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P R O C E E D I N G S

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

Augusta Civic Center
Community Drive
Augusta, Maine 04330

ORIGINAL

COMMITTEE MEMBERS IN ATTENDANCE

Barney Berube, Chair
Gerald E. Talbot
Shirley E. Ezzy
Ki-Taek Chun
Grayce E. Studley
Carmelita F. Babb
Tot Tran Harriman
Clair A. Sabattis
Kenneth F. Morgan
Tong M. SaVaun

PIESKE REPORTING SERVICE
3 Mulliken Court
Augusta, Maine 04330

September 9, 1993

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(General Session: 9:00 a.m. to 9:20 a.m.)

MR. BERUBE: Good morning. My name is Barney Berube. I am Chair of The State Advisory Committee to The U.S. Commission on Civil Rights. Before I give you a brief intro. of whom we are, let me introduce my colleagues on the committee. To my far right is Gerry Talbot in Portland.

In fact, why don't I just let you introduce yourselves.

MS. EZZY: My name is Shirley Ezzy, and I'm from Augusta.

MR. CHUN: I am Ki-Taek Chun from Washington, DC.

MS. STUDLEY: I'm Grayce Studley. I'm from Nobleboro.

MS. BABB: Carmelita Babb from Westbrook.

MS. HARRIMAN: I'm Tot Tran Harriman from Cape Elizabeth.

MR. SABATTIS: Clair Sabattis, Tribal Chief of Mexicans.

MR. MORGAN: I'm Ken Morgan from Bangor.

MR. SAVAUN: I am Tong SaVaun from Portland representing the Cambodian community in Maine.

MR. BERUBE: Thank you. This committee

is made up of individuals, all voluntary, who are as we say the eyes and ears of The U.S. Commission on Civil Rights, a politically-balanced representative of the ethnic groups throughout the state in the interests that are reflected in legislation by The U.S. Commission on Civil Rights.

This morning our intent is to hold a briefing on the issues that are articulated in the agenda. If you haven't picked one up, there's one on the table as you come in. The first segment involves hate crimes. The second segment involves preferential treatment in the factories and in educational institutions. And the third part involves treatment of farm workers which happens this afternoon.

Incidentally, there is a little yellow sign, I think you maybe noticed it, that says that for those of you who are here for much longer, from 2:30 to 3:45 we do change venues briefly to UMA because we're taking advantage of the ITV system in Room 14 of the Learning Resources Center at UMA.

So that's this afternoon just during that segment. All other times will be in this room. We apologize for the change in rooms. As we say, it's beyond our control. Somebody else made that

decision at the last minute, not us.

We will be taking the testimony today. There is a court reporter here, Ms. Dube, on my left. And we'll have a full transcript of the entire day's events. We as a committee will later synthesize that in either a summation that would be publicly distributed or for use as a vehicle for further investigatory testimony by indeed perhaps another forum that will zero in more closely on some of the more dramatic issues that surface today.

So if you want to know an update on where we are with what happens after today, you're welcome to call me at 287-5980. 287-5980 is the number if you're interested. Or Ki-Taek Chun's number is --

MR. CHUN: (202) 376-7533. The area code is 202.

MR. BERUBE: So we continue to meet, and things change sometimes very quickly.

Okay. Our panelists I've already done. And then I guess we would ask the two opening speakers to come forward. Speaking for the State Attorney General's Office is Steve Wessler. Following him will be Pat Ryan from The U.S. Commission on Civil Rights -- from The Maine Human Rights Commission.

I'm sorry.

MR. STEVE WESSLER: Thank you. I'm Steve Wessler, and I am the director of The Public Protection Unit in the Attorney General's Office that has responsibility for civil rights enforcement. I want to thank you for the invitation today to Michael Carpenter, the Attorney General, to speak here. He is, as you know, in Boston today at a previoulsy-scheduled meeting and could not be here. So I am standing in his place to make some opening remarks.

Our office initiated almost exactly one year ago an organized effort to deal with hate crimes and bias incidents. The primary legal tool that we have used is The Maine Civil Rights Act. That is the statute that authorizes the Department of the Attorney General to proceed to court. It is a civil statute, not a criminal statute. It allows us to go to court to obtain retraining orders or injunctions against the perpetrators of hate crimes.

The first year of our enforcement effort, which began just in early September of last year, has been a disturbing one for us. And it's been disturbing because of the conclusions that we have

reached somewhat reluctantly in a number of instances concerning both the nature and the extent of the problem of hate crimes and bias in the State of Maine.

The first conclusion that we've reached is that the number of complaints, the incidence of hate crimes and bias incidents in Maine during the last year was far higher than we've expected. In the past 12 months we have received a little over 200 complaints to our office. And when you realize that our program really didn't get started in full force until January, that number is in fact even higher, I think, represents a higher figure than 200 would indicate because the number of complaints we started to receive in the past seven or eight months was a lot higher than in the first three or four months of the program. Those complaints have ranged from very serious incidents of hate to far less serious incidents of bias.

In addition to simply receiving a large number of complaints, we have gone to court far more times than we ever thought. We have gone to court to obtain restraining orders 14 times. Fourteen lawsuits filed. A far higher number than we expected. And ultimately, the conclusion that

we've reached just from these numbers is one that we reached very reluctantly, and that is that Maine is a far, far more hateful place, a far more hateful place to minorities than any of us should feel comfortable with.

The second conclusion that we've reached is that while almost no minority group in Maine is immune from incidents of hate and violence, and we have had complaints directed at a large number of different minority groups, there are two minority groups that stand out as being on the receiving end not only of the greatest number of complaints involving hate and bias, but also the most serious and the most violence. And those two groups are blacks, and secondly gays and lesbians. Forty percent of our complaints involve victimization of blacks. Twenty-seven percent of the complaints involve victimization of gays and lesbians. After those two groups, the percentages drop off precipitously.

The next highest are anti-Semitic complaints, which are ten percent, and then there is a drop-off to I think around the five percent level for complaints involving Hispanics as victims, and slightly lower percentages for Asian-Americans and

for native Americans.

The enforcement actions we've brought in court also mirror those same percentages. Of the 14 cases we've brought, half of them have involved blacks being victimized, 7 of the 14. And four of our cases that we've brought involve victimization of gays and lesbians. The fact that the incidents of hate and bias, in particular the serious ones, are not randomly spread around Maine's minority groups I think has serious implications for all of us.

The third conclusion that we've reached -- and in some way each of these conclusions that we have reached, we reached them in sequential order and each became more disturbing. And the third was that the level of violence that we were seeing was far higher than expected. A number of the cases that we have handled have involved the use of weapons, from guns, to knives, to steel pipes, to baseball bats. And, in fact, it is only chance in several of the cases that prevented the victim from losing their life or being seriously injured.

We had one case that we proceeded on in court involving an act of violence against four Hispanic men who were workers in an agricultural enterprise

in the Central Maine area who one Saturday night went to a local convenience store to buy cigarettes and soda. When they were there they were confronted by a group of white individuals, mostly young men, who yelled racial epithets, then at one point pulled out a gun. The four Hispanic men, not all of them spoke English, clearly understood the message, not only from the spoken words, but from the point of the gun. They left the store without making purchases, got in their car, and started to go back their homes. Within minutes, driving on a dark road, a car pulled up very fast behind them. Several shots were fired.

When the police were able to reconstruct what occurred, they found that it was a metal strip in a headrest in the car that prevented a bullet from going where it was headed, which was the base of one of the Hispanic men's brain, and instead sent it into his arm for an injury that was not life-threatening, but obviously was serious.

And as disturbing and violent as that incident was, I think what in many ways the most upsetting thing to us was when we finally pursued that case and were able to do a further investigation, it became apparent to us that the perpetrators of that

incident, the white individuals involved, had never seen or met the Hispanic men before. And that's not the -- I could give you two or three other examples of violence that was almost at that level of severity in which the perpetrators were willing to commit near-deadly violence against a minority in a situation where they had never met or even seen the minority members before.

The final conclusion that we've reached, I think, in the end that was most disturbing, and it really started to shift our emphasis as to what we were going to be focusing on, in terms of hate crimes and civil rights enforcement through the year, and that was that when we started focusing on what the age of the perpetrators was, we were seeing a disturbing number of cases involving school-aged young men, primarily, some women, but mostly males who were perpetrators. And then when we looked further, we saw that not only were the perpetrators often school-aged, that a number of the incidents occurred in schools or around schools. The problem we were seeing was not one that just involved a grown individual out of school on their own, but involved school-aged children, and that caused us -- and I hope we will be able to

address this later on today, perhaps in the panel that follows, some of the efforts that we have taken in conjunction with a number of other groups to address the problem in schools.

But I think in terms of the implication for policy and understanding and trying to figure out how to deal with this problem, the realization that the problem of hate and violence is starting at very young ages. And while most of our complaints are of school-aged kids, of all high school kids, we have complaints, serious complaints involving junior high school or middle school level students, and we even have some serious complaints involving grade school children as perpetrators.

I want to mention one other issue that we have dealt with because I know this is a matter that you're hoping to cover, and that is issues relating to migrant workers. We have brought, at this point successfully, a major lawsuit against DeCosta Egg Farms which went to trial last year, in which we were able to win a verdict in Superior Court -- the case has yet to be decided on appeal -- in which we argued that a court upheld the right of migrant farmers -- excuse me, migrant workers to have access to social service visitors, health workers,

legal workers, friends and relatives, and issues that arise around the country. And one in which, unfortunately, we've seen in Maine in more than just that case is problems where migrant workers in migrant housing are denied the access to a lot of the basic services that all of the rest of us are able to enjoy from our homes.

So far we have been successful in having the court that has looked at it, Superior Court, that has ruled in our favor conclude that, in fact, migrant workers do have the right to receive visitors in their home, whether it's personal, for personal purposes or for social services.

I know you have a tight schedule. Let me just briefly conclude. Overall, what is unfortunately clear to us is that Maine does have a serious problem with hate crimes and bias incidents. It's a problem that we must and that we can address. But I think it's extremely important to stress that the solution to this problem is not law enforcement. Law enforcement is part of it. You're going to hear from local police departments that have been extremely active in this area, Portland being preeminent. Our office is involved, the U.S. Attorney's Office. And I think in part a

significant part of the leadership is Jack Gleason, who is here today, who has been pursuing these aggressively. But this is not a problem that will be solved by law enforcement. Law enforcement sees these problems once the event has occurred and the crisis has happened.

If this problem is going to be solved, it's going to be solved as a community problem. It's going to be solved when all of us, law enforcement, educators, health care professionals, clergy, press, and just neighbors and friends commit themselves to create an environment in this state where hatred and intolerance are not permitted to fester.

I thank you for providing me with the opportunity to make some preliminary remarks.

MR. BERUBE: A couple of things. Do you have copies of written documentations of the statistics that you cited?

MR. STEVE WESSLER: No. But I would be able to submit them.

MR. BERUBE: Would you, please. Secondly, you made the phrase "more than expected" when you cited a lot of the numbers, which leads me to ask, then, what were you expecting given what

you gave us, that they are all higher than expected?

MR. STEVE WESSLER: Well, since we are just starting, we didn't have a bench mark. The only bench mark that I have is the number of lawsuits that we've actually filed in our first year is about the same number of lawsuits that are -- that The Civil Rights Unit and the Massachusetts Attorney General's Office brings in a year. Massachusetts has a population what: Probably ten to fifteen times Maine's? They have a unit with seven full-time lawyers. We have a unit with zero full-time people. We have, actually, by the way, no budget for this effort. It has all been put together with lawyers who have volunteered their efforts. Not just lawyers, but paralegals as well who have volunteered their efforts, in addition to continuing their full work load of doing either environmental lawyer or protection lawyer or whatever to do this.

So we are bringing a similar number of cases to a state that is far larger and has a far larger enforcement effort. I think that was disturbing. But we certainly didn't start with this with any particular number in mind. But I think that if

anybody had asked me a year ago, how many cases do you bring in the first year, I might have said Well, gee, maybe we'll bring three or four, and we'll get a couple of other complaints.

We've really been surprised at the volume of incidents that are reported to us.

MR. BERUBE: Members of the committee?

MR. TALBOT: I have two questions. One is, are these incidents happening in one place geographically in the state, or is this happening in a number of geographic places in the state?

And my second question is, would I be wrong in assuming that the information you've brought to us should hit all the front page newspapers in the state tomorrow morning?

MR. STEVE WESSLER: Let me answer the second question first. From our perspective it is extremely important for people to understand that this problem exists, because ultimately it's a community response that's going to stop it. You know, we've dealt with a number of incidents in which there has been ongoing harassment of minorities in a neighborhood that is culminating into something extremely serious and violent.

Ultimately, if these are going to be stopped,

it's not again going to be law enforcement after the fact. It's going to be neighbors and friends that are going to stand up and say stop. Don't do it. So I think it's extremely important to create public awareness.

In terms of where the problem is, it exists throughout the state. We have -- we certainly get more complaints from the larger cities, but that's because that's not only where more people are, but I think there are larger minority communities. But we get a number of our complaints from smaller communities.

The one factor that seems to be critical in determining where we get the complaints is the approach taken by the local police department. We have done training. That's one of the first things we did. We did training for police departments around the state. We asked every police chief in the state to designate a civil rights officer.

Now, Portland didn't need to do that because they've really been, as I think you'll hear, ahead of the game by probably about five years of anybody, including our office. So, in fact, we've really tried to replicate the Portland model in a number of ways throughout the state.

What we have found is while most police departments have designated civil rights officers and they go through training, there are particular communities where the civil rights officers are particularly active and interested and created an atmosphere where members of a minority community feel comfortable to come to them where we get the complaints. So where we may get, you know, several complaints from one community, let's say in Washington County, and none from a similar-sized community 25 miles away, we don't draw the conclusion that there's a greater problem of hatred in the community where we're getting the complaints. We draw a conclusion that there is a good network, frequently involving local police who are creating an atmosphere in which minority people, members of the minority community will feel comfortable to go to the police. But the short answer is this occurs in the large cities and in the smallest towns in the state.

MR. BERUBE: Thank you, Mr. Wessler. Ms. Pat Ryan, who is the, as I said, Chair of The Maine Human Rights Commission.

MS. PATRICIA RYAN: Thank you. Good morning. Thanks very much for the opportunity to

be here today.

Like the Attorney General's Office, which handles the criminal aspects of hate, violence, and bias, the Human Rights Commission deals with civil violations: discrimination in the state in employment, housing, aspects of public accommodation, education, credit. Like the Attorney General's Office, we have been -- I think astounded is not too light a word to use in the significant increase in the number of discrimination complaints filed. And while you would expect the number to increase each year, ours has increased the number of complaints filed by 45 percent in the last two years.

There are lots of things that I could talk to you about today. I want to focus on three areas. I want to talk about still what I think is a serious omission in the state civil rights laws. I want to talk about harassment from our perspective, and just give you a quick overview of where I think The Commission is today.

State law still has no protection against discrimination on the basis of sexual orientation. As I'm sure you're aware, after 18 years the bill was passed by the -- as I glanced over here at the

first sponsor of that bill, I just was reminded of that 18 years ago. It was passed by both the House and the Senate this year and was vetoed.

I think that protection clearly needs to be added to state law. And I think that by not adding that protection to state law fosters an atmosphere that winds up in Steve's statistics of allowing violence and allowing hate against a class of people who have repeatedly been denied protection of their spot under civil rights, under The Civil Rights Act.

A very disturbing aspect of that is the referendum that is pending should signatures be obtained, which would limit protection in the state civil rights laws to a list that was established. The purpose, I think everyone knows, is to prevent sexual orientation from being added to state civil rights protections. But we at The Commission are concerned that it may go much farther than that. Not only will the debate, I believe, create a serious atmosphere in which hate and bias and violence will be fostered, but also some of those protected classes that are currently under The Human Rights Act, let alone other state laws, will be deleted. Whistle blowers retaliation is not on

the list. Workers' Compensation retaliation, protection from discrimination in housing on the basis of source of income, offensive names, the prohibition against the use of offensive names in the state: There's a serious question about whether retaliation will continue to be prohibited if this referendum is passed. I think that the repercussions of the possibility of that referendum passing are many.

The Maine Human Rights Act prohibits discrimination in a number of different areas and includes prohibitions against harassment. Sexual harassment complaints grew by 150 percent over the past two years. While the number was more, certainly, than even on the federal level, 70 percent at the federal level was seen to be an increase. It's not as surprising as the numbers of harassment complaints that The Commission has begun to receive in the last two years in the areas of race, age, disability, and national origin.

While the Maine Human Rights Commission's rules have since 1980 specified that harassment under all protected classes is illegal and has given definitions and examples of those, we have seen very few, if any, harassment complaints filed

other than in the area of sex discrimination. Of the 49 racial discrimination complaints filed last year, nearly 33 percent alleged harassment in the allegation. A majority of what we do is in the workplace and in employment. So almost all of these are in that area. We work with Steve's office. They refer complaints to us. We refer complaints to them. Where our jurisdictions are different, one of the things that we would like to do is to track each others referrals to see what happens to those complaints, and see whether or not there's a basis for us to work together more closely to prevent that.

In the last year alone The Commission has found reasonable grounds to believe that unlawful discrimination has occurred on the basis of harassment in age cases, national origin cases, race discrimination cases, and most sadly, mental disability discrimination cases. We are concerned about that. It's something that we want to take a closer look at over this coming year and see what we can do to make the workplace a better place to work and to not allow that bias to be fostered there.

The Equal Employment Opportunity Commission,

which enforces the federal laws that we enforce on the state level, is now turning its attention to the issue of harassment, as it has seen a growing number of complaints filed in the areas that it has jurisdiction over. And unlike The Maine Commission, it does not have harassment, other than sex harassment, defined in its rules. It has just issued as part of its regulatory agenda its intention to address that issue. And I think that that will be helpful.

The significant increase in the number of complaints that has been filed with us has left The Maine Human Rights Commission in a situation that it cannot avoid but it wishes were different. As you know, our resources have decreased, and I'm not going to spend time talking about that. We are concerned, however, that over the next year there will be approximately 1,200 complaints of discrimination that will be pending with The Commission that will not be able to be investigated because of lack of resources.

I think that when we're talking about enforcement of statutes, we need to give serious attention to not leading our citizens to believe that because a law has been passed and because

something is prohibited that everything will be taken care of. The ability not to be able to process complaints of discrimination needs to be made known to citizens in the state, and alternative methods of having disputes resolved needs to be considered. It's certainly something The Commission has been talking about for the last year. I do have some information to leave with you. We have three and a half investigators and an open inventory of something like 1,300 complaints. We will probably get another thousand filed this year. And I think that's probably a topic for another day.

I commend you for your efforts and your attention, your interest in the issues facing Maine, and we look forward to a commentary from you. Thank you.

MR. BERUBE: Questions?

MR. TALBOT: I seem to have all the questions. Would I assume that, again, as always, when it comes to civil rights, the bottom line is money? In other words, we are not going to able to look at civil rights against people because of lack of funds. Would I be correct in assuming that?

MS. PATRICIA RYAN: Well, we think we

have a certain lack of funds, but we continue to do the best that we can and probably do better than would be expected from us. I think, though, there are going to be -- we have come to the place in time where because of lack of resources, whether they be financial or human resources, we have acknowledged that there will be a number of complaints filed that will not be able to be addressed.

MR. TALBOT: So that foster of hate, all right, is going to grow because of that?

MS. PATRICIA RYAN: Yes.

MR. TALBOT: So again I'd ask you, don't you think that this kind of information should hit the front pages of all of the news media --

MS. PATRICIA RYAN: Absolutely.

MR. TALBOT: -- tomorrow morning?

MS. PATRICIA RYAN: Absolutely.

MR. TALBOT: Because most of them, most of the general public does not know that?

MS. PATRICIA RYAN: I agree with you. And like Steve, I feel very strongly that the more people know and the more people know of what's happening and what the situation is, then choices can be made in a much more informed manner than in

a vacuum of what should be.

MR. BERUBE: I know you've tracked the complaints you get by race, sex origin.

MS. PATRICIA RYAN: Yes. That's there: the numbers. Let me just summarize for you and say that now disabilities are the largest number of complaints that we receive, followed by sex discrimination, age discrimination, and whistle blowers retaliation. The four of those together comprise 82 percent of the complaints that come to The Commission.

MR. BERUBE: Other questions?

MS. EZZY: You have mentioned that you have got 1,300 complaints a year and three and a half investigators. Have the number of investigators grown in the last few years?

MS. PATRICIA RYAN: Well, no. While the cases increased 42 percent, our staff has decreased 30 percent. We've gone from six investigators to three and a half investigators. We also lost other personnel. We didn't receive 1,300 complaints. We have an open inventory. That's cases that -- we got 841 new complaints last year. Just judging by what we've seen from January to December, we'll probably get about 11 or 12 this year.

MS. EZZY: Is all of your funds from the states, or do you have other resources of funding?

MS. PATRICIA RYAN: We have a contract with The Equal Employment Opportunity Commission where we are paid for cases that we process for them that are jurisdictional. With both that makes up about slightly less than one-third of our funding. Two-thirds of our funding is from the state.

MR. BERUBE: Because, again, of the funding problems, you are only able to handle, obviously, because of your staffing, so many people, so many cases, so many complaints. The decision about which cases would be dropped is really based on what looks the most dramatic or the most winnable? How do you make a judgment call about, Well, here's one I'm going to take?

MS. PATRICIA RYAN: So far we're operating on a basis of those that were filed first are investigated. We've just reached an agreement with EOC. We will be instead of investigating all complaints alleging a violation of The American With Disabilities Act, EOC will be handling about 20 per month of those cases that we get in.

We carry an inventory of about 400 cases that

are not assigned to an investigator. We were successful in amending our law to allow for a right-to-sue letter, much like the Federal Government. If after six months after filing a complaint someone wants to go directly to court, they can request a right-to-sue letter from us and do that. Of course, that shifts the burden onto the court side and will take an increasingly longer step.

But right now we're not saying we're not going to handle, you know, these kinds of cases. Although, we will be going to the legislature to say that the legislature -- if they are not going to restore the resources that will enable us to do our job, we need to delete those jurisdictions that were added to The Human Rights Act over the past five years.

Those are areas such as whistle blowers, retaliation, the fourth largest category of complaints, Workers' Comp., structural access requirements, and some others. The Commission feels very strongly that each of those categories deserves to have protection. But we also believe that if resources are not allocated, then we can no longer deceive people that there is an agency that

can do all of this. We can't.

MR. BERUBE: At the same time you indicated that you really see the courts have added sexual orientation to that list?

MS. PATRICIA RYAN: I do. And I understand the dilemma with that. I feel very strongly about that, and The Commission feels very strongly about that. And this year we looked at the other states that had protections in their employment discrimination laws and others on the basis of sexual orientation, and found that less than 1 percent of the total number of complaints that were filed, in most of those other states, were filed on the basis of sexual orientation. We think as important as it is for someone who is discriminated on the basis of that basis, is the incorporation of that protection into the statute so that people think that it's not -- know that it's not all right to discriminate and don't do it. And we don't think that that's going to add significantly to the caseload.

On the other hand, if you can look at all of the other areas of jurisdiction that we have, we have some 42 bases. And you could argue that with three and a half investigators, we should only

have, you know, three bases of discrimination. So we don't think that that number sways that decision to support that position one way or the other. And, in fact, because the numbers allow us to continue to argue that it ought to be.

MR. BERUBE: Until things can change legislatively, right now the operating basis seems to be chronology of cases rather than to single out?

MS. PATRICIA RYAN: That's correct. I mean, The Commission has powers in the statute to issue temporary restraining orders, to handle cases on an emergency basis. Quite frankly, most cases involve someone's loss of job, and you could view that -- or loss of housing. And in those cases that we do use our emergency powers are usually housing cases where there are pending evictions or no place to live and because of the discriminatory reason.

MR. BERUBE: Other questions of the committee?

THE COMMITTEE: (No response.)

MR. BERUBE: Thank you so much.

MS. PATRICIA RYAN: Thank you.

MR. BERUBE: Okay. Now we will shift

over to the panel. And I assume the panelists, unless they are not all here, would be sitting at this table, if there are no others also at the other table there. Steve Wessler and Janet Johnson, are you here?

Gerry, you are going to switch over to one of the other tables or -- you can do whatever you want. Tong, the same. Dave Agan, I saw him come in. Mike Chitwood, Chief Chitwood.

A couple of notations, I guess, before we begin. First of all, the time limit really is critical. We predicted we'd probably happen to be running behind schedule, and we already are substantially. No more than seven minutes per speaker. And Shirley, are you monitoring?

MS. EZZY: Yes.

MR. BERUBE: Comments for all speakers, both the sessions throughout the day, please make no, particularly no derogatory comments about individuals. We are not here to hear comments about individuals, but really institutions or incidents that are a little more global, perhaps.

We are -- this panel will be asking questions at the end of the hate crimes section, unlike what we just did with the two opening speakers, again,

mostly in the interest of saving time. So those of you who are speaking, please, to the extent that you can stay on through to the end of the segment on hate crimes, which will go really right up until about lunch.

At the end of the day, which will be approximately at 4:30, 4:30-5:00, thereabouts, there will be an open session where people can make their own comments on any of the three areas that are of concern to this committee or ultimately to The U.S. Commission. Only to the extent that issues of sexual orientation or abortion have to do with discriminatory practices should they really be part of the testimony, and that is only because we are bound by federal legislation of The U.S. Commission. So I mention that.

That aside, I am going to mention again, please try to honor the time limits. Otherwise, we are going to be here for a very, very long time. Shirley.

MS. EZZY: Yes. And I'm going to act as the monitor during this session, and every speaker has seven minutes to make their presentation. And as we reach the six-minute mark, I will put up my little one-minute sign to let you know that you

have got another minute to wrap up. Thanks.

Could we hear from Steve Wessler?

(PANEL 1: Hate Crimes 9:20 a.m. to 11:20 a.m.)

MR. STEVE WESSLER: I will be able to be significantly under seven minutes since I already exceeded my ten minutes.

