

CCR
3
Meet.
256.2
v.1

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEBRASKA ADVISORY COMMITTEE
to the
U.S. COMMISSION ON CIVIL RIGHTS

PUBLIC HEARING

WESTERN NEBRASKA COMMUNITY COLLEGE
1601 EAST 27TH STREET
SCOTTS BLUFF, NEBRASKA

"RACE RELATIONS IN WESTERN NEBRASKA"

VOLUME I

APRIL 28, 1993
6:00 P.M.

ORIGINAL

CCR
3
Meet.
256.2
v.1

EXECUTIVE COURT REPORTERS
(301) 565-0064

P R O C E E D I N G S

(ON THE RECORD AT 6:00 P.M.)

CHAIRPERSON HILL: The meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights shall come to order. For the benefit of those in our audience, I shall introduce myself and my colleagues. My name is Gary Hill and I am the chairperson of the Advisory Committee. Members of the committee are (inaudible). Also present with us are Ascension Hernandez, civil rights analyst and Jo Ann Daniels of the regional office.

We are here to conduct a factfinding meeting for the purpose of gathering information on race relations in Western Nebraska. We will take an indepth look at a broad range of perspectives in order to identify civil rights issues related to employment, education, housing and the administration of justice in Western Nebraska.

The Jurisdiction of the Commission includes discrimination or denial of equal protection of the laws because of race, color, religion, sex, age handicap, or national

1 origin, or anything within the administration
2 of justice. Information which relates to the
3 topic of the meeting will be especially
4 helpful to this Advisory Committee, and the
5 proceeding of this meeting, as you can see,
6 are being recorded by a public stenographer.
7 They will then be sent to the U.S. Commission
8 on Civil Rights for their advise and
9 consideration, or recommendations.

10 Information provided may also be used by the
11 Advisory Committee so we can plan future
12 activities. What will happen in terms of
13 follow-up will depend a lot on what we hear,
14 what (inaudible) are identified. At the
15 outside, let me remind everybody of the ground
16 rules. This is a public meeting. That means
17 it's open to the media and it is open to the
18 general public. We have a vary full schedule
19 of people who will be providing information
20 within the limited time we have available.
21 The time allotted for each presentation must
22 be strictly adhered to. This will include a
23 presentation by each participant, followed by
24 questions from committee members. To
25 accommodate persons who have not been invited

1 but wish to make statements, we have scheduled
2 an open session from approximately 9:00 p.m.
3 until 9:30 p.m. on Wednesday, April 28, 1993.

4 Anyone wishing to make a statement during
5 that period should contact Ascension Hernandez
6 for scheduling. Written statements may be
7 submitted to committee members or staff here
8 today, or by mail to the U.S. Commission on
9 Civil Right, 911 Walnut, Suite 3100, Kansas
10 City, Missouri 64105. The record of this
11 meeting will close on June 1, 1993.

12 Though some of the statements made today
13 may be controversial, we want to ensure that
14 all invited participants do not defame or
15 degrade any person or organization. In order
16 to ensure that all aspects of the issues are
17 represented, knowledgeable persons with a wide
18 variety of experience and viewpoints have been
19 invited to share information with us. Any
20 person or any organization that feels defamed
21 or degraded by statements made in these
22 proceedings should contact our staff during
23 the meeting so that we can provide a chance
24 for public response. Alternately, such
25 persons or organizations can file written

1 statements for inclusion in the proceedings.
2 I urge all persons making presentations to be
3 judicious in their statements. We're
4 interested in facts.

5 The Advisory Committee appreciates the
6 willingness of those of you who are coming to
7 share your views and experiences with the
8 Committee, and we are here really to serve
9 you. We're here to learn, and the follow-up
10 will depend on what we hear today.

11 The first person that we've got is Dr.
12 John Allen. Doctor, for the record, please
13 state your name and present occupation.

14 DR. ALLEN: My name is John Allen. I'm a
15 rural sociologist at the University of
16 Nebraska, Lincoln.

17 CHAIRPERSON HILL: Thank you. Appreciate
18 you being here. Let me just turn it over to
19 you with any statements you have.

20 DR. ALLEN: (Inaudible - audio
21 difficulty) Another issue that has been
22 raised, looking at race relations, and I also
23 looked at that and analyzed it and it
24 indicated that in Dawes County 22.3 percent
25 of its population was living below the poverty

1 level. In 1989, the year for which poverty
2 was measured in the 1990 census, they asked
3 individuals in 1990 what was your income in
4 1989. A family of four was classified as
5 living in poverty if its income fell below
6 \$12,067. In Nebraska the state average was
7 11.1 percent. We're somewhat below the
8 national average. I also did a regression
9 analysis which basically just examined the
10 relationship between ethnicity and poverty.
11 And in the western Nebraska region of the
12 state there's not a relationship between
13 living in poverty and being Hispanic.
14 Although the findings are not statistically
15 significant, the correlations do indicate a
16 negative relationship between Hispanics and
17 living in poverty. In regard to the Native
18 American population, there's a positive
19 relationship between living below the poverty
20 level and being identified as a Native
21 American.

22 It should be noted that these statistical
23 relationships are weak, but they do seem to
24 show a direction in the western panhandle.

25 I'd like to show just briefly the percent

1 of population by ethnicity and poverty.
2 Banner County in the western region has 97.3
3 percent of its population that are identified
4 as White, not Hispanic, with 2.2 percent
5 Hispanic and .4 percent Native American. You
6 have 21.8 percent poverty rate in that
7 particular county. Cheyenne County is another
8 county that has 95.7 percent of the population
9 White, not Hispanic, 3.3 percent Hispanic, .7
10 percent Native American, and a 10.2 percent
11 poverty level. I have other counties here.
12 I'll share with you Sheridan County is one
13 other one, 91.4 percent non-Hispanic, White,
14 Hispanic origin one percent, Native Americans
15 7.3, had a poverty level of 18.1. The reason
16 I wanted to share those with you is to show we
17 have diversity among the counties in the
18 western region of Nebraska. As these findings
19 indicate, the population of Hispanics is
20 growing in the western region of the state as
21 well as Native Americans. There does not seem
22 to be a statistical relationship between being
23 Hispanic and living below the poverty level,
24 although there is one with Native Americans.

25 I also wanted to share with you

1 employment status by ethnicity. One of the
2 things that I was looking at is from 1980 to
3 1990, and I'd like to share with you -- that's
4 overall for the State of Nebraska -- in 1991
5 there were 823,147 people identified as being
6 available for the work force. 1.9 percent of
7 Whites were unemployed in the state in 1991.
8 For Blacks the figure was 5.7 percent,
9 American Indians 5.8, Hispanics 4.6.

10 Statewide for the total non-white population
11 was 5.4 percent. As you can see, statewide
12 there's differences as to employment level.

13 I pulled out Scotts Bluff County as one
14 of the counties to examine unemployment
15 status, and in 1991, in Scotts Bluff County,
16 16,619 White individuals were available for
17 the work force; 556 were unemployed. There
18 was a 3.36 percent unemployment rate for the
19 Whites in Scotts Bluff County. There were no
20 Blacks identified in that data. Native
21 Americans, in 1991, there were 109 identified
22 in Scotts Bluff County, by the Department of
23 Labor; 24 were identified as unemployed; a 22
24 percent unemployment rate was calculated of
25 Native Americans.

1 For the Hispanic population there were
2 identified as 1,902 available for the work
3 force; 229 were unemployed; and there was 12
4 percent unemployment rate in the Hispanic
5 population.

6 For a total non-White population, the
7 average unemployment rate for 1991 was 12.7
8 percent compared to a 3.3 percent of the White
9 population.

10 Sheridan County as another example. In
11 1991 it had 3,215 individuals that were
12 identified as White available for the work
13 force; 72 were identified as unemployed, a 2.2
14 percent unemployment rate.

15 Native Americans. 67 were identified and
16 available for the work force, and there was a
17 4.4 percent unemployment rate.

18 43 Hispanic individuals were identified
19 by the Department of Labor as available for
20 the work force. None were identified as
21 unemployed, and there was zero percent
22 unemployment rate.

23 Another county, Cheyenne County, had
24 5,308 White individuals, non-Hispanic,
25 available for the work force; 1.9 percent of

1 those were unemployed.

2 Native Americans; only six were
3 identified and six were unemployed for a
4 hundred percent.

5 Hispanic was identified as 105 available
6 for the work force, and their unemployment
7 rate was 7.3 percent.

8 Banner County population was identified
9 as 100 percent White non-Hispanic.

10 Kimball County, 1991, 2,144 were
11 available for the work force, White non-
12 Hispanic. There was an unemployment rate of
13 2.7 percent for White non-Hispanic. Native
14 Americans was .9 percent unemployment rate in
15 1991. It was zero percent for the Hispanic
16 population as identified by the Department of
17 Labor.

18 I'd like to share just maybe one more
19 with you. Garden County again had, in 1991,
20 1,547 White non-Hispanic available for the
21 work force; 1.6 percent unemployment rate.
22 And the only other group that was identified
23 was Hispanic, and there was a zero percent
24 unemployment rate.

25 From the patterns that I've showed you,

1 it looks as if we're beginning to see a change
2 of population composition. It isn't
3 surprising to anyone who lives in the western
4 region. We're beginning to see some shifts
5 downward in actual unemployment levels for
6 minority populations. The numbers actually
7 decreased with Hispanic and Native Americans
8 as to unemployed from 1980 to 1990, while the
9 numbers were actually going up.

10 I guess that's basically what I wanted to
11 share with you. Any questions, I'll be happy
12 to answer them.

13 MS. COBOS: With regard to the statistics
14 that you've given us today, how do you justify
15 those figures? You say that in some areas
16 most Hispanics are doing well and they are
17 employed. Are these jobs year-round or are
18 you counting some instances where reports from
19 the Job Service work, maybe seasonal kind?
20 There's migrate farm workers coming in and
21 enrolling and registering at the Job Service
22 and going out and just doing temporary work
23 and then they're gone. How realistic are
24 these figures?

25 DR. ALLEN: I don't have any numbers as

1 to the actual numbers of migrate laborers that
2 come into the area. From my experience,
3 generally they are not counted into the
4 unemployed area, and primarily that has to do
5 with you're identified by county where you
6 live; therefore, if your county that you're
7 identifying as your home county is outside
8 Scotts Bluff, Sheridan, Banner, then you would
9 not be identified as unemployed within the
10 Scotts Bluff or Banner counties. Again
11 there's a rural culture that exists also that
12 isn't reflected in the data, and part of that
13 rural culture is that it's negative to go in
14 and apply for employment, go through the Job
15 Service. Because of that culture, I think
16 that that does influence the figures that I've
17 reported today. How much higher they are, I
18 can't say.

19 MS. COBOS: Do you get your data directly
20 from the Job Service or is this just --

21 DR. ALLEN: Yes, we do. We check that
22 with the census data each year. We'll do 1980
23 and be estimated in 1985 and then in 1990, as
24 well as the average unemployment rate by race,
25 ethnicity, gender, by month, by county. So we

1 check the labor data with the census data to
2 see whether or not there's any large
3 discrepancies.

4 CHAIRPERSON HILL: Art?

5 MR. ART HILL: I just have one question.
6 You said the study was done during '80 and
7 '90.

8 DR. ALLEN: Yes.

9 MR. ART HILL: Are you going to do a
10 study after '90?

11 DR. ALLEN: Right now we're working on
12 the '93. I'm a rural sociologist and I focus
13 on a lot of areas in rural, and so
14 demographics are only part of what I look at.
15 I also do qualitative interviews, et cetera.
16 But we are beginning to look at '93.

17 MR. ART HILL: So in your estimation,
18 just off the top of your head, is there much
19 of a difference or has it remained the same?

20 DR. ALLEN: Between 1980 and 1990?

21 MR. ART HILL: No, from '90 on? Based on
22 the '90 census.

23 DR. ALLEN: It doesn't look as if there's
24 been a great deal of change, no. There is a
25 slight decrease in unemployment, and we are

1 seeing an increase in population. But the
2 pattern seems to be that, if we extrapolate it
3 out into the future, we continue to see the
4 same pattern of population composition change,
5 and maybe a slight decrease in unemployment.
6 But, as you can see, those numbers are still
7 quite a bit larger than the White non-Hispanic
8 population.

9 CHAIRPERSON HILL: Ascension, did you
10 have a question?

11 MR. HERRANDEZ: Yes. In your figures,
12 you talk about the different areas that you
13 looked into; poverty, unemployment or
14 employment figures and that thing. Just in
15 terms of the rural culture that you talked
16 about, how does that translate into the
17 lifestyles of the low-income people here that
18 are in poverty? How can you describe that in
19 layman's terms? Are things getting worse or
20 are they getting better for the people in
21 western Nebraska, and how does that affect
22 race relations?

23 DR. ALLEN: I think as farm sizes
24 increase and the number of farmers is
25 decreased, we've had an out migration of

1 population and we've actually seen an increase
2 stratification. One of the things that's
3 occurred is per capita income for many of
4 these counties is fairly high, but as you can
5 see we have 20, 25 percent below the poverty
6 level. So, in my estimation, it's probably
7 getting worse. For several reasons. One is
8 housing. Housing is deteriorating. As that
9 occurs there's less housing available. It's
10 very expensive to go and build new housing.
11 Some zoning regulations for the use of trailer
12 houses, modular homes, et cetera, have
13 restricted that lower priced housing in many
14 rural communities across the state.

15 CHAIRPERSON HILL: Dr. Allen, when we
16 talk of some counties like Cheyenne where the
17 identified Native American population was a
18 total of six. By the time you play with
19 statistics, as you gave us the disclaimer, it
20 doesn't mean a lot to draw conclusions, and
21 from Ascension's question you were able to get
22 into gut level a little bit in terms of
23 perceptions. You've been studying western
24 Nebraska for a period of --

25 DR. ALLEN: Several years.

1 CHAIRPERSON HILL: Okay. In your
2 opinion, and this is strictly opinion, very
3 subjective, as the minority population begins
4 to increase, and it's increasing
5 significantly, do you see increased problems
6 from a race relations? Race getting along
7 standpoint. If so, and I'll bifurcate this if
8 I may, if so in what way and, finally, if
9 you've got any general recommendations that we
10 should be looking at?

11 DR. ALLEN: Yes. I do think the change
12 in population composition is creating stress
13 in the western Nebraska area, and part of that
14 has to do with changing job structures. Many
15 of the jobs that were available on ranches in
16 the area are beginning to dry up which is
17 pushing lower income Whites in competition
18 with new residents into the area. That is
19 creating stress. Generally what we find when
20 that's the case racism increases. So I would
21 say the potential for problems is increasing
22 as the population of minorities increases in
23 the area. Part of the problem is
24 communication. I mean, I hate to come down to
25 that but there's still stereotypes. There's

1 stereotypes on both, or all three, or all
2 four, or all five sides. And, at this time, I
3 think there still hasn't been communication
4 bridges built in western Nebraska. I think
5 the Hispanic population, from my experience,
6 subjective, is working within their
7 population, and the Native American population
8 works within their population, and the White
9 population interacts and there are informal
10 networks within those specific groups by race
11 and ethnicity. Somehow bridges need to be
12 built where there's communication across,
13 because we can see that the job picture is
14 probably not going to turn around real soon,
15 and so that stress will probably be there for
16 some time. And housing. Low-income housing
17 is something that needs to focus on. And one
18 last -- one minute -- child care. One of the
19 things that happens in low-income families is
20 that both parents need to find jobs.
21 Oftentimes those are at minimum wage. It
22 becomes very difficult to pay for child care.
23 That needs to be looked into I think.

24 CHAIRPERSON HILL: Other questions?

25 MS. COBOS: I have one more. You talked

1 about the Native American population here in
2 Scotts Bluff. Can you please give me that
3 figure again, what the Native American
4 population is here in Scotts Bluff?

5 DR. ALLEN: Scotts Bluff. They made up
6 1.6 percent of the population.

7 MS. COBOS: Okay, 1.6 percent of the
8 population. Is that just Scotts Bluff County
9 or is that --

10 DR. ALLEN: That's for the whole county.

11 MS. COBOS: For the whole county?

12 DR. ALLEN: Yes. I'll hand you -- If you
13 want, I'll give you the -- where you can get
14 much more precise breakdowns.

