores and puts down the cultural and linguistic diversity of this Nation. It would deny access to voting rights and equal education opportunity to millions of citizens who are not yet English proficient. I have worked in bilingual education for nearly 13 years now, and I have yet to see any project or bilingual educator who would deny that the goal of bilingual education is to develop proficiency in English. National legislation under Title VII, Bilingual Education, has never permitted anything else. It is true there have been violations of these regulations, but it is

also true that monitoring of these programs has uncovered and corrected these abuses of the law.

Hispanics as well as other recent immigrants know full well that success in this society necessitates proficiency in English. I have seldom encountered limited-English-proficient adults or students who did not believe strongly that to make it in America one needs to learn and become proficient in English. Bilingual educators as well as the public law have never argued anything else. Bilingual education is one means of attaining that proficiency.

It would be unfortunate to see us revert to the "sink or swim" English submersion experiences of students with limited or no proficiency in English that preceded bilingual education legislation in 1968. National data at that time indicated that minority language students were achieving well below national norms, had higher school dropout rates, were overrepresented in special education and compensatory programs, and were denied equal educational opportunities afforded to their English dominant peers.

California and many other States already have begun to extend the English-only law to public business, government, and education. Opponents of the English-only movement point out that motives behind this movement are once again to put ethnic linguistic minorities "in their place" and to effectively disable them politically and educationally. It is a return to prebilingual and premulticultural education, effectively

denying the cultural and language heritage of millions of Americans.

It is noteworthy that two separate attempts to pass English-only legislation in the U.S. Congress have failed. It also is significant that when these efforts failed, the English-only proponents adopted a new strategy: "If we can't pass a national law, then let's do it State by State."

Last year, in our neighboring State of New Hampshire, an English-only bill failed to make it out of legislative committee. In fact, one of the bill's sponsors withdrew his support for the bill after hearing testimony from a number of representatives from the Hispanic, Asian, and Franco American communities of New Hampshire.

To my knowledge, no such legislation has been introduced in Maine yet. If such legislation is attempted or passed, it would indeed be a slap in the face of the many ethnic linguistic groups found in Maine's population. To deny the use of bilingual education as a proven pedagogy in Maine is to ignore the tremendous achievement of past and present programs such as were found in the St. John Valley in Maine, the Portland school system, and the Maine Indian education projects at Pleasant Point and Peter Dana Point. Bilingual education programs that foster pride in one's own cultural and linguistic background, as well as educate the local English-speaking population in other languages and cultures, have done much to improve student achievement and break down these cultural prejudices.

It should be a concern to this Advisory Committee and to the citizens of Maine that no one is denied access to public health, welfare, and educational services or be victims of the law because of one's inability to handle the English language proficiently. Many of Maine's elderly population are of Franco American descent, and French is their language of preference. Many never had the opportunity in life to develop their English-language skills, and yet they have contributed substantially to the social, economic, and political life of this State. We are just beginning to recognize the linguistic needs of these citizens to help them participate fully in the system. I strongly recommend that this issue be monitored in Maine as well as in the Nation.

[A response to Mr. Vielleux's presentation by Linda Chavez, then President, U.S. English, is attached as an appendix.]

**PRESENTATION BY ANN IRENE PARDILLA
LT. GOVERNOR, THE PENOBSCOT INDIAN NATION**

My name is Ann Irene Pardilla, Lt. Governor of the Penobscot Nation. I wish to address the single, most important concern of our tribal government: our children's future, their rights as human beings, and the cycle of racism found in Maine.

As we near the 21st century, I am mindful of the changing patterns of human existence and the slow evolution toward social equality for all people. However, there is a need to assess the current status of civil rights in the context of human rights. Also, we must consider the historical and cultural sources of racism in the United States.

Native Americans are a distinct people, unique in their history, culture, and values: Maine Indians--the Penobscot, Passamaquoddy, Maliseet, and MicMac--share a common bond with tribal people throughout the Americas. No greater harm could be imagined than the withstanding of spiritual, psychological, cultural, and social pain caused by forced assimilation of society's values, norms, and ways of living.