I really just want to add --

MS. EZZY: Steve, would you mind standing?

MR. STEVE WESSLER: No. I just want to add one point to really stress something that Pat Ryan spoke about that is also of tremendous importance to us as an office, to Mike Carpenter personally, to myself personally, and to the success of our effort. We receive 27 percent of our complaints, and about that number of our enforcement action has involved victimization of gays and lesbians. We do have the authority, under the hate crimes statute, to proceed against people who perpetrate hate crimes against gays and lesbians, and actually our law has been strengthened that way. But there is a direct correlation between the lack of protection under The Human Rights Act, the act that The Human Rights Commission enforces, and violence against gays and

lesbians. And from our perspective, it just couldn't be more important for the safety of citizens in the state, gay and lesbian citizens, to extend human rights protection, basic civil rights protection to gays and lesbians.

And the connection is twofold. One is when the decision is made at the highest level of the state, in this last instance a veto not to extend basic civil rights protection to a class of citizens, gays and lesbians, a message is sent to the community, generally, that it is okay to hate. And I think that that is just horribly unfortunate.

But there's a far more direct connection, and that is that for somebody to complain, for a gay or lesbian citizen of this state to complain to us about being the victim of violence puts them at risk of being discriminated against legally in their housing or their employment. There is no other minority group that we deal with that has that problem. The Jewish person who's the victim of hate or violence, the blacks, the Asian, the native American, the Hispanic: They can complain to us. And if as a result of that complaint they are somehow discriminated against later in their employment or housing, they have a resource to both

federal and state law.

The gay or lesbian who complains to us because they have been seriously beaten or otherwise victimized cannot complain to us without a very legitimate fear that they can be legally discriminated against.

That, from our perspective, is an absolutely intolerable choice to put on a victim: Complain about being on the receiving end of hate violence and run the risk of being legally discriminated against. If we are going to as a society in this state stop the kind of violence that we are seeing against gays and lesbians -- and we're not only seeing a lot of complaints, but a significant amount of violence -- then it is absolutely imperative that the basic civil rights protections contained in The Human Rights Act be extended to gays and lesbians or discrimination based on sexual orientation. Thank you.

MS. EZZY: Thank you, Steve. Okay. Our next testifier this morning is Janet Jonson, President of Portland NAACP.

MS. JANET JONSON: Good morning. I'm Janet Jonson, Portland, Maine NAACP. I should just say Portland branch NAACP. I guess this is the

only chapter in the NAACP in the State of Maine. Currently, we are trying to reactivate chapters that were working chapters in Bangor and in Central Maine, which are out of the Lewiston-Auburn area. We are also involved in trying to get chapters on the campuses, youth chapters, and high school chapters.

I guess at this point I would have to tell you that my position as the leader of this organization is to listen to cases, problems from the public, and this is from all walks of life. I hear situations on a daily basis of discrimination, harassment, hate crimes, bias crimes, housing problems, handicap people call, school teachers, principals. I can't begin to tell you how surmountable the complaints are.

I would say recently our increase has been in the gays and lesbians, another subject that people don't like to address. But it's very, very evidenced. And I think that most definitely, we do need law to cover these cases.

What I do is I have people document the problems that they are faced with, and then I have to look at, or I have committees who look at the documentation. And then what we do is direct it to

the organization that will deal with it, probably Human Rights, Civil Liberties, The Bias Crime Task Force, and of course Steve Wessler's group in the Attorney General's Office.

We have been working very closely with Steve and with Mark Dion and with other local agencies to help alleviate all of the discrimination and the crimes that are committed against people. I don't think that you really know what's going on out there unless you are personally involved in it. I do believe that the media needs to be highly involved because this is a way of educating our communities as to what is happening in the communities, in our cities, and in our states.

I guess I would say that I think that Maine is a highly-biased state, in dealing with other cities and states that I go to, because of the fact that our minority population is not as vast as it is in other cities and other states. But then on the other hand, I believe that the problem is ignorance in this state. People don't understand things that they don't know about. And generally speaking, problems come through if someone sees somebody of a different color. They don't know about that race. They don't know about the culture, and so therefore

they automatically don't like it. And I personally have been subjected to many, many situations like that.

No. 1, people will look at me and say, Why are you the president of NAACP, looking at me as a white-skinned person, thinking that NAACP is an organization for black people only. Therefore, they come to the conclusion that I shouldn't be leading this type of an organization. So therefore I chalk that up as being ignorant.

In the past ten years of my being very active with NAACP, I have been able to speak with and deal with people who are just uneducated about hate crimes, harassment, racial discrimination, and discrimination of many other different origins. And I truly believe that the only way that we are going to overcome these situations is by education. And I do know that there are many support groups out here in this state who are working very hard to alleviate these problems, and I feel that each and every one of us should be able to get groups together that will go into the school systems. And I feel that that is the place where we really should start. Well, I guess, really, I think the place we should really start is in the home. And

by saying that, I guess the only education that can be put forth as far as that's concerned would be to get parents involved in situations in the school system, and then educating them as to what needs to be done in order to alleviate all of these crimes that are being taken place.

I guess I would have to agree with Pat that the percentage of discrimination in housing and in the workplace has risen. I get many calls about that. And lack of resources is another thing that we're confronted with.

And I have one minute left, so I will say that I personally do believe that if all of us come together and network with one another in a very professional manner, then hopefully we will make the State of Maine the way it should be. Thank you.

MS. EZZY: Thank you very much. The format that we are following this morning is to hear each speaker because we want to ensure that each person that has come to speak with us this morning has an opportunity to do that, and we have allowed enough time for it. So we are just going to have each person make their presentation, and then at the end we are going to open it up to

questions from the panel for any of the speakers for this panel.

Our next speaker is Gerald Talbot. He's the Co-chair of the Portland Hate Bias Task Force and President of Black Education & Cultural History Organization, and also a member of our committee, as you know.

MR. GERRY TALBOT: Good morning. I think I'm doing all of this moving around because Barney wants to make sure that I stay awake, I guess, in sitting on this side of the table.

I'm Gerry Talbot. I represent Black Education & Cultural History, Incorporated. And I will also say that if the lights aren't right, if your glasses don't fit, I am a black person. Okay.

I've been involved with civil rights in this state now for about 30-35 years. And in that time I have come to the conclusion today that we still live in two separate societies: one black, and one white, very definitely. And I don't think that we as a society are doing that much about changing that, and that's what has me upset. Whether you look at Time, whether you look at Life, Newsweek, your newspapers, Essence, Crisis, which is a voice of NAACP, you will read about bias crime, hate

crime. It has gotten to the point now, I think, where we as a society read about incidents that take place and then turn the page and keep going.

I think what Steve Wessler was saying is very, very true. It's going to take all of us to do something about this because of the attitude. Hate crime is not just a violent act. It's an attitude. An attitude that has been building now for a long time, many, many, many, many years. And black people know what hate crime is. White America is just getting to the point where hate crime is something we should deal with, and that's what we should deal with between the tables. It's going to take not only the police department. It's going to take our schools. It's going to take us as individuals. It's going to take the news media, which I have a big problem with because I don't see that on the front page. It's going to take all of us to do something about that attitude. Okay.

We in a number of organizations are going to have to network. I think somebody up there said we are going to have to network. We as an organization have been supporting, okay, with either money or individuals or pickets or whatever, a lot of the organizations here in Maine that have

gone through similar crises of one or another, whether it's harassment against women or rape or whatever.

We gave a protest march about two weeks ago, and three people showed up. Three people showed up. I want to know where the women's groups were. I want to know where the gay community was. I want to know where the laborer was. I want to know where all these people who are concerned with our society were, where they were. We didn't see them. I think it was legitimate. I think it was something we really had to deal with. It dealt with the courts. It dealt with an individual who is what I call a racist. Okay.

There are a number of definitions for racism. One I -- well, I have two, which I'm not going to recite now. One is a definition by The United States Commission on Civil Rights which was put out in 1970. The other one is by Whitney Young, who is now since deceased, who headed up CORE. And I bet if you asked anybody on the street, I'm talking about anybody on the street, you will find that they cannot give you a definition for racism.

Racism affects everything we do in life; everything. It affects our schools. It affects

our jobs. It affects our persons. It affects our well being. It affects everything we have in society. And it's one of the main diseases that we have in this country.

But what we're going to have to do, not only as a commission, not only as a society, we're going to have to stand up and say that it exists and this is what we're going to do about it. Okay. Because I think also one of the other speakers talked about trust. We're going to have to trust the police department. But we're going to have to trust the police department, the commissions, the schools, the school teachers. We're going to have to be able to trust all of those people because history tells us that none of them, none of them can be trusted, insofar as our behalf is concerned.

That might sound blunt to you, and I want it to be blunt because it's exactly where we are in this society. I feel very, very uncomfortable for the first time in my life, and I've been around a few years. But I feel very, very uncomfortable as far as where the society is today insofar as hate crimes are concerned, where the attitudes are concerned.

I drove to a hospital about two weeks ago to

visit a friend of mine who was pretty bad off. And a white man -- I don't say that derogatory. Okay. A white man walked right in front of my car. When I stopped, he took both hands and just smashed them against my window, on the driver's side window. Bent my mirror. It didn't hurt the glass. And I desperately, I desperately looked around in my car for a baseball bat. And I'm glad I didn't have one because I'm not a violent man, as you probably know. I think you know.

But it is getting there. That kind of an attitude of hate is moving into Maine, and we have to realize that. It's not -- it's just not only in Germany or in China or in Tokyo. It's in Portland, Maine. It's in Oakland, Maine. It's in Bangor, Maine. It's in Waterville. That kind of hate is in our society.

I took this off a public bulletin board a couple of weeks ago, thanks to Mark Dion. And I took it down because that -- and this is a very, very derogatory kind of poster. Okay. It deals with blacks moving into the city. It deals with jobs. It deals with white supremacy. That's what it deals with. Look, it's all in color. It's all in color. And those kinds of things are being

passed out in our streets and on our cars.

And unless we want to do something about that, unless we seriously want to do something about that, then we'll take another course. But if you seriously want to do something about that, each and every one of us are going to have to put that on the front page of tomorrow morning's newspaper. And I don't mean to say just the newspaper, I'm talking television, anything dealing with news media. Because the general public out there is not aware of what's taking place. We probably are because we are involved. But the general public is not aware. And by being not aware, they are going to get scars.

The young lady that was the victim of harassment in Portland, the young man was tried and was sentenced to jail. That young lady, who is a black in Portland, will wear those scars the rest of her life. She'll wear those scars the rest of her life. And I talked to her two days ago, and she still has the effect that she doesn't like to go out. She doesn't go out at night. She's in a business where she meets people, goes to restaurants. She still feels very, very uncomfortable about that.

Now, we're talking about a state like Maine. Okay. A state where I am proud to say to tourists, to onlookers, to anybody else, I don't even lock my doors at night. You know, I don't even lock my doors at night. I don't lock my car door. It's fast changing. And we are going to be the victims unless we do something about it. And we have to say to ourselves, we really want to do something about it. I'm not talking about just mumbling the words. I'm saying we're really going to have to do something about that, or else we're all going to be in trouble. And the hate that you see in Germany and on the West Coast is going to be here in our own back door yard, the State of Maine. And that's why I feel so strongly about that. I feel very, very strongly about that.

I don't know if my time is up or not.

MS. EZZY: It is. I'm sorry.

MR. GERRY TALBOT: I'm done.

MS. EZZY: Thank you, Gerry. I wasn't on my toes here. Our next speaker this morning is Tong SaVaun. He is President of The Maine Khmer Counsel, and he's also a member of The Maine Committee of The U.S. Commission on Civil Rights.

MR. TONG SAVAUN: First of all, I wanted

to thank Ki-Taek Chun and Shirley Ezzy and also all the members of The Commission on Civil Rights and Dave Agan, and I guess the members of his department. And I'm happy to be here today, because I'm here not only for personal experience, but also on behalf of the Cambodian-American community in Portland, Maine. The discussion today is about the problem of hate crimes. It's disturbing to see the statistics. They are among even the old American, African-American, gays and lesbians.

But I guess the problem is not just the groups that we just mentioned earlier, but for the Cambodian-American or Asian-Cambodian. I am surprised to see that there no statistics were shown. I guess the community's attitude is we probably just do not exist. But I just want to let you know that we are here in Portland. I mean, we are in the community.

But we talk about hate crimes, I think you can hear us from our point of view, from our experience, as a great ethnic Maine Khmer Council. I had worked with the Cambodian community as a translator. Also I've been listening to the problem, and the problem is real. You know, it

gets closer and closer. I mean, even closer to the skin. I can tell you about a specific incident that happened to the Cambodian community. Well, first of all, I should say, Cambodian members in Portland, well, the whole State of Maine is about 1,500. And a large majority of members are in Portland.

And the problem that -- well, the first thing that bring me to come speak in front for the hearing, I hope that you can understand the problem that happened to us, the frustration at the new American. And we live here. We work here. But when it come to the hate crime, I think we've been victimized for so long.

I can tell you a recent incident that happened to the Cambodian community. Just recently, this young man was -- I mean, I can tell you without one week go by without hearing incident happened to Cambodian community. But I guess you say, Well, if there a problem, why don't we hear it. Why there no complaints.

But I can tell you that the reason why there's no complaints from Cambodian community, but as the president of the community leader, I feel frustration. My frustration is that we have no

connection with the law enforcement, because I think because of lack of -- maybe the community don't have any problem.

But the truth is the Cambodian-American has experiences just like any other groups. The specific incident that happened, well, this young man was 18 years old. He walk into recently to -- I think he went to Portland pinball club. He was with his friends. Went to, I guess, it's around like 11 o'clock on a weekend. He went out and he called a white friend, I mean, a Caucasian friend. But when he went to one neighborhood he got beat up. Only him that got beat up. He got broke his jaw, broke his lips, knock him unconscious, and stole his jewelry. And they let him stay on the ground unconscious. Nobody helped him until he wak up and walk home.

And he give me a call to report. The fear was there's a problem that the Cambodian tend to be afraid of the authority, perhaps the police department, because they don't know what one to report. But again, usually, it seem like why would he would report in the one that seemed like the one that being victimized. That's not all true. Cambodian is the last one that will call in because

of the fear, because I think the problem associated with the language barrier. That could be the major problem that Cambodian not report.

And I can tell you another incident of a high school student. It happened at Deering Oak Park. He's with his friend, one that plays football. And this little guy, I think it's just, like you say, boys will be boys. But I think he's arguing and calling him names. Then after he get the (inaudible) I think they chase him. He ran away. But the next day he came back with his friends and they meet the group again. So these -- so based upon what he told me, there's about 40 other kids that got four of his friends. So he got beat up.

And also, I know I have only one minute, but I want to make another point that's happened. Recently, in the Cambodian Buddha Temple, here's a group of -- I think a group or maybe individuals, act individually. They went inside of the Temple. They broke in, they stole equipment, and they throw out the furniture into the street. And they make a sign and also chop the pieces of wood on the Temple. I think that was too much.

And we get scared. And just last week, from the radio station from the campaign, he work for

WMPG, and he told me this -- this just happened last weekend. And there's some individuals went to his library recorders, took all the CD disks and scratched so bad. They try to break them, but couldn't break them. So what they do is they left right on the table when the hours that he come to make a show.

So that is scary. Anybody can be scared because it's even -- I don't want to point the finger or accuse anybody that is a hate -- somebody hates us. But I just want you to make conclusions by yourselves that what is that. What they doing? The Cambodian-Americans, we are scared. We want to work with law enforcement to understand that we are too within the community and we are scared. And we are part of the community. We want to have equal protection and also feel safe within our community. Thank you.

MS. EZZY: Thank you, Tong, very much.

MR. TONG SAVAUN: Do you have any questions?

MS. EZZY: We are going to wait until everyone has spoken for questions.

MR. TONG SAVAUN: Thank you.

MS. EZZY: Our next speaker this morning

is Meyer Bodoff. He is the Executive Director of The Jewish Federation of Southern Maine.

MR. MEYER BODOFF: I'd like to begin by thanking Mr. Talbot and the committee members for the invitation this morning to speak. I appreciate it.

I am Meyer Bodoff, Executive Director of The Jewish Federation of Southern Maine. My organization is the umbrella organization of Jewish institutions, organization synagogue, synagogues in southern Maine. We represent 20 organizations and 5,000 individuals. In addition, we settle Jewish refugees in the former of Soviet Union in Southern Maine.

I must tell you I come this morning with a very deep concern over the issue of hate crimes. We have a problem here, and you've heard it from every speaker that's come up here this morning to speak. The problem is, except for those of us who are directly involved as either minority community members or as professionals working in the area, the larger Maine community seems to have closed its eyes. The danger is growing. Most of the communities out there don't even recognize the issue exists.

My own community, over the past two years, has seen an increase in anti-Semitic incidents. These include obscene and threatening telephone calls made to Jewish organizations, the synagogue, and to Jewish individuals, hate mail, again, directed at synagogue organizations and individuals, anti-Semitic fliers and leaflets that are distributed in neighborhoods on cars and windows and doors. Swastikas are seen, frequently now, on businesses, on schools, and on private residences. We've seen public schools become an arena for verbal and physical intimidation. In this past year outright physical assault, simply because someone is found to be Jewish.

We watch the growth of neo-Nazi and Skinhead groups. We watch the spread of venomous literature produced by the Klan and other national hate organizations distributed throughout Maine rather freely. At a kind of grotesque regularity, mail is sent throughout Maine to organizations and to individuals talking about the great Jewish conspiracy. Just two weeks ago one of Maine's mental health agencies received a mailing informing their staff of the world domination that the Jewish community was trying to take over, was trying to

admit.

I have to ask you to keep in mind that what I'm speaking about this morning is no way in our opinion in my community a Jewish problem. The incidents that I speak about may change the flavor a little bit, but they are taking place, as you've heard already, in the back community and the Cambodian community, and they're taking place in the gay and lesbian community, the native American community, and the other minority groups as well as in Maine. We know a fact: There's enough hate out there to share.

We have found, as we've begun to network with other minority groups in the state, that there is a fear factor out there. There are members of some minority groups who are afraid. But I'll tell you this: We are all angry. And we all think that it's time it stopped today. We no longer wish to stand alone. We believe it's a community problem. And we believe the community at large needs to address hate crimes and racial incidents, first, by agreeing that they will not be tolerated in our midst. When they do take place, they need to be dealt with quickly, strongly, consistently. We need to send a message that perpetrators of hate

crimes will be pursued, and then they will be punished. I can't tell you that is a message that is uniformly heard throughout the state.

I believe that the members of the minority communities of the state learned an important lesson that perhaps we can share. And that is that there is no such thing as an attack on any one minority group. I tell you I firmly believe that. An attack against the Jewish community is an attack against the black community. An attack against the black community is an attack against the gay and lesbian community. An attack on the gay and lesbian community is an attack on the native American community. An attack on the American community is an attack on the Cambodian community. And on and on it goes.

We had best learn that the racists and bigots that are out there are teaching us about nondiscrimination. They hate all of us. And perhaps the approach needs to be done on that level. We can't as a community handle hate crimes on an isolated basis, on an isolated, case-by-case basis. Again, it's a community problem, and it's only going to be solved by the community working together. That means the full resources of a

community are needed to deal with the root sources of hatred.

I just want to take a few seconds from my community's perspective and point out several professionals who I believe serve as role models for what we intend to do in Maine. These include Chief Michael Chitwood and Lieutenant Mark Dion from the Portland Police Department, again, Steve Wessler and his small staff, the State Attorney General's Office. They prove that the system can work and it can be effective, but only when there's a commitment and only when adequate resources are provided. These professionals are the exception; however, they're not the rule. What we usually find are inadequate financial resources, budgets that are pathetically small or nonexistent, and staffs that are spread too thin doing lots of different jobs.

We are often met by professionals in both the criminal justice and the education community who don't view bias incidents as high priority items. We believe it's crucial to take an aggressive campaign of education out to the communities. Religious institutions, civic groups, and the media need to be on the front line. Portland's Bias

Crime Task Force needs to be a role model for other communities in our state. Citizen advisory groups need to be formed. But more importantly, they need to be listened to.

I got my signal. I'll stop and give a quick couple personal comments which I can do in ten seconds. Hate isn't a genetic condition. It's a learned behavior. I find comfort in that because learned behavior can be unlearned if one bothers to do it. One can also take an approach at the beginning to see that the behavior is never learned. That needs to be our approach. I respect the work the law enforcement individuals are doing. I'd like to see it never get to that place.

Simply in closing, I will tell you from a minority community's perspective, and my perspective is we don't seek much. We don't seek actually anything more than to live out the American dream as who we are, without fear and without worry. We don't think it's too much to ask for. We're not prepared to accept anything less than that. Thank you.

MS. EZZY: Thank you. Our next speaker this morning is David Agan. He's from The Maine Office of Refugee Resettlement.

MR. DAVID AGAN: Good morning, Mr. Chun and members of the Committee. My name is David Agan. I am in fact from the Catholic Charity of Maine Refugee Resettlement Program which I direct. Our program since 1975 has assisted more than 90 percent of the over 4,000 refugees from two dozen different countries who have resettled in Maine under the auspices of The United States State Department.

Our clients and our former clients are from Southeast Asia, the Near East, Cuba, Eastern Europe, and more recently, from the former Soviet Union and from Africa. The majority are limited English proficient. Virtually, all our people have noticeable accents, and the vast majority are people of color.

I have a long list of incidents, harassment, and bias crime against refugees that I will save if I have time for. Because I want to give you some detail about the desecration of the Watt Samaki Khmer Buddhist Temple which occurred on or just before August 13, which Tong mentioned. This is an event that was very difficult for the Cambodian community to talk about and to share information on. I had the opportunity yesterday to see after

the cleanup some of the destruction that occurred there.

During the night two or more individuals entered the Cambodian Buddhist Temple on Dedham Street in Portland, with the use of an ax breaking windows, breaking locks. In the cellar they attempted to steal the water pump. There were ax marks on -- deep ax gouges on all kinds of supporting posts and walls with an ax left in the wall in one of the bedrooms. Screens were cut. Every light bulb in the building was broken, virtually every light bulb, including the bulb covers. Two 25-pound bags of rice were dumped and scattered over the -- throughout the building. Mattresses and pillows were scattered about throughout the building and outside of the building. Glue was stuck on the walls. A pile of incense was made in the worship area, where the Buddha statues and the other religious symbols are, and was lit on fire. Fortunately, it apparently only scarred a little bit of the floor there in the building, but did not burn down.

Three coils of rope and a pair of boxing gloves were left at the black door. The ax and a hammer which were used in the break-in were left at

the scene. In the bathroom on the wall opposite the mirror, the words red rum were written on the wall. Read through the mirror, it reads murder. Outside on the post, on the stairs, gauged in pen were the slogans, "Go home gooks," and "Chinks suck dick." An automobile which was on the premises had all of its windows smashed and its engine beat up.

The question I know that the commissioners ask, because one member has mentioned this to me, is what would have happened if the Buddhist monk or someone else had been at this home the night of this break-in. I give you all of those details because I want you to realize the seriousness of this particular bias crime which is being investigated as high priority by the Portland Police Department.

I want to just mention some other incidents that have occurred with other members of other communities. In 1990 there was an arson fire set in an empty apartment below the new home of a Vietnamese newcomer family. More recently, in the past year or so, there has been an incident of Eritrean children being threatened by middle school-aged children with a knife threatened at school and at home.

A Sudanese family had a child who was riding a bike in a parking lot hit by one of the tenants in a car who drove off. It was a hit and run case. Later there were knocks on the door at night and a threat by a tenant that the children would be arrested for making noise. At another site, another neighborhood in Portland, middle school students threw rocks and called names, racial epithets at Vietnamese children. And in the same neighborhood, an Afghan family had laundry stolen, car windows smashed, and car straps and their bicycle stolen.

In Westbrook a Sudanese man was harassed in the workplace with spitting and name-calling, threats from a fellow employee. This particular matter was handled very well by both the local police department and the Attorney General's Office and the employer.

An Ethiopian man in Portland received a threatening letter regarding threats about his immigration status, being told to move out of the apartment. I mention too, that the hate poster that Gerry showed appeared last winter as well on a number of telephone poles in the area where our office was located. I believe it was aimed at

unemployed people because we were at the time right next door to The Maine Job Service.

We support and encourage law enforcement efforts to bring to justice these perpetrators of bias crimes. At the same time I agree with what Meyer, Jan, and many of the other speakers have said, that this is not simply a law enforcement justice problem. It is a problem of the whole community which we need to deal with. That's why I solute The Bias Crime Task Force in Portland which has done inventive things like going to set up the diversity day at Deering High School. And why I work closely with The National Coalition Polling Institute the Maine Chapter is to provide prejudice reduction training in work places, more especially in the schools. Thank you.

MS. EZZY: Thank you very much. Our next speaker this morning is Mike Chitwood. He is the Chief of the Portland Police Department.

MR. MICHAEL CHITWOOD: Good morning. I want to thank The Commission for an opportunity to make some remarks. Let me start out by following up on what has been said by most of the speakers. Crime is not a police problem. Crime is a community problem. Bias crime is a community

problem. All we do is deal with the results of the action.

In my opinion, there's an expectation by community members that the police are going to be able to handle these things. It's not going to happen. It will never happen. It never has happened. I believe that most of the bias crimes that are committed not only in our city and in our state, but in our country are committed by cowardly individuals who get off on these types of actions.

That being said, I believe that law enforcement communities in America have to be proactive instead of reactive in dealing with these types of issues. And I believe that the Portland Police Department not only has taken a role in the state, but hopefully, if you review some of the literature that we will hand out to you, it would be a role model for what should be done in the country.

Let me just share with you the birth of what we feel we have reacted proactively with vision and with a conscience towards community commitment. Back in late 1988, I was visited by several members of the black community and several members of the gay community, and they expressed concern that the

Portland Police Department was not sensitive to the needs of those particular communities. They felt that the officers responded in a very, very haphazard way, that they didn't take the incidents that had occurred in those two particular communities seriously. And they wanted some action.

