

1 NEBRASKA ADVISORY COMMITTEE
2 to the
3 U.S. COMMISSION ON CIVIL RIGHTS
4
5
6

7 PUBLIC HEARING

8 WESTERN NEBRASKA COMMUNITY COLLEGE
9 1601 EAST 27TH STREET
10 SCOTTS BLUFF, NEBRASKA

11 "RACE RELATIONS IN WESTERN NEBRASKA"

12
13 VOLUME 2

14
15 APRIL 29, 1993
16 9:00 A.M.
17
18
19

20
21
22 ORIGINAL
23
24
25

1 GARY HILL, CHAIRPERSON
2 NEBRASKA ADVISORY COMMITTEE, USCCR
3
4 ART HILL
5
6 ROSA COBOS
7
8 ASCENSION HERRANDEZ
9
10 SPEAKERS:
11
12 DR. JIM HUNTER
13 VICE PRESIDENT OF STUDENT SERVICES
14 WESTERN NEBRASKA COMMUNITY COLLEGE
15 SCOTTS BLUFF, NEBRASKA
16
17 RAY GONZALES
18 SCOTTS BLUFF RESIDENT
19
20 FELIPE CRUZ
21 EMPLOYMENT TRAINING SPECIALIST
22 SCOTTS BLUFF, NEBRASKA
23
24 STAN SMITH
25 VICE PRESIDENT
26 PANHANDLE PEOPLE'S ACTION, INC.
27 MINATARA, NEBRASKA
28
29 STELLA ALEJOS
30 EOS
31
32 AARON LEVINE
33 EOS
34 PROGRAM COMPLIANCE DIVISION
35 U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
36 KANSAS CITY, KANSAS
37
38 DR. STEPHEN SEXTON
39 SUPERINTENDENT CHADRON CITY SCHOOLS
40 CHADRON, NEBRASKA
41
42 RONALD SYLVESTER
43 DIRECTOR STUDENT SERVICES
44 SCOTTS BLUFF PUBLIC SCHOOLS
45
46 DR. REAVES NAHWOOKS
47 CHAIRPERSON
48 NEBRASKA COMMISSION ON INDIAN AFFAIRS
49 LINCOLN, NEBRASKA

1 CHARLES NOWELL
2 ACTING DIRECTOR
3 U.S. DEPARTMENT OF EDUCATION
4 OFFICE FOR CIVIL RIGHTS, REGION VII
5 KANSAS CITY, MO

6 LAWRENCE MYERS
7 DIRECTOR NEBRASKA EOC
8 LINCOLN, NEBRASKA

9 RON EHLERS, CHIEF OF POLICE
10 CITY OF GORDON, NEBRASKA

11 TED VASTINE, M.A., CHIEF OF POLICE
12 CHADRON, NEBRASKA

13 ROBERT JATCZAK, CHIEF OF POLICE
14 CITY OF ALLIANCE POLICE DEPARTMENT

15 ROGER SCHNEEKLOTH, COUNTY ATTORNEY
16 ALLIANCE-BOX BUTTE COUNTY, NEBRASKA

17 JIM LIVINGSTON, CHIEF OF POLICE
18 CITY OF SCOTTS BLUFF, NEBRASKA

19 CHARLES F. FAIRBANKS, SHERIFF
20 SCOTTS BLUFF COUNTY SHERIFF'S OFFICE

21 ROGER GREEN, COUNTY COMMISSIONER
22 SCOTTS BLUFF COUNTY, NEBRASKA

23 ALAN MULLER, ASSISTANT CITY MANAGER
24 CITY OF SCOTTS BLUFF, NEBRASKA

25 CINDY DICKENSON
CITY OF SCOTTS BLUFF, NEBRASKA

DAWN PIATT
CITY OF SCOTTS BLUFF, NEBRASKA

HOD KOSMAN, PRESIDENT
FIRSTTIER BANK
SCOTTS BLUFF, NEBRASKA

PAT BERZINA, EXECUTIVE DIRECTOR
HOUSING AUTHORITY
COUNTY OF SCOTTS BLUFF, NEBRASKA

P R O C E E D I N G S

(ON THE RECORD AT 9:00 A.M.)

CHAIRPERSON HILL: Good morning. I'm Gary Hill. I'm the chairman of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights. We recessed the meeting yesterday at 9:30 in the evening and we're continuing. Last night we heard from a number of people. I'll abbreviate the ground rules so everybody understands what we're doing and why we're here and how we're looking for participation and help.

The purpose of the Advisory Committee meeting in Western Nebraska at this time is really a factfinding. It's strictly to identify the current state or the perceived state of race relations within Western Nebraska. In order to help us accomplish that, we have a number of people who have been -- invited that will make presentations to try to provide background for us, as well as, besides factorial, subjective opinions of how they see race relations within the state, and specifically recommendations that they might make.

1 Those who are not on the formal agenda
2 that would like an opportunity to speak can
3 see Ascension Herrandez on the staff, who will
4 put them on the list, and at the end of the
5 day, or if somebody is not able to make it and
6 we pick up time during the day, we will fit in
7 people at that time. The regular presenters,
8 because we've got a fairly strong agenda and I
9 think most of you have had an opportunity to
10 pick it up, and at the back Jo Ann Daniels,
11 from the Kansas City regional staff, has other
12 books and pamphlets and get other material on
13 civil rights within the United States and
14 Nebraska, if you're interested. But she is
15 keeping the sign-in list, and if you have
16 questions you can also see her.

17 If anybody would like to submit a written
18 statement that they either want to spend some
19 time preparing or would prefer not to talk at
20 ... a public meeting, then you can get the address
21 of the Kansas City Regional Office from Jo Ann
22 and we will be accepting statements. We will
23 not close the written part of this report
24 until June 1st because it will take that long
25 for the material to be transcribed, sent back,

1 reviewed, typed and passed to the committee
2 and to receive the written material. And
3 we've received several written statements, so
4 please feel free, if you've got things that
5 you would like the committee to know or to
6 consider, to write them and to send them in.

7 The other two members of the Advisory
8 Committee to the U.S. Committee on Civil
9 Rights that are Art Hill, at the end, and Rosa
10 Cobos, who are also members of the Advisory
11 Committee. We will in turn then be meeting
12 and reviewing the materials with the rest of
13 the Advisory Committee.

14 During the course of any of the
15 presentations, we ask people to be very
16 cautious and judicious about the use of names
17 or specific organizations. We are looking for
18 general facts and we want to be very, very
19 careful though. Some of the material may be
20 -- controversial. We are not in the position,
21 nor is it the purpose of this to get into
22 anything where allegations are made against
23 specific individuals, organizations.
24 Government organizations, that's not a
25 problem. The naming of individuals, this is

1 not the proper forum because this is a public
2 meeting and if anybody is named or feels that
3 they or their organization has been defamed in
4 any way, they will also be given an
5 opportunity for their presentation, either in
6 writing or in person. The basic ground rules.
7 With that in mind, I think we can go straight
8 ahead. I know that we are honored to have the
9 mayor of Scotts Bluff who has some minor words
10 of welcome.

11 MAYOR OVERMAN: Probably very minor.
12 Certainly it's my pleasure as mayor of Scotts
13 Bluff to welcome all of you important people
14 here to hear testimony these two days on
15 behalf of the Civil Rights Commission. I've
16 been mayor for 19 years of the City of Scotts
17 Bluff and it's always a pleasure to be able to
18 come out and welcome organizations such as
19 yourselves, as I just did in Gering this
20 morning. The Gering Civic Center just opened
21 their center this morning to the first
22 convention; it's the Nebraska Radiologic
23 Technologist, of the state. And it's kind of
24 ironic that the mayor of Scotts Bluff welcomed
25 the convention. The mayor of Gering doesn't

1 speak until later in the day. But I have to
2 tell you, those of you from Omaha, of course,
3 and Kansas City, and anyone else from other
4 palaces, that Scotts Bluff and Gering are two
5 cities but we like to consider ourselves
6 really one. We just happen to have two names.
7 We work very closely together on trying to do
8 what's right for the people of Scotts Bluff
9 and Gering, and Terrytown in the middle, to
10 bring about a better standard of living for
11 the people in our area. And we've worked very
12 diligently on that for a lot of years. I'm
13 hopeful that the things that you learn out
14 here will be of help to us. If we have
15 problems, then we would want to address those
16 problems. I don't get a lot of input.
17 Through the years, I've really had very little
18 indicating that we have great problems.
19 Certainly we have about 20 percent Hispanic
20 -- population here. They've been here for as
21 long as most everybody else has been here. We
22 have about one half of one percent Native
23 Americans. And, overall, I think the
24 relationship between those parts of our
25 community and the other parts of our

1 community, in general, is quite good.
2 Certainly you will hear some problems, because
3 everybody has problems. But overall I think
4 we get along very well together, and that's
5 certainly always been my analysis and it's
6 been my goal is that if we have problems we
7 need to address those problems and try to
8 solve them, for the best interest of everybody
9 that lives together. And, as the mayor, I
10 want to welcome you. Certainly those of you
11 from Omaha found it's a ways out here. As I
12 said to the convention in Gering this morning,
13 it's 450 miles from Omaha and it's also 450
14 miles to Omaha, as we've found these many
15 years that we've traveled to conventions
16 across the state.