There are many forms of "racism." I can attest to the cultural "drawing-a-line" in Maine and the United States. First, by the fact of being an American Indian, my existence became somehow invalid: tribal history, teachings, songs, dances, dress, wisdom, and language were not to be considered significant or important. Next, by the fact of living "next door" and by residing in the Eastern United States, a Penobscot was not quite the same as an American Indian in the West. I was not quite a "real Indian," yet, everything around me confirmed that I was quite different. Terms such as "squaw," "chief," and "Injun" were used to describe something quite disgusting; each word was commonly spoken in a fashion which fully expressed disdain, contempt, and corruption of the human

spirit. Finally, to further confuse the social signals which define who and what I was, there was a strange use of "humor" to deride or negate my humanity. Being a Penobscot, usually such conversations revolved around "going back to the reservation" and ended with "you know how they are."

There is a distinct social way in how "Indians" are usually dealt with here in Maine. First, the lack of recognition and positive attitudes. For example, the number of Maine Indian veterans who served in this country's wars and battles since pre-Revolutionary times to the present has been ignored or forgotten. Next, a Maine Indian will find a very different set of criteria when dealing with a Maine institution. In applying for a bank loan, for example, there will be a need for a cosigner when the individual would otherwise meet the requirements of a signature loan. Another instance would be in the area of applying for Aid to Families with Dependent Children or other social assistance programs. Our people are asked to return to the reservation before continuing with the application process. Too often, they are turned down due to the Settlement Act of the Maine Indian Land Claims.

As a mother who raised six children, of whom five primarily grew up in "off-reservation" areas and with the youngest almost exclusively "on reservation," I have seen the meaning of "difference" in their lives. The first five children spent most of their youth on military reservations outside Maine. They were raised as Indian-Filipino, yet knew of their English,

Scotch, and Irish bloodlines. My husband and I, our parents, and the environment of the various communities in which we lived were positive factors in their learning to be proud of their Indian heritage and of their uniqueness as humans. They were not made to feel ashamed or having to "blend in" to create a sense of belonging. More important, each of these children learned at an early age to explore their individual abilities and gifts in the pursuit of excellence without the fear of "standing out" or feeling guilty for being motivated to achieve.

In sharp contrast, my 15-year-old-son--who was raised on the reservation--appears to be content with A's and B's instead of attempting straight A's. He justified this on the grounds he does not want to stand out and then be "burnt down" by his peers.

However, his attitude is not uncommon in our community. It may indicate that there is some type of shortcoming in our community, the environment of the community, or how a person learns to accept less than what he or she can be. Maybe it all relates to how self-esteem and pride in oneself can be deterred by feelings of shame, guilt, or by becoming what everyone around thinks you "should be."

Two years ago, my 5-year-old granddaughter was at a public function in her traditional dress. She was approached by a school principal who said, "You don't look like an Indian...you have blonde hair." She responded, "Oh, yes I do. But my hair doesn't make me Indian; my mommy and grammy do."

**PRESENTATION BY SAMBO SOK
PRESIDENT, THE UNION CAMBODIAN ASSOCIATION OF MAINE**

My name is Sambo Sok, and I reside in Springvale, Maine. I arrived in the United States as a Cambodian refugee on September 11, 1981, with my wife, brother-in-law, and five children--a family of eight. After 6 1/2 years in this country, my family and I have become U.S. citizens. But U.S. citizenship has not changed some things for us. These are the things I have come here today to tell you about.

I have always wanted to help my people to resettle happily in this country, and especially in this State. That is why I helped to form the Union Cambodian Association of which I am now president, and that is why I am here today. I know I need your help for myself, my family, and my people.

I want to tell you about and let you experience again with me some things that have happened to me and my family since we first arrived in 1981 until the present. Starting with the first snowstorm of the winter of 1981--the first snowstorm I had ever experienced--I was playing happily with my children when I was greeted with a surprise welcome from my neighbor: a rock disguised as a snowball hit my head, and at the same time came nice words of welcome from all of these friends standing around, "Go back where you came from, gook." I did not understand these words until later. I did not know English then, so just looked at them and wondered, "Maybe this is the way you play the snowball game?"