As being new in Maine, I just arrived here as police chief, one of the things that I quickly identified in the Portland and Greater Portland area was a microcosm of urban America. The same crimes that occurred throughout the country were occurring here. But I quickly realized that being a microcosm it was still under control. People could still make a difference, whether they be groups like yourself, whether they be members of the minority community, whether they be the police department, political structure, business leaders.

Quickly realizing that, I sought out an individual in the department, and I looked for somebody who was articulate, sensitive, compassionate, visionary, and was willing to be committed through what I felt was the wave of the future, and that was to work with the community in dealing with these issues that affected the

minority communities. Because all too often in America police officers are always felt, But they don't care. It's an us and them attitude.

And with that, I had Mark Dion, who has become nationally-recognized in this particular field of bias crime. And he was instructed to put together a community bias crime task force which he did. And in February of 1988-89, our department initiated a partnership with various minority leaders that has evolved into a civic body, which is now referred to as The Community Task Force on Bias Crime.

Today this task force consists and provides both a communications pathway and support resources to our department's efforts in civil rights enforcement and education. The Portland Police Department was the first policing agency in the State of Maine to engage in the investigation of hate crimes. And in doing so, we came to the realization that hate violence not only traumatized the victim, but has a concurrent effect on the victim's community of reference.

Since 1990, when we began tracking these cases, we've investigated over 130 incidents of bias crime, to include several of the incidents

which were described earlier. Since January of this year, we've investigated over 40 incidents of bias crime.

The central purpose of this task force is twofold. First, we are provided with investigative briefings regarding hate crime incidents so as to counter the invariable rumors and provocative half-truths that sometimes arise from such volatile events. In an effort to advance the police effort in resolving hate violence, task force members act as crisis intervention aids to diminish the stereotypes which may hinder productive interaction between the victim and the officer involved.

The second component of the task force effort resolved around community education, and I believe this is as important a role as we can possibly do. The task force and the intergroup dialogue concluded that bigotry and its attendant violence is not simply a law enforcement issue, but requires the vested interest and efforts of citizens as well. The task force translates observation into action as a flat form of diversity of education.

Some of the efforts in this particular bias crime task force have produced such concepts as hate crime survivors, reference communities. And I

think that the two areas that I am very proud of in our role are refugee education. We make an effort to work twice a month. A civil rights officer provides, basically, education to the refugees arriving in our city. This education is vital in the dispelling the realities which make up the common experiences of those individuals, vis-a-vis of police in their own countries.

It's a very, very difficult process. It's like the birth of a child: We've just begun and we have a long, long way to go. But we are making an effort. Cultural diversity, cultural awareness are words that have never been spoken in any police organization up until the last several years. It's very, very, very difficult to get over because we as individuals also have our prejudices and biases.

My philosophy is that I can't go around and tell my officers not to be prejudice and not to be biased because that's something they learned a long time ago, long before I became police chief in my particular community. However, the expectation is that my officers treat everybody with dignity, and the expectations that my officers be very compassionate with individuals that they encounter, whether they be victims or defendants. But it's a

difficult, long process.

The second area, in addition to the refugee education, and you'll hear more about this later on from Lieutenant Dion, is The Diversity Leadership Institute. And just let me give you a quick analysis of what we have done. In coordination with The Human Holocaust Organization, we've traveled throughout the State of Maine. We've participated in 12 high schools in talking about the diversity, and we will continue this effort. Portland is home to 18 various religious, racial, ethnic, and sexual orientation communities. Six different languages are now being spoken on our playgrounds. The task force concept is a thin, blue thread that ties our community together as we move forward into the 21st century.

One other innovative program that I have to mention, and I think that this is something that should be looked at, and we're now trying to push it nationally, is we developed a cultural affairs coordinator. Basically, we've hired an individual from the minority community/black community, Moses Sebunya, whose job is to promote a community working together, to identify the problems in the different communities and go forward in a proactive

compassionate way.

Again, it's a very, very difficult job. We can't be all things to all people. But certainly, in the law enforcement community, we can be innovative and we can be proactive and be a model for the rest of the country or the rest of the law enforcement community in America. Thank you.

MS. EZZY: Thank you. The next speaker that we have this morning is Captain Laurier Dehetre from the Lewiston Police Department.

MR. LAURIER DEHETRE: Good morning. My name is Captain Laurier Dehetre with the Lewiston Police Department. I would like to share with you this morning some of the positive things that our department is trying to do. As a result of The Hate Crimes Act that was passed in 1990, a similar law took effect in May of 1991. A Hate Bias Crime Task Force was created by our department. We sought the help of Mark Dion from the Portland Police Department. He provided us with training, how to investigate hate bias crimes and incidents. We sought out representatives from the religious community, Jewish community, people of color, gays and lesbians, police department members, school

committees, city counsel, civil liberties unions, and concerned citizens.

By having such a task force, we thought we had established a better communication with these different individuals in our community. As a result of these task force meetings, several members of our task force decided to bring forward an anti-discrimination law that's similar to the one that had been passed in Portland. As a task force we brought this ordinance forward to the city counsel in Lewiston in January. The counsel voted in favor of the ordinance and this is now awaiting a referendum vote in November.

The department, with the help of members of the task force, developed a policy for our department handling of hate bias crimes. And it is the policy of the Lewiston Police Department to thoroughly and properly investigate all hate bias crimes committed within our jurisdiction. And we view these crimes very seriously, and they are given high priority by members of our department.

Also, the department in April of this year, in cooperation with the YWCA and the Baha'i communities was instrumental in developing the Lewiston-Auburn Chapter of The Institute for

Healing of Racism. The purpose of this institute is to help individuals heal their disease and seal up wounds from racism and get set up for social action. This aim is to foster racial unity within the community.

The chief of police and members of our selective enforcement team who investigate hate crimes attend biweekly meetings of the institute. This year the department sought out three high school students to participate in the Conference of Diversity of Leadership Institute at the University of Southern Maine in Portland. The caucus was sponsored by The Holocaust Human Rights Center of Maine, a multicultural group to combat bias. We are hopeful that these students will be able to share with their peers all they have learned about experience -- about what they learned about experience in cultural diversity.

There has been an express concern by school officials by our observation of an increase in violence at our schools by students. The Lewiston Drug-Free School Committee this summer sponsored a conflict management seminar for school and police officials. We also sent an officer this summer to Tucson, Arizona for two weeks of training in a

program sponsored by The United States Bureau of Alcohol, Tobacco, and Fire Arms in a program called, GREAT, Gang Resistance Education and Training. We selected our DARE officer, and the eight-week prevention curriculum will be presented to all seventh grade students in the Lewiston school system. We are hopeful that the lessons taught in the DARE program in the sixth grade are followed up by the GREAT program and provide guidance and direction away from hate and violence.

As a follow-up in a closing statement, I would also like to echo Chief Chitwood's statements and other people on the panel, that if you expect police departments to solve this problem, that isn't really going to happen. There are a number of things that we feel that will -- that the communities have to take an active part in it. Education we feel is very, very important. Training of police officers. The officers that are out in the street, those are the people that -- you can talk to chiefs and you can talk to captains like myself and, you know, and we can help you out. But our everyday officer that's out there every day on the street, he's the guy that really, really makes or breaks this type of crime. And training

in that area is very, very helpful. We also feel training in our school systems for young people we also feel is a great asset to this problem.

One of the other things that was brought up this morning that really stuck with me was the fact that we have 78 members on our police department, and we have a number of programs that we're into. We're in the community policing very heavily. We just had some training this spring, and we have another week of training coming up later this month. And we are trying to get our officers back out in cruisers out onto the streets meeting people because that's where the problem is.

As part of community policing, we're also trying to get our officers to realize that in a community such as the area of Lewiston-Auburn, there are a number of people there, different people that have moved into the area. We found that crimes against the gays and the lesbians and the black community is probably our biggest problem right now. We have a number of young black students at Lewiston High School. There are about 2,000 students in that school. And from time to time we do have minor skirmishes that occur there. So that, you know, is part of our problem in the

Lewiston-Auburn area. Thank you for your time.

MS. EZZY: Thank you very much. We have one other speaker on the agenda this morning which you don't see if you have a copy of it with you. We had previously scheduled somebody from The Central Maine Indian Association, and that individual could not come so we did not include it on the agenda. But we do have a representative here this morning, and he's prepared to speak before the committee. So I ask Terry Polchies to come forward. He's the Executive Director of The Central Maine Indian Association out of Brewer and a former member of this committee some years ago.

MR. TERRY POLCHIES: Twenty-some years ago. See, you're still here. What have you accomplished in 20 years?

MS. EZZY: That's a topic that would take a lot of time to discuss.

MR. TERRY POLCHIES: Well, anyway, I'm not here to speak on what these guys are talking about. I'm here to comment on some of the remarks that were made earlier. Gerry Talbot says this is a black and white society. Well, I am neither black or write. I'm brown. So there is another society out there you've got to deal with. There's

a lot of hatred in this state, bigotry, discrimination, even in the police force was up here to talk about it. I know if you look in our files I have complaints. Let's do something about it. Do your task forces include native Americans? We've been beaten up and the whole bit. I welcome the Asians and the blacks and stuff because they take the heat off of the native American who is being knocked around.

I'm kind of pissed off this morning because I wasn't invited to speak, and I represent a lot of Indians. But I think when you're talking about bigotry, hatred, and everything, we were here long before the blacks, Asians, Jews. I mean, why isn't there many complaints? Because we've complained and nothing was done. Indians are scared to complain, and they will step on us, even the Jews, the blacks. You hear the term the low man on the totem pole. Well, that still applies.

I want you guys to do something here. This briefing is nothing. I remember when I was on The Commission those were hearings and something come out of it. This is a briefing on what? Same old stuff we heard over and over again. Well, I'm tired of hearing it. Let's do something about it.

I could go on here for hours, but I'm so mad that I may say some things I'll regret. So I'll just stop for now. Thank you for letting me come up.

MS. EZZY: Thank you, Terry. That ends the panelists that we had scheduled for this morning, and we appreciate all of you taking the time to prepare your remarks and to come here to Augusta today to present them to us.

Now, I'd like to open up the questioning of the panel to members of the committee. If any of you have questions on any of the panelists that have spoken to us on the hate crime issue, now is our chance to talk to them. I'd ask you to please state who you'd like to direct your question to, and we'll just take them in order.

MR. BERUBE: This actually is to either of the three individuals. I think Mr. Talbot, Mr. Bodoff, and Mr. Agan made comments about a leaflet poster and that sort of thing that were around. And, Gerry, you put it up. Obviously, I couldn't read it, but you were standing there. In any case, they were from hate groups. I'm wondering if any of those that were circulated must have had a source, either for donations or here's

where we are going to meet or talk to this person or a phone number, so that conceivably it might have been likely that a contact could have been made with a perpetrator with these sorts of things or were these all anonymous?

MR. GERRY TALBOT: No, they weren't anonymous. It has a post office box, and I'm trying to get one that I had right here. And the only reason why I haven't passed it out to anybody is I don't want to be part of that part that distributes all of them. But it has a -- it's called Invasion, and it's a national independence movement, Post Office Box 771, Westbrook, Maine.

You know, I mean, we are not talking about leaflets coming from somewhere else. We are talking about in our midst, in our back door yards, okay, all kinds of leaflets. And if you look around your neighborhoods, if you look around the streets, if you look around your telephones, that's what you're going to find.

MR. DAVID AGAN: I just want to respond to that. Unfortunately, the leaflet that Gerry has shown is not the only one, and that's not the only organization that has been distributing leaflets. There's been a lot of that going on in the state,

and it is also in rural areas, including a lot of rural areas right around the August area. We try to track those activities. Most of those activities do not violate any laws. They are protected by the Fist Amendment. But it's very important, from an investigative standpoint, to make sure that we track.

Our office works very closely with Lieutenant Mark Dion who has collected a lot of this information as we have to make sure that we know what kind of activity is going on. Because it is certainly possible that what may start out as leaflets is obnoxious and poor. Maybe it's still legal. It may escalate to more serious conduct. So we have, as I say, unfortunately, far thicker files of different kinds of this discussed hate literature than we want.

MR. BERUBE: Lieutenant Dion, Dave, you gave it -- not you, but Lieutenant Dion gave it to you, or how would it change hands?

MR. GERRY TALBOT: It was on a public bulletin board downtown, downtown Portland, and that was across the street. And I hollered, Mark, because I knew Mark. And he was standing there and he showed it to me, and I took it off and took it

home.

MR. DAVID AGAN: When we saw these last winter we took them down, and we shared them with the Portland Police Department.

MS. EZZY: Other questions?

MR. MORGAN: I have a rather narrow question that I would like to ask any of the panelists. And that is, while I agree that much of this is a community problem, I would like to know if any of you have any specific organization, legislative areas where there is a possibility for further remedy? I mean, we've heard two specific recommendations, it seems to me. One is a recommendation clearly from most people that sexual orientation needs to be brought under the human rights statute, and that there obviously needs to be more adequate funding and staffing to administer the laws that we have. But are there any other specific recommendations from any of the panelists in the legislative area?

MR. DAVID AGAN: I don't know what the Maine legislature wants to do about this. But in recognition of what we've all said, this is a community problem and that bias is learned early on, promotion of and support of prejudice reduction

training starting at the earliest grades of school or earlier, if possible, for all young people. The State of Maine would go a long ways towards things being different here some years from now.

MS. EZZY: Anybody else want to respond to that question?

MR. GERRY TALBOT: Yeah, I'd like to. Because I was one of those people way back in the early '60s that fought, I think, the legislature for a human rights commission to begin with because blacks had no place at all to go for redress, none. I think it's up to us to see to it, all right, that The Human Rights Commission which is the only body in the State of Maine, okay, that minorities or hurt people because of race, color, creed and that can go to that they get enough funding. All right. They get enough funding. All right.

I can remember back in the '70s where they used to come over in the legislature where I was housed, before they through me out, and asked for paper because the legislature would not give them enough paper, money to buy paper. It's a disgrace. It's a disgrace to us. It's a disgrace to the state. We should make sure that they get enough money.

As I said before, while I was sitting up there, I am under the impression that cases that are fought and dealt with in the courts are according to money. If you haven't got the money, then don't think about it. All right. If The Human Rights Commission is looking at any problem in any geographical part of the state, if they don't have the money, then you're out.

That goes back to what I said before about trust. All right. Black people, minorities, whether they be native Americans, have also got to have trust in The Human Rights Commission. I have been assaulted. But if I don't trust The Human Rights Commission, I'm not going there. And if they can't do anything for me, I'm not going to go there. All right.

When you go to the doctor's, lawyer's office, or anybody else's office, what's the first thing you do, because you're going to have to wait. There's no question about that. You pick up a magazine. But I have yet to go to a doctor's office or a lawyer's office and pick up a magazine dealing with black America or native America, as Terry said. I've yet to do that.

I spent some time over to the youth center

last year helping a youngster over there and found that they have no material over there dealing with black America. There was no material over there dealing with black America. If you go into a store or a supermarket look around. I mean, it's obvious. I mean, we're not playing power games. It's obvious. Look around. If you go in a store and there are no blacks in that store at all, ask how come there are no blacks working here. How come there are no native Americans. How come there's no minorities working here.

If you go to a school, and you can go to schools from Kittery to Fort Kent, and you may find at the most -- Janet can correct me if I'm wrong -- two teachers in that school, in the schools.

Look around us. And the other thing -- and I'm going to get out of here. I'm going to stop this. The other thing is listen to what blacks and minorities are saying. Okay. Hear what they're saying. Don't just listen. Hear what they're saying. Because as Terry said, we've been saying this for years. We have been doing this for years and years and years. And we've come to the point now in 1993 it's falling on deaf ears. So we've come to the point now it's crunch time. This is

it. This is it.

Look at the University of Maine in Portland, the University of Maine in Southern Maine in Portland. There isn't a black professor in the school, not in the school. All you've got to do is look around. If I asked you the question of where Harlem, Maine was located, how many people can answer that?

(Audience member rose hand.)

MR. GERRY TALBOT: Well, Moses is brilliant. Harlem, Maine, before around 1800, now it is called China, Maine. How many people knew that? You know, I was -- I'm going to stop there. I'm going let somebody else.

MR. CHUN: There's one thing which got touched upon repeatedly starting with Wessler and other panelists, that is the phenomenon of hate crimes rising in intensity, yet law enforcement establishment cannot solve the problem, that it has to be solved as a community-wide problem. And I couldn't agree with that more. I guess all of us, you know, have come to realize that.

The question that I would very much like to ask every one of the panelists, if possible, hear something about is, could you think of an example

or have an example where a community-wide effort has been made and positive results may have been brought about. Perhaps you may not share with us what has been done or what kind of a beginning or positive outcome you begin to see. Short of that, if such examples are not available in the State of Maine, then perhaps we may begin to think about some of the things that you might think would cause the beginning of such an effort. Perhaps Mr. Wessler may like to start.

MR. STEVE WESSLER: Well, I think in fact there are lots of communities in the State of Maine that have responded very strongly and appropriately to incidents of bias and hatred. I think there are a lot of specific instances we can point to. It's not consistent, though. There have been a number of incidents that I'm aware of where there has been a significant incident of hate crime followed up by law enforcement response, but then a community response, and most importantly a school response. Where after a bias incident, the community will come together. And I can think of several of these instances. We put on a program for school-aged children within the schools trying to deal with the issues of hate and bias. And I think that, you

know, that's just one of the examples. There are a number of organizations. The whole humans rights center that we work closely with in dealing with these issues as a community issue.

But it's not consistent. And I would say that, you know, in many occasions the part of the community that is missing are friends and neighbors. I mean, there are far too many serious hate crimes that we deal with that really could have been stopped if next-door neighbors had stood up and tried to confront their neighbors who were perpetrated by hate crimes. And this needs to be stopped not only on an organized basis, but on a personal basis.

MR. CHUN: Could you cite one example of the many community ways you are trying that you might cite as an example?

MR. STEVE WESSLER: Well, one response that I think was an extremely positive one was in my town of Litchfield, Maine.

MR. CHUN: Thank you.

MR. MICHAEL CHITWOOD: I think if I look at it from a law enforcement perspective, and I'm only speaking from that perspective, the handout that you were given by Moses, The Community Task

Force on Bias Crime. What the task force has done in my opinion is that it has broken down the barrier of us and them, the law enforcement community and them. What we've done is we've reached out and we have included or will include every possible minority community that exists in our particular city. And we sit down and we talk and we meet so there's a positive interaction. I think that most of the minority communities now trust the police department and know that they will investigate these crimes and try and work together. That's explained in The Community Task Force on Bias Crime.

I think it's a model. I think it's something that can work anywhere in the country. It's not going to solve the problem, but at least people are sitting down and talking about the issues as they affect law enforcement in those particular communities. And obviously, the other part of that program is The Diversity Leadership Institute where the police department and the minority communities are going into the schools and talking about the diversity issues, you know, from Western Europe to East Africa, to the Pacific, to the American Indians, the blacks, to the Jews, to the gays,

whatever it is in our community. So, I mean, they're positive. They're proactive. They're community oriented and they're working. And it's all explained in the packages you were given.

MR. BERUBE: I'm looking forward to reading that.

MR. SAVAUN: One question, is a Cambodian counselor for their representative sort of a part of this task force?

MR. MICHAEL CHITWOOD: The Cambodian community is represented. The incidents that we referred to earlier, they are being investigated. They are all being investigated.

MR. CHUN: Why did Mr. SaVaun say something to the effect that he wasn't too strong. I thought I picked up that some of them feel they don't have a representation established. They don't feel quite, say, I think there was a sort of sense of reluctance or hesitance as if they feel that that is why they are not coming forward.

MR. MICHAEL CHITWOOD: That may be a feeling that can't go away immediately. But I can tell you that I've got two people right here, Moses Sebunya and Lieutenant Dion who have worked very, very, very closely with the Cambodian

community. So I agree there's a problem. I agree there's hatred. I agree there's incidents that occurred. But I totally disagree that they are left out. Absolutely.

MR. SAVAUN: If I can say one thing. I so happy that recently. I mean, Mr. Moses Sebunya this last August, I mean, this is a first step that the city reach in to us. And we for a long time tried to get in to access to law enforcement to help solve the law problem. I mean, I can tell you one incident that still affects a lot of the Cambodian community. I mean, for example, in 1989, when we tried to -- when a lot of kids were running around. We had a lot of problems. We figured, well, we maybe because we didn't have any center to teach our values and our culture and to teach the morality. So the community get together and we tried to convert chicken bones to be a Temple, and look what happened. The community come up and stand up and says, No, you can't do that.

So, I mean, it's something that you don't understand. Well, when I went to the community and said, Well, Are we going to be able to deal now. Yeah, go for it. But when somebody do something positive, try to build a church for a temple to

teach the children values between right and wrong, and it seem like the community against it. And that's why we don't understand. That's what I mean, some day those kids are going to be out of there, because no center to teach the values and the culture that these people feel is important.

So I think that's part of the problem that happen, in effect, you know, the problem all of the place. And not just the black, but the Cambodian community feel it's necessary to have a center, a spiritual center to teach children and their parents the law, the system, and also, you know, the culture of different culture. So I think it is important we have a center that people can go to worship and to feel at piece with their mind.

MS. EZZY: Did somebody want to respond to that?

MR. MARK DION: Distinguished members of the panel, just in response to the representative of the Cambodian community. For at least five years we've worked closely with the Cambodians. One of the difficulties being an Anglo in north America is we have some experience on how to deal with people that are culturally biased to our own experience. One of our frustrations in dealing

with the Cambodian community is they are a community that tries to achieve consensus on experience before they share it with institutions of authority. And I know I've expressed to David the frustration for our unit. We hear about such incidents well after the fact.

Part of our reason for being involved in refugee education is to develop that psychological safety that's necessary so that people can share those intimidating issues. I think my humble interpretation of Cambodian culture also is it does not necessarily make reliance upon institutional law but relies more on private law. And those kinds of issues are best settled alone and discretely, which is a role that the police have not been able to satisfy as adequately as we can, but we work every day on that issue.

Also, in terms of the task force, I think what's unique about the committee is that that is not supporting body only. When an incident occurs in the city of Portland, and unfortunately when it occurs outside the city we are called, we immediately engage somebody from that task force and act as a peer in that investigation. Gerry's participated with me as well as other people in the

community when events occur. We have pagers. There is immediate access. I do think that we do the best we can. It's unfortunate that when it filters to some leaders outside the city or in the city, they may not be aware of the effort made. And communication is the main barrier.

MS. EZZY: We are coming to the end of the time set aside for this period. But I will take two more questions and then that will be it for this panel.

MR. BERUBE: A quick one probably to Captain Chitwood. Mr. SaVaun made reference to a horrible incident that occurred at the Cambodian Temple in Portland two or three weeks ago, attempted arson, axes, graffiti, and racist things that were left behind on the walls and other places. Is that recorded as we speak as a hate crime, or is it a breaking and entry kind of crime?

MR. MICHAEL CHITWOOD: Initially it was breaking and entry. It's now reported as a bias crime. It is high priority and hopefully we will make arrests shortly.

MR. CHUN: What triggered the reclassification into a hate crime? How long did it take from the initial report of incident for the

reclassification?

MR. MICHAEL CHITWOOD: Well, initially it was a burglary. The officer who took the burglary report had enough intelligence to look at it as harassment by characteristics. Then subsequently it was filtered to Lieutenant Dion. He'd have to answer that.

MR. CHUN: How long did it take?

MR. MARK DION: It took approximately four days. And I think that was an unusual case. It's a classic in terms of dealing with that particular community. The officer interpreted that this happened in a site that serviced the Cambodian community. So he was aware that this may be, in fact, bias crime. The graffiti that was shown to him had to do with red rum, which is murder. The reviewing supervisor within the bureaucracy concluded that that alone did not suggest potential for a civil rights violation. It is possible to be a victim and still be a member of a minority community and not have it be a crime against that minority.

Through Mr. Agan and other sources, there was information about that crime that was communicated to us after the fact that made us conclude that, in

fact, the targeting may be based on national origin. Once that occurred, our unit joined the investigation with burglary detectives to determine responsibility. And as of this date, there have been three young men that are potential suspects.

I want you to also understand that it's in these cases, according to the chief's wishes, we come in immediately and work no matter what time it is or day it is. So as soon as we know, we give it that priority.

MS. EZZY: Thank you.

MR. DAVID AGAN: May I add something? There's something I forgot to mention. But there was a robbery that occurred there too. There was a television set stolen, audio equipment worth up to a couple thousand dollars. There was money stolen from a donation box estimated at $200, is my understanding. So that was some of the focus initially of the community's concern that there was a robbery of the property as well.

MS. EZZY: Well, thank you all.

MS. PAULA ABOUD: Could I interrupt, please? Since you're only running five minutes over, I would ask the opportunity to speak at this time as opposed to at 4:30.

MS. EZZY: Well, we have had a list of scheduled speakers as you saw on the agenda.

MS. PAULA ABOUD: I have spoken with the chair, and so I would appreciate the consideration at this time since I do not live in August.

MR. BERUBE: You may not know this. We spoke with her over the phone, and there was a follow-up that didn't happen. And then she was on our doorstep this morning, Oh, my God, you are here.

So if it is absolutely brief, because we really, as you know, are running behind. Why don't we allow that, if the committee doesn't seriously object?

MR. MORGAN: I would urge that we do.

MR. BERUBE: The person that is speaking is Paula Aboud, who's the representative of The Maine Lesbian Gay Political Alliance.

MS. EZZY: I would like to add also that we will accept testimony from anyone that would like to speak this afternoon that has not been scheduled to speak. And some time starting at 4:35 has been set aside for that. So we're interested in hearing from anybody that has an interest in the issues that's here this afternoon, and time will be

available to hear from anyone other than the people that have been scheduled.

MR. BERUBE: Excuse me. Gerry?

MR. GERRY TALBOT: Would it be out of order if those of us that are on the panel go back to the panel?

MR. BERUBE: Yes. The hate crime section is over.