15 MS. COBOS: Okay, a breakdown. Thank
16 you.

17 CHAIRPERSON HILL: Doctor, thank you very
18 much. We appreciate this.

19 Next on the agenda is Milo Mumgaard. For
20 the record, please, name, address and
21 occupation.

22 MR. MUMGAARD: My name is Milo Mumgaard.
23 I'm a practicing attorney here in the State of
24 Nebraska with legal services. I'm the project
25 director of Nebraska Center for Legal Services

1 which is a federally funded office providing
2 resources and back-up services to the legal
3 service offices around the state. And as
4 such, I serve as a resource on a variety of
5 topics, including migrant farm law which I did
6 specialize in for about four years in west
7 Texas where I worked with the Hispanic
8 community, or Mexican-American communities
9 specifically in western Texas on migrant and
10 legal issues. I've been asked here today to
11 speak specifically on that issue as it
12 relates, or as it exists in western Nebraska
13 and Nebraska as a whole.

14 So briefly today I'm going to be
15 describing the legal situation for migrant
16 farm workers in Nebraska, with specific
17 reference to the lack of labor protection laws
18 in state law for migrant farm workers. It is
19 my position that this is a relevant topic for
20 this factfinding meeting on race relations in
21 western Nebraska.

22 As a lawyer, I can only speak to the
23 legal situation but based upon my experiences,
24 both a migrant advocate and a small farmer
25 advocate, I'm drawn some very basic

1 conclusions. My basic conclusion is that
2 Mexican-American farm workers are treated as
3 second-class members of our society in part
4 because they are not provided they same labor
5 law protections as all other working
6 Nebraskans. This lack of protective labor law
7 for the predominantly Mexican-American migrant
8 farm worker population in Nebraska is a direct
9 contributor, in my opinion, to the problems
10 migrants experience on a daily basis,
11 including the racial discrimination other
12 participants in this meeting will be
13 describing. This is not an original point at
14 all. Back in 1982 western Nebraska Legal
15 Services completed a study of the legal needs
16 of migrant farm workers in western Nebraska
17 and concluded that, quote, "A combination of
18 special interest, intentional discrimination,
19 unfair practices, and lack of knowledge have
20 joined to create the forces which work to keep
21 the migrant farm workers at the lowest realms
22 of the economic ladder." This study went on
23 to state that, quote, "It is hoped that
24 efforts will be made by all to see that
25 adequate housing, sufficient wage, basic

1 health care, educational services and other
2 job opportunities are not longer the luxuries
3 they now tend to be for migrant farm workers."
4 Well, unfortunately, this 1982 description of
5 the legal problems of migrant farm workers
6 remains entirely valid today.

7 To see the continuing validity of this
8 point, one needs only to take a quick glance
9 at what Nebraska lawmakers have allowed to
10 continue as law in Nebraska. For example,
11 because Nebraska lawmakers have decided to
12 allow Nebraska's farmers and growers in agri
13 business to legally pay Mexican-American farm
14 workers as little as 50 cents an hour, because
15 the lawmakers have decided that an injured and
16 disabled middleaged Mexican-American farm
17 worker need not be provided Workers'
18 Compensation insurance, because farming is
19 not, quote, "hazardous," because the lawmakers
20 have decided the farm field is different than
21 a factory or a worksite, construction worksite
22 and the like when it comes to providing a
23 sanitary place to relieve oneself, and because
24 the lawmakers have decided that few, if any,
25 farm workers in Nebraska should obtain

1 unemployment insurance once their seasonal
2 employment is ended, these underpaid,
3 disabled, unemployed workers are left with few
4 options. These important contributors to our
5 economy often must ultimately turn to public
6 assistance or community charity for
7 practically all their needs or go without.
8 The state winds up assuming responsibilities
9 that employers have in other industries. As
10 stated by a former colleague of mine, quote,
11 "The typical consequence of allowing these
12 conditions to exist is particularly prominent
13 in agriculture. The employer avoids
14 internalizing the full social costs it employs
15 by externalizing a part on the taxpayers at
16 large in the form of welfare payments,
17 Medicaid, food stamps, and housing
18 allowances." Or, as Walter Litman once
19 phrased it, "Onto the workers themselves,"
20 quote, "in slow starvation." Under these
21 conditions, agriculture wage labor is simply
22 auxiliary to a system of public poor relief.
23 It's a particularly good quote because in turn
24 this result contributes to the racial and
25 ethnic biases held by many Nebraskans. It

1 seems to confirm the stereotypical attitudes
2 that these workers are drains on everyone else
3 and are not equal to majority members of the
4 community. It is my position that this cycle
5 engenders the very racial and ethnic enmity
6 which society wishes to wipe away, but which
7 is fed by the very lack of protective law
8 which, if they existed, might lead to
9 healthier, more empowered, less dependent,
10 better paid workers better able to contribute
11 to the economy. Now, Nebraska has not taken
12 this public policy track and that's the
13 subject of this paper.

14 To give you some brief background of the
15 legal situation. The plight of the migrant
16 farm worker has been so well documented that
17 it's become part of the fabric of received
18 American wisdom, and I don't want to go into
19 detail on it. And Nebraskans have not been
20 ignorant of the plight of the farm workers.
21 Indeed, Nebraska's legislature has held
22 hearings as often as in 1979 to document
23 abuses in the state. In 1987 the legislature
24 passed a law purporting to regulate these
25 activities of farmer labor contractors in the

1 state. This bill was passed in response to a
2 sudden influx of migrants into the Hastings
3 area and a concurrent overload on the local
4 social service system. In 1989 legislative
5 hearings were held to determine if the 1987
6 law was actually working. The conclusion was
7 that the law was not working to decrease
8 exploitation, and recommendations were made to
9 change the law to give it some teeth.

10 However, none have in fact occurred.

11 Nonetheless, Nebraskans have considered the
12 exploitation of farm workers to largely be a
13 problem that someone else has that is located
14 elsewhere in a more unjust place. This just
15 simply is not true.

16 To give some background. Nebraska has
17 anywhere from 9,000 to 11,000 migrant farm
18 workers present in the state during the summer
19 months. These workers are almost entirely
20 Mexican-American. In western Nebraska they
21 primarily thin and weed sugar beets. Workers
22 in Nebraska also hoe soybeans, detassel corn,
23 work in the potatoes, and harvest apples. The
24 following is an example, or a good example of
25 the western Nebraska migrant farm worker

1 family's experience. The head of a farm
2 worker family approaches a sugar beet grower
3 and inquires about work. The grower and the
4 head of the 7-member family orally agree that
5 the family will clean an 80-acre field of
6 sugar beets for perhaps \$14 an hour. These
7 are acres full of weeds with perhaps on 20-
8 inch spacing between the rows. The grower may
9 obtain the worker's Social Security number any
10 might take a look at the worker's Immigration
11 I-9 card. Nothing is discussed about
12 sanitation facilities in the field or who will
13 provide drinking and handwashing water, who
14 will keep records and all that. The worker
15 and his family, which includes children as
16 young as 10-years old, thereupon commence
17 thinning the beets and cleaning the fields.
18 Stooping down long rows in the hot sun. If
19 they need to relieve themselves in the field,
20 they must duck behind a bush or down in the
21 rows. There are no toilets, port-a-potties,
22 et cetera, in the fields. At one point, one
23 of the teenage sons falls over some irrigation
24 equipment and knocks himself out. He's taken
25 back to the truck to recover. The family

1 continues to work and works two and a half 9-
2 hour days. Upon completing the work the head
3 of the family approaches the grower and tells
4 him that the job is done and payment is
5 expected. The grower visits the field and
6 becomes irritated. The quality of the job he
7 says is inferior, is bad and must be done all
8 over again before any payment is made. The
9 head of the family argues a little but within
10 a few minutes agrees to send his family to the
11 field again. Another 10-hour day goes by
12 before the father returns to the grower for
13 payment. The grower makes out a single check
14 to the father for \$800. The father seeks to
15 correct the grower. The amount due he says is
16 at least \$1,120. No, we agreed on \$10 an
17 acre, says the grower gruffly, and suggests to
18 the farm worker this amount was a take it or
19 leave it proposition. The farm worker takes
20 it. These workers go home to a dilapidated
21 house owned by the same grower from whom he
22 just received \$10 an hour. Others from other
23 fields return to goat sheds and flea-bag
24 motels which no year-round resident would dare
25 step into, much less bed down in. The season

1 ends. The truck is loaded again and the house
2 is shuttered. The security deposit is left
3 behind, and the cycle continues. But wait.
4 At home in Texas, after the new year rolls
5 around, sits a letter from the Internal
6 Revenue Service demanding that this family pay
7 thousands in income and Social Security taxes
8 because, after all, they were independent
9 contractors self-employing their way across
10 the country. The grower who employed this
11 family meanwhile pays no employment taxes
12 despite the fact his operation is far more
13 economically sophisticated and fully
14 capitalized.

15 The processor which receives the sugar
16 beets and openly processes the beets is a
17 wealthy multi-national corporation, but that
18 corporation pays no employment taxes.
19 Meanwhile, the head of the migrant farm worker
20 family who was said to be responsible for
21 these thousands of dollars in taxes has
22 practically no more to his name than his
23 truck, his hands, his family, and his
24 continuing willingness to work. This is a
25 broad and not totally inclusive statement of

1 the web of exploitation suffered by migrant
2 farm workers in Nebraska today, particularly
3 those that work in the sugar beets in western
4 Nebraska. The exploitation of migrant farm
5 workers takes all sorts of angles. A major
6 variation on the theme is at the hands of
7 intermediaries known as crew leaders or these
8 farm labor contractors. In Nebraska these
9 crew leaders are found most often in
10 detasseling in central Nebraska, though they
11 can be found in all agricultural labor
12 situations. Most seed companies rely upon
13 these crew leaders to furnish detassellers.
14 Detasseling in Nebraska used to be done
15 primarily by local workers, such as high
16 school students needing a summer job. But, in
17 the last few years, however, seed companies
18 have had to become increasingly reliant upon
19 migrant farm workers from Texas, California,
20 Arizona, and Florida to fill this need for
21 labor. These seed companies pay the crew
22 leaders varying amounts per acre, leaving it
23 to the crew leader to do the payroll. Now,
24 the crew leader who is often poorly education,
25 and even more problematic for the workers,

1 morally and financially bankrupt, is thus
2 presented with the opportunity to split the
3 middle or skim wages otherwise due the workers
4 themselves. In the most egregious situations,
5 the crew leader simply absconds with the
6 payroll. Agriculture is one of the few
7 industries, and it certainly is true in
8 Nebraska, which tolerates such a division of
9 labor and such opportunities for exploitation.

10 Now, with this background, it is not
11 difficult to see the legal and social problems
12 that exist. No Nebraskans wish for these
13 things to happen, but they do, and the
14 question thus is what has been done by
15 lawmakers to address and remedy these
16 problems.

17 Now, migrant farm workers are protected
18 by a number of federal laws due to the nature
19 of migrant farm work in its national scope.
20 These federal laws seek to regulate the
21 recruitment, employment, housing and work
22 conditions of migrant farm workers. They also
23 seek to ensure that a minimum wage is paid to
24 all workers, including farm workers. But --
25 this is a very large but -- the practical

1 difficulty with these federal laws is that
2 most of them are exempt or make inapplicable
3 farm operations which are smaller than other
4 farm operations. It has been a public policy
5 decision at the federal level to effectively
6 subsidize these smaller farm operations by not
7 requiring them to adopt sound business
8 practices, such as the payment of a minimum
9 wage and thorough recordkeeping. It has been
10 thought these requirements are too onerous and
11 that by exempting the small operations from
12 these costs of doing business they were
13 creating a more balanced economic playing
14 field.

15 With regard to health and safety, the
16 federal laws essentially leave out these
17 operations which hire a few workers at a time.
18 And for traditionally state level concerns,
19 such as Workers' Compensation, the entire
20 decision was left to each individual state.
21 So plenty of opportunity thus remain for
22 Nebraska lawmakers to regulate this work
23 environment because many exemptions, increases
24 and other openings for exploitation obviously
25 still existed even with these federal laws in

1 place.

2 The earlier example of the family who
3 obtained work on sugar beets in western
4 Nebraska is a very good example of continuing
5 opportunities for exploitation. And let's
6 review that right now. The gaps in this farm
7 worker family legal protections are large in
8 this example. This example shows that the
9 workers are paid perhaps -- perhaps -- \$2 per
10 hour for their labor. Most people would agree
11 this amount of pay is reprehensible and below
12 any sort of concept of what a decent wage is
13 for a decent amount of work. But if a grower
14 hires little other farm labor, he may not have
15 reached the threshold for coverage under the
16 Federal Fair Labor Standards Act and,
17 therefore, there was no requirement to pay
18 these workers a minimum wage of \$4.25 per hour
19 under federal law. But, unfortunately, the
20 state of Nebraska utterly fails to protect
21 these workers who are exempted under federal
22 law and they utterly failed to protect them
23 under state law. Since 1967, when Nebraska
24 first instituted a state minimum wage, farm
25 labor has been specifically exempt; therefore,

1 the workers in this example had no right under
2 either federal or state law for minimum wage.
3 Now, this is despite the public policy
4 Nebraska's lawmakers have inscribed in law
5 and, quote, "It is declared to be the policy
6 of this state (1) to establish a minimum wage
7 for all workers consistent with their health,
8 efficiency, and general well being, and (2) to
9 safeguard existing minimum wage compensation
10 standards which are adequate to maintain the
11 health, efficiency, and general well being of
12 workers against the unfair competition of wage
13 and hour standards which do not provide
14 adequate standards of living," unquote. This
15 bold policy statement conveniently disregards
16 the employment done by thousands of farm
17 workers, Mexican-American farm workers, in
18 western Nebraska in the sugar beets. There
19 can be little dispute that the low wages
20 agreed to by the farm worker family in this
21 example were only agreed to because the
22 alternative was no work and, therefore, no
23 pay. This is precisely the kind of unfair
24 competition of wage and hour standards
25 depressing the wages offered in the sugar beet

1 fields which the bold policy stated by the
2 State of Nebraska, on its face, meant to
3 eradicate. Unfortunately, this negative wage
4 competition has been allowed to exist as a
5 conscious choice of Nebraska's lawmakers. And
6 Mexican-American farm workers continue in a
7 second-class status due to this conscious
8 exemption under Nebraska's minimum wage law.
9 But was this poultry sum which the grower paid
10 the agreed upon amount in the very beginning,
11 was it the contracted for amount? Well, this
12 is a question which would have to be resolved
13 in state court. A problem for these migrant
14 farm workers who presently have not a single
15 full-time attorney in the state of Nebraska
16 representing their interest.

17 And what about the small kids in the
18 field? Well, that's no problem either as the
19 exemptions continue on here. These kids were
20 working for their parents supposedly, in a
21 supposedly non-hazardous occupation, and so
22 few regulations exist for this situation.

23 To continue our tracking of the gaps in
24 legal protection. The young son has possible
25 suffered a work-related injury.

1 Unfortunately, for him, his injuries will not
2 be covered by Workers' Compensation because
3 Nebraska lawmakers have declared that, and I
4 quote, "The following are declared not to be
5 hazardous occupations and not within the
6 provisions of the Workers' Compensation laws,
7 that is employers of farm or ranch laborers."
8 This state policy of exempting agricultural
9 labor continues on the books despite the fact
10 agricultural work is the most dangerous of all
11 occupations. If the grower in this example
12 had not elected on his own to purchase
13 Workers' Compensation insurance, which is an
14 unlikely circumstance, this young Mexican-
15 American farm worker has little recourse.
16 This family, again this family that has very
17 little to their name, is thus expected to
18 absorb the cost of his injury. If he is
19 disabled by this injury, his only real
20 remaining option is to try to obtain Social
21 Security disability benefits, another example
22 of the general population subsidizing this
23 allowable exploitation of farm workers in
24 Nebraska.

25 The Unemployment Compensation situation

1 is little better. In Nebraska, farm workers
2 are eligible for unemployment benefits after
3 work is completed, they've been laid off, et
4 cetera, but only if a laundry list of
5 conditions are actually met. These conditions
6 have been hard to meet for Nebraska farm
7 workers due to the largely exempted status of
8 their farm employers. It is rare that a sugar
9 beet grower is found to be a employer who must
10 pay unemployment insurance taxes under
11 Nebraska law due to their relatively small
12 payrolls and regular use of farm labor. Thus
13 an entire summer of farm labor in Nebraska
14 will do little to help a migrant farm worker
15 or farm worker who is not a migrant gain
16 unemployment benefits at the end of the
17 season. If the migrant has been unable to
18 save any of his meager earnings, another
19 unlikely circumstance, times are very hard
20 after the seasons ends due to a conscious
21 decision by the Nebraska lawmakers to exempt
22 this kind of work from unemployment coverage.