My next experience came in the spring of 1982 when my brothers and I were fishing. A group of four white men in their early twenties were having a good time near us. Part of their good time included drinking beer, and then it included throwing empty beer bottles at us where we were fishing. We did nothing but tried to ignore them. When they knew we wanted to leave the area, they made a bonfire in the middle of the road to block our car. These people then used all kinds of expressions to insult and provoke us, such as gook and Vietnamese. We knew that these people wanted to have a physical fight, but we refused. We left the scene peacefully with the thought that being a chicken is better than trying to be a rooster or a turkey.

In 1983 when I was leaving a carwash, I was greeted with the American sign alphabet, which many Cambodians have been greeted with, the letter "I" that is formed by extending only the middle finger upward. Many Cambodians at first thought this was a way of saying "Hello" and responded with "Thank You". I knew better, though, and was angry. I chased the man in his car at high speed through the streets of Sanford. It looked like a James Bond movie. I wanted to ask him, "Why, why he did that to me. I had done nothing to him." He escaped.

Among the Cambodian refugees who have settled in Maine, many are single women or widows with young children. I naturally have special sympathy for these women and their children, for they are victimized frequently by American men.

Let me give you some examples:

1. In South Berwick, a young widow has a frequent, uninvited male visitor who does not believe in wearing pants. She must now answer her door armed with a knife. It is the only way to prevent him from entering her apartment. When he does not come to her door, he gives explicit descriptions over the telephone of what he would like to do with her. She has called the police, but they always come too late.

2. In Portland, most single and widowed young women regularly receive the same type of obscene phone call. They hate to answer their telephone.

3. In Portland, a young mother often finds a stream of urine trickling under her apartment door. Someone has stood outside the door, urinated, and disappeared. The police have not caught him either.

4. Again, in Portland, a number of women have been visited by a man dressed as a doctor, naming a Cambodian hospital employee as his friend, and claiming that he has been sent to do home physical examinations. At first, these women submitted themselves to the exam. Soon, however, after comparing stories with neighbors, the women uncovered the man's scheme and refused him entrance. This man was identified, tried, found to be retarded, and released.

5. In Sanford, an American woman married to a Cambodian man quit her job because of harassment from fellow employees. She was tired of being asked why she had married a Cambodian.

She also was tired of the persistent, erroneous rumors that Cambodians pay no income tax and that the government gives them all TransAms or 280Zs to drive.

6. In Springvale, a 10-year-old boy intentionally was shot with a BB gun in the neck and arm by a young man from the neighborhood. He also was verbally abused. Legal action is currently being taken against the man. The boy's mother, however, is not interested in a large settlement of money. Her major concern is that the medical bills be paid. During the questioning, the fact was brought out that this incident was only one of many upsetting incidents the mother had experienced in Maine. It was like another drop of water in the ocean to her.

I have other stories I could tell you, but the most recent is the worst. For the last 18 months, my family has received nice phone calls every day from a secret admirer. He wants to speak to Sambo Sok, but he does not know if Sambo Sok is male or female. He has the same dirty, X-rated sexual message for whomever he talks with except the young children. He prefers to terrify the children with threats of killing them if they do not pass the phone to their mother or father or if they hang up the phone on him. The children do not know what to do--who knows? Maybe he knows who they are even though we do not know who he is, so they are doing what he asks. We have asked the telephone company to help, but so far nothing has happened

except more calls on a daily basis. It is more fear and more disgust. It is sickening.

My family and I escaped from Cambodia after Pol Pot's 4 years of horror because we wanted peace of body and mind--we had had enough. I thought when I came to this country that I had had my turn to be a victim--I lived through the Pol Pot holocaust and the refugee camps ordeal in Thailand. I did not know I was going to have to face such prejudice and harassment in the United States in the State of Maine.