17 Mr. Hernandez, from Kansas City, we're
18 glad to have you here and hope you all enjoy
19 your stay, and that it's worthwhile and that
20 you get the proper information that you're
21 after. Anything I can answer for you I'd be
22 happy to attempt to do so.

23 CHAIRPERSON HILL: Appreciate that. Any
24 questions?

25 MS. COBOS: Yes. Do you have any

1 concerns with regards to race relations in
2 Western Nebraska, and do you have any
3 recommendations for improving, you know,
4 relations here in our area?

5 MAYOR OVERMAN: Well, I guess my initial
6 reaction is that I haven't at least felt in my
7 heart that we have any real problems. I think
8 our people get along pretty well together.
9 I've lived here for 29 years and I haven't
10 felt, at least personally, any major problems
11 between -- as far as race relations are
12 concerned. Certainly our police department,
13 without any question, has on -- has some
14 meetings with people of minority nature as
15 well as the other parts of our community. I
16 would tell you that my personal opinion is
17 that the police try to be very fair and
18 impartial in the way they deal with everyone,
19 and I guess I don't consider we have serious
20 -- problems because I think we get along well
21 together.

22 CHAIRPERSON HILL: Mr. Hill?

23 MR. ART HILL: I just have one question.
24 I guess I have a two-pronged question. Does
25 the population of the City of Gering and

1 Terrytown, would they -- I guess the main
2 question is, do you have a Human Relations
3 Commission and, then, if you don't, if there
4 are any kind of issues or problems that come
5 up where it concerns minorities, you know, do
6 they have a place to go within city
7 government?

8 MAYOR OVERMAN: Only to the city council.
9 We don't have a Human Relations Committee as
10 such, Art. But certainly we have welcomed
11 through the years some -- as problems would
12 develop, people would come to the city council
13 and we would address their issues, their
14 problems in that manner. But we don't have a
15 Human Resources Commission as such, but we
16 certainly have always welcomed anyone to come
17 to our council meetings and voice any
18 particular feelings that they have within the
19 community, and we have always addressed those
20 problems. That's why, in my opinion, we don't
21 have race problems here as some cities do.

22 MR. ART HILL: Okay.

23 CHAIRPERSON HILL: Ascension?

24 MR. HERRANDEZ: I'm sure that the two
25 questions that were raised were of a serious

1 nature, but, in a lighter vein, I'm glad you
2 told about your first convention here in the
3 twin cities because it explains why we're --
4 we're grateful for the Super 8 for having a
5 backup hotel because the --

6 MAYOR OVERMAN: You had trouble finding a
7 place to stay. I would tell you that being
8 the fact that Scotts Bluff and Gering's the
9 largest population center of Western Nebraska
10 would -- in fact, Scotts Bluff itself is the
11 largest town within probably a hundred --
12 other than going to Cheyenne, a hundred
13 seventy miles in any direction. There just
14 isn't much out there, so during the week being
15 we -- Scotts Bluff is the twelfth largest city
16 in Nebraska, but we're fourth in retail sales,
17 which tells you that the ranch and farm
18 country come in here to shop. They come in
19 here for our hospital. They come in here for
20 our college. They come in here for
21 entertainment. And the salesmen come here,
22 the retail community, of course, with our
23 large regional shopping center, and our
24 airport which is a regional airport, they
25 bring all these people in to our area, and we

1 are the largest town within a hundred and
2 seventy miles. A hundred and seventy miles to
3 North Platte. Two hundred miles to Rapid
4 City. One hundred ten miles to Cheyenne, and
5 really there's nothing straight south. So
6 that's why you would have a difficulty. Plus
7 the fact that you've got a convention in town.
8 So when you put all those things together, you
9 find that we could probably use some more
10 motel and hotel rooms. And I think sometime
11 very soon Gering will probably have a new
12 motel to go with their convention center. I
13 haven't said anything about, and I should, at
14 least for our friends from out of town, about
15 the history of the area. Of course this is
16 the 150th anniversary of the Oregon Trail, and
17 the Oregon Trail goes right through where the
18 Gering Civic Center is, and 150 years ago they
19 started their migration west, and 350,000
20 people came down that trail, and this is the
21 150th anniversary.

22 Over here in Scotts Bluff, you've
23 probably heard of the Mormon Trail. The
24 Mormon Trail came right down where the
25 railroad track is on the north side of the

1 North Platte River, and all the Mormons that
2 headed west, to the Promise Land in Utah, came
3 right down this valley, but they didn't have
4 anything to do with each other. The Oregon
5 Trail people stayed on one side of the river
6 and the Mormons stayed on the other side of
7 the river. So we have a lot of history out
8 there.

9 MR. HERRANDEZ: One thing is for sure, in
10 Kansas City, Missouri, Kansas City has started
11 just this week has started a series of the
12 Oregon Trail, tracing it from the start in
13 Independence, near --

14 MAYOR OVERMAN: Right.

15 MR. HERRANDEZ: So they're working their
16 way up to Nebraska.

17 MAYOR OVERMAN: Good. Well, they'll have
18 some stories about Chimney Rock which, of
19 course, is the most -- it's the most named
20 -- landmark on the Oregon Trail, and that's about
21 18-20 miles east of here. If you drove in,
22 you probably came down it.

23 MR. HERRANDEZ: One thing I'd like to tie
24 in with the growth over the years is, I think
25 I also talked with Mr. Ducworth from the Twin

1 Cities Development, is that we hope that with
2 the new hotels and industry that comes in that
3 hopefully minorities will get a chance to bid
4 for those jobs and to make your life better
5 and have --

6 MAYOR OVERMAN: I would totally agree
7 with that. Always would. Would totally
8 agree.

9 MR. HERRANDEZ: Okay.

10 CHAIRPERSON HILL: Anything else?
11 Appreciate it very much.

12 MR. HERRANDEZ: Thank you.

13 MAYOR OVERMAN: Thank you all for coming
14 to our city. We hope you'll have a very
15 successful hearing here. And if there's
16 things we can do to improve, we want to do
17 that. Thank you all.

18 CHAIRPERSON HILL: At this time I'd like
19 to ask Dr. Hunger to join us. Dr. Hunter, for
20 the record, would you start out with your
21 name, address, and occupation, and then go
22 into your statement, please.

23 DR. HUNTER: Surely. I'm Jim Hunter,
24 Vice-President, Student Services, Western
25 Nebraska Community College. On behalf of Dr.

1 John Harms, our president, it's my pleasure to
2 welcome you to Western Nebraska Community
3 College. I've had the pleasure of visiting
4 with a couple of you, and would offer to give
5 you a full tour of the college at some time at
6 your convenience.

7 I can't pass up the opportunity to appear
8 before you and extend a welcome, though, and
9 to share with you some information about the
10 college. The college was established in 1926.
11 Has been in continuous operation since 1929, ~~and~~
12 and more recently, about 1969, changed its
13 name and the focus of the college has become
14 beyond Scotts Bluff, beyond Gering, and beyond
15 Scotts Bluff County to serve the twelve plus
16 counties of the panhandle of Western Nebraska.

17 A few of the things that I think would be
18 of particular interest to the Commission that
19 the college has undertaken I would like to
20 share with you. For example, in 1989, Dr.
21 Harms established a Hispanic Advisory
22 Committee to the college. This committee is
23 still in operation and very active, and has
24 served in giving a great deal of input into
25 the college for some of the programs and

1 operations that we're undertaking. In 1992,
2 we dedicated the Clark M. Williams Multi-
3 Cultural Learning Center, and that houses such
4 programs as the Adult Basic Education and GED
5 Program. It houses the Independent Learning
6 Center. It houses the Tutoric, which has the
7 tutorial services. It houses the Career
8 Assessment Center. It houses the transfer
9 advising. It houses the job search
10 assistance, the single parent displaced
11 homemaker, and the Multi-Cultural Assistance
12 Center.

13 Let me tell you a little bit about some
14 of these programs because I think these are
15 particularly pertinent to helping people of
16 different cultures grow together. Our ABGED
17 program had 256 students graduate last year
18 from that program. It's one of the largest
19 high school completion programs in the area.
20 The college itself enrolls about 600 full-time
21 students, about another 1,500 part-time
22 students. I would share with you that the
23 Hispanic enrollment has gone from 1987 from 97
24 to 151 in the spring of '92. The Native
25 American population has grown much slower,

1 from 25 in 1987 to 38 in 1992. Now, from '91
2 to '92 that was a 10 percent increase, the
3 Hispanic students had a 10 percent increase,
4 and the Native American students had one
5 percent to three percent. The Hispanics have
6 gone from six percent to 10 percent of the
7 population of the college. Nineteen percent
8 of our student body comes to us through our
9 GED program, but we began with about 10
10 percent of our student body coming from the
11 GED program, but today about 19 percent of the
12 student body comes from the GED program.