23 Nebraska has also failed to implement any
24 health and safety requirements as to small
25 farm operations. Essentially there is no

1 requirement to provide anything to these
2 migrant farm worker laborers. The state law
3 goes into great detail to mandate the
4 provisions of restrooms, lunch hours, and
5 safety devices for just about every other kind
6 of worker. If this same farm worker family
7 had protested the wages paid under the
8 contracted amount, they would stand the risk
9 of losing their housing. The grower could
10 have, with little difficulty, evicted the farm
11 workers and not ran afoul of any law because
12 of an exemption in the state Landlord Tenant
13 Law for employer provided housing. If the
14 workers refuse to leave, they have no rights.
15 And, as is commonly done, the sheriff comes
16 out to see that the workers are on their way,
17 even though the housing was in terrible
18 condition. No other state laws exist to
19 protect the interests of these farm workers.

20 Now to conclude. Migrant farm workers
21 exist in nearly substandard conditions in
22 western Nebraska due to the willful exemption
23 in most agriculture from labor protection laws
24 by state lawmakers. Migrant farm workers are
25 one of the most vulnerable, docile groups of

1 workers in the county. They have next to no
2 influence with any sources of governmental
3 power. Further exemptions from the law
4 include they are not even covered by the
5 collective bargaining statutes either at the
6 federal or state law level. They are,
7 thereby, consciously relegated to second-class
8 status. Thus it is clear that migrant farm
9 workers are experiencing problems right here
10 in western Nebraska and that different laws
11 and different rules apply to them right here
12 in western Nebraska. This paper does not even
13 touch upon the weaknesses of the only farm
14 labor protection law in the state. The
15 legislature itself has admitted that this law
16 has no teeth and needs revision. This paper
17 also does not address the lack of enforcement
18 by government officials of federal and state
19 laws actually on the books. This problem is
20 large and seemingly intractable. This paper
21 also doesn't go into any detail on the
22 taxation problems that this farm worker in my
23 example is going to experience. But this
24 paper tries to list out a few conscious
25 choices made by Nebraska lawmakers to continue

1 to keep migrant farm workers in a second-class
2 status. The legislature has decided that it
3 does not want to require growers and agri
4 business to assume responsibility for, as a
5 simple cost of doing business, basis minimum
6 wages and decent employment standards. But
7 this is also a decision, it has also been a
8 decision to place these costs on an exploited
9 group of poverty stricken workers and in turn
10 ultimately on society as a whole. These
11 decisions are directly contributing to the
12 relations of all groups of people in western
13 Nebraska and are relevant things to know as
14 you review the condition of race relations in
15 western Nebraska today.

16 Thank you very much.

17 CHAIRPERSON HILL: Questions?

18 MS. COBOS: I just wanted to ask you,
19 what does the federal law say about field
20 sanitation requirements? I mean, how many
21 workers have to be employed before the
22 employer has to provide restrooms in the
23 fields?

24 MR. MUMGAARD: Well, the federal law is
25 under the Occupational Safety and Health Act.

1 It does cover agricultural labor, but it has a
2 threshold at which it no longer covers an
3 area. In other words, start from the other
4 direction. If a farmer or grower or employer
5 employees less than 11 people in the field to
6 do whatever; hand-harvest labor, hoeing,
7 thinning, et cetera, that is going on, that
8 grower or that business does not have to
9 provide any sort of field sanitation
10 facilities. If there are more than 11 people
11 then, under federal law, they're are required
12 to provide field sanitation facilities, which
13 include toilets, handwashing facilities, and
14 drinking water.

15 MS. COBOS: Who is the agency that has to
16 regulate this field sanitation?

17 MR. MUMGAARD: The federal agency OSHA,
18 Occupational Safety and Health Administration,
19 which in Nebraska is only based in Omaha, to
20 my knowledge, and comes out once a year to
21 western Nebraska. Drives around for a day or
22 so and then goes back. What happens is that
23 the federal law also applies to situations
24 where there are 11 or more workers but they're
25 not all 11 in the same field. You may have

1 two families working for the same grower on
2 two different fields, each family have six
3 people in it. That grower has employed 12
4 people. That grower is responsible to
5 provide, under federal law, field sanitation
6 facilities for the whole lot of them. But,
7 again, Nebraska state law has specifically
8 chosen not to require anything of employers in
9 the circumstance where there is 11 or less.

10 MS. COBOS: What benefit does an employer
11 or employee receive from labeling a farmer an
12 independent contractor? I mean, who benefits.

13 MR. MUMGAARD: It's kind of a complex
14 area of the law, but it makes kind of common
15 sense when you stop and think about it. If
16 there's any means of avoiding having to pay
17 taxes and additional -- and having additional
18 responsibilities, a rational business makes
19 those decisions, and in the context of farm
20 labor what the business does, that is the farm
21 grower or the agri business makes the decision
22 that they are going to treat this farm worker
23 as if that farm worker was an independent
24 business in and of itself as well. And,
25 therefore, that independent business, the

1 independent contractor, is responsible for all
2 taxes, all -- basically everything, and,
3 thereby, shuns everything onto somebody else.

4 MS. COBOS: What does the IRS have to say
5 about that? Do you know?

6 MR. MUMGAARD: Well, the IRS has
7 concluded that migrant farm workers are as a
8 matter of basic law going to be considered
9 employees of the growers; however, that is a
10 burden that is, unfortunately, placed on the
11 employee, that is the farm worker to raise and
12 to prove up. It's not something which, you
13 know, when the IRS receives, or is auditing or
14 is reviewing income tax returns they don't --
15 there isn't a big light that goes off and says
16 this person is a farm worker. Instead what
17 happens is there is -- the farm worker then is
18 under an obligation to show that that's in
19 fact what they were doing, that's what they
20 were paid for doing and, therefore, that's why
21 they need not be required to pay these taxes.
22 However, the problem is that there's very
23 little representation for the farm worker to
24 get that accomplished, and once the deadlines
25 are missed with the IRS, et cetera, other

1 problems come down the pike.

2 CHAIRPERSON HILL: Art?

3 MR. ART HILL: I've got a couple of
4 questions. First of all, I guess it deals
5 with the IRS. You know the recent appointee
6 to the Attorney General's Office got caught in
7 some kind of a hassle because they wasn't
8 paying taxes to her people that were working
9 for her. Now, do the farm workers apply to
10 that kind of situation? Can someone go after
11 those growers along those lines?

12 MR. MUMGAARD: That's correct. All
13 farmers or growers or employers who -- I
14 believe now the standard is \$150 or more in
15 wages, must -- if they're paying their
16 employee \$150 or more they must deduct Social
17 Security taxes and pay their own share as an
18 employer, their own share of Social Security
19 taxes as well as Unemployment Compensation
20 taxes, however those are defined under state
21 law. So with practically every grower, sugar
22 beet grower, farm worker situation in western
23 Nebraska there's a situation where that farmer
24 should be, as part of doing business, if they
25 are paying more than \$150, which most of the

1 time in this kind of a situation they're going
2 to be paying more than \$150, must be deducting
3 Social Security and also must be paying Social
4 Security taxes on their own as the employer
5 for each and every one of those workers. This
6 alludes to what Rose was asking about, which
7 is growers and other agri business go to a
8 great deal of trouble to say, well, they
9 aren't my employees so, therefore, I'm not
10 supposed to do this. If they are independent
11 contractors I'm not responsible for that
12 thing. So that's why there's an issue. Why
13 these farm workers are classified in the minds
14 of the growers in the agri business as
15 independent, because that thereby relieves
16 them of the responsibility to pay any taxes.

17 MR. ART HILL: Another quick question.
18 You know, the testimony that you gave us has
19 really a lot of sad things involved in it as
20 far as treating the farm workers. And I
21 noticed that there's a lot of legal services
22 on your letterhead here, and you say there's
23 no attorney that's assigned to do any work
24 toward alleviating or helping those farm
25 workers. Is there anything being done?

1 MR. MUMGAARD: There actually is.
2 There's no full-time attorney who is on Legal
3 Services staff who does nothing but migrant
4 farm worker or farm worker law. There are, in
5 fact, a couple of paralegals in the state who
6 are paid for by the federal government to work
7 with farm workers and discover the legal
8 issues and so on and so forth. The problem
9 though is that a lot of these cases which
10 could be developed by an attorney, taken to
11 federal court, prosecuted in federal court,
12 would then have a larger impact than just on
13 that small grower or that area, because
14 there's no full-time attorney focusing on that
15 there have been no work -- there hasn't been
16 any work up until now, or recently, to try to
17 develop that line of advocacy.

18 CHAIRPERSON HILL: Ascension, you have a
19 question?

20 MR. HERRANDEZ: No.

21 CHAIRPERSON HILL: Mr. Mumgaard, just a
22 quickie and then I'll go to the subjective, if
23 I can. What you described as a lack of law
24 and protection for migrant workers. Now I'm
25 into the area of subjective. In your opinion,

1 is that a lack because of the strength of the
2 agricultural lobby to save, as all businesses
3 do, expenses within agricultural geared for
4 anybody who works within he farm or is that
5 geared towards people because they are of a
6 certain ethnic racial class?

7 MR. MUMGAARD: In my opinion, it's
8 predominantly because of the business and
9 economic way of looking at it. That is the
10 farm lobby has been very effective, and I have
11 worked with small farmers as an advocate for
12 small farmers so I kind of have both side of
13 the coin here. The farm lobby has been very
14 effective in making the argument that
15 requiring a minimum wage in agriculture would
16 increase the amount, the cost of doing
17 business to such a degree that these small
18 operators would be forced out of business, in
19 comparison to the larger employers in the
20 large businesses, agri business, which are
21 already required under federal law to pay a
22 federal minimum wage. However, studies have
23 been done to show that that's not necessarily
24 true at all. That if, in fact, the minimum
25 wage is paid to farm laborers there is a very

1 small increase in overall business costs for
2 most of the small operations that we're
3 talking about. So, therefore, on the face of
4 it, it has always been an appealing argument
5 that has actually won at the legislature over
6 and over again that this would be too
7 expensive for small operations. However,
8 there's been studies done which show that it
9 would not necessarily be that much more
10 expensive and, in any event, the cost would be
11 passed along just as it is passed along by the
12 larger agri business concerns. That's the
13 economic thing. That's for the actual.
14 Whether there's any racial discrimination
15 element to this, there are people in Legal
16 Services who are working the migrant
17 community, who are lawyers like myself, who do
18 make the argument that there is, in fact, in
19 the history of minimum wage, both at the
20 federal level and in each of the states you
21 look at to see why is there no minimum wage in
22 these states, there is an element and very
23 definite understanding that the people that
24 are not being paid the minimum wage -- the
25 people who are being deprived of the minimum

1 wage -- are of a certain racial ethnic class,
2 and we know it and that's perfectly okay with
3 us. And that's in fact been documented quite
4 well, and studies have been done which
5 establish that. The original federal law
6 didn't include farm workers until 1966.
7 Between 1937 and 1966 farm workers were not
8 covered either under federal or state law.
9 There's been a great deal of study that's been
10 done, historical study which establish that
11 the original exemption, which was under the
12 federal minimum wage, was primarily supported
13 by the southern agricultural interests who
14 were not real shy about talking about why they
15 didn't want to pay a minimum wage. That was
16 then, this is now. I think now the question
17 is more of an economic question; however, the
18 impact, as you can see by the -- who are the
19 migrant farm workers, who are the farm
20 workers, the impact has a definitive and
21 definite impact on specific racial and ethnic
22 groups.

23 CHAIRPERSON HILL: Understood. Within
24 the Nebraska Center for Legal Services, do you
25 get many complaints, requests for help from

1 people based on complaints they're making that
2 they're being discriminated against because of
3 their race as opposed to the discrimination
4 because they're farm workers?

5 MR. MUMGAARD: Right. The western
6 Nebraska Legal Services Office, out here in
7 Scotts Bluff, I believe received at least --
8 it was in the thirties, if not higher,
9 complaints that were brought to legal services
10 for investigation and so on and so forth, and
11 advocacy. And that's just a number I remember
12 off the top of my head from 1992, and I think
13 that's just scratching the surface of what's
14 probably there, because Legal Services, as a
15 rule, does not -- barely scrapes the surfaces
16 of the legal problems that are out there. We
17 don't interact with very many people. We
18 interact with a mere fraction of the people
19 who really need our services.

20 CHAIRPERSON HILL: Other questions?

21 MS. COBOS: Just one more. As you're
22 aware, there have been new changes in the
23 (inaudible) Law, and I was wondering if those
24 new changes are for the benefit of the farm
25 worker?

1 MR. MUMGAARD: You're referring to the
2 Workers' Compensation changes?

3 MS. COBOS: Yes.

4 MR. MUMGAARD: No, they are not for the
5 benefit of the farm worker. There is some
6 goings on at the federal level right now
7 trying to redo the federal labor law
8 protections for the farm workers and recently
9 a change was made which was not to the
10 advantage of farm workers, but it's
11 anticipated that's going to be fixed.

12 CHAIRPERSON HILL: Thank you.

13 MR. MUMGAARD: Thank you.

14 Next is Steve Janis. Mr. Janis, for the
15 record, please give your name, address and
16 occupation.

17 MR. JANIS: Gary, it's good to see you
18 and the committee here. Ladies and gentlemen,
19 my name is Steven Janis, and I live at 1440
20 Fifth Street, Gering, Nebraska. I'm presently
21 employed at Western Nebraska Legal Services at
22 1421 First Avenue, P.O. Box 1365, Scotts
23 Bluff, Nebraska 69361.

24 I've lived in the Scotts Bluff area for
25 approximately 47 years. I went to Roosevelt

1 grade school in Scotts Bluff and graduated
2 from Scotts Bluff High School, and during my
3 early years in growing up in this area I
4 recall being called a "dirty little Indian,"
5 even though I took a bath every day. We lived
6 in Southeast Scotts Bluff until 1950 when we
7 moved to East 17th Street, north of East
8 Overland Drive. At that time I believe we
9 were the first La Cotas (phonetic) people to
10 move across East Overland, and probably we
11 wouldn't have been able to rent this house
12 except my dad worked for Western Sugar Company
13 and one of the "big shots" -- quote/unquote --
14 previously owned the property. The
15 neighborhood wasn't really friendly towards
16 us. I went to school every day and was chased
17 a few times by the big boys who continued to
18 call me the dirty little Indian and told me to
19 back where I come from. I began to hate
20 school and dislike our neighbors. One weekend
21 my grandfather and grandmother came to visit
22 us. I had a chance to talk to my grandfather
23 alone and told him about what the White people
24 were saying about our family, and I told him
25 that there were very bad things that were

1 being said, and grandfather told me to be
2 proud of myself because I was chosen by the
3 Great Spirit to help other people to be brave
4 and considerate. Besides that, we, the La
5 Cota people were here first. The rest of the
6 people came here in boats and wagons. These
7 statements from my grandfather gave me the
8 vision and goals I needed to achieve. After
9 that I wasn't scared of White people. I began
10 to defend myself and help other kids. I saw
11 many of our people move back to the
12 reservation because it was extremely racist,
13 and the prejudice was almost at every store
14 except during payday; a different ballgame.
15 When the bigots found out we were not moving,
16 they stopped and did not say or do anything to
17 us anymore.