MS. PAULA ABOUD: My name is Paula Aboud, and I'm the President of The Maine Lesbian Gay Political Alliance. I am sad to have been excluded from this program as a representative of one of the Maine recipients or victims of hate crimes in the State of Maine. I am very glad for the consideration that you've shown me in allowing me to speak today.

I want to thank the members of the panel that have spoken who are in alliance with the lesbian gay community in standing coalition with us around the issue of hate crimes and recognize the interconnectedness of all of our issues in this area.

The heart of the problem of hate crimes, from the viewpoint of the lesbian gay community, is that we are unprotected by any law from discrimination,

particularly in housing and employment. And how this impacts law enforcement agencies, the second most important issue, is how it relates to us in hate crimes. Law enforcement agencies are frustrated by the situation they encounter with the lesbian gay population, because when we are the victims of hate crimes, we become double victims. Because if we openly express to law enforcement agencies that we are the victim of a hate crime, we come out, in essence, as a lesbian and gay, and we then become a victim of society and we can be fired from our job and we can be evicted from our housing and experience a multitude of other discriminations.

It's a crime of the spirit, really, is that we are a victim of society as well as a victim at the hand of a criminal. If we are to change the attitudes of our community and in our communities we need a law. We need a law that protects lesbians and gays from discrimination. We need a national law and we need a state law. We have a legislature that passed it. We need a governor that will pass it. A national law is also needed to send a correct message to society that this is a society of liberty and justice for all. And in the

words of Patricia Schroeder, the United States representative from Colorado, what part of "all" do you not understand. So that is what we mean.

We also do insist that a formal coalition between the minority organizations that are represented here be formed with the lesbian and gay community. We already work closely with The Portland and Lewiston Bias Crime Task Forces. We work very closely with our communities and the other communities. In fact, the ordinances that came out from Portland and from Lewiston protecting lesbians and gays from discriminations came as a direct result of those two task forces.

So in conclusion, I want to say that the anti-gay referendum that's happening in Lewiston and that is being proposed statewide we can consider will lead to hate crimes. They've been proven to lead to hate crimes in Oregon and Colorado where anti-gay statewide referendums occur. There are 12 states now that are experiencing anti-gay referendums. That's shootings, burning of homes, violence to persons are the direct results of these referendums. And I ask all of you to go to your communities, to be represented as individuals into your community and

create the change. We will do it with our coalitions and our organizations. You can do it individually. We need an attitude change. We need to change the law, and we need to join hands together. Thank you.

MR. BERUBE: Thank you. Okay. We have exhausted our morning time. I want to once again thank the panelists for having come this morning who have spoken on the issue of hate crimes as well as our two lead speakers, Assistant Attorney General Wessler and Pat Ryan. And we will reconvene as close to 12:20 to 12:30 as we can. Thank you for being with us. We'll be right back in the same room again.

(The proceedings recessed at 11:34 a.m.)

(PANEL 2: Racial Tensions in Educational and Equal Educational Opportunity of Language Minority Students.)

MR. MARK DION: (Speaking in French). I say those words simply because one of the memories that comes to me vividly every now and then is when I joined the Portland Police Department I heard the comment of those taking the oath that, Thank God, we have one of them", because it was always difficult dealing with those tourists from Quebec, and one of my own personal genes does evolve around that because somewhere along the line the ability to be bicultural, to be bilingual has been interpreted as something stupid, and I have never really gotten over that, and that has translated into my work because when I see a student from Afghanistan or Cambodia or any other country that now calls Portland home, I realize the tension that they must confront being bicultural, because where that should be celebrated, in fact, it's diminished.

Schools somewhere along the line have gotten the message that their goal is to teach tolerance. I say that is not the case. Their

mission should be to celebrate diversity. We have been in over 20 schools in this state celebrating that very fact, and so often we confront the phrase, "We don't have any of them here". I'm confused by that as we explore even the obvious homogeneity of the students that are before us, we find they're Norwegians and Francos, Irish and many others that are different when we pierce the fabric that's before us. So that the concept that this is not our problem is, in fact, an illusion.

The other piece has to do with psychological safety in the schools. Often students feel isolated. Rebecca, I think, articulates that far better than I could. One of our efforts in the schools has been the Diversity of Leadership Institute. We have provided you some written testimony about that. But I think what we try to do through that particular program, in partnership with the Hollocost Human Rights Center, and many other committed professionals, was to reach out to students like Rebecca and try to deal with that isolation.

We have a very unique situation in Maine where we don't have sizable, noticeable

communities throughout the state where you can draw support on the fact that you are different. We are told to assimilate and become part of the whole. So a student like Rebecca feels very much alone. Diversity of Leadership brings those students together and teaches them basic survival skills. I tell you in hate crimes it's not the punching or the physical injury that's the issue, it's the violence of language, and once that has been expressed to you, you know clearly what you are being told to do, and that's a pain that you can't understand until it's directed at you. So we hope through Diversity of Leadership we'll provide a safety net for those students so that they are not alone, that they can interact with others that share that same kind of frustration.

I think one of the problems is somewhere along the line school administrators get a message that great principals have no problems, that conflict is negative as opposed to being positive and an opportunity for innovation, and so therefore there's a lot of suppression that goes on and denial.

Often I go to schools on the heels of a racial incident where in the best intention the

teacher will say, "My God, how he overreacted to that word, how he acted out, how emotional he or she became at the expression nigger. It's simply a word. I mean no one hit him or her. Why did he react that way"? And there's a failure to recognize the chronic buildup of that pain and how it explodes on that occasion.

As we go in to celebrate diversity, the challenge is to walk away from the dogma stereotypes and to teach this critical thinking, to give them permissions to make mistakes, to learn about each other. We don't do a very good job about that. We don't do a very good job about risk taking, yet when they get into the community, they are confronted with those risks every day.

Often our office gets requests from students to come to their schools. It's really intriguing to have a 16 year old call you from some county in the state and say "please come here, we have a problem, our teachers don't understand", and then we tip toe into the administration because it creates this incredible wall of resistance where the principal has convinced herself or himself there are no problems here.

Often a call comes from a valiant teacher who's enlightened but can get no support of their administration. There's always the fear that they, whoever that they is, will come in and criticize what's going on. And I think in Maine we have a duty to prepare our children for the rest of this country, because this country, for a long time, has looked a lot different than what Maine is, yet Maine is going in that direction. So we need to be prepared.

Another piece that we have to address is how we plan our services. I will refer simply to the Muslim community in Maine for now just as an example. We have Afghans or Iranians who are in America, but they very much and will remain Iranians. Their children will be Iranian Americans, and their children will be Americans of Iranian descent. Our services are designed for that group. It creates a lot of stress, a lot of anguish because we don't recognize the resistance of the generation that's before us.

I am an American of Franco descent. My grandfather was a Canadian who lived in this country. It was confusing because when we went to hockey, I stood up for both anthems. That

will never go away from me. In all those years he talked about when he was going to go back. That was an important issue in our family. My children do not speak that language, yet they hear farcy and other languages in their school yard. I think teachers need help. You want a recommendation, teachers need help.

The quiet heros and heroines in this issue are English second language student teachers. When I go into schools, they are my support. They're the first people to reach out to us, not administration. So they also are culled to recognize that schism that exists when two cultures come together, and they try to have that student succeed in a system that thinks he is an American of Cambodian descent and not appreciate where their family is right now. That's why we go into schools. That's why we do refugee education. That's why I would rather spend time talking to admistrators than we do and college faculty so they can begin to teach that lesson so teachers go in the school and can provide the service that's needed today, not 30 years from now. And we need to celebrate that.

I grew up in a system where half the day was

in French and half the day was in English. That has made me two men as opposed to one, and I will say good-bye with that. I got the message.

MS. GRAYCE STUDLEY: You have got a minute.

MR. MARK DION: I've got a minute? So I mean with Rebecca's program -- I see all those students have gone through that. The first year we did this we dealt with 35 students from 12 high schools. This year we did 60 students from 20 high schools. Every day a request comes in. It's like a positive sign. Every day people recognize that diversity has to be addressed and has to be celebrated. The existence of Moses Savoondis' (phonetic) position is recognition of that issue. Another recommendation for you is give the state's attorney general's office that same resource. We can only provide so much. The state is a big state with many populations to be recognized and served. I wince when I hear the native Americans cry for help. We cannot reach up there. We need to reach up there. We have not. And students from Washington and Hancock county ask us to come because there is a problem there. No adult has ever called me, no sheriff,

no chief, no administrator. Students call and say please come because there's too much violence between the two of us. They recognize the subtleties. We hope to do more. We hope to have more students next year and cover more high schools.

I want to say this again, do not teach tolerance. Somehow that's negative as if we can hide it and it will go away, as if she can assimilate and deny who she is. Every time she has to do that, a little bit of her dies in order to meet that goal. Let us instead celebrate diversity. We see that not only as an issue in the schools here, but we are reaching out to two of the major employers in this community and saying, you know what, we have gifted students that are different and wonderful and they leave the state to work where they will be more comfortable. So now the battle line is in the corporations, and the battle line in schools -- with this I'll leave -- is the third grade. The reverend is absolutely right. I sit with second graders and they already have figured it out, folks, they've already figured out there's an us and a them, and you belong here and you belong

here and never the twain shall meet in the second grade, not in high school. Thank you.

MS. GRAYCE STUDLEY: Thank you very much, Mark. Jed Davis from the Hollocost Human Rights Center. Jed, would like to speak now or would you like to catch your breath for a minute and have someone else speak?

MR. JED DAVIS: No, I'm delighted to speak now. I didn't think you would be so prompt.

MS. GRAYCE STUDLEY: Rebecca has already spoken.

MR. JED DAVIS: Oh, she has.

MS. GRAYCE STUDLEY: And done a marvelous job --

MR. JED DAVIS: Oh, good.

MS. GRAYCE STUDLEY: -- acquainting us with the problems.

MR. JED DAVIS: I'm Jed Davis, the former president and director of the Hollocost Human Rights Center of Maine. The Hollocost Center was started in 1985, and basically our intention is to try to teach the kids in our schools about tolerance, and we have found that although Maine is quite a homogeneous state there

is an amazing amount of intolerance and prejudice.

I did an article and a little investigation about an incident that happened at a private school here in Central Maine where a girl, who's mulatto, was riding her bicycle on the campus of this private school, and some of the students there started calling her a Niger and other things like that, and I went to talk to the mother of this girl and to the girl herself and heard what were, to me, surprising stories about very hurtful and prejudicial comments made to her. She was in elementary school in essentially a community which has almost no minority, but nevertheless, these young kids who were her classmates had picked up through the media, which I think is inevitable in our society, a prejudice against nonwhites, and this young girl had suffered quite a bit from that.

So the purpose of the Hollocost Center is to get these kids when they are young. One of the activities that we are engaged in in order to do that is the Diversity Leadership Institute, which Rebecca probably explained to you about. And another of the activities is that we are

preparing curriculum guides for use in the schools, and we have already completed the guide for K through 3, and it has been sent out to the schools and tested, and we decided that children are not too young at that age to be taught about tolerance, intolerance, prejudice and the effects of it. There was concern, for example, about teaching about the Hollocost to such young children, and the approach that we have come up with, which we believe is relatively unique in the country, is to use literature. There's a lot of good fiction out there written for children of all ages which deals with these subjects. We have found there's a great need for it and that in the schools and among the teachers there's a great desire for it. The Hollocost Center decided we are not going to put up a building, we are not going to have a museum of any kind. Basically what we are there for is to provide assistance to teachers in teaching about these subjects which are difficult to teach effectively, and we have had, we feel, some quite good success with it.

As I said, we have completed the first of those curriculum guides and the second one we are

working on, which is four to eight, and then we plan to have one for high school as well.

So I don't know exactly what Rebecca has said, but the Diversity Leadership Institute has been a very successful endeavor which Mark has been involved in, and we are very proud of the work that those kids have done.

So basically where we are coming from is that the need to be discriminating and to feel better than other people seems to be a basic human need, and it exists even when you don't have minorities to be prejudiced against, and the only way to do that, to deal with that, is to combat it constantly, to bring it to people's attention that these ethnic jokes are not harmless, that that's where it starts, and it hurts people's feelings.

The Hollocost Center was recently involved in this Frenchie fracas, which some of you know doubt read about, and what was amazing to us was, first of all, that this Franco-American prejudice in Maine has flourished for so long and that so little objection has been made to it. And we found that even in the Franco-American community -- and this was particularly striking with a man

who enacted this role on the radio, who is a Franco-American himself -- he was surprised when he heard other Franco-Americans say that they still suffered prejudice and that the jokes that he was telling were hurtful to them. He just didn't understand that. So I think that there's a lot of room for education, desensitize both kids and adults to the fact that other people are being hurt by what they view as relatively harmless. I guess that's all I have to say.

MS. GRAYCE STUDLEY: Thank you very much --

MR. JED DAVIS: Thank you.

MS. GRAYCE STUDLEY: -- for sharing your thoughts and ideas with us and also for the work you are all doing.

MR. JED DAVIS: Thank you.

MS. GRAYCE STUDLEY: Next will be Sue Essler, affirmative action officer from the President's office at the University of Maine Orono.

MS. SUE ESSLER: Hi. I'd like to thank you for your interest. I think we are dealing with topics today that I think probably all of us at these tables both this morning and this

afternoon would like to hear a lot more people interested in around the city, and I guess I would start by saying if you were to ask the majority of faculty, staff and students at the University of Maine, probably any campus of the University of Maine system, if there was a problem with racial tension on campus, the answer would be a very self-satisfied "no", very straightforward. "We don't have that kind of problem here. We have faculty and staff who are very much a product of the civil rights era. We would point to the fact that we have three times the proportion of faculty, staff and students of color than is representative throughout the state. We would speak to all the programming that goes on in terms of raising awareness of the majority of the students and faculty and staff relative to the diversity in our culture, the experience of people of color in our culture and so forth, cultural programming, educational programming, a native studies program that's being developed and so forth", and I think the practical reality is that statement would be flat out wrong.

A few weeks ago at a retreat for the vice

president and -- well, the president's staff, he asked each of us in the room to go around and specify what we thought would be the most critical issue we would face in the course of this year, and my response had to do with or the analogy I used was growing up in a small town in which there was an underground fire that just lived there all the time, burned underground, most of the time wasn't an issue at all, we didn't know about it, and every few years it would come up in one spot or another and somehow they would shut it down and it would keep burning underground, and I think that's the nature of racism at the University of Maine. And I don't think it's, for the most part, malicious. I think it has a whole lot to do with silence and very often, well, good intentions.

I think Mark and a number of other people talked to the fact that we teach people to be tolerant, and I think that's very much a Maine value, and yet in being tolerant and in being -- in valuing nondiscrimination, that very often has translated to treating people the same, treating people -- everybody the same and not recognizing differences, and if you are one of the 3 percent

of students or faculty or staff of color on the University of Maine campus, you're not the same. Everybody knows it. You certainly know it. I mean you spoke to your experience at Kents Hill. It's not acknowledging and valuing those differences, not acknowledging and valuing everything a person is, and so for students, in that good intention, and not wanting to be racist by focusing on race, people feel very isolated, fearful, feel like they have -- they lack role models in terms of our faculty and staff. That fire burns under the surface of all those good intentions so that when what would be ordinary events in the life of the University come up, that fire bubbles up. There's always the potential. I won't predict how it will bubble up, but I will predict the likelihood is pretty high. I won't say it's just the University of Maine, I'd say any town in Maine, any city, and not just in Maine but all our over country.

And what happens when those things -- an example I can think of, residents' hall on a Saturday night, college-age students drink, and I think of it kind of like a bench clearing fight in the middle of a baseball game, two people

start facing off, somebody raises a fist or there's a verbal altercation, and their buddies start to clear the bench, and most of the people are there to stop the fight, and as we watch on television baseball fights, that's usually what happens. It's not officials that end the fight, it's teammates, and indeed, we have that happen sometimes in residents' halls, and the police may come in, the campus police or resident staff, and usually the situation is all dealt with. It doesn't even become a physical fight.

When you add the factor of race, when one of the two participants is a person of color and their friends are people of color and the person of authority comes in, no longer is -- are the group of people viewed as individuals, some of whom are helping to solve the problem and to resolve it, and some of whom are not, but when it's a person of color, all their friends are viewed as part of the problem, and the potential is high for it to be escalated and for people to feel misunderstood in the situation. Fear, stereotypes all enter into that kind of situation.

For minority faculty and staff, they tend to

feel very isolated. Most faculty members feel as though they don't get a lot of support, don't get a lot of mentoring, and in treating everybody the same, for the person of color, that becomes even more isolating, and the reasons for that, the reasons for lack of mentoring are not clear, and it's easy to say, well, it must be because of my color. It may not be, but the sense of isolation and by treating everybody the same leaves that person further out, and that person is not going to have the same job as the majority faculty member. A white male faculty member is expected -- all faculty members are expected to do research, teach, public service and so on. For a person of color there's a lot more pressure in relation to needs of students. They're a very scarce resource on campus, and there's a lot more demands as we are speaking, lots of demands on time and so forth, so their experience is not the same. Their research may not be taken as seriously by colleagues because it may have to do with multiculturalism and may not be viewed as important as other kinds of research.

In terms of addressing it, the vast majority of the situations we run into, the vast majority

of people would not endorse, would not participate in; situations that can involve potential violence, but the silence every day of the vast majority, when the situation does come up, the majority becomes part of the -- the person who is using the racial epithets, the person who is being hateful, becomes essentially -- in the silence of everybody else, that person represents the full campus community, and the community feels very hostile to the person on the receiving end. It's well-intended silence, but it reinforces bigotry.

And I'm not sure -- in terms of recommendations, I can only reinforce what everybody else has said. I think starting as early as possible and educating people to the value of diversity and the diversity within our own Maine culture is absolutely critical. I think, again, as we heard this morning, the issue of recognizing the civil rights of gays and lesbians does tie very much into this. We hear hate language in altercations between students. It's not -- it doesn't get sorted out neatly. The kid who learned faggot on the school yard, learned lots of other words to go with it, and

the symbolism that our students see with the lack of action on the part of the federal government and actually endorsing hatred translates to other groups, and so that the civil rights for gays and lesbians is not independent of other civil rights issues, and I think with that I will stop.

MS. GRAYCE STUDLEY: We thank you very much. Yvon Labbe will be here from the University of Maine.

(Discussion off the record.)

MS. GRAYCE STUDLEY: Excuse me, my updated sheet wasn't updated and I saw Yvon here.

MS. RHEA COTE ROBBINS: I have a language, which is my own, and it comes under the culture of which I am part of, and that is the base out of which I will be speaking, and that is that I am woman of Franco-American descent. I grew up in a Franco-American neighborhood. I am bilingual. I am presently editor of La Forum at the University of Maine. I am a graduate of the University of Maine at Presque Isle and Orono and am presently a grad student at the University of Maine at Orono.

For me, language culture is viewed through

the filter of the male, so therefore that is why I identify myself as a Franco-American female, a woman. Unless it is consciously stated, I believe that the woman's language or voice is subsumed into the cultural male language, and that is a different language than the female language, the woman's language. For the women, Franco-American women, I think there is an incidence of double jeopardy.

I'm here -- Bernice Magnus Brown is the person who was to present, and I know just a little bit about her situation. She is the only woman of color in the education department at the University, and she is not well, that's why she's not here. I am the only Franco-American woman at the Franco-American Center, although there are, in one count in the employees handbook, four to five hundred women employed at the Franco-American Center -- at the University who are of Franco-American descent who I could identify by last name.

I heard the testimony this morning of the recent immigrants to the State of Maine, and it's very important that these populations are -- gain their full access to who they are within the

State of Maine. I think the Franco-Americans, as immigrants of earlier times, are neglected twice. There is a neglect which has happened twice. There was a neglect which happened when they immigrated to the State of Maine, and they came through a land immigration in large groups in the 1800s and the early part of this century, and there was not the consciousness reason that there is now, and I think because they are immigrants of an earlier time that there is a neglect that has happened twice to the Franco-Americans, as a language minority.

The Franco-Americans exist in a nonacceptance -- an environment of nonacceptance, therefore they are a silent group. There is an invisibility of the Franco-Americans within the State of Maine who are not seen as a language group. I took a ride recently through the State of Maine crossing, and I was looking for visible signs of the French language that would reflect this large population. It's very difficult. A few street signs here, a few store signs, but not much, so therefore, there is a silence and an invisibility and a nonsupport for their language base, which is -- I would like to define the

language for myself working at the University, how I see language in the context of which goes beyond the spoken word; I think mannerism, body language, inflection, dialogue, style, tone, humor and also values and beliefs. All these things play out in the fact of my language as a Franco-American woman within the University setting in the state of Maine, and this causes a communication differential for me, and what I need to do or what I need to learn as a person within the University system is to look at the tension of this communication differential rather than the two aspects of when I communicate and when someone who is not of the Franco-American heritage language base communicates in order not to amend so that I can remain true to my language base while at the same time get the point across in my language, which I need to do.

The University communication, the accepted norm is not of the Franco-American language base. There are protocols which are foreign to Franco-Americans, and it is difficult to breach these protocols at times because the values and the belief systems change; therefore, that tension comes up, and it's very interesting to me

to begin to look at the tension that is between them.

There is the incidence, I think, or the beginning to look because of the interest with cultural diversity, and in particular the -- because of the large groups of Franco-Americans within the State of Maine, I think there is somewhat of what I call restitutions beginning to be made, and I guess my question is what do the restitutions smell like, because sometimes the restitutions are not much better than the neglects, so the restitutions need to be thoughtful and they need to take into consideration if amending is being asked to be made, because I guess as a Franco-American woman within the University setting and within the Franco-American culture, why should I aspire to be part of the University setting or the protocol that is based on a white male Protestant ethnic? It doesn't -- I'm not enticed by that.

My experience is that classes and meetings and presentations that are done in a language which is foreign to Francos does not encourage their participation, and it does not encourage their voice to emerge; therefore, we don't get to

the authenticity and the diversity that exists within the culture.

So I guess another question that I have is is for whom does the University exist? I think it is a goal that should be attained that it would reflect the populations that support it and also the voices or the language styles should remain true to their cultures and not have to amend.

MS. GRAYCE STUDLEY: Thank you. I didn't get to hold up my one minute sign. Her name is Rhea Cote Robbins. Is George Pheifer here?

(No response.)

MS. GRAYCE STUDLEY: Our next speaker is Susan Parks from the Maine Department of Education.

MS. SUSAN PARKS: Thank you for the opportunity to speak with you. I am a consultant with the Department of Education, and the premise under which I carry out my job at the department comes from the May 25th memorandum of 1970 that was issued by the civil -- Office for Civil Rights, and I quote: "Where the inability to speak and understand the English language

excludes national origin minority group children from effective participation in the education program offered by a school district, the district must take affirmative steps to rectify the language deficiency" -- I don't like that word -- "in order to open its instructional programs to these students". So all of the work that we do in the -- in our office has to do with advocating for language minority and cultural minority students. So we do a lot of work with title six of the Civil Rights Act, and we look at the procedures that school districts need to use when they are serving limited English proficiency students effectively, and those procedures should include identifying students who need assistance, developing a program which, in the view of professional educators, has a reasonable chance for success, ensuring that the needed staff, curricula, materials and facilities are in place and used properly -- and that includes teacher training -- developing appropriate evaluative standards for measuring the progress of the students, including program ethnic criteria, and lastly, continued program assessment and modification where needed. This also includes

record keeping and accountability.

In Maine, we do quite a number of things to try to advocate for these children in schools, and here is a list of a few of them. We recommend that districts put into writing the required procedures that they follow when a language minority child enrolls in the school. We call this allow plan. We strongly urge districts to hire Maine certified ESL endorsed teachers to provide or supervise the ESL services. This year we will begin verification of the claims that Maine ESL endorsed teachers are, indeed, providing or supervising services. We also require that school districts adhere to all the federal and Maine laws protective of language minority limited English proficient students.

When we talk about civil rights, in title six we see that those regulations and requirements are violated when a national origin minority student is misassigned to a class for the mentally retarded because of their lack of English language skills; when programs for students whose English is limited are not designed to teach them English as soon as

possible or operate as a deadend track; when parents whose English is limited do not receive notices and other information from the school in a language that they comprehend, and when students are excluded from effective participation in school because of the inability to speak and understand the language of instruction, which in Maine is in English.

There are a lot of difficulties that schools experience when they are trying to serve language minority children. In parts of the state other than southern Maine districts have difficulty locating ESL endorsed teachers to provide services or to supervise the services. In some parts of the state, the accessibility and availability of course work requirements for the ESL endorsement is a problem. In some districts with a low incidence population of language minority children identification of and provision of effective and appropriate services is problematic. At times children go unserved, underserved or are put into special education programs without the required assessment in their native language. At other times moneys designated for chapter one or special education

are illegally used to fund a quasi ESL program. ESL being English as a second language. Oftentimes the ESL program is put under the auspices of the special education department. This nurtures the myth that limited English proficiency is a handicapping condition, which we all know it is not.

Although many schools would like to evaluate the child's first language proficiency, provide some sort of transitional first language services, or communicate with parents in their -- in a language they comprehend, districts are impeded in doing so because of the unavailability of first language evaluation instruments or qualified persons to administer or translate those instruments.

In some districts financial constraints are used as an excuse for not adequately serving limited English proficient students or not serving them at all. Culturally and linguistically diverse children are subjected to racial ethnic prejudice. School staffing/ administration in many schools are not trained or able to deal with this. In some districts limited English proficient children are provided

ESL services after school hours without adequate justification, as if they were kind of just add-on services. There are at this time also no state funds to support services targeted for language minority limited English proficient children, and lastly, in this section, because there is no teacher preparatory course about working with language minority limited English proficient children, many mainstream teachers are at a loss when a language minority limited English proficient child or a culturally diverse child come into their classroom.

The difficulties that we as a state, Department of Education, are experiencing is that our federal title 4 grant limits the activities that our office can perform in its provision of technical assistance. It is disconcerting and frustrating to hear violations of title 6 and other OCR guidelines in local education agencies and not to be able to take any action to rectify the situation.