13 The Independent Learning Center is there
14 to offer tutorial services to students who
15 need additional work in being successful in
16 college.

17 The Career Assessment Center is there to
18 help students explore career options for their
19 future. To help them match up their interest
20 and their aptitudes with their abilities, and
21 to determine what are the probabilities for
22 success out there. What jobs are available?
23 Where are those jobs located? What are the
24 entry level salaries? How much education is
25 necessary and how does that match up with my

1 interests, aptitudes, and abilities? It helps
2 them to plan for the future in terms of what
3 courses they would need to take in college, if
4 that was the road they were to go, but it
5 helps them to firm up a plan for the future
6 and it helps them to get onto the road of
7 achieving that plan.

8 Job Search Assistance is there to help
9 those students who desire to go out into the
10 world of work after they have attended
11 college, and the Transfer Advising Program, ~~we~~
12 we've become very active in the transfer
13 advising. Students can be successful at
14 Western but we're very much interested in
15 those who seek to go on to have a successful
16 transfer to other colleges and universities to
17 complete a four-year baccalaureate degree.
18 And by having transfer advising as part of the
19 services, we have definitely enhances the
20 success of our students, who completed at
21 Western, who transfer on. That has been a
22 barrier to a number of our students in the
23 past.

24 Single Parent Displaced Homemaker Program
25 is housed out there. This is to deal with

1 those people who are reentering the work
2 force, returning to college after having
3 raised a family, find themselves in the
4 displaced homemaker situation or a single
5 parent situation.

6 The Multi-Cultural Assistance Center, and
7 Rudy Florez is our director of that and
8 Rachael Gonzalez is the assistant there, and
9 there's a third person, Michele Mendoza, who
10 is also on the staff of the -- as a secretary
11 to the Multi-Cultural Assistance Reentry
12 Center.

13 We found that we had a number of students
14 of color attending the college. We found that
15 they were not always as successful as some of
16 the other students. And one of the things
17 that came out of our advisory committee was
18 the need to look at what are the barriers to a
19 student's success and then how can we overcome
20 -- those barriers. So we set about to do a
21 study. The study has been completed. We've
22 identified those barriers and we have set
23 together an action plan to attempt to work
24 out, resolve, and remediate those barriers.
25 Some of the barriers that were perceived were

1 lack of participation and sense of belonging;
2 low self-esteem; no sense of cultural identity
3 or ethnicity; lack of parental involvement and
4 support; poor and no motivation; lack of
5 opportunity awareness; lack of self-awareness.
6 So the college has put together, through the
7 Multi-Cultural Assistance Plan, a series of
8 activities, an action plan, to help alleviate
9 those barriers.

10 In the past year, we've brought in a
11 consultant, Dr. Marquez, who met with the
12 faculty and also with the Hispanic Advisory
13 Committee, and we talked about cultural
14 infusion into the curriculum, cross-cultural
15 communication, and culture in the classroom.

16 We're implementing a tech prep program
17 and we're working closely with the high school
18 in terms of the tech prep and the
19 opportunities for all students to participate
20 in the tech prep program which will ease the
21 transition from high school into college.

22 The staff has met with parents in Gering,
23 in Morrill High School administration, Mitchell
24 High School administration. We're developing
25 an orientation course through the Minority

1 Assistance Program to help students improve
2 their success in college. We're looking at a
3 bridge program to help students who transfer
4 from here on to college elsewhere, to further
5 improve that.

6 There's a linkage with the students in
7 the GED program in terms of role models and
8 success. For example, another activity that
9 was held was we just had a series of high
10 school students at Christmas who were minority
11 students come to the college and hear a panel ~~off~~
12 of college students from all across the United
13 States. Students who were home on Christmas
14 break. There was a student from Brown. There
15 was a student from the University of Nebraska,
16 a student from Western, talking about what
17 life was like. What was happening. How they
18 were able to succeed, and to serve as positive
19 role models. And if I were to say one thing
20 that is important that we are finding out,
21 that is that we need good examples.
22 Leadership needs to be by example. And many
23 of the problems that we're encountering is a
24 blindness to the reality. I don't think that
25 it's intentional in the community, in the

1 college, but I think that there are times that
2 we are blind to it, and with some of the
3 cultural awareness activities that are taking
4 place at the college, I think a lot of that
5 blindness is going away. We had a cultural
6 fair at the -- this semester, about 450 people
7 turned out. It wasn't an overwhelming success
8 in terms of numbers, it was terribly wonderful
9 in terms of the participants. Unfortunately,
10 there was another event taking place in the
11 community that competed.

12 Job shadowing is something that the
13 multi-cultural program is looking to to shadow
14 people who are successful role models. Peer
15 mentry (phonetic) is another project that they
16 are looking at. Just last month we were able
17 to identify a number of students at risk, from
18 multi-cultural backgrounds. We brought them
19 to the college to sit in on classrooms and
20 - meet with college students and to learn about
21 the importance of college in their life and
22 their success. Another role modeling, Early
23 Introduction Project. I really ought to quit.
24 I've gone a little past my time. But the
25 college is very aware of and attempting to be

1 very sensitive to the needs to bring about a
2 truly multi-cultural environment. And with
3 that I will close, but welcome you to Western
4 Nebraska, and would really like to show you
5 the Multi-Cultural Assistance Center.

6 CHAIRPERSON HILL: Appreciate that. If
7 you've got a couple of minutes, are there
8 questions?

9 MR. ART HILL: I've got a couple of
10 questions. How many Native Americans do you
11 have involved with the school as either
12 advisor members or staff people?

13 DR. HUNTER: We're in the process of
14 forming a Native American Advisory Committee.
15 That has not been consummated. There's been
16 some discussions. Currently there are 38
17 Native American students on campus. Through
18 the Multi-Cultural Assistance Center, we
19 became aware of what we would call a low
20 persistence rate. We have just engaged the
21 services of an individual to assist us in
22 identifying what might be the cause of that
23 low persistence, and I'll have a better answer
24 within the next six weeks. That's a statement
25 as to where we are today.

1 MR. ART HILL: A follow-up question. I
2 guess it's kind of a statement also, is that I
3 have worked with different colleges and
4 universities around the country, from
5 California to the East Coast. I presently
6 work for a community college in Omaha, Metro
7 Community College. And the question I always
8 get from the different colleges, they always
9 say, "How can we get more Indian students on
10 our campus?" and it always goes back to
11 priorities, it always goes back to budget. I ~~am~~
12 know budgets can be held off for a year but it
13 always goes back to priorities. The reason I
14 asked the first question is that most schools
15 that I have worked with use the number 30 as a
16 guideline, as a guide. They say you give me
17 30 students on my campus and I'll hire an
18 Indian person to be their counselor, or I'll
19 hire an Indian person to work with them. And
20 so that's usually the guideline that they use,
21 30. I know you've got 38, which sounds pretty
22 good, but maybe they're part-time. I don't
23 know. But one of the ways to get Indian
24 students on to any campus is that they have to
25 see another Native American person on that

1 campus.

2 DR. HUNTER: They need a role model.

3 MR. ART HILL: To identify with. To go
4 to, because they are like anyone else, they're
5 going to go where they feel that they're
6 wanted.

7 DR. HUNTER: The person that we just
8 engaged for this six-week period is a Native
9 American. We're looking at that very
10 seriously. I will say this, that we
11 advertised for the position and we were not
12 able to fill it with a Native American person
13 because we didn't have any qualified
14 applicants. We probably need to look at a
15 broader range.

16 MR. ART HILL: I might offer a suggestion
17 that -- again that's a problem that we face,
18 is that when people advertise they just
19 advertise in the local media. You need to go
20 to "Indian Country Today," the former "La Cota
21 Times." That goes national, and you're going
22 to find someone that might want to come to
23 Nebraska. And so, again, that's just a
24 suggestion.

25 DR. HUNTER: I have a group of staff

1 going down to meet with Dr. Thelma Thomas and
2 discuss their orientation, what they're doing
3 for students of the Native American College
4 there to see what we can piggyback on to get
5 some ideas to further improve our efforts
6 here.