18 Every fall of the year when it was potato
19 harvest, many Native American people came from
20 the reservations to help with the harvest.
21 Very few families would stay around here
22 because of the racist attitude and lack of
23 housing and steady jobs. Some of my relatives
24 lived in Reliance, Nebraska, some 60 miles
25 northeast of here. Those were the days when

1 signs in the windows of merchants read, "All
2 Indians and dogs not allowed." This was the
3 fifties when many of our people served in the
4 military and fought for this country during
5 War II. These veterans were the ones who were
6 not admitted into restaurants. My uncle was
7 angry when he told me some day we will have
8 equal rights or we will take the fight to the
9 streets. After graduation from high school, I
10 enlisted in the Marine Corps and was gone from
11 the community for almost six years. I came
12 home in 1965 hoping for a change. Everything
13 was the same. There was no housing. No jobs.
14 Just farm labor. I applied for every job that
15 was ever advertised. I finally got a job
16 driving a truck for a grocery company. I
17 worked for the company approximately five
18 years. The company closed its warehouse here
19 and moved. I was again without a job, but
20 this time I took classes at the community
21 college and entered a mental health tech
22 program. In the early seventies I began to
23 work for the Panhandle Community Action Agency
24 in Gering, Nebraska. I was an outreach worker
25 who worked with low-income people, mostly

1 being Native American and Mexican-American
2 people. I began to understand the dual
3 standard of justice as it pertains to
4 minorities. I began to understand housing
5 discrimination, the lack of health programs,
6 the lack of education programs. There was a
7 real misconception of welfare programs for the
8 needy. It appeared that the police department
9 only patrolled Southeast Scotts Bluff, many
10 arrest were minority people. Racists
11 comments, such as "the only good Indian is a
12 dead one," were made to us. In 1971 a protest
13 march was held in Gering, Nebraska. The issue
14 was a need to have two food stamp issuances a
15 day instead of one. There was a need to
16 sensitize incoming maintenance workers to the
17 community. There was a real lack of concern
18 of the minority, the elderly and the needy.
19 There was no minority person on staff. All
20 the problems were taken to Scotts Bluff County
21 Commissioners at that time. The Scotts Bluff
22 County Commissioners did make some
23 adjustments. In 1972 a Chieno/Indio
24 conference was held at Guadalupe Center in
25 Scotts Bluff. At that time a confrontation

1 broke out between the police department and
2 the members of the Indio/Chieno Conference.
3 After a few days of negotiation, the
4 confrontation broke up. I believe a lawsuit
5 was filed against the City of Scotts Bluff in
6 its treatment of minorities.

7 Later, in 1972, the American Indian
8 movement came to town and organized chapters.
9 Many of the White people overreacted and began
10 to arm themselves with guns. There were
11 fights over minor things. Panhandle Legal
12 Services organized. Many local attorneys
13 opposed the idea. But the new attorneys that
14 had come from different areas supported the
15 cause of legal services to the poor.

16 In 1973, I resigned from my job at
17 Panhandle Community Action Agency and took a
18 job with the Nebraska Indian Commission. The
19 NIC was charged with the responsibility
20 providing technical assistance to Native
21 American people and assisted with organizing a
22 statewide non-profit organization. The
23 Governor's office in Lincoln, Nebraska was
24 made well aware of the problems of our Native
25 American people. All of our reports were

1 submitted to the Governor's office. It
2 appeared that by the end of 1979 programs for
3 Native Americans were in place. Then, in the
4 latter part of 1979, the Joan Yellow Bird v
5 Robert Barns case was held in North Platte,
6 Nebraska. This was a classic case of police
7 brutality. Joan Yellow Bird, a Native
8 American, seven months pregnant who was kicked
9 in the stomach by a Gordon policeman, Robert
10 Barns. Joan won the case on the grounds that
11 her civil rights were violated. A very
12 substandard amount of money was awarded to
13 Joan Yellow Bird by the City of Gordon,
14 Nebraska.

15 In the 1980s, whenever the Native
16 Americans had a problem, it was usually
17 resolved by various systems. The systems at
18 that time were sensitive to the needs of the
19 people. In 1985 the Nebraskan Indian
20 Commission closed its doors because of zero
21 funding from the state legislature. It
22 appeared that after 1985 every project and
23 program and its funding began to backslide to
24 zero funding. The administrative justice,
25 housing programs, health programs, education

1 programs, all these programs were slowly
2 reverting back to the mentality of the 1960s.
3 There was a lack of caring for the needy.
4 Very few class action lawsuits were filed. It
5 was like everyone was asleep at the wheel.
6 The latter part of 1991 a complaint was
7 received by Western Nebraska Legal Services,
8 Scotts Bluff. A complaint was made by a
9 Native American woman whose older brother had
10 been shot to death by a Gordon, Nebraska
11 police officer. A grand jury was called to
12 order within weeks of the incident. According
13 to the many reports the Native American man
14 was supposed to have been armed with a stolen
15 rifle. He was shot three times by the
16 policeman who allegedly ordered him to put the
17 rifle down. No other witnesses. The grand
18 jury, which was top secret, found the
19 policeman not guilty of gross misconduct. The
20 Gordon, Nebraska Native American community
21 does not agree with the grand jury findings.
22 In Rushville, Nebraska a Native American woman
23 was manhandled and roughed up by the Rushville
24 police officers because she would not let them
25 search her trailer house without a search

1 warrant. They arrested her. Searched her
2 house looking for her ex-husband. Her ex-
3 husband was in Canada at the time.

4 1992, at Alliance, Nebraska a Native
5 American woman was convicted of manslaughter
6 and sentenced to serve two to five years in
7 the Nebraska penal complex. During the trial,
8 she testified that she defended herself
9 against her ex-husband who was known to be a
10 wife-beater. The ex-husband eventually died
11 in an Alliance hospital. The ex-husband died
12 of a heart attack even though he was stabbed
13 by a knife during the confrontation. Many of
14 the women of the community suggested that this
15 was a gender-biased chase. That this was an
16 extremely racist community, that no woman
17 could get a fair trial even if she defended
18 herself against a man.

19 In Alliance, Nebraska, Native American
20 citizens complained about the Alliance police
21 department and how the APD treated their
22 people. The following is a summary of
23 statements of complaints:

24 Number 1. Police acting in a threatening
25 manner.

- 1 Number 2. Unprofessional conduct.
- 2 Number 3. Selective enforcement.
- 3 Number 4. Harassment by police officers.
- 4 Number 5. Unlawful use of force.
- 5 Number 6. Unfair treatment.
- 6 Number 7. No search warrant.

7 These were just some of the complaints
8 submitted to the City of Alliance. The City
9 of Alliance did investigate. The
10 investigation was done by the city manager.
11 The findings was that there was little or no
12 merit to a full investigation, and it was
13 suggested that a third party intervene for
14 mediation purposes.

15 In March 1992, a community relations
16 workshop was held for all law enforcement to
17 assist in sensitizing the officers to Native
18 American cultures and to the Mexican-American
19 cultures of the area. A few week ago a Native
20 American man came to Scotts Bluff, Nebraska to
21 visit his wife and children after being
22 separated from them for several months. The
23 couple had been separated but decided that
24 they wanted to get back together again. A
25 neighbor needed help with transportation. She

1 needed to go to Denver to get her son. The
2 Native American man and his wife agreed to
3 take her. They asked her 17-year old daughter
4 to watch the kids until they returned later
5 that evening. The 17-year old daughter
6 advised that while they were watching TV with
7 the kids one of the younger girls,
8 approximately five years old, found a
9 cigarette lighter and apparently burned a hole
10 in the mattress of the bed. The 17-year old
11 babysitter called the fire department to make
12 sure the mattress fire was out. The mattress
13 was taken outside. Later, during the day, the
14 babysitter had a WIC appointment at Panhandle
15 Community Services, Gering, Nebraska. The
16 babysitter took the two youngest children with
17 her to the appointment. When she returned
18 home a police officer and a Department of
19 Social Services worker were in the house and
20 told the babysitter that she, the DSS worker,
21 was taking the kids into her custody. The
22 Native American family arrived home from
23 Denver at 3 o'clock, 3:00 a.m. in the morning,
24 only to discover that their kids were taken by
25 the DSS worker assisted by the Scotts Bluff

1 police department. The Native American family
2 notified the Sioux Tribe and also Western
3 Nebraska Legal Services, and the Child Welfare
4 Act prevailed because the family had lived on
5 Pine Ridge Reservation prior to coming here.
6 The last report indicated that the children
7 were returned to the family.

8 A Native American family of 10 living in
9 Scotts Bluff, Nebraska has been looking for a
10 bigger house for their family for several
11 years now. They have been qualified for
12 Section 8 housing under the Public Housing
13 Authority. The husband is disabled and has a
14 hearing impairment. Presently they live in a
15 substandard house that needs many repairs. A
16 few weeks ago the family was charged with
17 child neglect by the Department of Social
18 Services. The charges were because their
19 house was dirty and needed repairs. The
20 Scotts Bluff police department assisted the
21 public health inspector in serving an
22 inspection warrant. A confrontation began
23 between the family and the police department.
24 Arrest warrants were issued against two
25 members of the family, an 11-year-old boy and

1 a 15-year-old girl, and the Department of
2 Social Services advised that the children
3 would be taken away if the house was not
4 cleaned up and repairs made to the house.

5 Throughout the western panhandle of
6 Nebraska various cases of discrimination are
7 beginning to surface to the top of this sea of
8 discontent. I saw minority female heads of
9 households being victimized. I saw working
10 minority females, and working females period,
11 that did not have a chance to voice their
12 opinion or they will lose their jobs. There
13 are still no jobs for the minority working
14 male. It appears that nobody wants to rock
15 the boat, or at least attempt to resolve
16 problems. All is quiet on the western front.
17 I began working for Legal Services in 1991 and
18 I noticed that everything that we worked for
19 is almost gone. Many of the elderly have
20 passed on but their spirit is still with us,
21 and we will continue to attempt to resolve the
22 problems of our people. Ladies and gentlemen,
23 that's written from the heart. Based upon
24 fact, there are people in this room right now
25 who can testify that this is very real, so

1 welcome to western Nebraska.

2 CHAIRPERSON HILL: Thank you.

3 MR. JANIS: I'll remain here until I can
4 answer your questions.

5 (Clapping.)

6 CHAIRPERSON HILL: Questions please.
7 This is not a performance. This is
8 information. Question?

9 MS. COBOS: Steve, when you talk about
10 the problems with housing in the area, is this
11 a common problem among Native American
12 families, a lack of housing, and where do they
13 all live?

14 MR. JANIS: Well, I think that since the
15 disbursement of the Cabin (phonetic) facility
16 at East Overland that they're disbursing among
17 the community, and a majority of them live
18 around the southeast area of Scotts Bluff.

19 MS. COBOS: What type of housing do they
20 live in?

21 MR. JANIS: Very substandard. They only
22 have so much money to pay for rent and that's
23 basically it. They can't move across town
24 over here. There seems to be a dividing line
25 somewhere around, you know, East Overland

1 Drive, like the Mason Dixon Line.

2 MR. ART HILL: I guess the question I
3 have is kind of related to the one I asked the
4 previous attorney that was up here. With all
5 the problems that you have stated I know that
6 resources are limited, especially legal
7 resources, and I guess what I look toward is
8 how much support or how much liaison work do
9 you do with the tribal governments that
10 members these problems impact on, if any?

11 MR. JANIS: Okay. Very recently, Art, we
12 set up communication with Pine Ridge, and I
13 faxed the majority of materials to them and
14 vice versa to put the Pioneers Reservation,
15 apprise them of the situation here in western
16 Nebraska. I've also contacted Rosebud. And
17 whenever I receive information or I have a
18 client, and the majority of them are from Pine
19 Ridge and Rosebud, this area, then I make
20 initial contact back there if need be.
21 There's no problem with that at all. I think
22 that we can sophisticate the lines of
23 communications basically by our faxing machine
24 as well as providing the type of directory to
25 our people of the systems that are available

1 in Pine Ridge and Rosebud. So we're in the
2 process of putting that director together
3 also. So our people can at least pick up the
4 phone, if there's an 800 number, dial right in
5 there and say, listen, what's happening. This
6 is what was done before is a network of
7 communication, and I think we're going to have
8 to do it again to resolve situations.

9 MR. ART HILL: Thank you.

10 CHAIRPERSON HILL: Rosa?

11 MS. COBOS: Do you find the tribe
12 responsive to a lot of the needs here or do
13 you find them a little bit overburdened with
14 their own problems? How do you see the
15 response from the tribe when you make contacts
16 on situations such as the Gordon incident
17 where the -- that individual was shot? Did
18 the tribe get involved in that at all?

19 MR. JANIS: Yes, they did. Last year
20 there was a meeting held in Gordon and at that
21 time they made firm commitments, and that
22 commitment is that basically that they will do
23 everything possible to ensure, you know, that
24 the area is safe for people. And whenever a
25 person is shot three consecutive times and the

1 autopsy report indicates that one of the
2 rounds went through the back, really leads me
3 to believe that there is something wrong
4 somewhere. So -- and of course whenever they
5 convene a grand jury everything is top secret
6 at that time. But the tribe was responsive.
7 As a matter of fact, whenever they're
8 contacted they usually dispatch an individual
9 from the tribal government or usually the
10 first man or the fifth member of the tribe
11 who's on a council or special assistant to the
12 tribal chairman will come across the state
13 line and will do a preliminary investigation
14 if need be.

15 MS. COBOS: As far as you can see, do you
16 see any family services lacking in the
17 community for Native Americans, and what is
18 the most important family service that you
19 feel that the people need?

20 MR. JANIS: I think number one is that --
21 and recent events is that a lot of workers are
22 not sensitive to the needs, and if they are
23 sensitive they don't have the time to dedicate
24 to that family. And a lot of times law
25 enforcement gets involved before that social

1 worker is able to at least negotiate a problem
2 or deal with the situation. I think that the
3 Department of Social Services, you know, with
4 their staff available or with moneys available
5 or whatever, should delegate or at least have
6 a liaison person to be able to go to the
7 community to be able to visit with the folks
8 there. And that's always been my contention.
9 I think that's one way of resolving the
10 situation is to be able to sit down with
11 somebody, the head of household -- male or
12 female -- and say, well, you know, this is
13 what's happening and maybe we can resolve it
14 this way. So, you know, our area is law, but
15 a lot of times we end up doing some jobs for
16 the, you know, for other agencies, which is
17 okay because we're dedicated to our people.

18 MS. COBOS: What do you feel is the root
19 of the problem in the Native American family
20 today? What is happening? Why are they
21 falling apart?

22 MR. JANIS: Well, I think that living out
23 here and a majority of us are so busy working,
24 trying to survive, that a lot of times we're
25 not able to be able to sit down with our

1 family at suppertime or whatever the case may
2 be, and it's a cultural thing. Although we
3 love our kids very much, you know, we
4 certainly like to be with them but at the same
5 time, you know, there's other things we have
6 to take care of out here. And basically one
7 of those things is to be able to pick up the
8 phone and call somebody up and say, I've got a
9 problem. But when you're beaten down so
10 doggone much and after a while you become so
11 callous and desensitized and mad at the
12 system, then what are you going to do? You're
13 going to retreat. That's human nature.
14 That's exactly what happened to a lot of us
15 veterans when we came back in the late
16 sixties; we retreated for a while, then we got
17 mad. But even though, you know, things of the
18 mentality that prevails today, I think there's
19 people that are responding to the need
20 provided that we identify the need. Provided
21 that we address the need with some type of
22 resolution. And I think that's exactly where
23 we're at. In other words, we're reinventing
24 the wheel. It seems like there's been a lot
25 of backsliding that took place in the mid-

1 eighties, it appears to me. And I'm looking
2 at it from a perspective of out here in rural
3 Nebraska.

4 MR. ART HILL: I have another question.

5 CHAIRPERSON HILL: Let Ascension and then
6 yours.

7 MR. HERRANDEZ: Time is going by pretty
8 fast here, Mr. Janis, and the previous speaker
9 spoke about the two factors of economics and
10 racism and you spoke about the treatment of
11 the dominant society and the Native American.
12 What is the overriding issue in terms of race
13 relations vis a vis the Indian community and
14 the White folks here in western Nebraska?

15 MR. JANIS: I believe that there's an
16 overpowering factor of racism that persists
17 because of the supremacist attitude, and I
18 think the only way to desensitize that is to
19 basically hit it where it hurts. And what I'm
20 saying is that from here on out our people are
21 not going to sit back and not do anything
22 because of those comments. From here on out,
23 we're going to stand up to be counted. From
24 here on out, you know, they're going to know
25 that we are La Cotas. They not going to treat

1 us a third-class citizens, fourth-class.
2 That's bull. Yes, we were faced with that in
3 the fifties, sixties, and seventies, and here
4 we are in the nineties. We're like 25 years
5 behind everybody else. So I think that
6 something that's really paramount in my mind
7 is the fact that there's one thing we've
8 learned, they understand economics. They
9 understand depression. We've lived in
10 depression economics so we know.

11 MR. HERRANDEZ: Is the city or the county
12 of Scotts Bluff, are they doing anything in
13 terms of economic development to create jobs
14 for the lower income people? Is any of that
15 happening that you know of?