This is why all Cambodians are not sure that the United States is a peaceful place, that it is full of freedom and full of many understanding people. I believe that United States laws do provide for human rights. The problem is that they are not enforced to their full strength. We need to make them stronger, more powerful, and more effective through legislation that allows their full enforcement and the prosecution of those who break them.

**PRESENTATION BY DAVID STAUFFER
STATE REFUGEE COORDINATOR
THE MAINE DEPARTMENT OF HUMAN SERVICES**

I am going to very briefly supplement the moving and eloquent remarks made by my friend, Sambo Sok, just now. For your information, there are approximately 2,500 refugees who have been resettled in Maine since 1975, about 2,000 of whom are Cambodians and Vietnamese, and several hundred Poles,

Afghans, Iranians, and small groups of Hungarians, Bulgarians, Czechs, and Romanians.

I would like to mention two specific areas of concern today regarding civil rights and refugees that have been troubling us: one is a potential issue and the other is a serious current issue. The very real issue is the reluctance of hospitals in Maine to provide interpreters for refugee patients. It impacts mostly on the Cambodian, Afghan, Iranian, and Persian-speaking refugee communities (that is, Afghans and Iranians), simply because they are the largest ethnic groups using the hospitals. Hospitals do not always want to take the responsibility to find interpreters. They will use interpreters when interpreters come with patients, but they will not find interpreters for limited-English-speaking patients. It is a real problem, and hospitals do one of two things. They will refuse to treat such persons unless they come in with interpreters or, even worse, they will treat such persons without an interpreter.

In the cases where hospitals do provide interpreters, the interpreter they use is sometimes someone on their hospital staff. It might be a former refugee who works in the kitchen or the housekeeping department. That is really not adequate because in most cases they have provided no training to this person. The person may not speak much more English than the patient for whom he or she is interpreting, and probably has

received no training in medical terminology. This can certainly lead to errors in interpreting which could be pretty drastic when you are talking about someone's physical well-being.

There have been instances where they have used male employees to interpret for female patients in the obstetrics and gynecology ward. They sometimes use the patient's neighbor to interpret for a rather sensitive medical condition, violating the privacy and confidentiality of the patient. I think this situation violates the patient's rights to equal medical treatment and the right to a clear understanding of what is or is not being done to the patient.

The other issue, a potential civil rights issue, is something I am wary about and hope you will keep in mind. It has to do with the implementation of the new Immigration Reform and Control Act of 1986 (IRCA). As you probably know, there is a provision in that law that calls for penalties against employers who hire anyone who is not either a citizen or a legal alien. My fear is that employers may want to reduce their risk of sanctions by refusing to hire those who appear "foreign." If you are not sure and cannot prove it, take the safe way and hire someone who looks like a citizen. I think refugees are going to be especially vulnerable to this, particularly when you are talking about newly arrived refugees

whose English-speaking ability is rather limited. They are going to appear more foreign and, therefore, more vulnerable. I urge the Advisory Committee to be alert for this potential abuse as IRCA is implemented.

**PRESENTATION BY PEARL TENDLER
REPRESENTATIVE OF THE ANTI-DEFAMATION LEAGUE, BOSTON OFFICE**

The Anti-Defamation League (ADL) of the B'nai B'rith is committed not only to stop the defamation of the Jewish people but to secure justice and fair treatment for all people. Since 1985, the Boston office of the ADL has been promoting a prejudice awareness/reduction project, "The World of Difference," whose goal is to celebrate the rich heritage of racial, ethnic, and religious diversity while working hard to bring about and reinforce attitudinal change. This project is aimed primarily at young people from junior high to high school.

The World of Difference is a project with a national resource guide developed by experts in the field of curriculum development. We conduct teacher training workshops with the support of the commissioner of education, superintendent, principal, and teacher organization. We disseminate materials which include an award winning television program, throughout the school system. The television component allows for the incorporation of specific comments, editorials, and news programs enabling it to reach the wider community and parents.

It also mandates the creation of locally relevant television programming and curriculum materials which make it possible for teachers and students to respond to the issues that are locally relevant to them.