7 CHAIRPERSON HILL: Any other questions?

8 MR. HERRANDEZ: Yes. In the figure that
9 you gave us you did mention the increase, over
10 I guess five years, from 25 to 38 on the
11 Native American, and you did mention the
12 barriers in general for the students that
13 keeps--

14 DR. HUNTER: This is primarily Hispanic.

15 MR. HERRANDEZ: Okay. And I'm wondering
16 if you've been able to factor out what are the
17 things that make it difficult for the Native
18 Americans to make the transition from, let's
19 say, a dropout, the graduate to --

20 DR. HUNTER: One of the things, we met
21 with some representatives of the Native
22 American community and one of the items that
23 they presented was the primary cause was the
24 disease of alcoholism. And we're seriously
25 looking at the impact of alcoholism on the

1 students' persistence and how we might offer
2 some support, both in terms of -- in a variety
3 of ways, if that is indeed the -- but right
4 now we're still looking at that, is that,
5 indeed, the primary cause or one of the
6 primary causes. We have not factored it out,
7 though, specifically beyond that at this time.
8 We're further ahead with reference to our work
9 with the Hispanic community than we are with
10 the Native American Community.

11 MR. HERRANDEZ: Well, it would seem to me ~~that~~
12 that -- I commend you on the number of
13 different approaches that you're using to get
14 to the high school dropout and the person that
15 has been -- the homemaker and the --

16 DR. HUNTER: If we don't begin early
17 we're probably not going to have nearly the
18 success, and so it begins, and it takes a
19 different method of approach. The letter does
20 not have nearly the effect that the personal
21 home visit does, and personal contacts are
22 much more important in working to achieve
23 successful results. So many of the strategies
24 that we're using are entirely different than
25 what we're using with some other students.

1 MR. HERRANDEZ: Thank you.

2 DR. HUNTER: Thank you for the
3 opportunity, and, again, welcome to Western
4 Nebraska.

5 CHAIRPERSON HILL: A quick question
6 before you go do some real work.

7 DR. HUNTER: No, I enjoy this.

8 CHAIRPERSON HILL: Is it possible for the
9 Commission to get a copy of the Action Plan
10 that you've developed? It sounds extremely
11 complete and something you might share with
12 others.

13 DR. HUNTER: Yes, without question. The
14 other thing that I would like to -- and Mr.
15 Florez just pointed out -- one of the things
16 that we have coming up is a Leadership
17 Institute. We had one, and I only went over a
18 few of the items, we had one Leadership
19 Institute, and we're offering another
20 Leadership Institute, and what are the dates
21 on it Rudy?

22 MR. FLOREZ: June 12th.

23 DR. HUNTER: June 12th, 1993 will be
24 another Leadership Institute for primarily --
25 well, it crosses over for students of high

1 school age and college age, but to help our
2 students develop a greater awareness, a higher
3 sense of self-worth. The first one was
4 extremely successful, and so we're bottling
5 the second one. We're going to do such things
6 as: goal setting, team building, proactive
7 approaches, success in a changing world, and
8 success in college are some of the things. We
9 will send you a copy of the study and the
10 Action Plan.

11 CHAIRPERSON HILL: Excellent. That will
12 be helpful. In return, we will make sure you
13 have whatever you -- one of my functions is
14 running the National Center for the American
15 Council on Education, which puts out the GED
16 testing service. They've developed a large
17 number of very good PSAs in several languages,
18 geared toward several countries and cultures.
19 We'll make sure that you get a set of all of
20 their material that you might want to use in
21 Chadron, Gearing, maybe on the reservation in
22 terms of outreach services.

23 DR. HUNTER: Thank you.

24 CHAIRPERSON HILL: Thank you for being
25 here.

1 Ray Gonzales. Is Mr. Gonzales with us
2 this morning.

3 MR. GONZALES: Good morning.

4 CHAIRPERSON HILL: Good morning. Mr.
5 Gonzales, for purposes of the record, would
6 you give your name, address and occupation,
7 and then your statement.

8 MR. GONZALES: My name is Raymond
9 Gonzalez. I work for the Kelly Bean
10 (phonetic) Company. I live here in Scotts
11 Bluff, Nebraska, and am very happy to address
12 this group this morning. As a resident of
13 Scotts Bluff, I've had the opportunity to be
14 involved in leadership positions, one so being
15 serving as a member of the governing board of
16 this very institution, Western Nebraska
17 Community College. Serving on the Scotts
18 Bluff/Gearing United Chamber of Commerce, as
19 well as on a leadership board of directors
20 from Leaderships Scotts Bluff.

21 My comments to you this morning basically
22 revolve around education, and two topics in
23 particularly -- actually three. First one
24 being Hispanic dropout rate. Second, the lack
25 of Hispanic instructors in the public school

1 level, and Hispanic leadership. Let me begin
2 by saying we've seen enough statistics, in
3 fact I was going to bring you some this
4 morning and there's all kinds of statistics
5 out there as to actually what the Hispanic
6 dropout rate is. In my visits with public
7 school officials their interpretation of the
8 dropout rates that were printed here a couple
9 of weeks ago in an in-depth article by the
10 "Star Herald" were not correct. The issue of
11 Hispanic dropouts obviously is a very
12 important one. You heard Dr. Hunter's
13 comments in the study that was commissioned by
14 the college to find out as to why this was
15 taking place. It all seems linked back to a
16 misunderstanding or an insensitivity of the
17 student themselves. There is enough data I
18 believe that school officials, public school
19 officials need to take stronger action in
20 -- dealing with this particular issue.

21 I believe that anyone who calls him or
22 herself an educator, or anyone who addresses
23 him or herself as a public official, and I
24 make reference to those that serve on boards
25 that concern education, can simply not sit by

1 while this travesty occurs in our educational
2 system. But, on the other hand, the Hispanic
3 community must be held accountable as well.
4 They must do their part to ensure that
5 children attend school and that their opinions
6 and their concerns are voiced by Hispanic
7 leaders themselves. What I would propose in
8 dealing with this is the creation of a task
9 force made up of public officials, from school
10 boards, from community college boards, and
11 business, because business is directly
12 impacted by this dropout rate. I believe this
13 task force in a joint effort of all school
14 officials and policymakers is the best suited
15 to solve this problem. School officials can
16 foster, can oversee and provide input, but
17 policymakers are those in the best place to
18 make these decisions that will impact this
19 dropout rate.

20 On the second issue of teachers, or lack
21 of Hispanic teachers in the public school
22 system. In my visits with educators and
23 school officials, what the norm is is that
24 they're just not out there. They cannot be
25 found. I had the opportunity to visit with a

1 couple faculty members from a high school and
2 they made a very good point. They said
3 Hispanic students come out of college with a
4 degree and they go where they are better paid,
5 where the pay is better. I can understand
6 that. I think anyone who spends that much
7 time in college is obviously going to want a
8 position that pays well. And, from that
9 perspective however, I believe that we can
10 grow our own instructors who will come back to
11 teach those that really have an interest --
12 Hispanics that really have an interest -- in
13 seeing a reversal of this dropout rate, by
14 addressing this in the same way that a
15 shortage of doctors is being addressed.
16 Creating Fulbright Scholarships for teachers,
17 for students who will go on to get their
18 teaching certificates and then come back to
19 teach, paying their tuition from end to end
20 with an agreement that they will be back, and
21 I believe some of that is beginning to be
22 implemented.

23 In the issue of the sensitivity. Perhaps
24 developing a one year certificate in multi-
25 cultural education, or asking the Coordinating

1 Commission who is reviewing the curriculum to
2 state colleges, community colleges, and the
3 university to perhaps make that a requirement
4 for students obtaining a teaching degree, the
5 very fact that having a class in multi-
6 cultural education to make them more
7 sensitivity, and perhaps ever waiving the
8 tuition on such a class.

9 Addressing the issue of Hispanic
10 leadership. I believe this community, in
11 terms of when -- this all ties back to race
12 relations and solving these issues. There
13 needs to be more Hispanic leadership, credible
14 people who don't address this issues with a,
15 so to speak, chip on their shoulder, but
16 people who step forward and get involved in
17 different organizations who can impact, who
18 can make these concerns heard in different
19 organizations that the participate in. It can
20 be recognized that Hispanics will have to
21 assimilate but they don't have to give up
22 their cultural identity. Society is not going
23 to change in terms of making Hispanic culture
24 the dominant culture, but we don't have to
25 give up our identity, we just need to be part

1 of a dominant culture and I believe it's a
2 step in the direction. It has occurred
3 everywhere. It needs to occur here, and it's
4 on the road to doing so. I think that by
5 fostering more Hispanic leadership people in
6 policymaking decisions and -- policymaking
7 positions, I should say, this will bring about
8 this change.

9 I may just add that in my business with
10 business leaders and other community leaders,
11 when this community is forced to take action
12 because of government intervention they are
13 not receptive to it. I don't think any
14 community likes government dictating to it
15 what it should do. I think these are issues
16 that need to be solved at the local level and
17 I believe that's where this needs to be taken
18 care of with strong Hispanic leadership, with
19 Hispanics going to the voting booths. The
20 political force is here to do so, to bring
21 about these changes. We just have to develop
22 it, foster it and use it.