16 MR. JANIS: Not that I see. Not that I
17 see. At this point, you know, we have an
18 Indian center out here that is existing, okay?
19 And they are providing what they can provide.
20 And just recently another Indian organization
21 is beginning to surface that is going to look
22 at the Indian Child Welfare Act in the
23 perspective of setting up an office to be a
24 liaison. But that's an initiative that has to
25 be taken.

1 MR. HERRANDEZ: Thank you.

2 CHAIRPERSON HILL: Art?

3 MR. ART HILL: I guess the quick question
4 I have, we always -- most people like to rely
5 on the '90 census for Indian populations, but
6 I know the Indians have their own numbers,
7 because Indians are always undercounted. And
8 I don't know if you have any about these
9 western cities that you talked about, Chadron,
10 Scotts Bluff, Alliance, Gering, or Gordon,
11 what is the Indian population at each of those
12 places, if you have it?

13 MR. JANIS: I guess that I've never
14 really taken a look at the 1990 census, but I
15 know there's a lot of new faces around Scotts
16 Bluff County. I know there's a lot of new
17 faces around all the counties, the six county
18 area, where the majority of our people are at.
19 I'm talking about Scotts Bluff, Box Butte,
20 Dawes, and Sheridan Counties, okay? And then
21 as I look around, and I remember 1980 when the
22 census was taken, they had a person out here
23 that would sit in a car and say, okay, that
24 looks like an Indian home but I'm not really
25 sure, but there's an Indian child there so

1 let's say there's five in that house, or three
2 or two. They were scared. What we basically
3 said is, hey, why don't you come to us? We'll
4 provide you with an individual from the
5 community to go out there, to walk in there
6 and say, hey, look, we'd like to sit here.
7 They'll offer you a cup of coffee, you could
8 take all the counts you want to do. And I
9 don't know how the 1990 census was, you know,
10 was done. But I know that there's a lot of
11 new faces around, so I would say that it's
12 growing.

13 MR. ART HILL: Okay.

14 CHAIRPERSON HILL: Steve, one quickie
15 from me. When we got to the mid-eighties, and
16 we were both doing this then, progress was
17 being made.

18 MR. JANIS: Yes.

19 CHAIRPERSON HILL: You said we're
20 backsliding, things changed. In your opinion,
21 what's missing now that we had or were
22 building in the eighties? In other words, why
23 the backslide?

24 MR. JANIS: I think that in the legal
25 circles in itself, in litigation, everything

1 is headed towards negotiation prior to
2 litigation, and for some reason or another
3 everybody feels very comfortable with that,
4 and I think it's good, it saves a lot of
5 money; however, there are issues, crucial
6 issues that have to be taken into account. In
7 other words, in 1984 and 1983, the Nebraska
8 Indian Commission held this area accountable
9 for its actions. And then I went into private
10 industry and worked in the work force where,
11 you know, there was no real accountability,
12 and I come back out again and I looked around
13 and I said, hey, nobody's holding the systems
14 accountable. So I think the primary sources
15 that the state agencies that this state of
16 Nebraska that represent minority people should
17 hold the systems accountable on behalf of
18 their people and represent them in that
19 fashion; through legislature, through U.S.
20 government nationwide. And I think that that
21 will begin to come back around again.

22 CHAIRPERSON HILL: Thank you. Appreciate
23 it. We're going to move on. We'll be doing
24 some more talking but I appreciate --

25 MR. JANIS: I'll be around.

1 CHAIRPERSON HILL: Thank you, Steve.

2 Is Mark Monroe here?

3 CHAIRPERSON HILL: Funny, you don't look
4 like Mark.

5 MS. STAIRS: I have a deep voice if that
6 will help any.

7 CHAIRPERSON HILL: For the record, would
8 you please give your name, address, and
9 occupation, and then your statement.

10 MS. STAIRS: My name is Connie Stairs and
11 I live at 116 South Potash, Alliance,
12 Nebraska. I'm a member of the American Indian
13 Council, Incorporated. My father is Mark
14 Monroe.

15 I sat for a couple of nights trying to
16 write everything that's been going on in
17 Alliance, and living in this part of the
18 country for my 40 years that I've, you know,
19 that I was born and raised in Alliance, that
20 I've lived here, I know there's prejudice and
21 I see it everyday. But the things that are
22 going on in Alliance, you know, I'm here
23 because I'm a mother. I have seven children
24 that I'm raising. My father, Mark Monroe and
25 Steve, it's not discrimination, like you said,

1 in the seventies and eighties. You know,
2 being a young mother I was there. I remember
3 what was going on, but I thought, okay, things
4 are going great. Things will be fine. But
5 here it is 1993, my children are raised, you
6 know, and they are going through the same
7 thing that I went through when I was in
8 school. I didn't get to finish school because
9 I was fighting the White kids all the time.
10 You know, being called dirty names, "squaw,"
11 you know. I won't say the words that they
12 said. That was one reason why I quit school,
13 and that's why I'm here now because of the
14 prejudice that we do have in Alliance.

15 On July 9th, 1992, myself and a group of
16 Indian people went to the city council because
17 we were angry at the things that were
18 happening to the Indian people. We had a lot
19 of complaints come in and a lot of, like Steve
20 said, a lot of, you know, harassment, police
21 brutality, breaking into the homes without
22 warrants. We even had a few of the young
23 girls 13, 14 years old who made statements
24 about the police officers calling them, you
25 know, "Indian bitch, get out of here or I'll

1 arrest you." Thing like this. But when we
2 went to the city council we were told by our
3 mayor that we were to see the civil rights,
4 the local civil rights board, and myself and
5 three other people met with them. We really
6 didn't get too much accomplished other than
7 setting up meetings. Now, the complaints that
8 we took there at the time, to my -- you know,
9 in my opinion, weren't worked on like they
10 should have been. You know, like we had asked
11 an investigation be done of the police
12 department. It was whitewashed, to me. Now
13 we face the problems, not only in our -- in
14 the police department, we face them with our
15 judges, with our lawyers, with our county
16 attorneys, in our school system. It's all
17 over, you know. And when we're fighting --
18 we're just mothers together, and when we're
19 fighting this it's really hard, you know, to
20 find people to listen to us. We tried getting
21 hold of your board here a while back and we
22 couldn't do it. You know, it's just like
23 we're lost. We're in a circle in this big 'ol
24 -- you know what I mean, there's just nobody
25 there when we need them. But we've had

1 recently, we've had several Indians sent to
2 the penitentiary and I feel that they're -- it
3 was -- I feel that this business of the -- oh,
4 I don't want to say. I'm so emotional about
5 this. The county attorney that we have, he's
6 been there since 1964. He's left and he's
7 come back, and I know him. I have gone to him
8 as a young girl, you know, and at that time
9 things were said to me that really frightened
10 me from this man, and now he's still there.
11 He's still there. He's the assistant county
12 attorney, and he runs the whole place. I
13 mean, everything he says goes. In fact,
14 myself and another friend, we were sitting in
15 a bakery and we heard the assistant county
16 attorney and we heard the public defender
17 sitting there discussing, you know, discussing
18 their cases with each other while they were
19 drinking coffee and eating dough-nuts. They
20 thought it was really nice, you know, to do
21 this.

22 The problem we have now is, like Steve
23 said, you know, we're fighting back. The
24 people are fighting back, and it's said to say
25 that our children, young children, you know,

1 have to go through this, and they are starting
2 to fight back, which I think is wrong but
3 that's the only way we can get anything
4 accomplished and anything done. When our
5 children do fight back our children are the
6 ones who are taken to court and put in Kearny
7 (phonetic), put in Geneva. The white kids,
8 nothing is ever done to them. These are just
9 a few of the things that have happened. You
10 know, myself as being a mother, I've had my
11 children beaten by the white kids, and when I
12 went to make a complaint nothing was ever
13 done. I was never contacted. It was just,
14 okay, you know, charges will be pressed. I
15 never heard anything. So I know, you know,
16 myself I went through it. I went through the
17 fighting, the actual fist fighting, and now
18 it's my children that are going through this.
19 The men that we have, that the public defender
20 -- our public defender sells out our Indian
21 people.

22 I would like to make this comment. This
23 was heard by a lady who is present with me
24 now, and she had taken her son in, because he
25 was on probation, to see the public defender.

1 And while she was sitting in the waiting room
2 the door was open and he didn't know, the
3 public defender didn't know that it was open,
4 and he was talking to the assistant public
5 defender who had just arrived. And when she
6 was sitting out there she heard him say, don't
7 believe those little Indian boys. They're
8 nothing but goddamn liars. And she said when
9 she heard you that, you know, she thought,
10 wow, I'm taking my son into him. And she felt
11 frightened right away. Well, after he had
12 said this he came out and noticed her sitting
13 there, and he immediately tried to -- tried to
14 change, you know, the subject and talk to her.
15 And I really think he knew that she had
16 overheard what he had said. And these are
17 just things like this. You know, we have
18 people that go to court and, when they go to
19 court, the people that work in the courthouse
20 already know what their sentences are going to
21 be before they even go to court. And we have
22 a few of the Indian men that went to court
23 here a few months back and before they even
24 walked in they heard some of the people
25 talking, saying, so and so got, you know, this

1 time. They hadn't even gone to court yet.
2 They knew all of this. You know, these are
3 things that are happening down there and we're
4 -- you know, there's just a few of us.

5 When we first started out there was 40 of
6 us in the people that went. At this meeting
7 we went to, the city council meeting, we had
8 the police waiting. Some of the police
9 officers had come in because they found out
10 that we were there. One in particular was
11 there and she was taking down -- she made sure
12 that we saw her taking down all the names of
13 everyone that was there. And, after we had
14 left, this other person and myself were
15 watched a lot. You know, wherever we went
16 there were the police and they would go by our
17 house, which they had never done before. So
18 we were watched. The other person in
19 particularly was harassed, and he was given
20 one ticket after another. Finally there was a
21 set-up and now he's in prison, from Orgain
22 (phonetic) the county attorney. You know, we
23 have things like this happening all the time,
24 and that's why I'm here. I really wish and I
25 want something to be done. You know, Steve

1 talked earlier about we have to do something
2 not just sit around and, you know, write
3 letters and talk and stuff. Something has got
4 to be done before somebody else gets killed.
5 This is the thing that we Indian people who
6 live in western Nebraska, we fear for our
7 lives sometimes because the white people do
8 get vicious. You know, I know in Alliance,
9 I've lived there all my life, I know what they
10 are like. They're fighting our kids now.
11 Whose going to stop them from trying to kill
12 our kids? That's what I'm living with, that
13 fear. That's basically why I'm really here,
14 because of the prejudice that we have in our
15 judicial system, in our police department, in
16 our schools. You know, in Alliance you see it
17 everywhere. You go into a store in Alliance,
18 they see you walk in, the first thing they do
19 is start watching you. They have somebody
20 follow you to make sure you're not going to
21 steal. You know, these are the things that go
22 on. I know my children go down there
23 sometimes, you know, to look around, because
24 they will, you know, they will follow you.
25 They make life miserable for all of us, but

1 that's why, you know, I think and I hope that
2 something can be done about this. I hope an
3 investigation, you know, can be done in
4 Nebraska, especially in western Nebraska, but
5 especially in Alliance.

6 Can I -- I'm sorry, my mouth is dry and
7 I'm nervous.

8 CHAIRPERSON HILL: Let me open for
9 questions. Art?

10 MR. ART HILL: I guess the question I
11 would have is basically the same question that
12 I asked Steve, is that the Indian people of
13 Alliance, do they have any kind of
14 communication with their tribal governments?
15 It's close to the state line. Can you get
16 help from those people, because regardless of
17 what people say tribal governments do have a
18 lot of clout. And, again, I'm saying this
19 from my own opinion, is that they deal
20 directly with Washington, D.C., they don't go
21 to the local county governments or state
22 government. They jump in a plane and fly to
23 D.C. and make their complaint. And that's
24 what I'm saying is that we have to start
25 relying a lot more on those tribal governments

1 because you belong to that tribe and they
2 count you in their statistics, and so I don't
3 know if you have any kind of communication
4 with them.

5 MS. STAIRS: Not really we don't. In
6 fact, a few months ago we had an Indian lady
7 who was run over by -- the assistant county
8 attorney, okay, is white -- and she was killed
9 right on Third Street. And there was a lot of
10 talk. There was a lot of witnesses that saw
11 other things, that saw something else. These
12 witnesses we had talk to Steve and they were
13 willing to tell Steve -- Mr. Janis -- about
14 what they had seen. You know, who the driver
15 was and such and such, but they were afraid.
16 You know, they said no. First they had gone
17 to the police department and they wouldn't
18 take their statements, and I had asked one
19 girl why. She had approached me. We were
20 sitting in a cafe one morning and this young
21 girl came up to me asked me and asked me, she
22 said, well, were you talking about this
23 accident that happened? and I said, no, I
24 wasn't. She said, well, you know, I saw the
25 whole thing. And I said, oh, you did. And

1 she said, yes, I did. And she said, it wasn't
2 who they say was driving. She said, I saw
3 everything. She said, I was going east and
4 they were coming west, and she said, when I
5 saw the pickup hit the woman, she said, I
6 immediately stopped my car and jumped out and
7 run over and, she said, here was the lady
8 laying there with blood all over her. She
9 said, I knew she was dead, and, she said, I
10 look at the car and she had seen other things
11 in the car. Well, she -- she said then the
12 police officers, she said, they arrived so
13 fast, I don't know how they got there so fast.
14 I said, well, did he try to stop? and she
15 said, no. She said it was the impact of the
16 Indian woman, of the body, of the people that
17 he run into that stopped him. And she said, I
18 talked to the police, to the police officers
19 that were there and I told them, she said,
20 that I wanted to make a -- oh, she was a
21 witness anyway, and so she wanted to tell them
22 what she saw. And she said that the police
23 officers told her that she didn't see anything
24 and that she better be damn sure what she saw
25 because she would have to tell this in a court

1 of law. And she said, I'm only 17 years old.
2 She said, nobody listen to me. And I said,
3 well, would you talk to somebody else about
4 it? And she said, yes, I would. She said,
5 because this has been bothering me. It's on
6 my mind, you know, and she said, I can't sleep
7 over it because I know what really happened.
8 So when we did try to get her to talk to Steve
9 she was willing, the mother was willing, and
10 then it was mentioned to the county attorney,
11 the name of this person, and we had to ask him
12 at that time to talk to her. You know, to ask
13 her what she saw, what happened, because she
14 was willing to testify, whatever. Then we
15 never heard nothing about it. Nothing at all.
16 And now the girl is gone. We don't know where
17 she's at. So, you know, again it just
18 wasn't -- I look at you, Gary, and I get all
19 nervous.

20 CHAIRPERSON HILL: Sorry. Ascension?

21 MR. HERRANDEZ: If you can, before you
22 leave, it would be helpful to us when you're
23 describing the incidents, you know, that if
24 you can give us the time and dates.

25 MS. STAIRS: I've got everything here for

1 you.

2 MR. HERRANDEZ: You'll give that to us
3 then?

4 MS. STAIRS: Yes, I will. I'll give you
5 everything. I worked hard on this. My sister
6 and I worked double time and over. Yes, I
7 will give you everything that I have, and the
8 names and everything of the people that I
9 mentioned are in here. Everything that I'm
10 saying is in here so you'll --

11 MR. HERRANDEZ: It's recorded in this
12 paper?

13 MS. STAIRS: Yes, it's all there.

14 CHAIRPERSON HILL: Any other questions?
15 Thank you. And we'll be able to get copies of
16 that?

17 MS. STAIRS: Sure. Would you like me to
18 leave it with anyone?

19 CHAIRPERSON HILL: You can just --

20 MS. STAIRS: Okay.

21 CHAIRPERSON HILL: Do you want us to make
22 copies and send it back to you, the originals?

23 MS. STAIRS: That would be fine.

24 CHAIRPERSON HILL: Make sure that we've
25 got your address.

1 Ms. Susan Esparza?

2 MS. ESPARZA: Yes, I'm Susan.

3 CHAIRPERSON HILL: For the record, would
4 you give your name, address, and occupation,
5 and then go into your statement, please?