I know that many good community programs exist in Maine. The World of Difference can help supplement and enhance those efforts due to the high public visibility accorded by the support of media partners. I ask you today for your consideration and support. Your voices can make it clear to the television stations and the companies in Maine that their constituency is concerned about this issue and that it behooves them to address the issue.



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August 12, 1988

Mr. John I. Binkley
Director
Eastern Regional Division
U.S. Commission on Civil Rights
1121 Vermont Ave., NW
Washington, DC 20425

Dear Mr. Binkley:

I would like to thank the U.S. Commission on Civil Rights and the Maine Advisory Committee for the opportunity to respond to the comments of Mr. Vielleux regarding the designation of English as our nation's official language.

Mr. Vielleux's statement leaves many mistaken impressions concerning both the intent and the effects of efforts to make English the official language. One of the most glaring inaccuracies is his reference to official English legislation as "English-only." This term, which is often used by opponents of the measure, leaves a mistaken impression that by making English the official language of government we are outlawing the use of other languages even for services necessary to protect public health and safety. This is completely untrue. I am attaching an editorial from the Miami Herald, which has previously taken an editorial position against the official English measure in Florida, that admits that the term "English-only" is an unfair and inaccurate label for official English measures.

In offering the Commission an accurate assessment of the intent and effects of official English measures, we must first consider the role of English as our common language and its importance in promoting national unity.

The United States is one of the great in-gathering nations of the world, truly a nation of immigrants. As a people we share no common bond of race, ethnicity, or religion. Indeed a common language is the salient feature of our culture. Throughout our history, immigrants have sought to acquire English not only to benefit from the economic opportunity which that knowledge made available but to mark their Americanization. An Italian, a Greek, a Polish immigrant began to think of himself as an American when he could speak English. It was for that reason that so many generations of immigrants emphasized that their children learn English.

This process has gone on with successive waves of immigrants from various language backgrounds and it has gone on without any official recognition of English as the national language. So why is it that all of sudden in the 1980s we need to make the process part of the legal framework of our society? Why legislate English as an official language either at the national level--or as the voters of California did in 1986--at the state level? The opponents of our movement would answer quickly that it is because we believe that our newest immigrants from Latin America and Asia are different from previous immigrant groups, that we do not trust Spanish speaking immigrants to do what others have done to learn the English language, or that somehow we think they are incapable of doing so.

I do not for one minute believe that Spanish-speaking immigrants or those from Asia are any different from their predecessors from Europe. I don't believe that immigrants have changed so much as the circumstances have changed in terms of our governmental response to them. Some of those changes have been for the better, and others, though well-motivated, have been for the worse in terms of their ultimate effect on these more recent arrivals. In our zeal to help those who do not speak English, I think we may in fact be hindering their integration into our society and denying them the full benefits of that acceptance. For the first time in our experience as a nation of immigrants, our government has taken steps that provide a disincentive to non-English speaking persons to learn the common language of this country. And it is that action--by government, not the behavior of individual immigrants or groups of immigrants--that motivates the concern of U.S. ENGLISH to establish English as our official language.

Doing so would first of all symbolically recognize what has been our de facto tradition for two hundred years. But more importantly, it would signal the will of the people of the United States to maintain the common bond of language and to direct government to implement the will of the people in its policies.

Because this is not simply a philosophical concern, we must look at specific actions taken by government during the last couple of decades that serve as a disincentive to non-English speaking persons to learn English. The two most striking examples are by creating bilingual education programs and by providing bilingual ballots.

The first of these actions was the creation of bilingual education programs. Bilingual education had (as its initial objective anyway) quite the opposite intended effect as it ultimately achieved. The purpose of bilingual education was precisely to help those children who did not speak English to acquire the language and to keep up with their schoolwork in

other subjects. The federal program began in 1968 as a way to encourage local school districts to create demonstration projects that would help limited-English proficient children by using their native language to instruct them in other subject areas while they learned English. It was hoped that this method would keep these children from falling behind in school while they learned English. Why not, for example, let Spanish speaking children learn how to add and subtract, read and write in Spanish since they already had a vocabulary in this language while they acquired a vocabulary and grammar and syntax in their new language?