23 Thank you.

24 CHAIRPERSON HILL: Questions?

25 MR. ART HILL: I've got one quick

1 question. You mentioned the dropout rates.
2 You said they were wrong. In your own opinion
3 or estimation, what are the correct figures
4 and what are the figures that they are using
5 right now?

6 MR. GONZALES: Well, there was figures
7 done by the, I believe it was the Business
8 Research. There's figures done by the
9 Department of Education, and, as was explained
10 to me, you may have a student that drops out,
11 that starts the academic year and drops out
12 midway through the year or drops out in the
13 first semester but re-enters in the second
14 semester. It was explained that those figures
15 are taken by academic year so that student may
16 be back in school in the second semester but
17 still considered a dropout, you know. And
18 then you get into are those figures, the
19 interpretation of figures. Is it from seventh
20 grade to twelfth grade? Is it from ninth
21 grade to twelfth grade? Is it just, you know,
22 twelfth grade figures?

23 MR. ART HILL: Do you have any specific
24 figures?

25 MR. GONZALES: I did not bring those with

1 me.

2 MR. ART HILL: Like yesterday the lady
3 said there was a dropout of -- she gave
4 numbers, you know, 120 students and 69
5 students left. That's about a 50-percent
6 dropout rate. Do you have any figures like
7 that?

8 MR. GONZALES: I did not bring those with
9 me. We've seen them at 32 percent. I have
10 those at home. We've seen them at 50 percent.
11 Some at 14 percent. You know, it's almost
12 like pick a number and who's interpretation of
13 them.

14 MR. ART HILL: That's what I was trying
15 to get at.

16 MS. COBOS: You say that there are race
17 relation problems in the school between
18 teachers and children. Can you elaborate on
19 at what level? Is it elementary level?
20 -- Middle school level? High school level?
21 Higher education level that you see more of
22 the race relation problems between students
23 and teachers?

24 MR. GONZALES: I don't think it's a race
25 relation problem. I think it's an

1 insensitivity problem. I think it's just a
2 misunderstanding of the culture. I mean, it's
3 difficult to -- you know, a certain cultural
4 group may react a certain way to something
5 that is being taught to them, and others may
6 react a different way. I think we need to
7 have the awareness, more awareness in the
8 schools themselves.

9 MS. COBOS: Have you seen the
10 implementation of the new Multi-Cultural Bill?
11 How do you see -- is that successful as far as
12 you can see, the implementation of the Multi-
13 Cultural Bill?

14 MR. GONZALES: I do know that it ran into
15 a lot of problems down at the state
16 legislature. Some faculty have been receptive
17 to it, some have not. And I have not seen the
18 actual implementation of it. I think it's
19 just getting underway and it will be a while
20 before we see some impact from it.

21 MS. COBOS: Do you see it as being
22 something accepted here in our community?

23 MR. GONZALES: I think in the Scotts
24 Bluff/Gering, I think it will be very
25 receptive, and I think it will provide a good

1 impact. It will make a headway towards those
2 changes that we discussed.

3 MS. COBOS: Those college students that
4 have enrolled, do you know the rate of how
5 many have actually successfully completed
6 their educational goals here at the college?

7 MR. GONZALES: Here at Western?

8 MS. COBOS: Yes.

9 MR. GONZALES: I didn't bring those stats
10 with me. We have them. We are provided -- as
11 board members we have been sent a packet. I ~~was~~
12 did not bring those with me.

13 MS. COBOS: Can you provide us with that?

14 MR. GONZALES: We'll get them to you.

15 MS. COBOS: Thanks.

16 MR. HERRANDEZ: I enjoyed your comments
17 on the need for Hispanic leadership, and I'm
18 just wondering, I know that there's some
19 leadership programs. First of all I guess
20 -- sponsored by the Chamber of Commerce,
21 sponsored by the Leadership Institute here at
22 the college, and then you have the community
23 that is like in a transition of trying to find
24 their nitch in terms of upward mobility, the
25 Hispanic community.

1 MR. GONZALES: Correct.

2 MR. HERRANDEZ: How are you going to help
3 them make the transition from the happy
4 citizen to taking a leadership role? How do
5 you think that ought to be done? Because I
6 found just in a short time that it's difficult
7 in small towns to get people to speak up on
8 issues for fear there might be some kind of a
9 backlash.

10 MR. GONZALES: Your question is how to
11 bring people into the mainstream of
12 leadership?

13 MR. HERRANDEZ: Yes.

14 MR. GONZALES: It is from -- I think the
15 best way to handle that is for those that have
16 already stepped into those roles to encourage
17 others and to bring them in and to point them
18 in the direction of committees that they may
19 serve on or encourage them to seek public
20 office, or recommend them for positions of
21 appointment whether they be at the state
22 level, local level, or county level. You
23 know, from my perspective, I just took the
24 step forward. I mean, when I ran for this
25 position here on this college board, I made

1 the decision to run, but I got started when a
2 co-worker of mine, who I may say is not
3 Hispanic, encouraged me to get involved in
4 this Leadership Scotts Bluff, and went through
5 that class and became more confident and more
6 aware of the issues that were taking place.

7 MR. HERRANDEZ: Do you see that happening
8 more and more here in Scotts Bluff?

9 MR. GONZALES: Yes. I do know that there
10 have been several Hispanics go through that
11 Leaderships Scotts Bluff program. I was aware
12 though that there were no Native Americans
13 involved this year though.

14 MR. HERRANDEZ: Okay.

15 CHAIRPERSON HILL: Mr. Gonzalez, within
16 the Scotts Bluff/Gering area, the area that
17 you are familiar with, in your opinion, if
18 somebody felt that they had a legitimate
19 complaint from the human rights standpoint,
20 -- either a student within the school, a citizen
21 with the police, somebody within the college,
22 are there enough and adequate current vehicles
23 available locally that people can complain to
24 and get action?

25 MR. GONZALES: Well, in terms of I guess

1 breaking this down from public schools, their
2 best route, you know, is that they would
3 obviously follow the channels of going through
4 their principal, then I guess as high as the
5 school board, if action needed to be taken.
6 And, again, that relates back to how sensitive
7 those people are going to be to that, you
8 know, to that situation I guess. It's
9 following the channels. But I think there
10 needs to be a cultural awakening, so to speak;
11 to make those that impact the decisions, you
12 know, to have that have great impact more
13 aware, and more aware of when someone steps
14 forward and says, hey, I've just experienced
15 discrimination. You know, again just let me
16 reiterate. From the community level I think
17 that so far as government coming in and
18 dictating to communities what they will or
19 will not do or taking action, it antagonizes
20 the situation more than it helps it.

21 CHAIRPERSON HILL: That's why I asked the
22 question. Let me reask the question and try
23 for the same answer. If outside government
24 coming in antagonizes, then there must be
25 internal mechanisms within the community that

1 people can go to if they feel they need
2 relief. What my question is, other than the
3 straight chain of command that you're saying
4 may not be particularly sensitive, are there
5 existing within this area, in your opinion,
6 those vehicles that somebody can go to to
7 voice a complaint? People who are
8 discriminated against, so you know --

9 MR. GONZALES: Uh-huh.

10 CHAIRPERSON HILL: People who are
11 discriminated against generally are not in a
12 position within their own mind or self-
13 confidence to lead the parade.

14 MR. GONZALES: Exactly.

15 CHAIRPERSON HILL: They have to go to
16 somebody else and say, I need help.

17 MR. GONZALES: Exactly.

18 CHAIRPERSON HILL: Are there agencies
19 within this area, not from Lincoln and not
20 -- from Washington, but from within this area
21 that somebody can go to and yell help, that
22 people have confidence in?

23 MR. GONZALES: Not that I am aware of,
24 there are not.

25 CHAIRPERSON HILL: Thank you.

1 MR. ART HILL: Another correct question.
2 On leadership, you say you got elected to the
3 board out here at the community college?

4 MR. GONZALES: Correct.

5 MR. ART HILL: Are there any plans or are
6 there any efforts toward electing, if they
7 haven't already done it, electing Hispanics
8 like maybe to the city council or county
9 commissioners or anything like that?

10 MR. GONZALES: I think those come from
11 actually Hispanic leaders taking the step
12 forward. You know, say I am going to seek
13 election to this position. People have to
14 step forward on their own and make that
15 decision. I mean, it is a personal decision
16 to make. And I believe that if someone
17 decides to run for city council, Hispanic or
18 Native American, they will receive the support
19 of the Native American group, the Hispanic
20 group, and more than likely, you know, of the
21 anglos. And many times you hear amongst
22 community leaders is that more Hispanics need
23 to get into -- you know, need to take a step
24 forward and run. But that is a personal
25 choice. They need to decide that on their

1 own.

2 MR. ART HILL: Do you have any group
3 that's working towards -- in that direction?
4 You mentioned something about Leadership
5 Institutes and stuff like that.