Although we do have the option of going to the Office for Civil Rights and filing a complaint about the situation, because of the nature of our work, which we hope to provide

services on a friendly basis, we hesitate to take that action because we feel that it might result in unfair treatment or more unfair treatment of those children.

It is also difficult during these economic times to go to district after district asking them to spend their local money to serve language minority limited English proficient children. Financial assistance from the federal government and an allowance for the state school funding formula would make services to these children more available, more comprehensive and appropriate.

In this section there is one incident I'm going to describe that parental discretion is advised. These are antecdotal things that have been reported to us. It has been reported in many districts that both chapter one and special ed funds and personnel are used to replace ESL services. It has been reported that language minority limited English proficient children are put in full-time mentally retarded classrooms and when moved to another district, the special education teachers were shocked to hear that these children had been put in such an

instructional setting in the previous district.

One superintendent of a district with a low incidence population of language minority LEP children and a high incidence population of international adults allegedly referred to an LEP special ed child as a fucking bastard when speaking to a department consultant. It appears commonplace that LEP students are being provided ESL instruction by paraprofessionals who are not supervised by ESL professionals, nor receiving any training in ESL. It has also been reported more than once that a language minority child who is limited English proficient has sat in a mainstream classroom without any ESL or language support services for months. The child began to misbehave in class, understandably so, and no one knows what to do with the child. The teachers now later on suspect that the child was learning disabled because the child has not shown any signs of learning what the teacher is trying to teach.

Just one last comment. As an advocate for children, even though I am Caucasian, I am not a very popular person in the state because people do not want to hear what I have to say. So it's

kind of a discrimination because I even work with language minority, cultural minority people, so I keep fighting, and I hope this commission will help us to continue doing that.

MS. GRAYCE STUDLEY: We thank you very much, Susan. And Brian Smith is next. Brian is a superintendent of the Maine Indian Education.

MR. BRIAN SMITH: Yes, Susan, we are frequently skunks at long parties. My topic is similar. I have worked for the -- for three of Maine's Indian tribes. I had to correct myself, Claire. I was going to say the Indians of Maine. I've worked with three of the Indian tribes for -- I'm beginning my eighth year, and very early in my work with the Indians one of the elders came to me with a very grave concern about the MEA test scores which are published in Maine papers, and he was concerned that something was wrong with his schools and his kids were not being properly educated. I felt that the issue was much more complex than that and have gone on to do a doctorate around the subject, and the subject that I want to talk with you about, and I want to clearly focus it on the topic you assigned me today, that's equal educational

opportunity for LEP youngsters, for language minority students, and my concern is now one of cross-cultural assessment, and that ties in very closely with some of the other things that have been said today.

When I -- I had a very rudimentary definition of the word bias when I started, and in fact, my study became a study of testing bias, and I'm going to define that for you in just a moment, but when I started asking questions in the State Department, the then Department of Assessment, and complaining that I felt there was a problem, you know what the answer was? Here's one for you to get your teeth into. "These people are statistically insignificant". Now if they are statistically insignificant, the State Department and the politicians behind the MEA testing process have no business in publishing the data in the newspaper if they are statistically insignificant. If the test scores of language minority pupils in the State of Maine are statistically insignificant, why do we publish them in the paper? That's the question I think we need to ask. And this is not just a Maine problem, this is a national problem. As

the politicians turn to testing as ways of fixing blame on public education, they must be forced to deal with the very special issues that language minority children have that they bring with them to the educational setting simply by virtue of the fact that English is not their first language.

Now, what do I think should be the case as we look at issues of multi-cultural education? I want to share with you just a little bit of Gwendolyn Calbert Baker's statement on this, and she says "Multi-cultural education is grounded in the belief that the schools should take language of who individuals are and what they bring with them to the educational setting", and this has the practical implication that the educational environment also makes adjustment to conditions in which it finds students. I mean that quotation of that superintendent -- and I know who it was, Susan Parks, -- is incredible, but it took place. The educational environment makes adjustment to conditions in which it finds students rather than expect students alone to bear the full burden of adapting to an established and unaccommodating educational

environment. Yes, the language of instruction in Maine is English, but isn't it interesting to find out why English is not the official language in the United States, because at the time our constitution was written, the dominant language in the United States was German, and at the end of the day when the constitution was being written out of Philadelphia, seven or eight major language newspapers would be distributed. It has never been, and hope it never will be, officially designated English as the language. We have too many complicated and challenging issues around multi-culturalism that we need to deal with and celebrate.

Now the definition of bias. What is bias as I talk about cross-cultural assessment? Bias is the presence of some characteristic in a test item that results in differential performance of two individuals or two individuals from different groups of equal ability but from different subgroups. Just by virtue of the fact that a child may be French or may be Vietnamese or may be East Asian, just that group membership, unless we really deal with the issue of what is fluent bilingualism in English, is a major problem for

many, many children.

Arthur Jenson in his work goes on to define it even more specifically. He says "bias is a form of error in testing. It is error of measurement, which educators must recognize means the test is unreliable". We are still publishing those test scores, though, in the Bangor Daily News without any disclaimer for the fact that many of the children who are taking the test do not have English as a first language, and it's also an error of prediction, which educators need to understand means the test is invalid, and those errors are related to the individual's group membership.

I'd like to talk a little bit about Indian country where I work, and specifically in Indian country there's a lot of research that's been done on bias in testing, but norm achievement tests, many of the tests we use in special education placement and so forth, is just plain absolutely inappropriate.

I was very honored to be appointed by Senator George Mitchell to serve as the voting delegate in the White House conference on Indian education, and Indian leaders from across the

country, a thousand of them, came. One of the major issues they are concerned about is cross-cultural testing; how tests that are written for the macro population are putting at a disadvantage their own children in educational settings.

The expert in this field is Jim Cummings of the University of Toronto. Let me give you a little bit of cultural placement by quoting Jim Cummings. Historically, he says, assessment has played the role of legitimizing -- legitimizing the disabling of minority students. In some cases, assessment itself may play the primary role, but more often assessment has been used to locate the problem within the minority student rather than in the educational system that Susan was referring to, thereby screening from critical scrutiny the subtractive nature of the school program, the exclusionary orientation of teachers toward minority communities and transmission models of teaching that inhibit students from active participation and learning. That's a pretty damming statement.

What should we do? What would I encourage to come out of some kind of legal challenge that

might come from mandated tests that are inappropriate for the youngsters who are taking them?

In order to determine the language in which the child should be assessed, in order to determine the language that will be used for testing and instruction, the dominant language of the student must first be established through a comprehensive language study and a description of dominance for educational purposes, rather than a report of test scores, is far more effective for further evaluation as well as for language planning, and I know I only have seven minutes, I could talk for hours on this. I can provide you with a dissertation that backs this up. I'm just hitting the high points at this point.

Let me conclude with a few statements. In short, I know that the literature suggests that assessment of fluent bilingual English pupils can be problematical in that test items can generate differential validity in the school of minority language pupils. Education reform initiatives of the past decade have pounced on assessment as the noble solution to school accountability, but predicating reform strategies on such a

simplistic answer as assessment without taking into consideration the complex and rapidly changing demographics impacting the society has forced the issues that I'm talking about today to surface in Maine. Cultural diversity is inextricably tied up in the relationship between literacy and the individual, and if our society is to focus on extending literacy -- and yesterday you probably heard the statistic, 47 percent of people over the age of 16 are functionally illiterate. If our society is to focus on extending literacy, it must do so within light of our cultural pluralism.

Not to recognize and accommodate for our cultural diversity, while at the same time demanding educational accountability verified through various assessment strategies, will almost surely force testing bias, differential validity, that is, to raise its ugly head. Many Americans, however, still hold to the single-minded assumption that pupil assessment can identify most educational problems, and we can therefore find the solution if we find it that way, and such preconceptions eclipse the fundamental issues explored in this talk, and

this is my final statement. Cross-cultural language issues must be carefully planned for if pupils whose first language is other than English are not to be disenfranchised from social and/or education opportunities on the basis of some assessment instrument. Thank you for letting me speak to you.

MS. GRAYCE STUDLEY: We thank you very much. I want some of those quotes. We now have just a few minutes for questions and answers. Anyone here from the committee who would like to question any of our speakers?

MR. BARNEY BERUBE: A question for Lieutenant Dion. You said you have got some 20 or so schools. I assume, then, that Portland hosts you to do that or is the task force statewide, because you are going all over the place to do that. I am delighted, but I didn't know that Portland was so generous.

MR. MARK DION: My ability to travel throughout the state is because the chief believes in the vision that we are trying to realize, so he affords me the opportunity to travel, and not only myself but other officers and civilians who work with us do travel as the

need arises. From that arose the partnership with the attorney general. It's our hope that some day an office like Moses Savoondis (phonetic) will exist at the attorney general's office to more effectively coordinate this statewide initiative.

MR. BARNEY BERUBE: Do you do that in uniform?

MR. MARK DION: We have done it in uniform and in civilian clothes. Sometimes I feel, not to create any anxiety, it's much more comfortable for all parties to view us not in uniform. It's interesting. One of the exercises has to do with their stereotypes of what police officers may find it humerous. We did get all that nervous laughter, but once they understand those stereotypes, then we can work on some others. So if we can show that we're comfortable dealing with our own disenfranchisements because all cops eat at Dunkin Donuts, all cops do this, all cops do that, then we can explore with some candor some of their issues. We would rather not be in uniform.

MS. GRAYCE STUDLEY: Any other questions?

MR. GERALD TALBOT: Sue, if you can't answer this I can understand, but do you know how many faculty professors there are in the University of Maine system in the State of Maine, and out of that, how many are black?

MS. SUE ESSLER: I can't speak to this as being the whole. I know roughly we're about half the system, and we have about 600 faculty, and we have one black faculty member, and my guess is the system whole is close to 1200, and I can't speak for the numbers. I would guess probably not much more than that.

MR. BARNEY BERUBE: A question for Ms. Parks, for the benefit for the committee, even though I guess I know the answer, but I would like you to tell us. The approximate number of languages spoken in the state, number of kids statewide who represent minority languages, ballpark?

MS. SUSAN PARKS: For the 92-93 school year it was over 3000 language minority students in Maine schools, and the number of limited English proficient children was approximately 1700. What was the first part?

MR. BARNEY BERUBE: I want to know how

many languages -- probably how many language minority kids overall statewide?

MS. SUSAN PARKS: Probably between 70 and 80.

MR. BRIAN SMITH: I think those are very, very conservative statistics. I would put the LEP numbers closer to eight to ten thousand. I think there's a lot of denial around reporting those issues.

MR. BARNEY BERUBE: That's exactly the point, and I didn't want to take that thunder from Susan, but she can only give numbers that are turned in to school district.

MS. SUSAN PARKS: Yeah, the Franco population is, I think, one of the hidden language minority groups in the state.

MR. KI-TAEK CHUN: How does it translate into percentages?

MS. SUSAN PARKS: Pardon me?

MR. KI-TAEK CHUN: How do those figures translate into percentages? You say 3000. That's 10 percent of the student population?

MR. BARNEY BERUBE: No, it's about 3 percent, actually. It's about 3 percent of the entire student population are English minority.

MS. SHIRLEY EZZI: I would like to ask a question of Jed. You talked, Jed, about the curriculum guides for use in Maine schools, and I was wondering how are you getting these to the teachers and into the classrooms? Is the organization just doing it on its own, do you work through the Department of Education or how is that handled?

MR. JED DAVIS: The Hollocost Human Rights Center a few years ago entered into what I think is a unique agreement with the Department of Educational and Cultural Services, the University of Maine and the Maine State Library, and so all four of these entities work on this project. We have gotten a great deal of assistance from both the library and the Department of Education, and so what we have had is several pilot projects in different schools, we have summer seminars. We had two this summer, one in Presque Isle and one at Bates for students -- teachers, rather, and obviously this -- either the curriculum or the use of the guides can't be mandated, so it's a selling project is what it is, and as important as developing the guides is getting them to be used.

MS. SHIRLEY EZZI: Are they readily available? Do all of the schools know about them and so forth?

MR. JED DAVIS: Well, the first one hasn't been printed yet, although it's been used in some schools. It will be available for distribution about the end of this year.

MS. JANET JONSON: I'm Janet Jonson. Susan, I was going to ask you the same questions Gerry asked you, but I also want to ask you are there any other cultures in the employ of the administration at the universities that you know of?

MS. SUSAN PARKS: Statewide?

MS. JANET JONSON: In minority cultures.

MS. SUSAN PARKS: Yes, Asian, native American. Within the administration, black -- administration and professional staff. Pretty much -- again, very small numbers. Probably, you know, one or two representatives of the whole range of racial minorities.

MS. JANET JONSON: Not enough.

MS. SUSAN PARKS: No, absolutely not.

MS. GRAYCE STUDLEY: I want to thank

all of you for participating. I think we'll have to stop here because ITV runs on schedule, and if we are not there, they will go without us.

MR. BARNEY BERUBE: We are going into the seasonal farm workers section, and most of that section will occur over ITV in room 14 of the Learning Resources Center, and then we come back to this room right up until about 5:00. Thank you. That's where we are going now.

(This session of the proceedings suspended at 2:25 p.m.)

PANEL 3: Migrant and Immigrant Workers

MR. BARNEY BERUBE: Good afternoon. I'm Barney Berube, the chair for the Maine Advisory Committee of the U.S. Commission on Civil Rights. As I mentioned earlier today, the committee, which is a bipartisan committee, will be made up of 12 individuals from the State of Maine who represent a variety of protected groups, as it were, race, sex, national origin, age handicapped, which is within the jurisdiction of the U.S. Commission on Civil Rights, and it is our mission -- voluntary mission, we are not compensated -- to serve as the eyes and ears, as it were, of the U.S. Commission for Civil Rights

on behalf of protected groups. One of the vehicles, and probably the major vehicle for learning about what the circumstances are in the state with regard to those affected groups, is to hear from them, and to hear from them often in the capacity of -- that are issue oriented. When we, through the kind of homework we try to do, learn of issues that are particularly compelling, we try to seek out spokespersons for those issues, and that's essentially what this is. Of course seasonal farm workers was one that surfaced last spring, and then we said we need to hear about it, hence the panelists you will be hearing from shortly.

After this and after this entire day, actually, the -- there will be a report or a summation. I say or because we have got to bring all of the work that we do today back to the U.S. Commission to get, as it were, our marching orders for what is approvable within their regulations, within their guidelines and that sort of thing, but it is conceivable -- well, it's not conceivable, there will be -- there is a public record of all of today's events, and that is for public consumption. The question will be

the extent to which and if we will have a more in-depth briefing from some segment or segments of what we did today at a later date in a few months. That's sort of the unknown, but I guess I would say check in with us as you need to to find out where we are going with this.

I'd like to introduce to you our liaison in Washington, D.C. for the -- he's the staff person for the U.S. Commission on Civil Rights. He's the deputy director for the eastern regional office representing the interest of five states, Ki-Taek Chun. And if you have questions as time passes about what we are doing, the -- you may direct questions, if you wish, to me. I'm at 287-5980 -- 287-5980, or -- I prefer to say prefer -- call Ki-Taek in Washington --

MR. KI-TAEK CHUN: 202-376-7533.

MR. BARNEY BERUBE: Again.

MR. KI-TAEK CHUN: 202-376-7533.

MR. BARNEY BERUBE: And that's Ki-Taek Chun. I would now really like to ask the members of the committee to introduce themselves. They have name plates there, but would you, in any order, introduce yourselves.

MR. KENNETH MORGAN: I am Ken Morgan

from Bangor.

MS. GRAYCE STUDLEY: I'm Grayce Studley from Nobleboro.

MR. KI-TAEK CHUN: I'm Ki-Taek Chun from Washington, D.C.

MR. CLAIR SABATTIS: I'm Clair Sabattis, tribal chief of the Mallisies (phonetic) of Houlton.

MS. SHIRLEY ELIAS EZZY: I'm Shirley Elias Ezzy.

MS. TOT HARRIMAN: I'm Tot Harriman from Cape Elizabeth.

MR. TONG SAVAUN: I'm Tom SaVaun from Portland, Maine.

MS. CARMELITA BABB: I'm Carmelita Babb from Westbrook, Maine.

MR. GERALD TALBOT: And I'm Gerry Talbot from Portland, Maine.

MR. BARNEY BERUBE: Last but not least again. By the way, part of me needs to apologize. I know the room is tight, but we are in slim pickings in getting access to the ITV space, so we ran with it rather than not to have had it at all.

The individuals that are testifying are

asked to speak for no more than, that is a maximum of, seven minutes. Ken Morgan, my colleague on the committee, will hold the one-minute warning sign, as it were, asking you to wrap up your thoughts during the last minute. The testimony should not contain any kind of derogatory comments about individuals, that is not the purpose of the committee, so we would certainly ask that you edit any of that out if it's already thought to be in your testimony. Also, any references to sexual orientation, abortion are really not within the jurisdiction of the U.S. Commission on Civil Rights, except to the degree that they really do have a profound relevance to discrimination of protected groups, so I think with that I can -- oh, and one last thing. We do exit this room at quarter to 4:00. They will just haul us out with a hook at that time because there's actually a class that comes in. We retreat to the Civic Center for whomever still hasn't spoken, and I don't know which speaker that will be, but at quarter of 4:00 we will need to and so there will be another five-minute or ten-minute, or whatever it is, delay as we continue on, and then we will work

without interruption at the Civic Center after that. Is that clear? At quarter of 4:00 we just have to leave because we are not invited here after that period of time because of a class. Ken, was that a question?

MR. KENNETH MORGAN: The one thing that I think we should add is that each person will make the presentation for seven minutes --

MR. BARNEY BERUBE: Oh, thank you.

MR. KENNETH MORGAN: -- and there will -- unfortunately there can be no questions after that speaker. There will hopefully be time for questions at the end of the session after all of the speakers have made their presentation.

MR. BARNEY BERUBE: That's the price I pay for not bringing my notes with me. Thank you, Ken. Okay, I'll let you call it.

MR. KENNETH MORGAN: Our first speaker on this panel this afternoon is Eric Nelson, who is from the --

MR. KI-TAEK CHUN: You have the old agenda.

MR. BARNEY BERUBE: No, no, he has got to follow that order because the printing is -- of the titles of individuals' names is coming out

-- unless that person is not here.

MR. KI-TAEK CHUN: Is that person here?

MR. ERIC NELSON: I'm here.

MR. BARNEY BERUBE: Oh, yeah, Eric is here. It's just got to be in that order because when we gave them the names that was the way that -- it's sort of on a schroll. I want to be merciful to the poor guy in the booth.

MR. KENNETH MORGAN: So our first speaker will be Eric Nelson, who is with the Farm Workers Unit of Pine Tree Legal.

MR. ERIC NELSON: Thank you. I appreciate the opportunity to be here in front of the committee today. I'm the -- I'm an attorney with Pine Tree Legal Assistance. Many of you are probably familiar with Pine Tree Legal, the basic offices that are in the various parts of the state. We have a specialized unit representing migrant and seasonal farm workers that's housed in Bangor.

Just for some background information, the latest census of migrant workers and dependents nationwide, which just occurred at the end of 1992 and earlier 1993, shows almost 20,000 migrant workers and dependents in the State of

Maine -- that's not seasonal, that's migrants and their dependents -- ranking us 27th out of the 50 states.

Increasingly, Maine is becoming what's called a stream state for migrant workers, which simply means that many, many workers from the predominantly base states of California, Texas and Florida, many of those workers are coming further north, further northeast to Maine and harvesting Maine crops. We are seeing that in all Maine crops, which particularly I think for this committee's information and importance, means that there are increasing numbers, many, many more workers are Spanish speaking. We are seeing that again all across the various crops.

Blueberries historically have been harvested by native Americans predominantly, with also a number of Caucasian workers. Still many, many hundreds, thousands of native Americans harvesting the blueberry crop, but more and more Spanish speaking workers we are seeing each year, progressively more and more harvesting blueberries.

Broccoli as well, almost predominantly in the northern part of the state harvested by

migrant workers flown in from California, coming up from Texas and Florida, both Spanish speaking and Philippino workers in the broccoli crop.

Apples, again historically, at least over the last 10 or 15 years, harvested primarily by Jamaican workers. The law provides that U.S. employers -- that apple growers have to recruit domestic workers, U.S. workers, before they can hire Jamaican workers. As a practical matter, for years and years the same Jamaican workers have come to the same apple orchards, but again, increasingly Spanish speaking workers into the apple harvest.

Also, a significant number, hundreds of migrant workers coming into Maine both in the spring and remaining in the fall to deal with tree planting and brush cutting, thinning for the large paper companies, logging companies.

And finally, the last major area of focus for us is DeCoster Egg Farm, which since the late '80s, mid to late '80s has had an increasing number of workers coming from primarily the Texas area, Spanish speaking workers into Turner, probably a third or maybe half of their work force.

Those are the main crops that we deal with. There are significant numbers of migrant workers in the more southern part of the state with apple harvests, with other vegetable and nursery farms. We, as of yet, really haven't been able to do significant amounts of outreach there. So those are the crops that we focus on.

You have a packet of materials that I have given out just with some background information as to the -- some of the migrant issues. Let me -- let me quickly touch on what we see as some significant areas where migrant farm workers, whether you call it civil rights, whether you call it dispretreatment, whether you call it being treated as second class or third class members of our society, there's no question that that occurs to migrant farm workers day in and day out in the State of Maine while crops are being harvested. Whether that's because of their race, whether that's because of their ethnicity, whether that's because of their status as agricultural workers, I think it all combines, but very much it's a part of -- very much it's a result of their race and ethnic origin.

Let me highlight a couple of areas to focus

on which we have seen as very significant areas impacting upon workers' civil rights. One is in the area of access to services, access to state agencies who are there to serve, provide services, whether it's in the nature of food stamps, whether it's in the nature of general assistance, whether it's in the nature of medical services. State agencies and private entities who receive special funding from the federal government to serve migrant workers, all of those areas of access, there's a significant barrier in the State of Maine for migrant farm workers, one, because of the language barrier. Most service providers don't have Spanish speaking staff. That makes it obviously impossible for migrant farm workers to fully participate in the service that provider is supposed to provide. That is a significant problem. It's been raised year after year for the last few years as the work force has become increasingly Hispanic, increasingly Spanish speaking. Some agencies are responding, many are not, and that's a critical area in the nature of civil rights for migrant farm workers. Obviously they can't actively participate or be a part of a program if the provider doesn't speak

their language.

A second area is whether providers -- whether agencies are doing the kinds of outreach that's necessary in order to access migrant workers. Migrant workers are not -- because they are working during the day and most state agencies -- most other providers have office hours during the day, it's not real feasible to expect the worker to get to the agency. The agency has to get to the worker, which means labor intensive, staff intensive outreach that has to be done statewide to labor camps in order to fully access the workers to the service. That is not being done as a matter of course. Again, some agencies -- some agencies do it better than others. There have been some steps that have been taken to increase outreach for certain agencies, but that clearly is an area that agencies must give much more attention to.

Let me -- let me quickly try to summarize one other area that really impacts upon access, and that's hostility -- what I will call hostility by the grower, by the employer. You have got a copy of the DeCoster Egg Farm case, State of Maine v. DeCoster. Steve Wessler

referred to that this morning. Growers providing access to agencies so that agencies can come on the labor camp housing, come onto the premises to talk with the workers, is a significant problem. The DeCoster case is evidence of that. We have some grower representatives that are here today. It will be interesting to hear from them what steps they have taken. A DeCoster representative was supposed to be here, I'm not sure whether he or she is, what steps have been taken since that decision to increase workers' access to services, what steps other growers are taking to increase that access.

Let me just pick up, and I'll summarize with this, a comment that Steve Wessler made this morning. Another area other than access -- I mean access is somewhat -- somewhat of a legal issue, although it's a very practical issue as well, and that's the issue of general attitude and atmosphere, and that we see as a significant responsibility that growers ought to undertake and that this committee can perhaps encourage growers to undertake to really provide the kind of atmosphere that ought to be there for migrant workers. I mean we can run the gamut from one

harvest to the next.

In the apple harvest, the preference is for Jamaican workers. That pits Jamaican workers against local domestic workers, U.S. workers. In the packet there's an article about one of the broccoli growers laying off seasonal workers from the plant to hire migrant workers.

In blueberries a significant change that's occurring is growers using farm labor contractors that operate nationwide to provide labor in Maine. The growers are basically saying this isn't our responsibility. Labor is no longer our responsibility. So you can go ahead and house workers in isolated labor camps, you can go ahead and house them in cabins, you can go ahead and house them in tents, and campgrounds -- there's an article in there that talks about 16 workers in a 10 by 10 tent. We saw workers in cabins, eight workers in a cabin with cots for two. I mean that just doesn't cut it. As a matter of civil rights, workers coming into the State of Maine to harvest our crops demand more -- ought to be able to demand and expect more than that kind of living situation. It encompasses living and housing situations, it encompasses community

attitudes. Terry Polchies talked this morning. I mean this has been going on for years and years and years. You have a 1974 Maine Human Rights Commission report -- 1974 -- about migrant blueberry camps in Washington and Hancock county. Some of the camps are better than described there, no question about it. I'm not so sure, though, that the attitude of people in Washington and Hancock County towards native Americans who come in there to harvest -- some into those counties to harvest blueberries and now towards Hispanic workers and other workers, but mostly native American and Hispanic, is any better. I mean we constantly are hearing about derogatory comments that are made, about not being given service at a local restaurant, asked to wait for 20 minutes while all the local people who come in after them are served. I mean it's happening day in and day out, and what I would suggest that this committee could really take charge, be aggressive and be out at the forefront of trying to change that kind of attitude, trying to change that kind of atmosphere that is out there, and it is thick. I mean it really is thick.

Native Americans -- I used to work up in

Aroostook County. Native Americans used to tell me it wasn't so much the comments they heard, it was the fact that they were totally ignored. You have both that and you have the kind of derogatory comments that are made. I mean there's really an attitude out there -- is there another sign for like a half a minute?

MR. KENNETH MORGAN: No, you're all done.