In theory--and in certain circumstances in practice as well--this approach is indeed a valid one. However, in all too many instances, bilingual education has failed in practice to measure up to its purported aims. Moreover, the proponents of bilingual education have sometimes had very different objectives than those of helping children learn English. Never was this more clear than in 1980 when officials at the U.S. Department of Education attempted to promulgate federal regulations that would have affected all programs for limited English proficient children. Those regulations, as written, dictated that the purpose of such programs was to maintain the child's native language, not just to help the child acquire English. Had those regulations been allowed to take effect, they would have established federal policy to require schools to maintain the child's native language even if that meant sacrificing the child's acquisition of English. Since the only approved method of helping limited English proficient children would have been the methodology of bilingual education which used the child's native language as a required means of instruction, other methods such as English immersion programs would have been prohibited.

The hue and cry that these proposed regulations raised in education circles and political circles as well was enormous. Virtually every major education organization, the Congress of the United States and the newly elected President, Ronald Reagan, went on record opposing the regulations. The Reagan Administration withdrew them in early 1981 as one of its first official acts. But even with this action rescinding policy that required schools to maintain the native language of non-English speaking children, the federal government still reserves a much larger share of federal funding for programs that use the bilingual education methodology to the exclusion of other methods, such as English immersion, which arguably are more effective in teaching English to non-native speakers.

The bilingual education lobby itself has been quite explicit in terms of its policy objectives. In 1984, the National Association for Bilingual Education meeting in San Antonio, Texas, heard from a variety of speakers who advocated official bilingualism as their goal for the nation. According to a report by the independent contractor reporting the proceedings:

"Most speakers expounded at length on the need for and the eventuality of a multilingual, multicultural United States of America with a national language policy citing English and Spanish as the two 'legal' languages."

Bilingual education has become something more and something less than a program to help limited-English proficient children. On the one hand it has become a special interest lobby to perpetuate its own funding and perhaps to promote official bilingualism in this nation as well. On the other hand it has often fallen short in achieving its original objective of teaching English to children who come from different language backgrounds. Nor have twenty years of bilingual education programs significantly reduced the abysmally high drop-out rate among Hispanic students, one of the original hopes of the program. And today, Hispanic students are the most segregated group in American schools --more segregated than they were twenty years ago, in contrast to black students, for example, who are less segregated than they were in the past.

If bilingual education has been a problem, it has been a less egregious example of bad faith by policy makers than federal policy in providing bilingual ballots, however.

Since 1975, federal law has required that in any jurisdiction in which 5 percent of the citizens of voting age are members of certain defined language minority groups and the percentage of such persons who have not completed fifth grade is higher than the national rate, bilingual voting materials must be made available. The language groups covered are Spanish-speaking persons, Asians, native Americans and Alaskan natives. No other language groups meet the test under the Voting Rights Act no matter what percentage of the population they comprise or their rate of illiteracy.

Of course naturalization law requires that unless a person is over 55 years old, in order to become a naturalized citizen he must demonstrate that he can understand English, so presumably the target of this legislation was not the naturalized citizen population, but native born Americans. Yet virtually no evidence was given at the time of enactment of the legislation that large numbers of persons--native born or otherwise-- were being denied their Constitutional right to vote because they could not understand English or read an English ballot. In fact a new book published by the Twentieth Century Fund, Whose Votes Count by Abigail Thernstrom, details a history of the Voting Rights Act which asserts quite the contrary.

The aim of the bilingual ballot provision of the Voting Rights Act, according to the author, was to guarantee Mexican Americans the ability to elect Mexican American representatives.

The specific aim of the legislation was to bring Texas under the provisions of the Act which required states and political subdivisions to submit any changes affecting voting to the Justice Department for approval. This provision led to the outlawing of multimember voting districts and the elimination of gerrymandering that in the past diluted the strength of minority block voting. It greatly increased the number of blacks elected in those states and political subdivisions covered by the Act since 1965.