6 MR. GONZALES: Well, the Leadership
7 Institutes at -- I mean, at least the ones I
8 participate in are the ones that made us aware
9 of the issues like water, medical issues,
10 education issues, business and industry. You
11 know, things like that. But that's what
12 Leaderships Scotts Bluff is, is making people
13 actually -- people who already are in
14 leadership positions more aware of issues
15 pertaining to the area and their impact.

16 MR. ART HILL: Thank you.

17 CHAIRPERSON HILL: Thank you very much
18 for taking the time.

19 MR. GONZALES: Thank you.

20 CHAIRPERSON HILL: Mr. Cruz, welcome to
21 our happy home, or welcome to your happy home.
22 Would you please, for the record, start with
23 your name, address and occupation, and then
24 your statement.

25 MR. CRUZ: My name is Felipe Cruz and I

1 work for the Nebraska Multicultural Human
2 Development Corporation, and I'm a board
3 member of the Community Development Coalition
4 also. I'm going to talk from the migrant
5 perspective of institutional discrimination in
6 housing.

7 I think a lot of people in this area has
8 had an experience with the migrant and
9 seasonal farm workers. The experience of
10 migrant and seasonal farm workers who live and
11 work in this area each year there have been a ~~lot~~
12 lot of problem. The experience often one of
13 profound discouragement and fundamental
14 insecurity because a lack of affordable
15 housing. Migrant farmers sleep while they
16 work in this area in one of four types of
17 housing; in growers provide housing on the
18 farm, in private rentals, in housing shared
19 with permanent resident, or in mobile homes
20 owned by the migrant families.

21 From series of interview being conducted
22 within the migrant population last year, we
23 learned that more than 50 percent of the
24 migrant had to look for housing and,
25 therefore, had to deal with private landlords,

1 about 107 families. A shortage of adequate
2 housing for permanent resident has been for
3 the past several years a growing concern
4 throughout the area. There are not, according
5 to local landlords, enough rentals to satisfy
6 conventional housing needs. On top of that,
7 the need of housing for migrant has made the
8 problem even worse than it normally is.
9 Consequently, the only units available to the
10 migrant farm workers are those which nobody
11 will live in if given a choice. The result of
12 this problem are the three type of
13 discrimination that occur: The landlords do
14 not want to rent for short term, or they want
15 a lease agreement for a period longer than
16 migrant will normally stay in the area.
17 Sometimes when the rent is not paid by the
18 family, it is paid for a social service agency
19 some motels or landlords will disconnect
20 certain utilities. For example, air
21 conditioning. It's a trial motel case in
22 1992. Other landlords will not rent the house
23 because of the family size consisting of too
24 many young children or too many members in the
25 family. That was one case in Alliance in

1 1992. In these two cases the families did not
2 want to file complaint because it will take
3 longer than three months. They just stay in
4 the area for three months: May, June, and
5 July.

6 One of the most, I think the biggest case
7 of institutional discrimination happened in
8 this county when the county general assistant
9 program was taken away from the disadvantaged
10 population. The funding which was used to
11 help migrant families with temporary shelter
12 assistance is no longer available to them.
13 And also the Housing Authority, the county
14 Housing Authority did not provide housing to
15 migrant farm workers. Due to the short
16 staying period, the migrant face a lot and
17 many problems in the housing. Due to the
18 short staying period, the migrant do not face
19 many problems with the local school system
20 because the migrant school -- the migrant
21 children have migrant Headstart in migrant
22 schools. Overall, the relationship between
23 the general population and the migrant
24 population has improved in come cases
25 recently.

1 The law enforcement system also has
2 improved its relationship in some cases with
3 this population. Some of the police officers
4 speak Spanish, but I encourage and I hope
5 this, that the system will have more Spanish
6 speaking police officers.

7 My statement is that today, because, you
8 know, it's a short statement. I was asked to
9 speak about housing and relationship with the
10 community with the migrant population.

11 CHAIRPERSON HILL: Okay. Would you
12 accept questions?

13 MR. CRUZ: Yes.

14 CHAIRPERSON HILL: Questions?

15 MS. COBOS: What does the local Housing
16 Authority say about not providing housing for
17 the migrant farm workers? What is their
18 reason?

19 MR. CRUZ: The reason that the Housing
20 -- Authority say is because they cannot figure
21 out their incomes, because if they have people
22 who qualify, like in this community, who are
23 permanent resident in the community they could
24 in some way figure out their income, but
25 migrant population they couldn't. And, beside

1 that, they say that they don't have enough
2 units available for this population.

3 MS. COBOS: So they are being entirely
4 excluded from public housing?

5 MR. CRUZ: Right.

6 MS. COBOS: Does the Public Housing
7 Authority have any other extra funds available
8 for emergency housing that you know of?

9 MR. CRUZ: Well, I don't know. I don't
10 know. Before doing this, I called the person
11 that represent Housing Authority and she
12 wouldn't give me any information about it.

13 MS. COBOS: Okay. You say that the local
14 General Assistance Program was taken away from
15 the Department of Social Services, and the
16 Department of Social Services used to provide
17 emergency shelter assistance to through the GA
18 Program?

19 MR. CRUZ: Right.

20 MS. COBOS: Now who has taken over the
21 program?

22 MR. CRUZ: Well, I think that program is
23 handled by the county Department of Health.
24 And actually they are not -- they don't
25 provide anything to anybody that I know, you

1 know. They don't provide anything to anybody
2 but they call like life-threatening situation,
3 but I don't know what they -- I don't know
4 what they identify as a life-threatening
5 situation.

6 MS. COBOS: That's what they --

7 MR. CRUZ: That's what they say when we
8 refer somebody up there. They say, "Is this a
9 life-threatening situation?"

10 MS. COBOS: Was that program originally
11 intended as a last resort type of program, and
12 do you see -- have you seen any changes in the
13 regulations or is this --

14 MR. CRUZ: Actually no, we haven't seen -
15 - that program was taken away from the
16 Department of Social Services, has not
17 changed.

18 MS. COBOS: So you felt that the
19 Department of Social Services, when they were
20 -- running the program, they were providing
21 assistance?

22 MR. CRUZ: Actually they used to provide
23 rental assistance to migrant farm worker from
24 that County General Assistance Program, but
25 now what's going to happen, you know, not -- I

1 think that federal funding available for
2 migrant farm workers are not enough to assist
3 close to 370 families during this season.

4 MS. COBOS: What other agencies provide
5 emergency shelter for farm workers?

6 MR. CRUZ: Community Services has
7 provided some emergency shelter to that,
8 migrant farm workers. And also we are going
9 to provide -- The Nebraska Multicultural Human
10 Development Corporation will be providing some
11 partial rental assistance in Alliance.

12 MS. COBOS: Okay.

13 CHAIRPERSON HILL: Art, anything?
14 Ascension? Okay. Certainly appreciate your
15 being here. Just so you know, a group of us
16 were here during the last farm season. Had an
17 opportunity to tour some of the palaces and
18 mansions made available for housing. And we
19 think that it's something we're going to be
20 following up with the proper federal and state
21 authorities because we did see some life-
22 threatening things. Between that visit and
23 this, just for the information of the group, I
24 also did some work with housing in a little
25 city in another country called Adis Abeba,

1 Ethiopia. The only difference in some of the
2 housing conditions was their people were not
3 afraid to rent to people and there the rent
4 was a lot cheaper than some of the places we
5 saw here. I think it's a very serious
6 problem.

7 MR. CRUZ: It is.

8 CHAIRPERSON HILL: Thank you for being
9 here.

10 MR. CRUZ: Thank you.

11 CHAIRPERSON HILL: Mr. Smith. Welcome.
12 For the record, would you start with your
13 name, address and occupation, please.

14 MR. SMITH: My name is Stanley Smith.
15 I'm disabled, unemployed. I'm on disability
16 Social Security. My address is 912 Avenue B,
17 Minatare, Nebraska. I am here today to
18 testify basically on my own. I am disabled
19 and have been disabled since 1985.

20 While living in Western Nebraska I have
21 witnessed many problems of the handicapped and
22 have been victimized by the lack of
23 sensitivity to toilet facilities, no ramps for
24 wheelchairs. I am unable to move about in my
25 wheelchair because of the way the roads, when

1 they put in the ramps for handicapped then
2 they add three inches of asphalt to the roads;
3 therefore, you have a three-inch lip that you
4 can't get over. Many times the doors into the
5 stores open to the wrong direction, which
6 makes it almost impossible for anybody that
7 has any upper body ailments to open and get a
8 wheelchair through. Many people don't care
9 about designated handicapped parking and
10 continue to park in these places without being
11 arrested or even ticketed by the police
12 department. The whole area in Western
13 Nebraska should be evaluated and reports filed
14 concerning accessibility for handicapped. Our
15 bodies may be weak but our mental capacity is
16 just as normal as anybody else's.