MR. ERIC NELSON: Sorry. Somebody, some entity ought to grapple and take hold of that issue. I mean we phrased it as education. Whatever it is, there really needs to be an attitude adjustment of Mainers, of growers, of people that are dealing with migrant workers because they are being bombarded and trampled with all kinds of stuff that is a violation of civil rights left and right.

MR. KENNETH MORGAN: Thank you, Eric.

MR. ERIC NELSON: I'm sorry to go over.

MR. KENNETH MORGAN: I do apologize, but we do have very, very severe time constraints upon all of us. We have nine speakers, and we have a very short amount of time. So you may not like me, but I'm going to be loud.

The -- our next speaker is Claire Holman, who is a freelance reporter.

(Discussion off the record.)

MS. CLAIRE HOLMAN: I hope this tape -- I'm putting it near this microphone, and so I hope you will all be able to hear it. Maybe I should just turn it out towards you. I'm going to talk to you about DeCoster Egg Farms, which Eric mentioned as well.

I got involved in reporting on DeCoster Egg Farms first with Maine Public Radio and then with Maine Progressive, and it's become a regular gig, so I have had numerous opportunities to go out to DeCoster Egg Farms, talk with a number of workers over a period of a couple of years.

To start with, I would just like to play the tape for you. I think this tape in some ways will give you a good example of what it's like to be a farm worker in a place like Turner, Maine. (The audiotape of a Spanish-speaking worker is played.)

MS. CLAIRE HOLMAN: Now probably for most of you that was probably incomprehensible if you don't know Spanish, and that's what it's like for the workers who come here. Of course most of

them don't know English so they have to go through that experience. Just to translate for you briefly, it's a woman who has now left DeCoster Egg Farms, and she was saying that she couldn't believe it, when they got here they were sleeping on the floor, 12 people in one trailer. The work hours were very, very long, and having traveled nearly three days to get here, it seemed to her for working for four dollars an hour -- incidentally less than the minimum wage -- it seemed quite unjust. A reasonable conclusion, I think, on her part.

DeCoster Egg Farms is one of the nation's 10 largest egg farms. It's rated maybe number six in the country. They have been -- they've been hiring Hispanic farm workers from south Texas and Mexico mainly since the late '80s. It's Maine's largest Hispanic community or Latino community, around 150 people right now, approximately. It's a little bit hard to get an exact count. Most of them live in a trailer park on DeCoster property or in apartments that belong to DeCoster in Livermore Falls; hence, the access issue, Maine -- State of Maine versus DeCoster. You have heard that mentioned I guess a couple of times.

What I want to do in the amount of time I have -- luckily I speak quickly -- but I could talk about this for a couple of hours, but to try and be brief, I want to mention some of the cases and also just point out that one of the reasons that people come here is because they really do need work, and I have another tape I hope I'll have a chance to play for you that describes that a little bit in the words -- in English -- of one of the workers, and I can give you a translation after so -- of the one that I just played.

Anyway, the access issue I think really Eric described that quite well. You have a situation where workers would not be able to receive services so Pine Tree Legal people or the other Spanish speaking social worker in the area, who now is no longer there -- that's another issue -- but was not able to gain access to the workers, so the isolation is great, and when you already don't have very much information about the surrounding community like where are the hospitals and these kinds of things, or what your rights are, it's more serious.

What's -- what happened with that case is DeCoster -- the decision was in favor of the

State of Maine, so DeCoster had to start allowing access. Visibly that involved removal of the signs. You can see the picture of the signs somewhere in that article you received.

There's also an issue of promised wage increases. That's still being discussed. That isn't decided yet. People who were contracted were told they would get 25 cent an hour wage increase after I think it was three months. Nothing ever appeared. That's still being decided.

Other kinds of cases have been evictions, illegal evictions and substandard housing issues. There's several different types of illegal eviction cases. Again, I don't want to drowned you in what all the cases are, but basically it has to do with people living in housing that belongs to the employer, so it's -- they're tenants incident to the employment is what they call it, as opposed -- luckily they're being seen as tenants as opposed to being in a master/servant relationship, which is what DeCoster's attorneys originally wanted them to be seen as, so they would just have to have -- well, a very restricted kind of relationship they would

have in terms of their freedom and their housing.

Let's see. What else to say about evictions. Two kinds of situations occur, one is where the employee is fired, the other is where the employee is not fired and is being asked to be evicted. Both are very interesting. The one in the case of the employee being fired is already basically decided, but the nature of DeCoster Egg Farms has been that they keep trying, and I think that's, I guess, the key word or one key thought I would like to leave you with is the notion of vigilance, that it's important to be vigilant because for some businesses apparently paying fines for violations is a cost of doing business. I think DeCoster Egg Farms does qualify as an example of that kind of attitude where it just seems to be profitable to pay those fines, and again, if you want to take time with it, you can look or I would be glad to be a resource in helping you find ways to get some information in terms of historically how DeCoster has been willing to pay fines and seems to continue to be willing to.

Apparently they just did their first illegal

eviction fairly recently -- first legal, excuse me, their first legal eviction recently where a worker was fired and then -- the first attempt was to tell the person they had to leave that day. When the person said no, they went through the legal process, which I guess they learned from Pine Tree Legal, so there's maybe some learning curve there.

The other case in eviction has to do with when the employee is not fired but is evicted supposedly for the way the property is being treated. Curious there is the condition of the property to start with. And again, I just want to say I give a lot of credit to Pine Tree Legal for the excellent work they've done in trying to help the workers there to -- I have one minute left, wow.

Okay, well, other conditions have been, as I said, substandard housing, things like holes in the wall that go all the way through the outside, lack of screens, that kind of thing.

Illegal immigrants having been hired. What's key in that is the atmosphere of fear that people live with when they are illegal. The contractor who himself was a Mexican-American is

now in jail due to be released in December. I know, for example, of one person who left her job, left DeCoster's because she doesn't want to be there when he gets back, someone who testified. So that just gives you also an idea of what people live with there.

Failure to pay minimum wage. I have mentioned that. They've had to pay it. There's still questions about those promised raises. Also, no overtime working for DeCoster. If you go on their property, you will see it looks like a factory if you're picking eggs. Factory work does require overtime, but because they're agricultural, they're not, so that's something legislatively we might want to be looking at that, should that be different.

Also a shooting incident occurred -- this is really the issue of local tolerance, and again, I have a great tape for anyone that wants to hear it later -- it's in English -- of the individual who -- one of the individuals who was shot at by Turner locals. Basically it's a racially-motivated incident. That's still under investigation. No, it's only partly being investigated. One person is charge with criminal

threatening. They hope that he's going to say who the person who pulled the trigger was.

So just as key points, the workers, they are living in an atmosphere of intimidation. Some things have improved. Certainly being able to come and go is good, being paid minimum wage is better than not. They have little -- very low level of information, and the company has been subjected to a history of wrist slaps and I would call finger wagging for this immigration violation. The papers were saying they could get in the millions of fines. They got 15,000. That's not even a wrist slap. That's why I say finger wagging. And also I would like to encourage you if you are trying to do education outreach, one area of education that I think has got to be raised is of the judiciary. Maine has no money to educate its judiciary. So keep that in mind as a good service you can do. One -- again, an attorney at Pine Tree Legal mentioned to me the surprise of one judge at seeing a consent decree relative to this type of case and never having heard about it, so that's really key if justice is to be carried out. And lack of help available in Spanish is another really

serious problem. So that must be at least seven minutes.

MR. KENNETH MORGAN: You came in right on the button. Thank you. Our next speaker is Juan Pedro, who is the New England regional monitor advocate for the United States Department of Labor.

MR. JUAN PEDRO: Good afternoon. I thank you very much for the opportunity to -- that you have afforded me to participate with you here today. I hope you can become sensitive to my Spanish because you know I come from Boston. The -- as a monitor advocate, a member of a minority class, I value the importance of your effort. As you know, most members of the underdog class I mean are very sensitive, very vulnerable to civil rights violation. The monitor advocate program, of which I am part of, came about as a result of a litigation brought by a number of farm workers and the National Association for Development of Colored People, another organization, against the U.S. Department of Labor and the state employment service agencies nationwide where the allegations were that the Department of Labor was violating the

civil rights of the farm worker by not providing them certain services and benefits. This was a litigation that started very early in 1970 and went through about approximately 1977 when some settlement agreement was reached, and part of that settlement agreement was the role of the monitor advocate was defined, some regulations were written that were geared to emphasize to -- the effort to the employment service in providing services to MSFWs.

In addition to the monitor -- I mean there are several technical definitions of migrant seasonal farm workers, and that becomes a problem to us sometimes in terms of who -- we start getting into the issue of jurisdiction. For all the migrant seasonal farm workers is a person -- is a seasonal farm work who travels and is unable to return to his or her home during the same day, or it could be a migrant food processing worker who must have worked at least 25 or more days in food processing during the previous year, but a more eloquent definition of what a migrant seasonal farm worker is means should consider that he/she or she is a U.S. citizen or a legal resident who is authorized to work in the United

States. It's a very, very poor person, more poor than any one of us can ever be, has below average school education, often speaks a foreign language, in most instances Spanish, has limited English speaking capability, knows hardly -- knows hardly anybody or anything about the surrounding where he or she works, has a very sketchy or erratic work schedule, is often required to work hours in excess of what we otherwise would consider reasonable, receives no extra compensation for work, about 40 or 48 hour, he/she often travels alone following crops. He or she is fortunate when he or she can see his or her family at least five or six months of the year, and enjoys very little access to community and public and private services available to you and me, does not vote, does not know who his or her political representative might be, has very limited lobby power. His or her voice is hardly ever heard and cannot compete with virtually anybody else in terms of opportunity for growth and development. He or she basically depends on the limited number of advocacy groups, such as Pine Tree Legal Services, the voluntary effort of this lady and other community groups in the

jurisdiction, and while his life is relegated to grow and harvest the food that we enjoy on our table, the window of opportunity is extremely small.

With the event of the Immigration and Reform Act, which ironically were designed to protect the employment opportunity for domestic workers, meaning the U.S. workers, this act also created a mechanism which, in fact, facilitate the importation of foreign workers, and these have put the domestic worker into a disadvantage by when foreign workers come in that generally come from more economically disadvantaged countries than the U.S., the standard of living and social standard is completely different to ours. I mean these workers coming from the foreign countries, they normally are more apt to go along, quote unquote, with the demands of many employers. In reality, these workers become sort of a captive work force, and the reason being is that if they come to work, if they protest or they complain or they invoke any of their civil rights, I mean they are risking either retaliation or even deportation, and they don't want to do that because the wages they can make in this country

can be very significant in the country when they go back home.

In Maine, we have approximately 200 farms that actually are part of our system. These are farmers that file requests for level certification and file job order requests with the state employment service system, and those farms actually -- the workers working for those farms have certain advantages that other workers that come, in the case she mentioned, contractors, don't have. I mean with farms that has been registered with the employment service, we all have relatively good access to those farms, and we monitor the living condition, we inspect the housing, we inspect the facility for sanitation purposes, and generally the living and working conditions are better than for most other workers. The problem comes with the other workers, the workers that actually come on their own with employers that do not register with the system, with whom we have to manage and become maverick sometimes in trying to gain access. I have heard in the last year, year and a half a tremendous effort of the state attorney general and the Pine Tree Legal Services group that have

been very influential in gaining access to some of the farms. That is probably the big accomplishment of the last century for us, if I'm being accurate, to tell you the truth.

In terms of complaints, certainly we know that there is sufficient reason to suspect violation of civil rights. If these violations come to our attention and become -- are so subtle in the way they are described to us and the way they are presented to us, and considering the very limited staff resources that all of us have and lack of expertise in the civil rights field, that we can hardly ever touch them.

We have in Maine actually only one civil rights case just now pending, and this is the only case perhaps in the last two or three years that I can remember, and incidentally, is being handled by this gentleman that is sitting here next to me, and that is a case of housing, a lady -- I believe it's a married couple who believe that their rights is being -- are being violated for the farmer not providing a housing facility to accommodate the wife, and normally the effort -- the main accomplishments have come through efforts of newspaper coverage and groups that are

-- have taken it upon themselves and have become very influential. Basically that's what it is. I believe if I have to start trying to invent this program, we have to start by really making the farm worker community very aware of what their rights are when they come in a certain system, and this will take a long, long time at this point. The process is very complicated. It's not as simple as we can make it look. The only thing is that meanwhile there are people that are suffering and are hurting.

MR. KENNETH MORGAN: Thank you. The next speaker is Pamela Gatcomb, who is with Maine Department of Education working in the area of migrant education.

MS. PAMELA GATCOMB: Thank you. Let me start by going over a little bit about what migrant in the State of Maine is. Migrant education has been around for about 22 years. Along with migrant education there are two sister programs that have been around for a while, migrant seasonal farm workers program with Pine Tree Legal and the migrant seasonal farm workers program out of Training and Development Corporation.

Within the last three years, we have advocated and gotten migrant head start, and you will hear from them shortly. There's also another agency in the State of Maine which we or I helped write the grant with them, which is the migrant health agency.

One of the issues I'd like to say right off the bat, and I will get off the subject real quick, is that I did help write the grant. I was on their advisory council. When I brought up several issues, I was knocked off the council, and you are probably going to be hearing a little bit more about migrant health in a few minutes.

Let me go on to say that migrant health in the State of Maine started out by saying they would provide coverage to migrant workers, their families in a number of different places: Apples, DeCoster Egg, broccoli, blueberries and the 10,000 kids that fall under the migrant education program, of which I'm associated with. At this point in time, and it's been four years they have been in the State of Maine, they have not started to serve any one of the 10,000 kids that are in the State of Maine right now, the 10,000 kids who are here during the school year.

They serve other groups, and you will hear more about that in a minute.

Migrant education, there are 10,000 kids in the State of Maine. We have 120 teachers throughout the state. At this point in time, we serve the kids through tutoring migrant kids in any area that they need services. The hard part, and again, it's another issue I want to raise, is that the federal legislation says that we must look at norm reference test scores as the measure for effectiveness of the migrant program. I understand that there are some moves or some discussion about trying to get away from using norm reference test scores, so I would ask you to please look into that, that alternative assessments might be in order. We are talking about migrant families who move continually, and when you talk about trying to pin a child down to give them a pre-test, a post-test and then sustain gains over a three-year period of time, the -- it's kind of ironic. It's just not going to measure the effectiveness of migrant kids.

The issues facing migrant kids in the State of Maine. Attendance is a major issue. Another issue I'd like to bring up is that the Maine

statutes regarding truancy and dropout are kind of lean. They do bear looking into. I would say one of our number one programs is the attendance of migrant kids in the State of Maine, not just migrant kids, but probably all kids. We do have identified in each school district -- we have identified a truancy officer. There is not enough teeth in the legislation by which to bring kids back to school or have them enter school.

Our number one program in migrant education is the dropout rate. It's a high dropout rate. We are trying to combat that. What we need is to look at the federal legislation. The federal legislation at this point in time funds us at 40 percent of 50 percent of the per pupil expenditure rate of Maine. In other words, we are very underfunded. In order to put into place the programs which need to be put into place, we need the additional moneys with which to do that. There are program out there. The programs out there are pretty expensive, but they are out there. Housing is a continual issue for migrant families. Housing for migrant families sometimes is nonexistent. There was a poll taken under the homeless grant, and it was determined that there

are many migrant families that are indeed homeless or on the streets.

We talk about some of the eligibility requirements for migrant education. Migrant families can do fishing, forestry, agriculture, food processing, they can work in greenhouses, nurseries. They can do a variety of different activities. We don't just stick with some of the guidelines that Eric talked about. We cover basically anybody who is in those areas who are temporarily employed or seasonally employed. Most of our families go from one job to the next, to the next, to the next, so they don't stay in one place for any length of time, which causes many barriers to education. So the purpose of migrant ed being in the schools is to provide continuous education to migrant kids. We have migrant teachers who pick these kids up within five days and they start working with them, and that's one of the benefits of the program.

Let me talk about some of the areas. We talk about farmers in the State of Maine. I was quoted a price this morning of a price per hundred weight of milk, and the wage right now is $13.80 per hundred rate of milk. At that price,

migrant farmers or farmers who hire migrant workers are having to let go of the migrant workers. So not only are farmers not taking health insurance -- and I hope Mrs. Clinton is listening -- most of the farmers do not have health insurance. I want to make that very clear. They are also letting go some of the migrant workers.

And I will bring up one last point -- well, not one last point, let me bring up a couple. When we deal with apples in the State of Maine, if an apple grower advertises for workers in the newspaper and they advertise and they don't get much response, then they can hire offshore labor. In other words, a contract usually exists between the State of Maine and Jamaica. One of our problems is that in this country migrant workers are going without jobs because they are in Texas or in the home base states, Florida Texas and California, and there's no active recruiting of migrant workers to the State of Maine. It's beginning to happen with some growers, but the apples is a major problem. There's a lot of work there, and it would be nice to have migrant workers from our country getting

the jobs.

I'd like to end with just saying that I think that the agencies that work together in migrant education, with the exception of the health agency, work pretty closely together. Let me just cite a couple instances. A superintendent said to me about three years ago when he found out that there were going to be Hispanic kids in the school system, he called me right up and said, "They aren't my kids, they don't live here, they aren't mine, we aren't serving them and they can't enter school". By getting on the phone and working with Barney's office and working with several other people, it was handled, and, yes, we do have an ESL person in that district, but it is definitely not sufficient, and there's nothing we can do. It is meeting the letter of the law. There is migrant people in -- migrant education people working in that school district as well.

Another superintendent said to me, and I think this goes -- and I'm trying to bring -- I'm trying to give you a picture of what it's like not just at the teacher level, because the teachers take their direction from the

leadership, and so when you're talking about superintendents telling me these things, you know, it's a red flag about what the community thinks. We need to do some education not just in the education world. I keep hearing education. Well, education means to me that you need to talk to rec centers, you need to talk to community people, you need to talk at school boards, you need to talk at rotary clubs, Kiwanis clubs, Lions clubs.

Let me just tell you what one other superintendent said to me, and every time I go into this superintendent's office it's the same line, "They aren't our kids, we don't have to deal with them". This superintendent was forced to hire an ESL person. We have had continual problems, my problem being is that when there's a flag like this, our recourse is to wait and see until Pine Tree can step in, and I bring that up is that there is no teeth in any of this legislation to say to a school district you have to do this, you know. We have got to wait until it's a major problem and then Pine Tree can step in, and let's hope they catch it. And we have a very close working relationship, but me, as a

Department of Education person, if I called Eric on the telephone very many times, my department would flip out. What we need is we need some recourse in our own legislation to sight them onto some things. Thank you very much.

MR. KENNETH MORGAN: Thank you. What we will try to do, since we do need to be out of this room -- we will not be able to complete the program in this room, so I'm going to try to do two more representatives, Belinda Carter will be next, and then Mauvoureen Thompson, and then we will jump back to the civic center, the room that we have been in all day, to complete the program of the presenters and then to have a general discussion.

Belinda is director of preschool services at the Aroostook County Action Program.

MS. BELINDA CARTER: Thank you and thank you very much for asking me here today. I would like to begin by just telling you a little brief history of our school. I want to tell you there's life north of Bangor. I've been hearing a lot about Portland and Lewiston and Augusta, and we are in the northern tip of Aroostook County, and we are serving in our school the

children of Hispanic farm workers that are coming to work in the broccoli fields in Central Aroostook. We have approximately 92 children in school. We're serving all the kids in school this year. I want to just go back and tell you a little bit about this before I get to the issues because I think, number one, you need to know that some good things are happening. There are some successes. This is our 5th year, and it's taken us five years to learn, and we have all been learning together as we are doing it, but we have been working together in trying to make this all work for the migrant workers and their families.

Five years ago Pam approached me and said, "You know you have some migrant workers in your back yard," and I said, "Yeah, I know, I go by them every night on my way home from work," and I said "What are we going to do," and she was able to find some funding in the Department of Education at the state level for us to provide a preschool program for the kids in the summer. We took the school-age kids in the summer and the babies and we put them all in one school, and then as school started in the fall, we spread

them out all over Aroostook County in respective areas, but it worked. The children were in good care. We have been in the preschool business since 1967, so we have centers. We are the largest provider of services in Aroostook County, and we have resources to sort of fill in the blanks. For the two years we only had migrant education funds, and during that time I went out and looked for migrant head start. Since we are a head start grantee, I thought it was going to be very easy to access these federal head start funds, which it wasn't, but we were able to locate and secure migrant head start funding. So that now migrant head start, migrant education, the grower is very actively involved in this and we're all working together to provide a program for the children of the migrant farm workers from the time with outreach reach that they get there in the spring until the time in November, the first of November, until they leave in the fall, and for kids, that's a seven-month period, so when I hear about migrant farm workers being -- well, they are only here for a little while, which is one of the issues I will get to, it's not true. They're with us for a much longer time

now. That's a reality I think many of perhaps our school systems particularly haven't realized yet.

Our migrant program includes all comprehensive services to families because it is migrant head start, and because migrant head start serves children zero to five, and most of them have siblings in school, once we have a child in our program, we have the entire family. So we have the comprehensive service delivery system in place for services to families.

Now, again, we are not doing everything for all people. We can't. We have a great issue with a lack of Spanish speaking people in Aroostook county. In recruiting Spanish speaking people, we have Loring Ayer Force Base, and now, as you know, in 1994, that's no longer going to be an entity, and everybody on our staff right now who is Spanish speaking comes from or is associated with Loring Ayer Force Base. So some of us are taking Spanish lessons and are not very fluent and others -- we do have an issue with Spanish speaking people, but we are all trying to work at it altogether.

One of the issues -- we feel that we have

the preschool piece in place. It's not perfect, we have a long ways to go, but it's in place. Our school-age program is a part of the entire school for the summer months, and then the kids go to the public school and come back to our school for an after school program while their parents are still in the fields. This is still only five days a week. We can't go the full seven days, but we think five days a week is plenty. It's 11 hours a day. So the kids are in our care for long periods of time. There's a great deal of staff training and lots of staff burnout about this time of year, but still it works and it works well. There's a lot of devotion and dedication. As I said, I want you to know there are some good things happening even though there are still some issues to be resolved.

One of our major issues now is education piece, public school, transition into public school. With our summer program being well covered, the transition to the public school has taken very short steps that's very slow. One of the things that happens is the lack of ESL. For the 40 to 50 children that are involved in the

Caribou public school system at this point in time, and it's not to pick on Caribou, but because there's farms and our school is in Caribou, it naturally falls into the Caribou public school system -- there's only one ESL teacher. We need more, they need more. They need the funds to be able to provide more ESL support system. The lack of service providers is a well-known factor in Aroostook county. We have just recruited one full-time pediatrician in central Aroostook. Up until now we haven't had a full-time pediatrician. So it's not that it's only these kids that aren't served, but particularly these children are not served because there are no Spanish speaking service providers and because of the assessment process that happens in the public school system that you have to have an assessor in the language or the assessment has to be given in the child's language by a certified assessor. Most of our children that need special ed services have not had that opportunity simply because by the time an assessor is secured the families have moved on, so we have children that have been in the system and have returned to our school. There is

an 85 percent return rate in our schools year to year, but some of these children have yet to be placed in the appropriate placement in public school because of the lack of the assessment process.

There is -- there has been a problem with the lack of response -- and I haven't even gotten to my second problem. I'm sorry. I have this when I get carried away with a program -- so I'll go on.

Education is an issue. Some of the transition things that we need we need to look at. The other issue is health. There is a -- there is federal migrant health money that has come into Aroostook County, but it has come in -- by using the work force that we have there as a priority, and then not serving that work force as it was set up to do so, by not meeting the needs of the work force that's there. There's been a lack of sensitivity to the population that already exists there, and there has been a segregation issue with the way that the health service has been set up, and I would be very happy to respond to questions for that later on because I think that's a major issue that we need

to look at, and a lot of it has to do with state and federal legislation that's happening.

Let me skip over my next two pages and just -- I think what we need -- the inequities in the system, we need to appreciate the contributions that are happening. We do have racism in Aroostook County, I'm sorry to say. We had an incident recently where there was a Caribou Cares About Kids celebration for children two weekends ago, and our children went -- and I say our children because that's how we refer to them. They were in a pie eating contest, and the next day an irate parent called -- grandparent and said that those children had no business being in that pie eating contest in Caribou, Maine because their grandchild didn't have the opportunity to do whatever she felt they needed to do, and this in Caribou, Maine in 1993 in a Caribou Cares About Kids celebration, and we said these are all America's children, and I think that sensitivity -- we need training and we need the resources to be able to do that. Our schools need to be prepared for the children that are coming into them, and the health providers need to have a system that's responsive not only to the local

needs but to the needs of the workers that are going to be there.

I feel like -- I timed myself, but I think I just kept sitting there and adding things, so maybe I can respond to some things during the question and answer period. Thank you.

MR. KENNETH MORGAN: Thank you. And we will now conclude at least this session of the program before we break and go back over to the other building with Mauvourneen Thompson, who is a --

MR. BARNEY BERUBE: Before Mauvourneen speaks, understand that the other speakers will speak, but not here.

MS. MAUVOURNEN THOMPSON: I teach in migrant education in Portland, Maine. There are 500 migrant students in Portland. Many of them are new Americans who are engaging in seasonal and temporary work in fishing and food processing. A large percentage of Portland's migrants, like I said, are language minority students who are new Americans from many countries, including including Afghanistan, Somalia, Romania, Russia and other states of the former Soviet Union, Cambodia, Vietnam and

Haiti.

The migrant teacher is a teacher, counselor and a social worker, basically the point person advocating for that child academically, as well as any of their social needs and counseling needs and so forth.

I have a few concerns about the testimony I'm making. I want you to know that the testimony is what I have seen in the course of my close contact with the 110 students at Portland High School and their families and is not a result of investigating. I basically don't have time to do that. I will offer to you my observations but not my judgments, and it's important that continued good relationship and trust and respect among employers, students and families and the migrant teacher is really very important to insure that the best migrant services will continue to be given to these very, very at risk students, and lastly, the jobs and the opportunity for seasonal employment of students I believe is really critical to the survival of the families as the parents struggle to learn a new language, to raise their children and to gain employment in lower sector jobs and

eventually to triumph over the threat, yet the enticement, of welfare dependency.