Mexican Americans, according to Thernstrom, wanted to duplicate the success of blacks. However, the original Act had used the existence of a literacy test as the trigger to determine which areas would be subject to Justice Department oversight and preclearance of voting changes. Texas, the state where Mexican Americans felt they had the most grievances in the area of representation, had no literacy test and was therefore not originally covered. The bilingual voting ballot language was drafted to provide the precise formula to bring Texas in under the Act. The status of language minorities and the trigger of an illiteracy rate determined by years of schooling completed by those minorities accomplished that aim. Of course other jurisdictions also became included: a number of jurisdictions in California, Arizona, Colorado, New Mexico and New York among them.

The point is, no one provided reliable evidence that large numbers of eligible voters were being denied the right to vote in the United States because they couldn't understand an English ballot. Now, however, the right to a ballot in languages other than English has become an entitlement that cannot be taken away without a change in federal law. Ultimately this can have the deleterious effect of signalling to those wishing to become citizens that they need not bother to learn English in order to vote. It makes a mockery of our naturalization requirements. There are other means to take care of the problems of the small number of persons who are citizens by birth but who do not speak English. They can, for example, be allowed to take someone into the polling booth to assist them or can be provided with absentee ballots so that they can seek such assistance at home. Puerto Ricans, who are citizens by birth, are covered by other provisions of the Voting Rights Act that protect their right to vote even if they do not speak English.

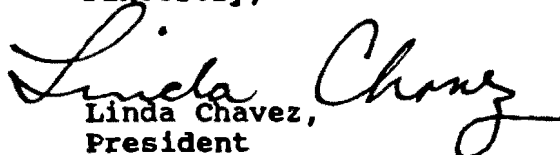
Unless we become serious about protecting our heritage as a multiethnic, multilingual society--bound by a common language--we may lose a precious resource that has helped us forge a national character and identity from so many diverse elements. I truly believe that the official English movement will help protect the future integration of new Americans, as it has helped make Americans of so many generations of immigrants in the past.

U.S. ENGLISH, which represents 350,000 Americans, would like the Commission to understand and recognize the legitimate concerns that motivate efforts to make English our nation's official language. The goal of this effort is to create greater unity among America's diverse ethnic groups, not to foster division. I believe that allowing our nation to be separated by language barriers will prove far more divisive in the long run.

The Commission should also note that public opinion polls show that the American people support this effort by a more than two-to-one margin. This support has led to the enactment of laws in fourteen states to make English the official language of state government. The voters in three other states will vote on similar measures this fall. Polls in all three states show wide popular support.

Once again, thank you for this opportunity to clarify the record on this important issue.

Sincerely,


Linda Chavez,
President

enclosure

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Official English

A PETITION drive to make English Florida's "official" language is nearing its goal. As of Friday, the State Division of Elections had certified 309,772 signatures. To place the proposal on the Nov. 8 general-election ballot, 342,939 signatures must be certified prior to the Aug. 9 deadline.

Supporters say they foresee no problem in getting enough signatures certified in time or in persuading Floridians to approve the proposal. Similar measures already have passed in California and several other states.

If the petitioners succeed as predicted, the November ballot will contain the following language adding a Section 9 to Article II (General Provisions) of the state constitution:

English is the Official Language of Florida

Establishes English as the official language of the state of Florida; enables the Legislature to implement this article by appropriate legislation.

That's it. It is not, as widely misreported, an "English only" proposal such as Dade County's nonsensical rule barring many governmental uses of languages other than English. In Dade, for instance, public funds may not be used to post non-English signs giving information on exhibits at Metrozoo.

The statewide proposal stops far short of this. What the amendment actually would do if approved is relatively harmless — unless, of

LET REASON BE HEARD

course, some runaway Legislature later interprets voter enthusiasm for this proposal as *carte blanche* to emulate Dade's bad example.