6 MS. ESPARZA: My name is Susan Esparza.
7 I'm from Chadron, Nebraska. My address is 990
8 East Nibura, and I'm the Executive Director,
9 Native American Center. I'm here on behalf of
10 the Native American children that are in Dawes
11 County school system. Our children are being
12 harassed, degraded in every way. There is a
13 lot of racism, discrimination against our
14 children. We had a count of 120 Native
15 American children which has not dropped to
16 about 69 in the school system because of this.
17 They were constantly being called names,
18 "Dirty Indian," "Cannibal Indians," "Go back
19 where you came from. Your kind is not wanted
20 here." Some of these remarks come from
21 teachers. Got a case that just happened about
22 last Thursday, a young girl came to me and
23 told me about a guidance counselor. She's in
24 the seventh grade and she said she felt very
25 insulted by the remarks of a guidance

1 counselor by saying that the liquor Crazy
2 Horse, the reason it was named Crazy Horse
3 Malt Liquor is because Native Americans are
4 all drunks, alcoholics. It runs in your
5 genes. Now, this child was very insulted; was
6 hurt. Took it down to the head office, all
7 they told her was we'll see. She informed
8 them that she would not listen to the guidance
9 counselor, and did just that: Went back to
10 class. Held her hands over her ears and
11 wouldn't listen. There's no way you can get
12 an F in guidance counseling. That's automatic
13 A, but they're threatening to give her an F in
14 that class.

15 In the high school it's still there.
16 They given home school study, but still that
17 don't work. It's still there. You still have
18 a couple of Indian children left in the high
19 school. And they turn it over and instead of,
20 you know, looking into the matter, settling
21 it, you know, just let them go home. Let them
22 out of school. We'll find another way to deal
23 with this so we don't have to deal with it in
24 school. We've got home study courses going.
25 And we're going to stand up for the children

1 because they've got every right to an
2 education as any other child. These children
3 are talking about protesting. We've got young
4 children that want to protest. They want an
5 education without being called names. You
6 know, you Indian people, all you have is
7 commodities. I believe that the school
8 systems need to be educated. It's the schools
9 that need to be educated. Teachers need to
10 learn the culture. They need to go through
11 sensitivity training, and I feel that they
12 should be investigated. This needs to be
13 investigated because our children are
14 suffering. And I asked the parents to give me
15 statements that I can present tonight and
16 these parents told me that they were afraid
17 to. They were afraid of retaliation from the
18 schools; they were afraid of retaliation from
19 the police; they were afraid that when things
20 got back that they would be harassed; they
21 would be cut off of any services that they
22 receive, so I told them I would still come and
23 speak in behalf of the Native Americans in
24 Dawes County.

25 We have some Indian boys in jail,

1 juveniles, that were sitting in the jail
2 there. You know, I thought juveniles were not
3 to be in the same building as adults, but
4 we've got three juveniles in one little box
5 cell. Some of them's bond is set at \$100,000,
6 some are set at \$10,000. Some don't even know
7 why they are sitting there in jail. There's a
8 lot of harassment with Indian people just to
9 walk on the street. They stop you. They want
10 to know where you're going, what's you're
11 doing, why are you here, who are you. These
12 things need to stop. I see police brutality.
13 I had an incident where the police even told
14 the Indian children to get off the street.
15 They can walk that street just like any other
16 person; they are human beings. There's things
17 that we deal with every day. We have people
18 in shelters that have nowhere to go. The
19 police come in and harass them too. Tell them
20 you've been here too long, get out. Where are
21 they going to go? There's nowhere for them to
22 go. There's times that I don't know how to
23 deal with it myself. What could I do to help
24 them? What is there to do? We have children
25 that are threatened by white children with

1 guns. You report it to the police they don't
2 do anything. Nothing is done. All they will
3 do is we'll look into it; maybe it was a toy
4 gun. That's the kind of answers we get. We
5 report something, they don't come. They don't
6 look into it. There's nothing ever done. But
7 you just let one of our children cross into a
8 yard a cop will come over and tell you, you
9 better keep your kids off their sidewalk or
10 they'll shoot them. No, they can walk those
11 sidewalks just like anyone else. And yet the
12 police tell them keep them out or we'll shoot
13 them. This isn't right. This is supposed to
14 be a free country. For who? Is it just for
15 the White man? They forget the Indian was
16 here first. We survived 500 years and will
17 continue to survive, but this time we're going
18 to fight back for our children's future.

19 There are other issues that I have
20 besides the law enforcement, besides the
21 schools. What do we have to do? Do we have
22 to start alternative school, a survival school
23 for our children. This is 1990. It hasn't
24 changed. It's still the same. I still hear
25 the name calling, "squaw," "Dirty Indian, go

1 back to your tepees." So I'd like to see
2 something done. I would like the schools
3 investigated, the law enforcement. The
4 treatment of our people is unfair. It is
5 blind justice. The Indian people live on the
6 law of the land. For that, that's all I have
7 to say.

8 CHAIRPERSON HILL: Questions?

9 MR. ART HILL: I've got a couple of
10 questions. Does the Chadron school have a
11 Title 5 and a JOM program?

12 MS. ESPARZA: Yes.

13 MR. ART HILL: Both programs?

14 MS. ESPARZA: Both programs are there.
15 We had the Title 5 started last year, but the
16 Title 5 that we have in Chadron, they just
17 cover the basics: reading, math, absentee.

18 MR. ART HILL: How about JOM?

19 MS. ESPARZA: JOM they have tutoring,
20 supplies, in that area.

21 MR. ART HILL: The reason I asked is that
22 whenever you approach a school board or a
23 school administration, the first thing they
24 say is limited resources, budgets. But some
25 school districts have used Title 5 and JOM

1 moneys for multi-culture programs or
2 sensitivity training that you're talking
3 about, and they can be done. But, again,
4 that's always a very small amount of money and
5 I don't know what your student population is
6 because the money is based on student
7 population, and there may be, again, very
8 limited.

9 MS. ESPARZA: The first year of the Title
10 5 program none of the Native American parents
11 were involved in writing the Title 5 grant.
12 There was no input from any of the parents so
13 that was the reason for not having anything in
14 there for that type of thing, for multi-
15 cultural or sensitivity training. There was
16 nothing in there except for a liaison officer
17 that would go out and check on the children
18 that would be late for school. You know, to
19 find out why they weren't in school. But
20 there wasn't money there for multi-cultural
21 purposes. It was just basic needs, which that
22 already are supposed to be getting in class.
23 This year the Title 5 has again gone in. We
24 requested it for teacher aid, tutor, plus the
25 liaison officer. But with LB 922 coming in,

1 that's the multi-cultural that's supposed to
2 be implemented into all school districts, with
3 that coming in the Dawes County school system
4 didn't add anything again in the Title 5 for
5 any multi-cultural. They're just looking back
6 and waiting on the LB 922.

7 MR. ART HILL: Do you know anything about
8 those two school programs? Is that the
9 parents are supposed to control the priorities
10 and how that money is supposed to be spent,
11 not the school board, not the school
12 administration, and your parents are going to
13 have to be very aware of that. They tell the
14 administration what they want.

15 MS. ESPARZA: Uh-huh. Well, try going
16 into the Dawes County school and tell them
17 that.

18 MR. ART HILL: Well, one of the ways to
19 get around that is to complain to D.C., Indian
20 Education. Tell them to send a person out.
21 I've seen it done. And they'll send a person
22 out, a field worker, and they will investigate
23 the school situation and they'll talk to the
24 school board and the superintendent and say
25 that, you know, we're going to cut all your

1 federal funding if you don't comply with what
2 you're supposed to be doing. They did that in
3 Oklahoma City with the Oklahoma City School
4 Board.

5 MS. ESPARZA: The Native American Center,
6 we have done that. We've contacted the office
7 in Kansas City, filed complaints. Contacted
8 Washington, D.C., National Education. I spoke
9 with a Dr. Bordbazma (phonetic) up there and
10 we sent all the information up to him, so
11 hopefully that will happen.

12 MR. ART HILL: Again, I hate to sound
13 like I'm beating on a dead horse, but this is
14 where tribal governments can get something
15 done. They can go directly to the Department
16 of Education, and the BIA and the Department
17 of Education. They can ask to see the top
18 person, and they will have to see them and
19 they can make those kinds of complaints and
20 those people will listen. It's all right if
21 the rest of us lay people try to put in those
22 complaints but they always take a long time.
23 You need to go to your tribal government and
24 find out who your education director or
25 officer is and talk to them.

1 MS. ESPARZA: Yes. The Native American
2 Center is in the process. Mr. Janis is
3 assisting us to draft a resolution to present
4 to the tribe so they'll be able to assist us.

5 MR. ART HILL: Good.

6 MS. COBOS: You talked a little bit
7 earlier about a shelter. Do you have a
8 homeless shelter there in Dawes County?

9 MS. ESPARZA: Yes, we do.

10 MS. COBOS: What city do you live in?

11 MS. ESPARZA: Chadron.

12 MS. COBOS: How's the housing situation
13 up there for Native Americans?

14 MS. ESPARZA: Not very good. Once they
15 find out you're a Native American, they won't
16 rent to you and, if they do, your rent is
17 going to be about \$300 to \$500. That's for
18 one bedroom. Or they'll just come right out
19 and tell you, we won't rent to Indians.

20 MS. COBOS: Gee. Has anyone ever filed a
21 discrimination complaint with the local NEOC
22 that you know of?

23 MS. ESPARZA: I've asked several, you
24 know, that came to me that had this told to
25 them if they would file, but the same thing

1 there; they're afraid.

2 MS. COBOS: Retaliation?

3 MS. ESPARZA: Yes.

4 MS. COBOS: What about low-income
5 housing? Do you have federal subsidized
6 housing?

7 MS. ESPARZA: Yes, there is low-income
8 housing there, and they do have the Section 8.
9 But I don't know of very many Native Americans
10 that have applied.

11 MS. COBOS: For Section 8, okay.

12 CHAIRPERSON HILL: Ascension?

13 MR. HERRANDEZ: You described the
14 different incidents of discrimination in the
15 schools. Have the parents or the individual
16 parents of the students, have they gone to the
17 school board to make a complaint? Is there a
18 complaint system within the local school
19 district?

20 MS. ESPARZA: Well, usually it just runs
21 from the student to the principal and then the
22 principal looks into it, and then if nothing
23 is done then the parent takes it to the
24 superintendent, and from the superintendent it
25 goes to the school board.

1 MR. HERRANDEZ: Has that worked?

2 MS. ESPARZA: I don't know. I don't know
3 if any of the parents have taken it to the
4 school board. Usually it doesn't get past
5 further than the superintendent. You know,
6 there's a family that's in the process, you
7 know, of suing the school and they were told
8 if they did sue the school that their children
9 couldn't go back to school there. But they
10 didn't tell me who told them. And the same
11 thing, you know, in the other area towns.

12 CHAIRPERSON HILL: Ms. Esparza, within
13 Chadron specifically, are there agencies that
14 are devoted strictly to receiving civil rights
15 complaints?

16 MS. ESPARZA: Not that I know of.

17 CHAIRPERSON HILL: So if there were the
18 availability of either state agencies within
19 the area or close by or the 800 number, the
20 toll free number that Steve has talked about,
21 in your opinion, would that provide a helpful
22 vehicle?

23 MS. ESPARZA: I believe it would. I
24 believe they would use it.

25 CHAIRPERSON HILL: Thank you.

1 MS. ESPARZA: That would be a real help.

2 CHAIRPERSON HILL: Thank you. Appreciate
3 your being here tonight.

4 MS. ESPARZA: Okay. Thank you.

5 CHAIRPERSON HILL: Is Gloria Herald here?
6 (No response.)

7 CHAIRPERSON HILL: No. Okay. Cecilia
8 Huerta?

9 Cecilia, for the record, name, address
10 and occupation, please, and then your
11 statement.

12 MS. HUERTA: Thank you. My name is
13 Cecilia Huerta. I am the current acting
14 director of the Nebraska Mexican American
15 Commission in Lincoln, Nebraska, Post Office
16 Box 94965, Lincoln, Nebraska.

17 Basically I'm coming to you today as a
18 representative of a state agency. The
19 Nebraska Mexican American Commission is a
20 state agency designed to act as an advocate
21 for Nebraska's Hispanics. It was created in
22 March of 1972 by the 82nd Legislature. The
23 Nebraska Mexican American Commission is
24 charged with the responsibility of collecting
25 facts and statistics, making special studies

1 of conditions and problems in the area of
2 employment, health, education, housing,
3 welfare, social adjustments or other
4 conditions and problems affecting the general
5 welfare of Hispanics in the state. It makes
6 recommendations to state and local agencies
7 serving Hispanics. In addition, it serves as
8 a central agency for the mutual exchange of
9 ideas and information on Hispanic issues among
10 federal, state, and local governmental
11 agencies, private organizations and
12 individuals.

13 The Mexican American Commission is -- the
14 commissioners are numbered 10 in the state,
15 all of whom are appointed by the Governor.
16 One of those is the representative to the
17 Governor. All serve different length terms
18 for the Commission, and they are located in
19 the various areas of the state representing
20 the highest Hispanic populations.

21 Some of the activities that the -- well,
22 let me tell you a little bit more about the
23 commission. In 1985 -- prior to 1985, the
24 Commission had an office here in western
25 Nebraska. During the Kerry administration the

1 state experienced a budget crisis and the
2 office in Scotts Bluff was closed, along with
3 the office in Lincoln. It was reopened, in
4 Lincoln only, in 1986 and with a staff of one,
5 and we now have a staff of three. Anytime the
6 state of Nebraska has a budget crunch, the
7 commissions, the advocacy commissions are
8 challenged to justify their existence. This
9 year again the Commission on the Status of
10 Women, the Mexican American Commission, and
11 the Commission on Indian Affairs has had to
12 appear before the Nebraska legislative
13 appropriations committee to justify their
14 existence. And so far this year we have done
15 that.

16 In terms of some of the things that are
17 happening here in Scotts Bluff, what I have is
18 first of all -- I'm sorry, I'm getting off
19 track here. Some of the things that the --
20 the activities that the Commission has
21 undertaken within the past few years is, and I
22 have a list here, we've intervened with the
23 Governor or behalf of seven Hispanic families
24 to have a state and a federal investigation of
25 a low-income housing rehabilitation program

1 here using a community block grant fund. That
2 project currently is being investigated by the
3 HUD people and they've been in the area
4 talking with the people who have made the
5 complaint and also some of the witnesses. We
6 have intervened also with the Governor and
7 U.S. Senators and Representatives in the
8 efforts to return two young boys to the Omaha
9 area who had been deported. We have sponsored
10 an educational seminar on civil wages, wage
11 equity, employment discrimination, parent
12 involvement in the education system, and that
13 was conducted by the Moldolph organization
14 which is the Mexican American legal defense
15 fund organization out of Chicago and Los
16 Angeles. And we've done some public
17 participation and dialogue with community
18 people from the various communities and the
19 Commissioners. We recently completed a study
20 of Hispanics -- the educational status of
21 Hispanics which was done by the Bureau of
22 Business Research of the university, and that
23 will soon be distributed to all of the school
24 districts in the state of Nebraska. We have
25 completed a networking directory of all

1 Hispanic organizations and some individuals
2 across the state, and that has been
3 distributed and is being used by state
4 agencies. We've had requests from federal
5 agencies also. We've been involved in local
6 leadership development programs. We were
7 instrumental in assisting the community of
8 Lexington to contract with the U.S. Department
9 of Justice and have someone come out and do
10 community relations work, and that was after a
11 Hispanic young man was shot and killed by
12 police officers in the Gothenberg area. That
13 case went before a grand jury and the two
14 police officers were exonerated of any
15 wrongdoing in that case. We assist local
16 agencies and organizations to improve
17 community relations with new Hispanic
18 arrivals. We assist ongoing and refer to
19 individuals of agencies about issues of
20 discrimination, employment, housing, education
21 and health. We have ongoing technical
22 assistance with the Department of Motor
23 Vehicles. It sees translations and exams in
24 Spanish and it seems to be real prevalent on
25 the list. Currently the driver's manual was

1 completed and is distributed to the local exam
2 stations in Spanish. So that was in part
3 through the effort of the Mexican American
4 Commission. We have been supportive of LB 92
5 which was passed last year by the Nebraska
6 Legislature, which is the multi-cultural
7 education bill which will be mandated to the
8 schools. Things that have come to the
9 attention of the Mexican American Commission
10 from this particular area happen in the areas
11 of housing, housing discrimination, police
12 brutality, employer discrimination, an issue
13 of speaking Spanish on the job. Whether or
14 not one employee can speak Spanish to another
15 employee on the job and whether or not the
16 employer has the right to go ahead and
17 indicate that there is no Spanish to be spoken
18 on the job at all. We encounter differences
19 in sentencing trends. Differences in
20 violations and how those violations are taken
21 care of. Health care seems to be an issue.
22 Inadequate health care or non-availability of
23 health care, insurance care. Also non-
24 availability of emergency room services to
25 migrant workers. Inadequate translations

1 within the court system seems to be a problem.
2 There is also a problem, a couple of instances
3 of harassment and brutality, inequity of
4 sentencing in the Alliance area also.