I want to describe to you one incident that occurred last January 17th during the -- in 1992 during -- in the depths of a very difficult Maine winter. I'm going to describe it to you in terms of or by means of reading to you the narrative that was written by the school nurse at Portland High School at the close of this particular incident, and I can provide copies of this information to you if you want it. January 17th, 1992. "Students" -- and two are named -- "brought to the office by Mrs. Thompson. Students had worked until 5:30 a.m. at the Sea Urchin plant in Portland on Commercial Street in zero degree weather last evening. Said that he was given gloves but had to continuously put his hand in the water with ice floating in it. The floor was also wet with ice. Complained of numbness and stinging at his fingertips and toes. White areas on fingertips/frost bite". That was ascertained by the medical -- by the nurse. "Examined his brother, who also had symptoms. Approximately 25 other ESL students were also brought to my office. Three have not

been in the water. Several others had symptoms. Steve Rogers, the administrator in the building at the time, was advised. He said to call all parents, and a facilitator would do this. The students and parents were advised of the danger of frost bite and the extreme danger of reinjury in the immediate few days following. The nurse called Amanda Rowe, who advised David Legage. Amanda contacted the Sea Urchin Company and advised them of the situation and the need to protect their workers from injury. Amanda also contacted OSHA in Augusta and a follow-up meeting was held with an OSHA representative within the next few days. And Mrs. Thompson called Dana Allen, who is the principal of the school and advised him of the situation". In this brief time, I just want to give you that information and you derive obviously your judgments from that, and I can be more -- perhaps give you more information if there is time for questions.

I want to stress that these young people, their willingness to work in adverse conditions such as I described, really show their intensity to which these people, these young people, support their families. It shows the intensity

to which they honor the work effort, and it shows the intensity to which they believe that the hard work is a transition into more skilled employment in the future, and it certainly shows the intensity to which these young people believe that their decision to come to America was the right decision. Thank you.

MR. KENNETH MORGAN: Thank you. And as we've indicated, I think it's clear to everybody, since we have to leave this room, we will go back to the civic center. There are three more presenters, and then the panel and hopefully the public will have the opportunity to make comments and ask questions.

(The ITV session concluded at 3:44 p.m.)

(Continuation at the Augusta Civic Center.)

MR. KENNETH MORGAN: We will resume with Gustavo Solis, who is the former president of the East Coast Migrant Head Start Policy Council.

MR. GUSTAVO SOLIS: Hello. My name is Gustavo Solis. I'm a migrant worker, and I've worked as a migrant. There were a couple of comments made earlier as to migrant, what a migrant is, and there seems to be

misunderstanding what the migrant word is. A migrant worker works and they don't look out small windows. They know their rights, the majority of them do. The majority of them here they migrate, they come and work. They are not people who look through small windows or illegal aliens who don't have papers or passports or have no right to be here. Other than that, the reason they are migrate is because they're certified work, they know their ability to work. They like the long hours. If they don't have long hours, there's no reason to go to work in that section of the town or city or state or whatever. There's no need if you're only going to work four hours a day, five hours a day at minimum wage. It ain't going to cut it, it ain't going to pay your bills, it ain't going to put food on the table. So we like working 15, 16 hours a day. That don't bother us one bit. We are accustomed to it.

Health and education in Aroostook County, to my behalf, -- not only to my behalf, you can talk to the labor camps or anybody there, we are very proud of what we have there. We have gone on unannounced visits to the centers. We have seen

teachers with our kids laying on the floors, playing with them, carrying them when they are crying, and that's the only way we can work in peace and be in peace at work we're working at cutting broccoli, is to know our kids are very well taken care of or else we would keep our wives at home and let them take care of them.

The only issue is a health issue. I've heard that we've got money in the State of Maine for the migrant workers. I don't see why we have got to go all the way to Fort Fairfield to get health services. I can't understand that. When we get services in Cary Hospital, which is there in Caribou, we have got to pay from our own perspective, whatever. Other than that, our bosses, Mrs. Ayer, our boss, Andy, you can ask not only I or anybody there that works with us, anytime we have any troubles, difficulties with our living facility, we are run out of gas, anything, or we need a screen, a door, by the time you get home, it's done. That it is.

People there, they are very united. We never have no problem with the community that I've seen. You have got your bad and good everywhere you go anyway. The people in the

community accept us as we are. The stores, the groceries stores, are now starting to bring more Hispanic food, Jalapenos, Avocados, Mangos, Mangoolu, stuff that our people are accustomed to. More grocery stores are starting to get more and more into it. Even the restaurants now are starting to serve tacos and this and that, to what we are accustomed to. There's nobody there that we have any troubles with that I know of. Other than that, I think that's about all I've got to say.

MR. KENNETH MORGAN: Thank you.

MR. GUSTAVO SOLIS: Thank you very much.

MR. KENNETH MORGAN: And our next speaker will be Linda Ayer.

MS. LINDA AYER: It's kind of a hard speech to follow. I guess I'm going to change what I was going to talk about a little bit because I've kind of listened to everyone speak today and my perspective of what I wanted to speak about has certainly changed.

I think we need to focus, at least in our unique situation, on the fact that we have a group of people here where we have gone five

years with the same group. We have all learned, we have learned correct ways to do things, wrong ways to do things, and it's still a learning process, and we fully expect it to be a learning process over the time we have migrant workers. We do intend to continue with migrant workers, but what we need to focus on is the fact that things are working. We have the ability to step out of ourselves, to put our egos aside and say, yes, I know that she has the ability for education, she has the ability for head start, he has the ability to go in and run my warehouse the way it should be run because he's been other places, and I need to sit back and intake all of that and process it and realize there are people who have better abilities than perhaps I do. I run the office, whatever ability that takes these days. But we need to focus on those people that made things work, and granted there are a lot of areas where things aren't working, and as a board member of the East Coast Migrant Head Start I have some position papers that I'm passing out to you that I fully believe in. I have been able to travel to other areas and see that there are strong needs in a lot of different places, but in

Caribou, Maine the majority of things, head start wise, are working. Children have a place to go. They are not at the campsites left with mom who probably already has three or four children and she needs to be out working and is concerned.

And we also need to be culturally sensitive, and that's one area that unfortunately is lacking in a lot of places in Maine. Whether it's Hispanics -- which we mostly deal with, and that's what I feel most comfortable speaking with -- or whatever, blacks, Asians. We need to be sensitive that their culture is very, very different than ours, and yes, they may want to access health care, and we have been accused of saying that we don't allow them to go during the day, which is totally untrue.

What happens is that Hispanics are very, very family oriented, family comes first, and that's the way it is, so if a child is ill, mom waits until dad gets home, they go to the health center and they make a family decision, and we have to respect that, either as the employer, as the school educator, as the health care provider. We need to make ourselves learn that there are different areas we need to be aware

of.

We had a child who had what's called a Mongolian spot, and someone was going to report the child for child abuse. It would have turned out it was wrong. There was no abuse there, but it was something about that culture that was different. It was not perceived to be different. I'm kind of rambling here because there are three or four things I want to touch on.

Education is the big one. We have worked five years with the same group of people, and we have an 85 percent return rate. These children -- some of them come, a small amount come in April. We operate until the end of October. These kids are here seven months out of the year. They cannot be ignored. We have been told that if we continue to have problems that they won't be serviced. What does that mean they won't be serviced? What are you going to do with these folks, they are in the community? We have teachers who are very, very involved with our migrant students, but when you get administration that doesn't want to be involved, it's a nimbi type thing, I don't have to worry about them,

they are going to be gone in November. It filters down. We are working on it. It's certainly not an insurmountable problem. I feel as people learn more about Hispanics and what they are about or migrant workers and what they are about, this can be overcome. We have certainly come a few steps ahead from where we were five years ago.

With the health issue, it's the same thing. We have gone ahead of where we were five years ago. There's still some long strides to be made. We have a problem in a rural area with health care providers who are bilingual. We are hoping against hope that we will get a grant -- not ourselves, but the facility we are affiliated with -- will get a grant so we can have what we term case managers for families to enable them to know where to go to access services, who to call to begin to access services and to be able to have an interpreter with them should they need to do that. Hopefully that will happen. If it doesn't, we will certainly have to look at other avenues, but what happens with the health issue is that they are promised that there is going to be certain people -- a clinic that's going to be

open from 8:00 to 8:00. They get out of work at 3:30, they come home, they clean up and they go to the health care center after supper thinking it's going to be open until 8:00, and it's long been closed. So they leave Fort Fairfield Center and drive back to the emergency room and end up paying for that visit when it should have been paid for in the first place. That's something, again, we hope to continue to keep working on, and it's certainly a crucial piece that we feel needs to be addressed.

As far as access to the camps, I heard that mentioned a couple times today. It amazes me that some of the things that go on in the United States do. I get accused of hiring cheap migrant labor. Most of these people are U.S. citizens, they are welcome and they deserve the same type of care I get, that you get, that our children get. Less -- fewer than 15 percent of our people are here on a temporary status, but they still deserve that care, and unfortunately, for whatever reason, I have yet to figure this out, people feel that because we have migrant labor that we are paying less than minimum wage. That's wrong. That's wrong. If it's happening,

I'm going to be the first one that stands there in line and says that's wrong. You cannot take care of your families with that. That's not for me to decide.

At any rate, that's not happening with our people. Everyone associated with them knows that. And I also feel that the statement needs to be made -- it was brought up to me the other day, and I think it's correct, that who are we to sit back and tell migrant workers how many hours they should or should not work. It's their decision, and we should allow them to make their decision as U.S. citizens, as people who reside in this country. That's their right. I guess that's all I have to say. Thank you.

MR. KENNETH MORGAN: Thank you, Linda. We have 15 or 20 or 25 minutes left now, and I would suggest two things. First of all, in just a moment I'm going to ask members of the committee if they have any questions that they want to ask any or all, and then if there is some time left, I think it would only be fair if there were some points of the earlier presenters when we were working within those really tough constraints over in the other building, we would

be glad to listen to those. I would ask you to identify yourself as you do speak for the reporter.

I have one question I, myself, would like to ask either one of the last two speakers, and then I will ask other members of the commission if they have questions. Would you be -- you indicated your interest and your need and your want to work long hours, the number of hours that you wish to work. Would you be supportive of changing the agricultural exemption insofar as overtime wages are concerned?

MR. GUSTAVO SOLIS: Who is that addressed to?

MR. KENNETH MORGAN: To anyone, but specifically to either one of you.

MS. LINDA AYER: I can sit here and tell you, yes, I would be, within a degree of normalcy. In other words, knowing that a farmer cannot get up at 7:00 in the morning and expect to work an eight-hour day. It's more realistic to think they are going to be putting in a 10-hour day. My husband puts in 10, 15, or however many hours, or gets up in the middle of the night to go fix something or whatever. Yes,

I would support that. I would tell you from talking to other farmers, probably not. You are going to see strong opposition to that. Agriculture is just that, agriculture. When you go into the store and you want to buy some produce, you don't want to buy old, decaying produce because people had to work X amount of hours so they didn't have to pay that overtime. You want fresh food. And it's up to that farmer to insure that what you get served is indeed fresh food, and it's not making the problem your problem or anyone else's problem, but that is a fact. So you can anticipate that there will be backlash in that probably your quality is not going to be what you want. America itself has to decide what it wants to settle for, and this is part of a broader issue, but speaking for myself in answer to your question, yes.

MR. KENNETH MORGAN: Thank you. Barney?

MR. BARNEY BERUBE: This is probably a very simplistic question. I'm not even sure who wants to take a shot at it. Any of you. Picking for a moment up, again, on the Turner DeCoster Egg Farms. We have got a tremendous amount of

material that was printed, one legal action after another, one confrontation after another. This guy looks like his life is hell. People are on his case all the time for things that probably just don't look like what they ought to be doing, and since a decision has been made that he does have to pay minimum wage anyway, and that, you know, well, why mightn't he just say I don't want migrant workers, I can hire anybody at minimum wage, and you guys will get off my case. Why are the numbers growing? I know you can't speak for the DeCoster people, but get some sense of why doesn't he just bow out?

MR. ERIC NELSON: Eric Nelson. I don't think it's a simple matter of saying anybody else will work for minimum wage. He has got a work force that he recruits because they'll work for the amount of money that he's going to pay, which is subminimum until he's forced to pay minimum. I think the premise -- I think the premise that there are other workers out there in Turner, Maine that will work at DeCoster Egg Farms under the conditions that exist there for minimum wage is a faulty premise. I think the goal that seems to be expressed here that minimum wage is a fair

and decent wage, I don't think that's legitimate either. Minimum wage is 4.25 an hour. Agricultural workers in the State of Maine are exempt, as a matter of law, from getting minimum wage -- it's only because the federal act applies -- and they don't get overtime.

MR. BARNEY BERUBE: To follow up on it, Androscoggin County area has got, I think, relatively high unemployment. Would there not be folks that would just say, hey, I would like to work for DeCoster?

MR. ERIC NELSON: The labor problems at DeCoster go back years and years, and it included exploitation of local workers as well. I mean that's clear from I think Claire and Arbie's article in Progressive. I think workers in that area have an attitude they are not going to work at DeCoster Egg Farms, they are not going to work for 4.25. There are some local workers there, but I'm sure they are getting paid the minimum wage; I'm sure they're getting paid more than minimum wage. He found a work force he could exploit by recruiting Hispanic workers from the Texas area, and that's more profitable to him. It's a cost of doing business for him to violate

the law, I think as has been expressed to you.

Let me just add. Query why you wouldn't when the -- I mean it's hard to start guessing. It's hard to start figuring out a grower like Jack DeCoster and some other growers. I mean query why when the law goes to 4.25 as of April 1 of 1991, minimum wage goes to 4.25 an hour, why you don't just pay it. I mean we are not talking about a law abiding individual that's going to comply. It took a federal investigation by the Department of Labor, an audit, and then 10 months after the fact retroactive checks were issued. I think it's a little bit difficult to even start raising the question why this, why that because it's a different kind of mind-set in terms of relationship to workers. Go ahead, Claire.

MS. CLAIRE HOLMAN: Claire Holman. I think you come to a point where you look at the intersection between various social factors, like the need for a job and so forth, and an individual, and in this case -- and I know we're not supposed to talk much about individuals, but it really does, to a certain extent, come down to the history of the company and the history of that individual, and I think it would make a very

interesting psychological profile to look at the individual in question, and it would match with some other historical profiles we have seen in history of people who feel they have a right to do things differently because something happened to them at some point to make them feel that way, so -- and I think that the point that Eric made about sort of tainting of the waters locally is significant, and local people do work there. It's not as though there are no local workers. And I don't know that there's an increase at DeCoster in terms of the Latino community at this point.

People -- in my recent visits they have been telling me not that many people have been arriving. The workers themselves have told me not that many people have been arriving. What that represents, I don't know. Their recruiter is in jail. That might have something to do with it.

MS. PAM GATCOMB: Pam Gatcomb. I'll be real quick. There are more people coming into the Turner area from Texas because with the decline in the economy people need jobs, so yes, people have heard they can get a job at DeCoster,

they are willing to work under the conditions and sometimes they know, sometimes they don't know, but they are coming. We pick the kids up, so we know, but yes, some are there and we need to be real careful right now.

MS. CLAIRE HOLMAN: They've had times when it's just been wall to wall people coming in.

MR. JUAN PEDRO: In response to that question, my name is Juan Pedro, and this is the difference when the farmer is part of the employment service system as opposed to the one that just works out of the system. If Mr. DeCoster filed a job order with the employment service, the first requirement would be we must inspect his housing, we -- and he must pay the prevailing wage, and the prevailing wage is entirely different to what the minimum wage is. The prevailing wage is established on the basis of a survey that is conducted of other farms, similar farms, and in the case -- I will venture to cite a very simple example. Apples, for example. I mean here an apple farmer that would not recruit through the employment service system, he may pay $4, 4.50 an hour for picking

apples, but if that apple farmer comes through our system, that apple farmer must pay at least 5.80 or 5.85 -- I don't remember exactly how much it is -- an hour, plus there are provision for the piecework.

MR. KENNETH MORGAN: Grayce, did you have --

MS. GRAYCE STUDLEY: Yes, I had two questions. First to this group here, I would like to hear more about the migrant health issues. I have been hearing little things here and there, and I would like it from Pam or somebody over there that would like to address that, and back to this group here, I would like to hear the other tape that Claire brought with her, too, at some point. I don't know which you want to do first. We could start with Claire or should we start with migrant health?

MS. PAMELA GATCOMB: I don't have as much firsthand experience. I think Belinda probably does.

MS. GRAYCE STUDLEY: Maybe Belinda or somebody at this group here.

MS. BELINDA CARTER: I think the issue that we wanted to raise was there is federal

money coming into the State of Maine on behalf of migrant workers that are coming in the State of Maine and yet that money has not been utilized to the extent that our workers in Aroostook County have been able to access it appropriately. In services they have not paid attention to what the county needs have been, nor the migrant workers themselves. It's been an issue that's administered out of another area. It's a nice pot of money to administer. It's in the State of Maine and now that we have it, we will do what we want to, basically, with it, and I think that what we have been trying to do is make those inroads with the folks that have the money and say these are the services that are necessary in Aroostook County, these are what they need. How is the best way to access them? We're not trying to tell them what to do, but we live there and we know it, and the way they have brought the services into Aroostook County not only has not served the population of the county -- of the migrant workers appropriately or effectively, but it's also alienated the population of Aroostook County that we are trying to assimilate these workers into. When you have a great big van that

says Migrant Health Services parked at the edge of the field and the people in Aroostook county cannot afford nor have access to health care themselves, there's a stereotype that what are they providing these folks? There's more welfare, more free this and free that, not understanding that this is migrant health federal money that needs to be spent on behalf of those people, but -- so not only the service delivery system itself has not been appropriate, but the way it's been presented to the county when it's been there has been invasive and really maligned -- has been counterproductive to what we are trying to do to make integration a real viable happening in Aroostook County. The other piece of that is they haven't had it fully equipped, it hasn't been staffed appropriately. There's been an issue with the children's shots. We have children that are not in school because they haven't been immunized and the school has kept them out when they could've taken them in but for the immunization. There's a whole lot of specific issues that have happened around that that I have just listed one right after another, because I'm following a paper trail with it. I

think it's a shame that it has to happen this way, and I think it needs to be looked at not just because of this particular service delivery system but the whole system itself and how when federal funds come into our spending it in an area or allocated to an area that the follow-up on how they are actually spent and who has access to them needs to be really monitored by that federal funding source. I just have an issue with that.

MS. GRAYCE STUDLEY: So it isn't effective up in the county. Is it effective elsewhere in the state?

MS. PAMELA GATCOMB: No. Let me start by saying right off. This is one instance, and let me follow-up by saying that what was put in the grant for migrant health that I still have not gotten a copy of after four years has not been what was originally written, because I wrote part of those sections. In Aroostook County, the first year it was supposed to be direct services. They sent up a fellow from Ethiopia that could not speak the language, no place to live and he was to do a needs assessment, and this was the service for the first year of the

broccoli harvest group. That fellow ended up leaving and there were no direct services. That was Aroostook County. I won't bore you with the rest of the paper trail that Linda is talking about. I'm probably not as nice as she is, but that was the first year.

Right now the -- there is this mobile van that is to go from the blueberry to the broccoli harvest and back and forth. If you have one mobile -- it's -- the van isn't available yet, so they retrofitted a van that is not quite up to par yet and doesn't sort of match whatever the needs are, but I won't go into that. This is a van that's supposed to go back and forth between the blueberry/broccoli harvest. Now it's impossible if you have a broccoli harvest going from July, August, September and October to pull it out of Aroostook County for the complete month of August. So there is no service right now the complete month of August for broccoli, which means these kids did not get immunized. I was on the phone to Barney's office yesterday. I was on the phone to everybody I could possibly get a hold of because we have kids that are being kept out of school because of no birth certificates,

immunizations, all kinds of things, but the point is the biggest was the immunization, which should have been taken care of the month of August. So yes, I can speak for blueberries, for broccoli, and I don't do apples.

MR. ERIC NELSON: Let me just -- with all due respect, I haven't been asked a question, but if I can just interject. What I don't -- and I'm not here to defend migrant health grantee. I mean there's federal funds that come into the State of Maine through the Department of Health and Human Services, Bureau of Health. It's migrant health money. There's a grantee in the State of Maine. I'm note here to defend them. In fact, we have filed, in the past, discrimination complaints against them. Likewise, we've filed discrimination complaints, OCR complaints against migrant education; however, I would suggest that at the risk of -- and I do this with all due respect -- that it's appearing to me there's a little bit of a gang-up on migrant health, and migrant health isn't even here. I'm not sure whether they were invited to participate. It perhaps would have been helpful to have their input as to their innovative --

what was supposed to be an innovative mobile unit to service migrant workers, and I would just suggest I'm a little bit surprised that they are not here to participate and instead we are hearing the most criticism that is coming from the folks representing or most involved in the broccoli harvest is regarding migrant health, and I just think we need to be careful of picking that out as an issue that is such a high priority when we haven't even heard from migrant health.

Our perception, and it's just our perception, was that the migrant health clinic in the blueberry harvest was, in fact, better this year, and we heard this from workers, because the mobile unit was getting out to the labor camps. That's part of the outreach that we were talking about. They parked themselves right at the camp and they do what they had to do or do what they could do, and maybe they couldn't do everything, but they did some things and it was better than before. Now it probably could get better. I'm not sure. I mean I heard Mr. Solis talk about going to Fort Fairfield. I don't know, maybe the mobile unit wasn't at Ayer Farms, maybe there was a problem with that, I don't know, but our

understanding was that that was a much improved or at least an innovative and creative way to get out to the workers and overcome some access and outreach issues. So I will stop there.

MR. KENNETH MORGAN: You may respond to that and then Gerry Talbot has a question and then Ki-Taek has a question.

MR. GUSTAVO SOLIS: Yes, on the mobile unit, that's something that's very helpful, but in a time of need and emergency, it makes no sense to travel 15, 16 miles when you have got a hospital right down the street, and the mobile unit is not there at that time and moment, you are not going to go 14, 15 -- how far is it?

MS. LINDA AYER: 15 miles.

MR. GUSTAVO SOLIS: -- 15 miles to go to a clinic not knowing if it's open or not. What's the sense of going over there when you have got a hospital right down the street and you know you have got the funds. The government gave you the funds to begin with for that reason. That's all my comment.

MR. ERIC NELSON: That's a question migrant health ought to be here to answer. That would be my only response, because I mean I

really don't know the ins and outs of their grant, of the amounts, of the relationship they have tried to establish with health care providers, of the obstacles they have confronted. I really don't know. Again, I'm not here to defend them, I'm here to simply point out they're not here, and they probably should have been.

MR. KENNETH MORGAN: Gerry?

MR. GERALD TALBOT: I guess I have been listening to a lot of this unpleasantly, I guess, and I have just written a lot things down. Whether I can read it or not... We, I guess, first started out with a discussion of what a migrant worker is, and we went through a couple things. Nowhere did I hear anybody say that a migrant worker was a human being who deserves the respect of everybody else. That's number one.

Number two, I was involved with the blueberry harvest back in '74 with migrant workers. It was a disgrace. This is a disgrace. There is no way else to put it but it's a disgrace. I'm not impressed with labor, I'm not impressed with education, I'm not impressed with anybody here that's going to come

back to this committee -- and I may be out of order -- 20 years later with the same story. All right. I'm not impressed. I'm not impressed at all. Now, whether you belong to Pine Tree or labor or education or anything else, that should not happen in this state, and I guess what I want to know, and I'm going to get to that in a minute, but if we have federal funds coming into this state to go to migrant workers for health and it's going somewhere else, that's fraud. That is absolutely fraud, as far as I'm concerned, and I'm not a lawyer. We have an attorney general for that. We have an attorney general for that. We keep beating around the bush because we're taking advantage of people, pure and simple. We are taking advantage of people, and we are all buzzing around the bush and talking about how nice it is, all right, and I guess what I want to know of this committee, the recommendations that you gave us are the recommendations we heard 20 years ago. Why ain't they done? Why ain't they done? Let me get this off my chest. I have got to do that. Why ain't they done? Why are we still harping on the same issues? All right. Why can't this committee go

to Congress and say I want a congressional investigation? All right. Where is the power? I mean who is kidding who? All right. Who is kidding who? All right. I mean we walk around -- and I'm going to get out of here because I'm getting emotional. We walk around out front with our briefcases and our ties and our suits, and people are hurting. People are hurting. I'm hurting because 20 years later I'm reading and hearing the same thing. We are dealing with human beings. That's why I'm not impressed. I'm not impressed at all. Maybe I'm out of order. I could be out of order. I could be off this committee tomorrow. I'm not impressed. Pine Tree has got to do more, U.S. Department of Labor has got to do more, education has got to do more, and we have got to do more. I mean now. Otherwise than that, we will bring our suits and our briefcases and our manners back to this room in another 20 years. I'm all done.

MS. GRAYCE STUDLEY: Could I go back, not to switch gears until people are through talking on that issue. I would still like to hear Claire's tape from DeCoster Egg Farm.

MS. CLAIRE HOLMAN: I have lots of

tapes. The particulars -- I mean there are a couple of different segments. I have one segment I had thought might be interesting, in which one of the victims of this shooting incident talks about what happened to him. I also have another segment, and this might be of more general interest, where they just talk about what it's like for them being in a community where they are so isolated.

MR. BARNEY BERUBE: Can I just inject something? Is that, what is on the tape, also in written form?

MS. CLAIRE HOLMAN: No. Yes, I have it in written form. You don't, though.

MR. BARNEY BERUBE: I'm sorry?

MS. CLAIRE HOLMAN: You don't have it in written form, I do.

MR. BARNEY BERUBE: Is it possible for us to secure that so that we can read the transcription of the tape?

MS. CLAIRE HOLMAN: Yeah.