Barring that, the amendment wouldn't change much of anything. It wouldn't end bilingual education or ballots, for instance, nor would it make all clerks and cabbies fluent in English. Thus it would be little more than useless clutter added to the state constitution.

The best that can be said of it is that it may reassure those Floridians who imagine — despite abundant evidence to the contrary — that Florida is vulnerable to Quebec-style bilingualism, with its attendant rancor.

The biggest risk inherent in this issue is not that it will succeed or fail, but that the campaign itself will prove so divisive as to leave permanent scars. Florida — especially Dade — has enough ethnic tensions already.

It is essential, then, that friends and foes of this proposal debate it on its merits and try to avoid enflaming ethnic divisiveness or questioning each other's motives. A good start would be for both sides to concede that while there are bigots and hotheads in each camp, there are also many persons who are principled and well-motivated. So, as this campaign proceeds, may one language — the language of reason — be spoken by both sides.



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Linda Chavez, *President*

OFFICIAL ENGLISH Questions and Answers

Isn't this an attack on Hispanics?

No, people speaking a wide variety of native languages are continually immigrating to America from countries all around the globe. By making English our official language we will be sending new immigrants from every country, not just Hispanics, a clear message that learning the English language is necessary for full participation in our society.

Also, it must be understood that the official English proposal will only affect the use of language by government. No one (including individuals, private businesses, or other groups operating in the private sector) will be asked to give up their language or culture.

Won't this proposal cut off emergency services to non-English-speaking people?

No, the official English measure would not override society's obligation to use whatever means are necessary (including the use of other languages) to protect the health and safety of the public. Bilingual operators for 911 emergency services, translators at hospitals, and other similar services will not be affected by the official English proposal.

Similarly, the rights of criminal defendants and witnesses in criminal trials would not be affected. Court interpreters would still be allowed in such cases as required under the U.S. Constitution.

Is this proposal necessary? Isn't English already the dominant language?

Yes, English is the dominant language of the United States, but the important question is whether it will always remain so. Many individuals and groups have promoted the concept of a bilingual society with two languages used for all official purposes. By making English the official language of a state or our nation, we will stem the drift toward official bilingualism and preserve the tradition of one common language.

It is interesting to note that more than half the countries of the world that have written constitutions make provisions for an official or national language. These nations have recognized the importance that language plays in promoting national unity.

Will this proposal prevent our children from being taught foreign languages in schools? Shouldn't we be encouraging the learning of other languages to make our state and our country more competitive in the world economy?

U.S. ENGLISH and others supporting official English fully understand the important benefits that can be derived by learning additional languages. The official English proposal would not prevent or discourage anyone from learning a foreign language. We believe that fluency in more than one language is desirable and should be encouraged. However, fluency in English, our common language, must be our first priority.

Won't this proposal return our schools to the sink-or-swim method of teaching children who have a limited knowledge of English?

No, our responsibility to provide an education for our children requires that we provide special assistance to those students who come to our schools speaking a language other than English. By making English the official language we will be making a clear statement that the primary goal of bilingual education programs should be teaching children English as quickly and effectively as possible, not the maintenance of the native language and culture of the child.

Won't this proposal eliminate bilingual ballots, thus taking the right to vote away from some citizens?

Bilingual ballots, in most cases, are mandated by the federal Voting Rights Act. Until the requirement for bilingual ballots is removed at the federal level, state law cannot overturn it. Monolingual English ballots, however, do not prohibit a citizen from voting. In fact, federal law does not provide ballots for all citizens speaking a language other than English. For example, a Polish speaking citizen would not be provided with a Polish ballot even in counties covered by the Voting Rights Act. Such a citizen would still have the right to cast a ballot, and could even bring someone to the polling place as a translator. Monolingual ballots do not remove a citizen's right to vote; they only require that the voter seek additional assistance in voting.

Isn't this proposal divisive when we should be trying to bring all Americans together?

The official English proposal seeks to ensure that our tradition of a single common language will continue for the benefit of future generations of Americans. Protecting the common bond of language will promote unity, not division. Allowing the U.S. to be separated by language barriers will prove far more divisive in the long run.