17 In January of 1990 I was living in the
18 Bluff View Manor, which is part of the Scotts
19 Bluff Housing Authority. I was living in one
20 of their apartments and became involved in
21 organizing a tenant association. In 1991, I
22 was voted as president of that association.
23 After a few meetings we submitted some of our
24 complaints to the director of the County
25 Housing Authority. She did not respond to our

1 complaints but instead chose to fight with us
2 over the complaints. This went on for almost
3 a year until people began to drop out of the
4 tenants' association. It seemed as if people
5 were intimidated by the director and the
6 staff. According to the Nebraska Housing
7 Authority Law 71-1524, a tenant commissioner
8 may be appointed from those nominated by
9 tenants, low-income people. To the best of my
10 knowledge no one has yet been appointed to
11 that board of commissions. One of my friends
12 who is also disabled, he's a disabled veteran,
13 has been denied for Section 8. It seems like
14 he's been forced out because he expressed his
15 own opinions of the Housing Authority. Again,
16 according to Nebraska Housing Law 71-1537, he
17 has the right to be an occupant there.

18 The annual inspections of Section 8
19 housing is at this time a very frustrating
20 situation. An inspector for moderate
21 rehabilitation, Section 8, comes to our house
22 and begins to inspect like the military with
23 white gloves. I mean, if you have a screw
24 missing out of a face plate for a light switch
25 she writes it down. It has to be repaired,

1 when there's nothing wrong and it was that way
2 the year before when she inspected. And
3 that's basically everything that I've got to
4 say other than there is a definite need to
5 address the complaints in this statement that
6 I have made today. I am willing to assist in
7 the resolving of the problems of the
8 handicapped, and elderly, and the low-income
9 people.

10 CHAIRPERSON HILL: Thank you. Questions?

11 MR. ART HILL: I guess the question I
12 have is, isn't there a state association that
13 handles complaints like this, complaints of
14 the handicapped?

15 MR. SMITH: Not to my knowledge. The
16 only people that I know of myself is the
17 Western Nebraska Legal Services, and the
18 Panhandle People's Action, which is just a new
19 incorporation which is just starting and
20 - basically hasn't gotten its feet on the ground
21 yet. They're advocates to help people find
22 help, basically is what it amounts to.

23 MR. ART HILL: I guess a follow-up
24 question is that -- and address this to Gary.
25 We used to have a lady that was a former

1 Unicamera (phonetic) member. She was very
2 interested or very concerned about the
3 handicap problems. In fact, we discussed
4 that. There was another meeting and she was
5 going to approach someone at the state level
6 about the problems there in Lincoln, and so it
7 seems like that these problems that he's
8 having falls right within that area or that
9 jurisdiction.

10 CHAIRPERSON HILL: I'll follow up with
11 that. It was followed up, and I guess this
12 leads to almost the same question that Art
13 asked. There does not appear to be a lack of
14 laws or legal remedies between the Americans
15 with Disabilities Act and some of the state
16 statutes that you mentioned. The laws are in
17 place. Are you saying that there is no
18 vehicle within this area that's adequate to
19 complain to?

20 MR. SMITH: Not to my knowledge. Not
21 that I've been able to find. There's no
22 listings in the phone book or anything, and I
23 don't get around that much. I do hold
24 computer classes here five days a week to try
25 to get out of the house basically, and to

1 learn how to run my own computer at home so I
2 can help other people through the PPA,
3 Incorporated.

4 CHAIRPERSON HILL: So that's something
5 that we do need to follow up with in terms of
6 access. That's what we've got to keep
7 checking, access to the agencies.

8 Rosa, do you have any questions?

9 MS. COBOS: I sure do. Stanley, when the
10 tenants association was originally formed,
11 what types of complaints were the tenants
12 attempting to address with the Housing
13 Authority? Why was it formed and what type of
14 issues were --

15 MR. SMITH: Basically they had a lot of
16 problems with different things. We had
17 laundry facilities. Nothing for the kids to
18 play on. All the playground equipment was
19 tore up by younger adults, age 20 years old,
20 playing football and baseball out in the
21 fields and stuff, and they just refused to do
22 anything. Well, last year they did finally
23 put in some equipment but you should go see
24 it. You should go see some of it. That's all
25 I have to say. I mean, I don't want to get

1 myself in trouble. But we formed it to try
2 and help the tenants, and according to --
3 well, I can't remember the number of the
4 statutes, but according to HUD they do want a
5 tenant council. We voted on a tenant council.
6 The vote came out I believe it was 17 for and
7 9 against, but the vote, according to the
8 director and part of her board, said it was
9 not a hundred percent turnout. Well, I
10 haven't yet found any polling place where you
11 vote nationally or anything else where you
12 have to have a hundred percent participation.
13 But we legally won the vote, but they still
14 turned us down on our tenants association.
15 And it just gradually broke down to where
16 there was only four of us that was there, and
17 we were basically one by one forced out of the
18 Housing Authority. I had a Section 8. I'm
19 living in a Section 8, but we're not in our
20 -- apartment that we were in, which we were happy
21 with. I had spent quite a bit of money
22 putting lawn in and stuff that was not there
23 when we moved into the apartment in 1989. And
24 then last year we were basically forced out of
25 it and into Section 8.

1 MS. COBOS: As a housing advocate, you've
2 talked about the barriers that are there for -
3 - with regard to the handicapped residing in
4 public housing. Do you see any other problems
5 of race relations or discrimination against
6 Hispanics or Native Americans?

7 MR. SMITH: Yes, I basically have. It's
8 too many children, and the stay is not long
9 enough and they don't feel that they can tie
10 up an apartment, a four-bedroom apartment for
11 just two or three months and then turn around
12 and have them leave, and then have to go back
13 in and restore the apartment to rent it again.
14 Which basically is nonsense to me. I mean, if
15 a person needs a home and they qualify for the
16 home, they should be eligible for it, and
17 that's what the law reads.

18 CHAIRPERSON HILL: Ascension?

19 MR. HERRANDEZ: Yes. Just to be sure, do
20 you have any idea, do you have access to
21 information to what funds go into the Housing
22 Authority, and are they county funds or are
23 they combination of county and federal? And,
24 if there is federal funds --

25 MR. SMITH: There is federal funds that

1 go into it. There was \$1.2 million went into
2 the Scotts Bluff Housing Authority last year.

3 MR. HERRANDEZ: Do they monitor to make
4 sure, for instance, that there's a tenant
5 council?

6 MR. SMITH: They -- after we left they
7 sent out a -- the director sent out a notice
8 that they wanted to have a meeting with all of
9 the tenants to try and get a tenant
10 association going. Now, I can't say anything
11 because I don't know it for a fact, but I do
12 know that the tenant association is not going.

13 MR. HERRANDEZ: Okay.

14 MR. SMITH: So, I mean, there's other
15 things that I could say, but I don't know for
16 fact because I haven't been around there.

17 MR. HERRANDEZ: Okay. So the main thing
18 is that HUD has oversight and then the county
19 commissioners who provide the --

20 MR. SMITH: Well, the county
21 commissioners have appointed one man to
22 oversee the Housing Authority, as far as I can
23 understand it. And there's a five person
24 board that oversees the Housing Authority, and
25 then they have a director and her staff.

1 MR. HERRANDEZ: Do you get a chance to go
2 before that housing board to voice your
3 complaints?

4 MR. SMITH: Well, you can go to the
5 housing board. They meet every third Thursday
6 of the month, anyway the did. I haven't been
7 to one because I've been going to school this
8 year, this last semester -- this semester.
9 But every third Thursday of the month they
10 have a meeting and it's open to the public.
11 Anybody can go to it as far as I know, but
12 they don't advertise it. And as far as taking
13 a complaint to the housing board, you might as
14 well forget it because that's as far as it
15 goes. It's just like dropping a piece of
16 paper on the floor.

17 MR. HERRANDEZ: Thank you.

18 CHAIRPERSON HILL: Thank you. We
19 appreciate your being here.

20 Is Ms. Alejos and Mr. Levine with us?

21 For the record, would you please give
22 your name, address and occupation. And I hope
23 I got the two names correct.

24 MR. LEVINE: There's just two of us, yes.
25 My name is Aaron Levine and I'll be speaking

1 first, and Stella can introduce herself when
2 she speaks. I'm an investigator with the U.S.
3 Department of Housing and Urban Development in
4 their office of Fair Housing and Equal
5 Opportunity. We are a regional office out of
6 Kansas City, Kansas. Our office covers the
7 four state area of Iowa, Missouri, Kansas, and
8 Nebraska, and we enforce a number of federal
9 statutes. The Fair Housing Act is what I'm
10 going to be talking about today. Mr. Smith
11 mentioned something that may be covered under ~~and~~
12 Section 504 of the Rehabilitation Act of 1973,
13 and we have brought materials that will be
14 available, after we speak today, outside so if
15 anyone would like to pick up some of those
16 materials feel free to do so, and we can
17 discuss any questions that people here might
18 have.