MR. BARNEY BERUBE: Okay. You look at me puzzled.

MS. CLAIRE HOLMAN: Well, I don't know, what you're saying is now --

MR. BARNEY BERUBE: You said you had a lot of tape, and I'm concerned --

MS. CLAIRE HOLMAN: Oh, no, I don't have a transcription of the whole tape, no way. I mean I don't want to waste time explaining how this works. You don't transcribe the whole thing, you log it out so you know it's there, and there are bits of it that I have transcribed.

MS. GRAYCE STUDLEY: What you are going to play for us you have transcribed?

MS. CLAIRE HOLMAN: Yeah, the particular bits I'm going to play for you I have transcribed. The whole tape I do not have transcribed. Journalism is a very low paying field. So do you want me to play some of this?

MR. KENNETH MORGAN: I would like for Ki-Taek to get his question in and then if we have some time we'll listen to an excerpt from the tape.

MR. KI-TAEK CHUN: I think I'm still moved by Gerry's plea for comments and observations, and so let me dovetail a little of that. I'm trying to recover from that. Some of us had dovetailing that -- let me ask two questions. One is for Mr. Solis and the other

perhaps some other panelists, particularly -- you can comment. The first question is in the early part of this panel we have heard, as all of us recall, there are many, many allegations regarding housing conditions, nonpayment of overtime and subminimal wages, you name it, including hostility that is encountered in the surrounding communities, yet you, as the only current farm worker, from your presentation, I gather that you must be one of the few fortunate exceptions because you really don't feel the negative impact. You haven't experienced that. I'm very glad for you. It's a very painful thing for one to go through that, and I'm glad for you that you didn't have to go through that. Having said that, though, the question I would like to ask is what is your viewpoint, what is your opinion with regard to your friends, other migrant workers? Do you think they may have experienced, they may have encountered some of the alleged circumstances? That's my first question.

My second question has to do with something Mrs. Thompson sort of shared with us, that incident -- frostbiting incident. I have heard

something like that myself, too. The question I guess we collectively have to ask is when one runs into an allegation of that nature, appalling and disturbing, what are the recourses we have, we meaning as citizens? What does the state law say, what does the Federal Department of Regulations say? Is there some way we can move on so some social injustice can be remedied? I would be interested in hearing your opinions as to some of the possible avenues of action one could take. That's the end of my question.

MR. GUSTAVO SOLIS: I'm fortunate enough right now to be working where I'm working, and the living conditions there are fine. When I used to work in Alabama, Fort Payne, Alabama, sand mounds harvesting potatoes, there used to be four single men and two families in one room probably a little bit smaller than that.

MR. KI-TAEK CHUN: How about in the State of Maine?

MR. GUSTAVO SOLIS: In the State of Maine our living conditions are adequate. The only place we go in Maine, we work four months. Some go sooner, I think in March. Planting crews go in March, the cutting crews go in July, the

planting crew stays there I think it's eight months.

MS. LINDA AYER: Seven.

MR. GUSTAVO SOLIS: Seven months. The cutting crews stay four months. And when the cutting crews get there, all the houses are already organized and we have got water, gas. If there's any broken doors, they have been refixed, windows, whatever.

MR. KI-TAEK CHUN: As far as you are concerned, then, the allegations are really false, and know of no incident where --

MR. GUSTAVO SOLIS: No, sir. No, sir. You can go and ask any of the labor workers that work there.

MR. KI-TAEK CHUN: You don't have to explain.

MR. GUSTAVO SOLIS: I'm very proud of that, and that's one thing, we have got our yards cut to where we have no mosquitos for the kids. We have a little playground towards the back of the camp to where the kids won't be in the street. We had a problem a couple years ago with community people, the kids playing too close to the road, throwing rocks at the cars, and this

and that, so Lorenzo, our foreman, he cut some more grass out in back, but not that I know of, sir.

MR. KI-TAEK CHUN: But you are describing the conditions of the Ayer Broccoli Farm. My question doesn't have to do with that at all. My question has to do with, in general, what is your sense of the situation as it involves other migrant workers?

MR. GUSTAVO SOLIS: As involves migrant workers?

MS. KI-TAEK CHUN: Because unless we make that very clear, your presentation can be very misleading, because are describing utopian situation. I have no way of judging the value of that -- and I take your comments at face value -- and nevertheless, the weight of overwhelming testimony we are given this afternoon just outweighs. I mean how can there be so many people repeatedly saying these are the problems that we have, yet you say -- that's okay I don't disagree with you -- but I think we have to pay some sensitive -- display some sensitivity to possible conditions that may affect other unfortunate friends, not you, other friends.

With that comment, I would like to move on to my second question. Do you have any comments to my second questions, if you remember?

MR. ERIC NELSON: Yes, I mean as an initial response I'd like to ask Ms. Thompson if she could share with us. You say OSHA was called in. What did happen, if any, enforcementwise in that situation? I mean part of the response, from our perspective, is what do the workers want to do, and you always have to respect what the workers want to do in terms of a remedy legally. You know, there's ways to put public pressure on the employer, there's ways to support the workers as a community. I sense that these workers are, in a large part, -- I don't know the Portland area, but I'm not sure how many people in Portland know that these work situations exist in Portland. I do know from seeing the rest of the part of the state agriculture that most Maine residents don't know of labor camp housing. I mean they just do not know it exists. It's invisible to them. That may be part of the employer's strategy, but whatever the reason, it's a fact.

MR. KI-TAEK CHUN: Where is the mass

media?

MR. ERIC NELSON: Where is the?

MR. KI-TAEK CHUN: Mass media, press.

MR. ERIC NELSON: Well, there's some press that came out this season. Nationally there's a packet from our back-up center in Washington, D.C. that we provided to you of press regarding migrant worker issues. Let me just highlight that for a minute, because part of that emphasizes the abuses that come about with the use of farm labor contractors, and one of the very important and dangerous signals that we are seeing in the State of Maine is the increased use by some of the large growers of farm labor contractors because you then run into all kinds of transportation issues, housing issues. The farm labor contractor becomes the, quote, employer in terms of paying the wages. You see workers this season, first, second, third paychecks net nothing or virtually nothing because of deductions for housing, for advances, for tools, for food, so they are working there day after day, week after week and they are just not getting -- they are not bringing home anything. I mean they are restricted to that

location. They rely on the crew leader for transportation in and out of town for laundry and shopping. They may or may not be provided with cooking facilities. I mean we are really talking about workers that are isolated with no money and nowhere to go even though they are working extremely hard day in and day out.

MR. BARNEY BERUBE: A question for Ms. Carter. I share, too, the sense of anger that Gerry has. We have really been following the history of this for a long time. You know the schools generally well in Caribou. I heard 92 kids in school --

MS. BELINDA CARTER: That's preschool and school age.

MR. BARNEY BERUBE: Preschool, okay. Are those all Hispanic, by the way?

MS. BELINDA CARTER: Yes.

MR. BARNEY BERUBE: Okay. Now my experience, and my esteemed colleagues know this, too, it turns out, superintendents statewide kind of grovel for any money they can get anywhere, and many of those who do -- I'm talking about money in this case -- were children whose first language is not English tend to take a shot at

competing for federal funds if they have got some kind of local commitment already. My question is would you know if given a series of invitations -- every year invitations go out to superintendents that have high impact populations, and Caribou would be no exception -- the Department of Education has never heard from Caribou ever saying, golly, really, we'd like some of this money, help us write a grant, or something to that effect. Do you have any sense that -- why not? I mean this would possibly be one hell of a boost. It starts at $150,000, or thereabouts, from the feds for about five years. It might be a nifty idea, but maybe there just is no interest. I guess that's what my question is, if you know.

MS. BELINDA CARTER: I'm not sure why. I think, knowing that that's out there, all we have ever been told is there is nothing there to be had that we aren't going after. So I think it would behoove the Department of Education to put it right up front and say, look, how can we help you to get access so that you can help serve these children more adequately.

MR. BARNEY BERUBE: We don't force

that --

MS. BELINDA CARTER: I don't know. I mean I would love to think we had that impact, but obviously we don't.

MR. BARNEY BERUBE: The point was April to October, but that was kind of a rough thing. April has just a few kids? I know the season is from the beginning of school to October you've got them all, but what's happening in April?

MS. BELINDA CARTER: 15 families come, so we had 30 something children that came in April, and they will stay through until November, so you've got that stable force --

MR. BARNEY BERUBE: About a third of the crew is there in April?

MS. BELINDA CARTER: That's right. They are there a majority of the school year. And I don't mean to be vague about that. I don't know why. I mean we go after every federal dollar we possibly can even think that we might have a chance at, and I wish that we'd hear, but somehow along the way it hasn't happened yet.

MR. BARNEY BERUBE: Pam?

MS. PAMELA GATCOMB: Pam Gatcomb. I seem to keep butting in here. For three years in

a row we have worked with Caribou school department and made ourselves available to provide no cost training to all the teachers in the Caribou school department who wanted training, again at no cost, through our technical assistant center. We'd bring up someone from Texas, and last year we were given a half an hour, when for three years we have been expecting to go in for a day-long workshop. And I know Sue Parks from your shop is on call when this will happen. Again, we have been given the go-ahead that, yes, we will have the day, but there is no day available. It's a continual kind of thing. I think that Caribou has an ESL teacher that is not full-time that spends a good majority of the time testing kids. I think that's one of the things that we need to look at. I think the other thing is we really need to applaud Pine Tree Legal for getting that ESL teacher in there originally. I think that if it was not for Pine Tree Legal's stepping in that this would not have taken place, we would not have an ESL teacher there. So we are dealing again with a school system that may need a little bit of pushing and prodding, and I'm not too sure how to do it as a

department person.

MR. KI-TAEK CHUN: A factual question. Did you offer the no cost assistance during school business hours or was the offer after school business hours?

MS. PAMELA GATCOMB: Anytime.

MR. KI-TAEK CHUN: They are not interested?

MS. PAMELA GATCOMB: No, the answer was that, yes, we could do it, but there was no time available.

MR. BARNEY BERUBE: Any last final questions?

MS. MAUVOURNEEN THOMPSON: May I respond to a couple questions, I believe, that were relating to Portland -- migrant education at Portland High School. Two things. Regarding the incident in Portland where children -- young people were working through the night and suffered frostbite at the Sea Urchin cutting plant, OSHA was contacted and the migrant teachers, as well as the school principal, and two of the students affected, met with the OSHA representative, Mr. Hoyt, soon after this incident, and I believe that an investigation was

carried out, and I hope that suitable resolution was made, and I cannot talk factually nor informatively about the results of all of that. That was at the point at which my involvement had to end because I then had to return to my primary work, which is teaching the migrant children.

The question that Mr. Chun asked regarding what might happen, what kind of laws and so forth might help to minimize or reduce or actually do away with these problems that we see, I hate to say it, but I think one aspect of it has got to be a financial change, and I want to offer my information tenderly because my facts may or may not be accurate, but there are people here who would be able to substantiate what I say because of their field of work.

The children who left Portland High School in the afternoon and then went to put in hours of work cutting sea urchins in frigid sub zero weather are almost forced into that situation because as refugee families who then become migrant when they come to the United States, as refugee families, their federal subsidy used to be for a period of 12 months, I believe, 12-month period where families could learn English and

perhaps gain some skills for employment. I believe within the past two years that subsidy reduced to eight months. This is a financial vice that forces parents to suggest to their older teenagers please work with me, we must have your assistance and so forth, because the families generally have a very, very high work ethic and are -- and a very, very high ethic towards improving and advancing in education so that they can become independent in this new country.

I understand from a colleague at Portland High that the federal subsidy may once again be reduced to only a six-month period, and I offer that. Others may correct that, but I understand there's a threat of that. So the families are in a vice, and they work very, very hard to, like I said in my testimony, to avoid the threat but the enticement of welfare dependency, and they are inclined to find that the jobs we have talked about are the ones for which they are -- the ones under which they can be employed and under which their children can be employed until they gain language and until they gain skills.

MR. KI-TAEK CHUN: I appreciate that

reminder about reducing federal subsidy, I am aware of that and I think that is a factor, but nevertheless, I guess the issue at least from the civil rights standpoint is given the vulnerability and dire economic needs of these families, the question I think becomes that of is the system or certain industries, certain employers, are they exploiting illegally? I think that's the issue. Just because some families in such a situation may have to work together, then the question is are they -- are the working conditions in accordance with what is prescribed as the norms of society. I think that's the question. And there has to be some public awareness of what kind of conditions they're working under and there has to be some public awareness and certain support for wage awareness along with this, conceivable and plausible avenues of redress, and that is a kind of question I had in mind hoping to hear some perhaps suggestions and ideas. In spite of these hard working conditions, they are willing to work. That's a copout.

MS. PAMELA GATCOMB: We have addressed the housing, I believe, from the agricultural

point of view where housing is provided by the grower. 70 percent of the 10,000 kids that I'm talking about don't have housing provided by anybody, and Mauvourneen is one of the teachers and I think can speak about the housing conditions of migrant families who are not provided housing. First of all, you need to know that every migrant family in the State of Maine that qualifies and is receiving services gets a home visit. In other words, a home visit is made. The migrant teacher in Portland, there's an interpreter that goes with them, they talk over what the problems are, what the educational process will be for that child, what the concerns are of the family and on and on and on, but I think that the issue here is the housing, and I know Mauvourneen has run into several -- more than several instances where there's been substandard housing, and that's a real concern to us in migrant education. These are the families that have at least some kind of housing. I also know of many cases where we have migrant families that are homeless, and those aren't being addressed at all. I know that when the census was taken for the homeless grant they were

counted, but we still have families in Aroostook County who are -- we had one family in a tree house until November until we finally got them out. We have many documentations of homeless people, but Mauvourneen, do you mind talking about the housing conditions in Portland?

MR. GERALD TALBOT: While she is getting her thoughts, if the people you're talking about were white, and I don't mean that in a derogatory sense, would their housing be better?

MS. PAMELA GATCOMB: No, because across the board we found that there were more white families that were homeless than there were minority.

MR. GERALD TALBOT: That's not the question I asked. I'm asking in migrant workers, if they were white migrant workers, would their living conditions be better? You paused. You answered my question. Thank you.

MS. PAMELA GATCOMB: I think during the summer months when we deal with the harvests I think your assumption is right. I think during the school year when we deal with mostly white migrant families, with the exceptions of Turner,

Portland and Caribou, I think those housing conditions still exist. I distinguish the two populations from the -- from the people that come in for the harvest, and those are the ones that we proactively work with, and we work with Pine Tree very closely in terms of if we know somebody, we can call them, and we know we can. My basic problem is they don't go into the Portland area all that much. They don't go into some of the areas we go into, rural Maine, and what do we do about a family that's homeless? What do we do about a family that is in very substandard housing? That's my question. I have home visit forms that come across my desk, 5,000 of them, and I read them, and there are -- they are horror stories about the living conditions, about all kinds of things, and I'm very careful not to look at names or where they come from, particularly. What I'd like to do is just get a sense of what this is -- and with the decline in the economy, to be honest with you, the situation is escalating, and I see more people either going from one place to another or moving in with four or five families all at once, and that's the part that I think we need to look at.

MR. GERALD TALBOT: You're not talking about the general population, though, right?

MS. PAMELA GATCOMB: I'm talking about the 10,000 kids in migrant education, 70 percent of which stay within the State of Maine during the school year. I'm not talking about the 30 percent that come in for the harvest.

MR. GERALD TALBOT: Were you going to pick up on it, Mauvourneen?

MS. MAUVOURNEEN THOMPSON: I would say that most of the migrant children in Portland live in poverty -- they live in poverty, and they are there for associated -- they are victimized or can be victimized by all of the problems associated with poverty; at risk behavior in schools, health problems, housing, unemployment, low wages and so forth, and that's why it's so important for us to educate them, so that they can move from that cycle.

MR. BARNEY BERUBE: Other questions or comments from the committee? I would take liberty, a little bit, I suppose as chair, but also with Grayce's agreement that Ms. Holman, could you give us a written transcript, what you have? Don't do any other work than the

transcripts that you already have, the taped segments you have used, because it would be useful to us when we review today's proceeding.

MS. CLAIRE HOLMAN: Sure.

MR. BARNEY BERUBE: To me or to Ki-Taek Chun. I would appreciate that. Are we done this panel?

MR. TI-TAEK CHUN: Maybe to Juan Pedro. I don't know how you feel about this third panel, but I have been really disturbed personally, all the horrible conditions, and I know as a federal official, you have your job cuts and you handle circumstances, to a large extent, maybe entirely, who knows. You said something about your office having been created as a result of earlier lawsuits since the '70s. I'd like to hear about what is it that your office can do specifically, can do or but may not have done in the past, and then perhaps you can extend your observations beyond that and say in what sense, say, labor departments or some other departments might be able to bring some assistance so that some of these conditions can be alleviated. It's a wide open question.

MR. JUAN PEDRO: I'll tell you. The

situation, as bad as it may look in Maine -- and I don't want to undermine the validity of what is being raising here today -- the fact of the matter is this is nationwide problem. It's very, very pathetic. I can talk basically from my impressions in the New England states. Maine is not an exception, and I don't believe that it's any worse than several other places. We know that there is a group of very diligent, extremely committed people, and although the most they can do is to touch the tip of the iceburg, at least something has been done, and the mere fact that you people are concerned about this topic here today is extremely meaningful to me and is highly commendable, from my standpoint, because the fact of the matter is the situation leaves a lot to be desired through all other New England states, and I urge you to try to promote this type of forum in Massachusetts, in Connecticut. In particular in those two states.

We can do -- we are extremely -- up to about 10 years ago there was the federal representative for each state in my region was also responsible for overseeing the activities of migrant seasonal farm workers. Ever since the austerity program

started coming along, I was left with myself alone regionwide, plus of course we have a part-time monitor advocate, my counterpart, in each state. This part-time monitor advocate, each one, are concerned with many other unrelated functions, and the situation is that the court order ruled against the Department of Labor about something and ruled that certain affirmative action had to be taken, but the system provided no funds for those additional efforts that had to be carrying out, and the focus of my agency is very limited in terms of what number of migrant seasonal farm workers we deal with. We just, again, we have the regulation over any farm or farm worker whose employer has applied for labor certification through the employment -- to the employment service system. There are plenty of other farmers like the one that they are describing, Mr. DeCoster. I mean, yeah, we would love to get involved, and we also have the help of some part-time outreach workers that would love to get involved and try to find out what's going on and refer any suspicion of wrongdoing to the appropriate agency, but again, it's a matter of resources. We know we are -- we hurt out of

our own frustration. No question about it. I hope that with the new administration and the new revamping of our system perhaps something better can come out of this, but I just keep my fingers crossed.

MR. KENNETH MORGAN: With that I think we should probably bring this session to a close.

MR. JUAN PEDRO: This gentleman brought it right on. Why don't we mobilize our congressional delegation? We receive the most incredible pressure from all angles. Farmers. I was surprised to see that there was a farm worker in this meeting. The fact of the matter is that we listen. We have public meeting -- one public meeting at least every year somewhere in any of the states. We can never get the farm workers to come to those meetings, but we have the farmers that come with a list of charges and stereotypes and innuendos and accusations and falsehood that are not countered by the farm worker, him or herself. And who are they listening to? Who is the system is listening to? Only to the side -- to the farmer, the employer who complained. But the victim has not been listened to, indeed. If

we are smart enough, at sometime we invite the victim.

MR. KENNETH MORGAN: Thank you all, and with that we will conclude this session.

MR. GERALD TALBOT: Excuse me, I think somebody wants to speak.

MR. KENNETH MORGAN: I mean the panel. I'm only referring to the panel.

MR. BARNEY BERUBE: It's been a very, very long time, and I also appreciate the somewhat awkwardness to having run over to UMA and back here and all that. This turns out to be the longest session we have had today, so I want to thank the speakers for this segment.

As indicated on the agenda, we did make provision for those who had asked to speak on issues of interest to this committee could do so at the end of the day. There's three in the audience. You may do so. Identify yourself.

MR. DENNIS KLEIN: My name is Dennis Klein. I'm an Augusta resident. I'm affiliated or a member of many of the organizations already represented here today, as well as a couple others, the Brunswick Racial Harmony Group and the Maine Association of Black Professionals. I

have a concern. I heard a lot of very, very dedicated people here spend most of the day working on problems. The -- there were problems of every sort in dealing with civil rights, but I only heard two very, very brief mentions at all during the day about celebration of diversity. Everyone, the whole day long, looked at issues of dealing with people of difference as if it was inherently problematic, that any time we have to deal with a stranger or someone that's different it's a big problem, and we should definitely keep on teaching our kids to stay away from strangers, and I think that that is a very, very grave error. I think that your primary focus, if you really want to fix the whole situation, is not to keep trying to put patches on the same little leaks that keep cropping up in this old boat that we have been sailing on for 20 or 30 years, who knows how many, but very simply, to start with ourselves and with our children that difference is something to be appreciated, and it is one of our great strengths. Is it not a problem and it is not a weakness. Thank you very much.

MR. BARNEY BERUBE: If I may just add an editorial comment. The -- you are absolutely

right, in my mind, and we are singing very much the same song. Celebration of diversity has been undecided. One of the solutions is how do we do that, if you don't have the kinds of problems we have heard today. The commission in Washington, on the other hand, wants to know what is going on, is everybody happy and smiling? If it is, then we don't need to be. You heard from Gerry earlier who really cited a lot of what's happened or not happened in the last 25 years. And so should the thing is to not remain silent on that.

MR. BRIAN KLEIN: You witnessed the vast assemblage here today.

MR. BARNEY BERUBE: Were you here this morning?

MR. BRIAN KLEIN: Yes, I was hear this morning, but it's obvious that the majority in this state, at least, and probably most of the nation is very asleep.

MR. BARNEY BERUBE: Any comments from the committee for Mr. Klein? Thank you.

MR. NICHOLAS MEYER: I'm just going to cast my voice into the wind along with everybody else very briefly. Just a couple of points. I

couldn't echo what Mr. Klein has said more. Mr. Talbot, 20 years, going on, Edward Morrill, Horris Deschaine got together in 1960. Very little has changed since then. Hopefully it won't continue for another 30 years, but I'll bet it still will and longer. We are still dealing with the hardest working and the very poor. If anybody has any great suggestions. I would add that comment.

MR. BARNEY BERUBE: Thank you. Comments for Mr. Meyer?

MR. JUAN PEDRO: I would like to ask if somebody could put the addresses of the different participants on a form and make it available to us. There are plenty of people here with whom we should be networking.

MR. BARNEY BERUBE: Of the panel.

MR. JUAN PEDRO: We should be coordinating activities on day-to-day basis, and certainly I see a lot of faces that I have never in my life seen before.

MS. CLAIRE HOLMAN: That is a service that this committee could provide is assist in networking by -- in other words, if you have the names and addresses on there --

MR. BARNEY BERUBE: It just so happens that this group was discussing that very point last night.

MS. CLAIRE HOLMAN: Great minds think alike.

MR. BARNEY BERUBE: We will be sending letters to all of the speakers in any case, and I will ask to include --

MR. JUAN PEDRO: It would be terrific for me to have -- get your names and be able to every once in a while give you a call and this is the situation, what do you think about this, can you handle this at the state level. You probably have that leverage. I don't have it from my standpoint.

MR. BARNEY BERUBE: Well, then, I thank --

MR. GERALD TALBOT: Can this committee ask for a congressional investigation? What can we do except report back to the large committee?

MR. BARNEY BERUBE: Is that an editorial question? Do I say yes, no? I'm sure as members -- he asked can this committee issue a request for a congressional investigation in some of the key areas that we heard about today, and

my response was I'm not going to say yes or no but rather this committee has to answer that question. I'm not dodging it.

MR. GERALD TALBOT: Oh, no, I understand.

MR. ERIC NELSON: There are a number of other agencies that receive funds specifically to serve migrant farm workers, not just migrant health. There's Migrant Education, Training and Development Corporation, money from the Department of Labor. I mean that very well may be an area of inquiry that would make a lot of sense, where is the money going.

MR. JUAN PEDRO: Make an assessment of what is there. I venture to say that is extremely limited, but would be useful for planning purposes and to plan some course of action to know what resources are there and how they can be better coordinated or perhaps put them under one umbrella, do something. Why has U.S. Department of Labor been advocating for a target area that, to a degree, it's going to function counter to the internal system itself. You are not supposed to record that.

MR. BARNEY BERUBE: Thank you all very

much for your valued input, and I am particularly indebted to my colleagues on this committee for the long hours they spent today.

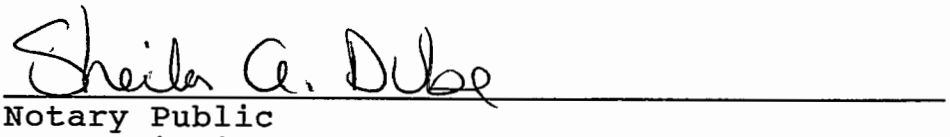
(The proceedings concluded at 5:20 p.m.)

CERTIFICATE

I, Sheila A. Dube, CSR, RPR, a Notary Public in and for the State of Maine, hereby certify that this is a true transcript of the hearing of The Maine Advisory Committee to The U.S. Commission on Civil Rights; that the foregoing, as reduced to computer type, is a true and accurate record of the proceedings as taken by me by means of stenotype.

I further certify that I am a disinterested person in the event or outcome of the aforementioned cause.

IN WITNESS WHEREOF, I subscribe my hand at Saco, Maine, this 24th day of September, 1993.



Notary Public
My Commission Expires May 29, 1999

CERTIFICATE

I, Melinda Gay Simon, a Notary Public in and for the State of Maine, hereby certify that on September 9, 1993, the foregoing, as reduced to computer type, is a true and accurate record of the evidence as taken by me by means of stenotype.

I further certify that I am a disinterested person in the event or outcome of the aforementioned cause.

IN WITNESS WHEREOF, I subscribe my hand at Gardiner, Maine, this 26th day of September, 1993.

Melinda Gay Simon

Notary Public
My Commission Expires September 29, 1999