5 I also was raised in this area. Was gone
6 from this area for a while and then returned
7 for a short time of about ten years. During
8 the time that I returned, I could see that the
9 racism and discrimination had not been
10 overcome. Migrants and Hispanic people who
11 are not of high income are treated poorly and
12 looked upon as a low class type of people.
13 The European American people here are very
14 judgmental, using racial slurs and equating
15 that everyone must have the behavioral
16 standard that they equate as the norm. Things
17 have not changed over the years, and I believe
18 that there is a community relations and a
19 sensitivity training that needs to be
20 conducted in this area.

21 Any questions?

22 MR. HERRANDEZ: I've got a couple of
23 quick questions. You said you had an office
24 out here in western Nebraska at one time?

25 MS. HUERTA: Right.

1 MR. HERRANDEZ: First of all, are there
2 any plans to move in that direction about
3 opening another office? And another question
4 that goes along with that, was there any
5 differences in some of the problems being
6 resolved when you had the western office?
7 That's two questions.

8 MS. HUERTA: There were some differences
9 being made. The people in this area feel very
10 left out. They feel that everything is
11 handled in the eastern part of the state, and
12 when issues -- they have issues they're
13 basically forgotten. When the Scotts Bluff
14 office was out here there were issues that
15 were being dealt with and there was some
16 progress being made. In answer to your
17 question about whether or not we are moving
18 toward having an office out here again, at the
19 present time the -- all state agencies are
20 under a staffing freeze and the possibility
21 that for the near future it's not. We are
22 also before the next legislative session
23 having to justify the existence of our agency.
24 We still are not clear from the chopping
25 block, and within the next few months we will

1 have to come up with a plan, and locating
2 someone in this area is not part of that plan.
3 We are going to continue working very hard to
4 make sure that the constituents of this area
5 are represented, and we have two commissions
6 in this area who work very diligently to make
7 sure that happens, and they are in contact
8 with our office at all times.

9 CHAIRPERSON HILL: Thank you. Rosa?

10 MS. COBOS: You say that you have some
11 educational problems. What type of problems
12 do you hear the Mexican Americans complaining
13 about in the local school systems of Scotts
14 Bluff?

15 MS. HUERTA: Basically the problems that
16 have come to our attention have come through
17 the data study. The dropout rate in Scotts
18 Bluff is higher than in any other part of the
19 state. There are more Hispanics. A lot of
20 justification is given to why the drop out
21 rate is so high; that migrants coming through
22 for only a short time are counted in that, and
23 there's controversy as to whether or not they
24 should be counted as dropouts or as just
25 leaveouts. And most of all the dropout

1 problem, there's discrimination, lack of
2 counseling for Hispanics. Hispanics were not
3 allowed to participate in sports programs the
4 way that other European and American
5 descendent children are allowed to, and
6 discrimination on all levels.

7 MS. COBOS: As an agency representing the
8 Mexican Americans in Nebraska, are you willing
9 to act as a tool -- perhaps a conciliation
10 tool, a mediation to try to bring some --
11 settle this unrest that's going on in the
12 schools. There appears to be quite a bit of
13 Hispanic students, from what I understand,
14 being suspended, being expelled. Perhaps your
15 role as the Mexican American Commission in
16 attempt to bring about some other alternative
17 methods as opposed to expulsion or suspension
18 for the children.

19 MS. HUERTA: Basically what I see the
20 purpose of our agency is to possibly work with
21 the people who have the wherewithal to go
22 ahead and deal with that. If we, as an
23 agency, because we are such a small staff, are
24 not able to deal with that then we look to the
25 alternatives and the people who can assist in

1 solving those problems.

2 MS. COBOS: Okay.

3 CHAIRPERSON HILL: Thank you.

4 MR. ART HILL: I have another quick
5 question.

6 CHAIRPERSON HILL: Art.

7 MR. ART HILL: I know your based, your
8 Commission is based in Lincoln so it's kind of
9 considered the eastern part of Nebraska. Now,
10 I'm not trying to put you on the spot but I
11 would just like your thoughts on what you
12 would prioritize, granted all the ethnic
13 groups have different problems, like Native
14 Americans have a whole set of problems,
15 Hispanics have a whole set of problems. What
16 do you prioritize here in western Nebraska
17 that you feel is again just a top priority?

18 MS. HUERTA: I believe that housing
19 discrimination is one priority. Health care
20 is another priority, lack of health care.
21 Employment is another issue. I believe
22 besides employment underemployment is rampant
23 and underemployment contributes to a lot of
24 health care. Education. Those are basically
25 the four areas that I see that need to be

1 addressed.

2 MR. ART HILL: Thank you.

3 CHAIRPERSON HILL: Cecilia, you've looked
4 through many different eyes in this area at
5 different times. Momentarily forgetting the
6 budget restrictions, if you had the magic
7 wand, what would you recommend?

8 MS. HUERTA: What would I recommend? An
9 office in this area. An office to assist in
10 being here readily available to assist when
11 problems arise. It's very difficult for us to
12 come up here, and I think having an office and
13 an representative out in this area is
14 pertinent. One of the things that I also have
15 recently become aware of is that the Office of
16 Equal Opportunity out here may be cut, and
17 that also would be an injustice to this area
18 because there are so many problems that the
19 Office of Equal Opportunity out here deals
20 with. I think that it's very pertinent also
21 that that office not be cut. They're a larger
22 agency then what we are and I believe that
23 they need to be taking a look at some other
24 things to keep this agency here.

25 CHAIRPERSON HILL: To do an adequate job,

1 western Nebraska comes off the tongue very
2 quickly when you say western Nebraska. It's a
3 hugh area. What do you think you're talking
4 about resourcewise? And again I'm not asking
5 budget, I'm asking to do the job that needs to
6 be done what do you think you're talking
7 about?

8 MS. HUERTA: To do an adequate job in
9 representing the people of this area, I
10 believe we would need to have a representative
11 in the north Lexington area and also in the
12 Scotts Bluff area. Scotts Bluff area being --
13 also covering Chadron and Alliance. Lexington
14 area covering North Platte, McCook, and
15 Holdridge. All of the towns around there, and
16 then also north.

17 CHAIRPERSON HILL: Thank you.

18 MS. HUERTA: Thank you very much.

19 CHAIRPERSON HILL: The only one who is on
20 the list that whose name I did not call before
21 because I did not see the name on the sign-in
22 sheet at the back, but let me ask if he's
23 here, is Bill Cross here per chance?

24 (No response.)

25 CHAIRPERSON HILL: Okay. Then people

1 that had signed up for the open session that
2 asked to speak. Carrie Queuedo?

3 MS. QUEUEDO: Yes.

4 CHAIRPERSON HILL: Would you, for the
5 record, please give your name, address and
6 occupation.

7 MS. QUEUEDO: My name is Carrie Queuedo.
8 It's actually Caroline but I don't use
9 Caroline. It's Carrie Queuedo. I live at
10 1906 Avenue L in Scotts Bluff, and as of
11 February 4th, 1991, I have been unemployed. I
12 am now disable. The reason I'm here is
13 because what led to my disability and I'm able
14 to come here and discuss this because my case
15 is no longer in any type of litigation. And
16 although I don't believe justice was done, and
17 that's another reason I'm here, I don't
18 believe justice was done and in my case I
19 don't believe it was properly handled by a lot
20 of the agencies. I believe there's political
21 overtones that clouded my case. And my case
22 was one of harassment or discrimination, and
23 I, because of the time limit I could go back
24 probably to the day I was born that I was
25 harassed or discriminated against, just as the

1 Native Americans have been. But I'll keep my
2 comments to the one issue. I was employed by
3 the Scotts Bluff County Court in Gering,
4 Nebraska, as an employee of the State of
5 Nebraska, as civil clerk, and I was there for
6 over 17 years. During that time, I was
7 harassed in various ways. I was overlooked
8 for promotions. I was -- not only was I
9 harassed but Hispanic people that came to the
10 court were harassed, which I took it personal
11 because those are my people. And I even took
12 it personal when the Native Americans were
13 brought into the court and harassed and more
14 or less talked about behind their backs and so
15 on and so forth. But, anyway, my illness
16 didn't just happen overnight. It took 17
17 years to just take over my body because of the
18 stress that was -- that I had because of the
19 harassment. I suffered stress which turned
20 into chronic pain, and I am now in pain 24
21 hours a day and I am under doctors care. I
22 will not recover. And I guess the thing that
23 really depresses me I tried to be a model
24 worker and I tried to do everything by the
25 book. But when it came to my bosses, who were

1 Judge James L. Mackin (phonetic), Judge G.
2 Glenn Cammer, and the clerk magistrate Mrs.
3 Joan D. Fisher, the rules weren't applied to
4 them, or they didn't believe the rules applied
5 to them as I see it. And I believe that they
6 were personally in denial of their prejudice.
7 There was a lot of things that led up to the
8 February 4th, or I should say January 20 -- I
9 think this all started, the actual climax of
10 my employment there started like January 28th
11 and it concluded with my being demoted on
12 February -- like two days later. But, anyway,
13 just to show you. This was just one folder of
14 documentation that the court gave me. This is
15 proof from them, personal proof from them,
16 written proof from them as to what they did to
17 me, yet the Nebraska Equal Opportunity
18 Commission when everything was written down,
19 presented to the -- I guess it was a board,
20 presented my case to a board and my case was -
21 - took all of about a sheet and a half, and
22 the case of the court took about 23 sheets. I
23 think I count -- I see that as continued
24 harassment. I had a very hard time obtaining
25 an attorney to represent me. I almost

1 represented myself entirely as far as my
2 Social Security disability was concerned. The
3 attorney that did say he would represent me on
4 my Workman's Comp never contacted me. He also
5 more or less tried to just disregard me
6 entirely. So I just -- every excuse I got --
7 because I was a civil clerk I knew ever
8 attorney in Scotts Bluff County, and out of
9 Scotts Bluff County I knew a lot of them. And
10 everyone I contacted gave me the excuse of not
11 being able to represent me because they would
12 see that there would be a conflict of
13 interest. When I did find someone to
14 represent me they would only represent me as
15 far as my Social Security, which is a minor
16 detail, and as far as my Workman's Comp, like
17 I said, my attorney withdrew and of course the
18 judge wouldn't let him withdraw and I took it
19 upon myself to have him withdraw. I no longer
20 wanted him as my attorney anyway. And an
21 attorney from Lincoln did contact me. He's
22 someone I grew up with. He's someone that is
23 a close personal friend. He contacted me as
24 someone wanting to take my case over as a
25 civil rights case, but after hearing from him

1 once I didn't hear from him for weeks. And
2 later on when I contacted him, I knew he
3 worked for a big, large -- a large firm. He
4 said he had talked to all the attorneys, and
5 then he started questioning me about who I had
6 worked for and so on and so forth. And, in
7 the process of our conversation, he knew these
8 people of course because the judges do make
9 trips to Omaha and Lincoln and so on and so
10 forth, and so then after that conversation,
11 the second conversation, I didn't hear from
12 him again for weeks. And, as I told another
13 attorney, who happens to be my brother, I
14 said, I refuse to go through this anymore
15 because all it does is add to my illness.
16 What happens is then I have a relapse. But I
17 look around in the audience and this just
18 demonstrates to you that I see the Native
19 American people how they back each other up,
20 how they're here in quite a great number as
21 opposed to the number of Hispanic people that
22 are here. That's because we have made
23 strides, and those of us who have made strides
24 did not back each other up. We don't back
25 each other up. When you're harassed at your

1 workplace you're afraid, as I think Mrs.
2 Monroe put it. You're afraid to come forward.
3 You're afraid of losing your job. You're
4 afraid of retaliation. I was the same. I did
5 the same thing. I'm guilty of that. I'm
6 guilty of not coming forward sooner. You
7 know, it was too late. But, I don't know how
8 much time I have, but, anyway, my documents
9 prove that the court, the Scotts Bluff County
10 Court system violated due process. They did
11 not follow the Nebraska Supreme Court
12 personnel rules, and they haven't been held
13 accountable. In closing, I would just like to
14 mention that prejudice is still alive and well
15 in Scotts Bluff County for Hispanics, and of
16 course for other minorities. But I have a
17 paper here, it is the February 1993 issue of
18 the "Echos," which is the paper for Scotts
19 Bluff High School, and I would like to read
20 you just a short letter to the editor that an
21 anglo person wrote, and this person is --
22 wanted her name withheld but I happen to know
23 who she is, and I kind of had a feeling about
24 the way her parents were, but, anyway, I'm
25 going to read this letter. I think it's very

1 important. And she writes:

2 "Why are people racist? To the Editor:
3 I have a question that I have asked many
4 times and I still have not received an
5 answer. Why are people so racists. My
6 family is a very prejudiced family. They
7 believe, like many other families, that
8 whites belong with whites and minorities
9 with other minorities because whites have
10 better morals and we live better lives.
11 They also believe that if you socialize
12 with a minority you're considered white
13 trash. I am friends with a lot of
14 different minorities. My two best
15 friends are minorities. My parents said,
16 at first, be careful, they'll get you in
17 trouble, but that didn't stop me from
18 being their friend. My parents finally
19 just said, that's fine. Just don't bring
20 any more home. Then I met this guy I
21 absolutely adored. We both liked each
22 other so we started going out. My mom
23 knew I was interested in him because we
24 called each other. I told her all about
25 him except that his skin was brown. She

1 said he sounds like a nice kid. Then he
2 came over one day and stayed for a total
3 of five minutes. The second he left I
4 was yelled at for an hour. My only
5 choice was to see him behind their backs.
6 It's not fair that people think if you're
7 brown you're bad. Why are people so
8 judgmental and racist? Is it really evil
9 to see a white and colored person
10 together? And what kind of world do we
11 live in to say that we are free when in
12 all reality it is only the whites who are
13 free."

14 And that is from a Scotts Bluff high
15 school junior whose parents when I meet them
16 act like they are my long lost friends, and
17 I'm going to wait until my daughter graduates
18 before I confront them. But -- or I'm going
19 to burst. That's all I have to say.

20 MS. COBOS: Carrie, you said that your
21 EEOC complaint, or the end result of that was
22 unfavorable, or an unfavorable decision?

23 MS. QUEUEDO: It was unfavorable. And I
24 was on the telephone for approximately -- I
25 was interviewed -- at one time I was

1 interviewed for -- one day for four and a half
2 hours, another day two and a half hours. I
3 submitted pages and pages of documentation,
4 and the end result were two pages which had
5 like a total of 20 errors. So when I received
6 a copy of what was submitted to the board,
7 I'll call it the board, I don't know what else
8 it's called, I called the main -- I don't
9 know, I can't remember his name, but I called
10 the man in charge anyway in Lincoln. He told
11 me to make a copy and write a letter as to --
12 and point out all the errors. Which I did.
13 And then weeks later he told me they went
14 through the whole thing and that the errors,
15 as I pointed them out, wouldn't have made a
16 difference in the decision. Now, I felt
17 otherwise.

18 MS. COBOS: Did the NEOC go in there and
19 open the books and see who had been promoted,
20 who was not? You know, just a --

21 MS. QUEUEDO: No. As a matter of fact
22 when I submitted my list of witnesses that I
23 wanted to have -- see, what the court did
24 was -- I'll just be very brief. What they did
25 was call me in for a supposedly routine

1 evaluation. It was yearly. What they did was
2 hand me a grievance, which according to the
3 Nebraska Supreme Court Personnel Rules, if you
4 have a grievance against a staff member you're
5 to let them know in advance, either verbally
6 or written, and then set up a time for a
7 rebuttal. They didn't do that. They just
8 handed it to me. It's right here. I have a
9 copy of it. It's not even signed or anything.
10 And then they gave me my evaluation, which I
11 have the original of, and they rated me like a
12 two. You know, you're rated from one to five.
13 I was rated like at two and three, and it was
14 to me like getting a D on a report card. And,
15 anyway, things just happened really fast. In
16 less than 24 hours after this hour and 45
17 minute meeting, which I found out two days
18 later was also recorded without my knowing,
19 which is also unpermissible. They recorded it
20 without telling me or letting me know or
21 anything. Then in less than 24 hours Judge
22 Camera came up to me at my desk and said we
23 have grounds to request a new evaluation.
24 Anyway, I did get a new evaluation which was
25 rated a four and five. But there's just lots

1 of things that happened. Lots of things. It
2 really worked on me.

3 MS. COBOS: I understand that when those
4 cases come back and there's been a
5 determination that there is no finding of
6 discrimination that you have an opportunity to
7 submit those complaints in for a review. Was
8 that what that was? The request that was made
9 to you, was there any indication that that was
10 your review? Because I know that --

11 MS. QUEUEDO: No.

12 MS. COBOS: -- you've got 15 days in
13 which to request a review of the complaint.

14 MS. QUEUEDO: They gave me their end
15 result, which was unfavorable. And then from
16 there it went to Denver to I think it's the
17 Federal office, and then they received the
18 same papers Lincoln received. I mean, the
19 same, you know, summarized version. They
20 received the same summarized version, so they
21 make their decision on that summarized version
22 too. They didn't see any of these documents
23 or anything else. They didn't see any of
24 that. They didn't listen to the tape.

25 CHAIRPERSON HILL: We can't get into

1 that, the case itself. And I get nervous as
2 you start naming names --

3 MS. QUEUEDO: Right.

4 CHAIRPERSON HILL: When they are not
5 here. That's not our purpose. But, if I'm
6 hearing you correctly, what I think you are
7 telling us is that in your opinion there is
8 not sufficient avenues for an individual to
9 follow up if they've got a complaint, or an
10 appeal process; is that what I'm hearing?

11 MS. QUEUEDO: In a way. I think there's
12 sufficient avenues, but I don't they they're -
13 - it's just like Cecilia said, the offices are
14 in Lincoln. You know, if I could have
15 personally been there, like I am now in front
16 of you, and properly presented my case better
17 and said, I will mark this in evidence, I want
18 this presented. I mean, because they let me
19 know that that commission had like half an
20 hour. My case came before them at 4:30. Now,
21 can you truthfully say that a case can be
22 presented to a commission, to the NEOC
23 Commission at 4:30 and they can decide it at 5
24 o'clock? I don't think so.

25 CHAIRPERSON HILL: Okay. I'm now

1 beginning to understand what the issue is, and
2 that's, the issue is something we can deal
3 with.

4 MS. QUEUEDO: Right.

5 CHAIRPERSON HILL: Okay.

6 MS. QUEUEDO: Because they gave me, you
7 know, they told me, if you want to be here, if
8 you want to come to Lincoln. You don't have
9 to but it's going to be heard at 4:30. I
10 thought 4:30. You know, they close at 5:00.
11 I'm probably the last case. How can you
12 review a case in its entirety? I don't think
13 so.

14 CHAIRPERSON HILL: Okay. Thank you.

15 MS. QUEUEDO: Thank you.

16 MR. ART HILL: I've got one quick
17 question. Did she say the case has been
18 closed? Is it all done now?

19 MS. QUEUEDO: Only because I'm tired.
20 I'm really tired. And I could have gone -- I
21 had until April 19th to try to get an attorney
22 to file it as a civil rights complaint, and I
23 didn't do it.

24 CHAIRPERSON HILL: Thank you very much.

25 Donna Dent?

1 MS. DENT: Yes.

2 CHAIRPERSON HILL: Did I pronounce it
3 right?

4 MS. DENT: Yes, that's correct.

5 CHAIRPERSON HILL: Your address and
6 occupation.

7 MS. DENT: Yes. I live at Rural Route 2,
8 Mitchell, Nebraska. Actually it's in Sioux
9 County. It's a farm. My occupation, I'm a
10 farmer/rancher. I am also a federal food
11 inspector. I've sat here tonight and I have
12 listened to discrimination against the
13 Hispanic people and against the Native
14 Americans, and I'd like for you to know that
15 during my high school years I taught Native
16 Americans. I grew up five miles from an
17 Indian reservation in Nevada. But I want you
18 to know that this discrimination works two
19 ways. In 1985 I became a federal food
20 inspector. The first year went fairly well.
21 I worked within two plants, under two
22 different supervisors, two veterinarians. One
23 veterinarian transferred out and another one
24 replaced him, and then the troubles began.
25 The place began to run wild. Now, I'm

1 primarily working with Hispanic people, Native
2 American people. I'm working with normally,
3 not always, but normally white European
4 veterinarians; however, there are some
5 different nationalities within the system of
6 the USDA. Things just became unbearable, but
7 two minority women came to me, young women,
8 and my heart went out to them. They said, can
9 you help us? I said, what is the problem?
10 What is going on? They said, we are required
11 to sleep with these men in order to retain our
12 jobs. I said, that isn't the way things work;
13 however, you are an employee of this
14 particular plant and it's not within my
15 jurisdiction. I gave them the information to
16 go to what I thought was proper, to the EEO,
17 which would be the state, among some other
18 information hoping to help them. Eventually
19 these women resigned, took other jobs
20 elsewhere. Continually the plant became worse
21 under the new supervision of the new
22 supervisor, but I told these women, I said,
23 now, when it gets to me the buck stops here.
24 And believe me the fight was on because it did
25 come to me. Now, I can be really

1 pornographic. All this is listed. I went
2 through the avenues of the supervisors. I
3 held meetings with the area supervisors. I
4 went to the area office. I went beyond that;
5 I went to the regional office. Things
6 trickled down. I was in trouble because I was
7 a troublemaker because I filed complaints,
8 because I wrote letters. Some of these
9 incidents, and I hope you folks that are here
10 today will pardon me for what I have to tell
11 you, but I have to tell you in facts, I have
12 to tell you the way it is so you understand,
13 and you'll be appalled by the things that went
14 on. For instance, one time while complaining
15 about sexual harassment my supervisor replied,
16 "You're in a man's world. What do you
17 expect?" I reported another inspector for
18 leaving his position of duty and leaving
19 condemned product on the floor, which is
20 against regulations. He has a station. He
21 stays there until his official break. He came
22 back on the kill floor and was screaming and
23 yelling at me. And intimidation, I told him
24 it wouldn't be tolerated. He swore and he
25 cursed and he said he'd get me for this. I

1 reported that. Nothing happened. The same
2 inspector came on the floor one day and held
3 his fist to me. He jerked me to him by my
4 neck, by my shirt collar. Held his fist to my
5 face and told me that I better not park in
6 that spot anymore or he'll straighten my ass
7 out -- quote/unquote. This not only happened
8 once, it happened twice. Was anything done?
9 No, nothing was done about it. This same
10 inspector jerked a young lady who worked on
11 the kill floor, a Hispanic young girl, he
12 jerked her by the neck up to him, and I took a
13 step forward and he let go of her. He saw me
14 and he let go. This was repeated things that
15 went on. Sexual gestures. Gloves full of
16 water placed -- held in front of this
17 personnel, aimed at you as if it were a penis.
18 I tagged down some material for unfit use, and
19 one of the employees said, what did you do
20 that for? I told him. He said, "F you" --
21 you can fill in the rest -- "you bitch." No
22 authority. No one would back me up. It goes
23 on and on, intimidation. The sexual gestures.
24 The yelling above one's head. Come to find
25 out a lot of women are scared, they're

1 frightened to work there. They're afraid to
2 talk. They're afraid to say anything;
3 Hispanics, minorities, women, because they'll
4 lose their jobs. They're afraid to stand up
5 to these people. I find that in the nineties
6 this is really something.

7 I began this crusade in '85. I went
8 through all the avenues. Jumped all the
9 hoops. Went through the EEO, the federal EEO.
10 Went through the investigation, again became a
11 victim. I became a victim by being
12 blackballed from work. I was a victim because
13 I didn't receive any paperwork in order for me
14 to achieve work goals. I became a victim
15 through the system, but I won with EEO. They
16 accepted it, and this was a long hard fight.
17 I was subject day in and day out to fear for
18 my life. I bought a gun to protect myself
19 after hours. I was followed. I had phone
20 calls. This went on and went on and went on.
21 No one would help, but I was determined that
22 this was one time that I was going to stand up
23 and fight instead of leave my job, instead of
24 resigning.

25 The EEO accepted the claim eventually,

1 and after all these years of terror, of fear,
2 of intimidation, sexual harassment, physical
3 harassment, day after day, hour after hour of
4 mental rape, what I wound up with, the
5 settlement agreement that they ordered me to
6 sign, they didn't discuss this with me, they
7 ordered me to sign this agreement. Now,
8 ladies, I ask you if I go all this way how is
9 some of the ladies or minorities in this group
10 here tonight or in this town or anywhere can
11 ever go as far or have the stamina or have
12 what it takes to stand up against the
13 government. I'll tell you what, you can't.
14 It's almost impossible. Like the lady said
15 that was before me, she said, "How do you get
16 there, what do you do?" Those of us, even
17 myself, with somewhat of an education, the
18 hurdles were phenomenal. It was unreal. The
19 coverups. The court case, I ended up with an
20 injury due to all this. You can't prove
21 intent, but I wound up with an injury. I have
22 a hand that has -- well, it has a degenerative
23 arthritis condition from the injury. I was
24 hurt. I was warned I was going to be hurt.
25 They were trying to get me and they did.

1 Fortunately, it was only may hand. There
2 wasn't severe -- or death. You stand in a
3 kill floor amongst 30, 35 Hispanics, half of
4 them are angry, half of them are afraid to say
5 anything, and you wonder when, when is it
6 going to happen? It happened to me. It
7 happened to me. It took me until now, I was
8 hurt in '87. The comp claim accepted this
9 injury four times. Finally, finally after
10 starvation, after the hurt, after the
11 traumatic pain of dealing with all this, I
12 finally won the comp case, or at least they
13 finally have accepted it, although they
14 haven't all along. That is something else.
15 It's like the gossip section. If you start on
16 this side of town with a little story, by the
17 time it gets over here it's something
18 completely different. That's the way the
19 government starts, from down here where I am,
20 clear up there they've thrown in a lot more
21 I've never heard of. I finally managed to
22 file a lawsuit because again finding an
23 attorney who would have the brass, and would
24 have what it took to stand up to the USDA, the
25 government was almost impossible. There

1 wasn't enough money in it. You see, us women
2 we sell out at a dollar ninety-eight. I guess
3 that's all we're worth. They want our votes.
4 They want our taxes. They want us to work but
5 at the same time our own government will not
6 protect us in the work force. They say we
7 will. They say this. They say that. It's
8 all rhetoric. They don't protect you
9 anywhere. If you can fight hard and long
10 enough eventually you'll come up with
11 something; a letter of apology. Isn't that
12 wonderful. Yes, I know, I've been there. And
13 I'm a minority as a woman. I'm a minority as
14 a business person. I'm not Hispanic and I am
15 not a Native Indian, but I'm here for their
16 rights, for women's rights, and for everyone's
17 rights. Do you want your daughters, do you
18 want your wives, do you want the women in your
19 life, the men, do you want them to go and deal
20 with what I have dealt with. It's all on
21 record. There's a stack this high. It's
22 there. You can find it. There's no secrets.
23 But I'm telling you that there's also a
24 reverse discrimination, and I have been
25 strong. I finally collapsed on the kill floor

1 in '90, and then someone finally did
2 something. It took from '85 to '90 to finally
3 get something done. Now, don't you think
4 that's a little bit ridiculous, because it was
5 open. It's there. It was everywhere.

6 Gentlemen, listen to what I say. Listen
7 to the discrimination of the women in this
8 land also. I want to -- I've sit here tonight
9 and I have listened to some questions that
10 you've had, and because I've had the
11 opportunity of being involved with the
12 Hispanic community, I have been on the other
13 side of the fence as, quote, if you will, a
14 white person. Everybody here can see that I'm
15 a white person. I am not prejudiced against
16 you people, but a lot of you people are
17 prejudice against me because I'm white.

18 CHAIRPERSON HILL: Donna, talk to us
19 please.

20 MS. DENT: I'm sorry. I want the people
21 to realize where I'm coming from.

22 CHAIRPERSON HILL: I realize that, but
23 this is not a speechmaking thing. We're
24 trying to gather facts and, if I'm correct,
25 you're primarily talking about sexual

1 harassment, discrimination and that's what we
2 need to hear about.

3 MS. DENT: That's exactly right, yes.

4 CHAIRPERSON HILL: So I'm going to ask
5 you to confine it and to finish up on that,
6 please.

7 MS. DENT: And I would like to answer
8 some questions that you had about exploitation
9 that these people brought up tonight. And
10 it's there certainly, the exploitation of the
11 people here, the Hispanics and the Native
12 Americans. They're here. It's here. But
13 also what you're overlooking is the
14 exploitation of these people by their own
15 people. There are businesses that are around
16 that are involved that keep an iron hand on
17 their own people. You get out of line, you
18 get fired. You don't have a job. They won't
19 let you work anywhere. We take cuts off the
20 tops of your salaries. They are there and
21 these people know that. These people know it.

22 The compensation. You say a lot of you
23 people don't receive federal compensation or
24 state compensation. Well, they are not alone
25 in that. A lot of us don't. A lot of us it's

1 a hassle. It's one big fight no matter who
2 you are. No matter who.

3 MR. HERRANDEZ: Ms. Denton, I'd like to
4 remind you of the ground rules we talked about
5 in terms of limitation.

6 MS. DENT: Sure. I would like also for
7 you to realize that some of the discrimination
8 against people, whether they're white,
9 whatever color, whatever ethnic group, is out
10 of lack of education and fear. When I was
11 teaching young children, young -- just little
12 kids of probably two and three years old --
13 excuse me -- second and third grades, these
14 children were fine until they reached a
15 certain age and then the parent attitudes
16 overrode the children and then they began to
17 either rebel and hate the white people or vice
18 versa. I find this in the children. The
19 parenting says, well, you shouldn't him or her
20 because of his or her color or where they are
21 from. And I think education is a base to
22 this. I think working with these people as
23 young children and bringing them up as
24 cohorts, as equals, as together. I think
25 that's where your answer is, and rather than

1 the fighting. I personally think that that
2 would be the biggest asset there is. I
3 personally believe that people should not be
4 judged ever by their sex, by their color, by
5 their religion, by they ethnic groups. By
6 anything of that nature. But others tend to
7 always judge, and it's human nature, and all
8 the laws in the world that you set out are not
9 going to change that. You can't say, "I have
10 a law you have to like your neighbor," because
11 people, it just will not work. However, if
12 the opportunities are there and the abuse
13 subsides, not only for the children, for the
14 grown-up people to quit their fighting and
15 quit indoctrinating the children that the
16 white are bad or the black are bad or
17 anybody's bad and begin living together. You
18 can stop the abuse and the harassment but you
19 can't force people to like one another. They
20 will eventually integrate. I like all sorts
21 of people.

22 CHAIRPERSON HILL: Can you kind of
23 summarize because --

24 MS. DENT: Sure. But I think if you
25 would like any of the information that I have

1 for you today, the hurdles that these people
2 have to file for discrimination, what they
3 have to do is almost phenomenal, and I've been
4 there, I know.

5 Thank you.

6 CHAIRPERSON HILL: Thank you. Okay, we
7 have no others on the sheet; therefore, we are
8 going to recess tonight. We will reconvene
9 starting I believe at 9 o'clock tomorrow
10 morning.

11 (Whereupon, at 9:17 p.m., the hearing was
12 recessed to reconvene the following day,
13 Thursday, April 29, 1993, at 9:00 a.m.)
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

IN RE: NEBRASKA ADVISORY COMMITTEE
to
U.S. COMMISSION ON CIVIL RIGHTS
PUBLIC HEARING

I, TAMMY FINN, OFFICIAL COURT REPORTER,
DO HEREBY CERTIFY THAT THE FOREGOING
TRANSCRIPT, NUMBERED PAGES 1 THROUGH 137,
INCLUSIVE, IS A TRUE AND ACCURATE TRANSCRIPT
OF THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER, BY ME ELECTRONICALLY RECORDED, ON
WEDNESDAY, APRIL 28, 1993, AT THE WESTERN
NEBRASKA COMMUNITY COLLEGE, 1601 EAST 26TH
STREET, SCOTTS BLUFF, NEBRASKA.

TAMMY FINN -- OFFICIAL REPORTER