19 What does our office do? Well, we
20 investigate allegations of discrimination on a
21 basis of race or color, national origin,
22 religion, sex, familial status, or handicap.
23 We say handicap even though disability or a
24 person with disabilities is the preferred term
25 because the statute as written, in '88, says

1 handicap, so that's the terminology that we
2 use.

3 What is the procedure for filing a
4 complaint and who may file? The people who
5 can file are aggrieved persons, and those are
6 people who believe they have been treated in a
7 different way, in a different discriminatory
8 way from people who are not of their
9 particular protected class or group. So, if
10 you're Hispanic, you might allege that a non-
11 Hispanic was treated more favorably or that
12 you were treated less favorably when you were
13 looking for housing, when you applied for a
14 loan. There are lots of areas of coverages of
15 the Fair Housing Act and I want to kind of
16 touch on each of those. If time will allow we
17 can kind of hit on each of these things.

18 One other thing I wanted to mention, Mr.
19 Cruz mentioned that some of the migrant
20 workers here are running into discrimination
21 relating to the size of their families, which
22 would come under the familial status
23 provisions of Title 8, which prohibits
24 discrimination on the basis of familial
25 status. People with children, if a landlord

1 would rent to a family of four adults or two
2 adults and two children, you know, there needs
3 to be the same kind of willingness to rent to
4 a family. The size of the family would come
5 under whatever the city's zoning restrictions
6 are and HUD would maybe look at those. We
7 might get into a zoning case and it gets kind
8 of sticky because then you have lots of
9 political involvement, and HUD does not set
10 occupancy standards. There is no one
11 occupancy standard. So when we receive a
12 complaint on the basis of familial status and
13 someone has three children and two adults and
14 they want to rent, say, a two-bedroom
15 apartment we would look at each of those cases
16 individually. There is no rule of thumb that
17 we can say, you know, yes, this is
18 discrimination or, no, this is not
19 discrimination. We would have to look at each
20 case individually to see if the occupancy
21 standards were reasonable. We would look to
22 court decisions primarily and to guidance from
23 Washington, D.C. to determine how we would
24 make our finding. But the point that I wanted
25 to make with Mr. Cruz was that if the

1 complainant or the aggrieved person, the
2 migrant worker, would file a complaint
3 immediately after the discriminatory act had
4 occurred, we are statutorily required, unless
5 it is impossible to do so, to conduct our
6 investigations within 100 days. So that there
7 is a good likelihood that the investigation,
8 if filed right at the time that the
9 discriminatory act occurred, if it were filed
10 then, then we could get out and do the
11 investigation.

12 I wanted to kind of move on to some of
13 the other things that -- the prohibited
14 conducts, the prohibitive behavior. We have
15 the groups that are protected. I wanted to
16 also define the familial status because a lot
17 of people aren't familiar with that. Familial
18 status, this would be including children under
19 age of 18 living with parents or legal
20 custodians, a pregnant woman, and people
21 securing custody of children under 18. That's
22 what familial status refers to. If you've
23 seen an advertisement that says no pets, no
24 children, that's a problem. That's
25 discriminatory advertising and that's illegal

1 under Title 8. So if you see that in your
2 local papers please call our office, because
3 we will investigate that and we will write the
4 newspaper and see that that ad is pulled and,
5 you know, whatever appropriate action needs to
6 be taken.

7 Let's see. In the sale and rental of
8 housing, the refusal to rent a house to a
9 person because of their race or color,
10 national origin, sex, familial status, or
11 handicap is prohibited. Refusing to negotiate
12 for housing. Making housing unavailable; oh,
13 we just took that home off the market. It's
14 not longer for rent, we just rented it. These
15 are the kinds of things someone who is being
16 discriminated against might hear. If you feel
17 you're being discriminated, call our office.
18 We have a 1-800 number. We take collect
19 calls. Our office number is area code (913)
20 236-3993, and state that you would like to
21 talk to an intake officer to file a Fair
22 Housing complaint, and that's -- there's a
23 national 1-800 number but I don't have it in
24 front of me, but 1-800 information would get
25 you that number. Also your local Housing

1 Authority, someone in the community service
2 organizations here should be able to direct
3 you to HUD or to the Nebraska Equal
4 Opportunity Commission. Whoever does your
5 housing investigations locally would be able
6 to take what is called a HUD 902, a complaint,
7 and forward that to our office. The state
8 agency may want to investigate it. We would
9 also determine whether we would refer it to
10 the state for them to investigate, or whether
11 we would do it ourselves, and that would have ~~not~~
12 to do with whether or not the state agency had
13 been certified as being substantially
14 equivalent to the Office of Fair Housing and
15 Equal Opportunity to protect the rights of the
16 person who is alleging discrimination.

17 Some of the other conduct providing
18 different housing services or facilities, also
19 denying that housing is available for
20 inspection, sale, or rental. For profit
21 persuading owners to sell or rent. In other
22 words, block busting. Oh, they just moved in
23 so you may as well sell your house because the
24 real estate values here are going downhill.
25 That's the kind of thing, you know, some

1 Hispanics moved in, some Mexican Americans
2 moved in. They're just down on the corner
3 there, so that kind of thing. If you hear
4 that, it's probably discrimination, you know,
5 and so we'd want to look at it.

6 Denying anyone access to or membership in
7 a facility or service such as a multiple
8 listing service related to the sale or rental
9 of housing. We haven't had too many of these
10 complaints, but that would be where your local
11 real estate board might turn someone down
12 because of their national origin, or any of
13 the other bases that we've covered.

14 Let's see. One other area that's also
15 covered is mortgage lending, and
16 discrimination could include, from a bank
17 might include drawing a line on a map and not
18 making loans below that line or to the east of
19 that line. We won't make loans in this
20 particular area. Why not? Are these people
21 qualified? Well, this is the kind of
22 investigation -- what we do in a banking
23 investigation is much more involved than for a
24 housing complaint because we look at all of
25 the bank's records relating to the loans that

1 they made. That would include the HONDA
2 (phonetic) data that they're required to keep,
3 and we look at, okay, what is your standard?
4 Who would you make the loan to? You made a
5 loan to this person with shaky credit but yet
6 this Hispanic person, you know, didn't get the
7 loan; why is that? And they have to come up
8 with a reason; otherwise, we would conclude
9 that something might be going on.

10 Let's see. I'm trying to hit on all the
11 things here. There's a lot of coverage.
12 Title 8 is a very broad law. Title 8, the
13 total title of the law is Title 8 of the Civil
14 Rights Act of 1968, as amended by the Fair
15 Housing Amendments Act of 1988, and that's
16 what I'm talking about today.

17 What happens when you file a complaint?
18 We come out. We investigate the complaint.
19 We will attempt conciliation. The first thing
20 when you file the complaint we establish
21 jurisdiction. We may not have jurisdiction.
22 There's some complaints that we will not have
23 jurisdiction for. But once we've established
24 jurisdiction we will contact the complainant
25 and the respondent and send them initial

1 letters notifying them that the complaint has
2 been filed. They have the opportunity to
3 respond. Everybody can have an attorney. All
4 parties can have an attorney present, and the
5 department is required, under Title 8, to
6 attempt conciliation throughout the process of
7 the investigation. So we will periodically
8 attempt conciliation. Try to resolve the
9 complaint. Conciliation is a voluntary
10 process. It does not go into the
11 investigation, into our final investigative
12 report which is the report that's prepared at
13 the end of the investigative process. So we
14 do the investigation. We attempt to resolve
15 it. If we can't resolve it, and conciliation
16 is voluntary and the people conciliating all
17 would sign the agreement and then HUD would
18 enforce compliance with the agreement.

19 As far as if the case does not conciliate
20 what happens then? Well, we do either a
21 reason for cause or a no reason for cause
22 determination, and we would represent the
23 complainant in a reason for cause
24 determination either before an administrative
25 law judge or in federal district court. And

1 that's pretty much the process. If the case
2 goes forward as reasonable cause, it is much
3 more -- a much more lengthy process. It does
4 take a significant amount of time. Often
5 there are remands of cases back to the
6 regional office from headquarters. If the
7 Department of Justice or the Washington, D.C.
8 office of Fair Housing wants additional
9 material in the case file or they want
10 questions answered, they send it back to us
11 and we will answer those questions so that
12 they can feel like, yes, there's enough here
13 to go forward in federal district court.
14 Because they are not going to go forward
15 unless they think that there's going to be --
16 that there is discrimination occurring and
17 that they can prove it. So those are
18 basically -- that's Title 8, and I'll come
19 back up after Stella talks and we can both
20 answer your questions. Thank you.

21 MS. ALEJOS: My name is Stella Alejos,
22 and I'm with the U.S. Department of Housing
23 and Urban Development. I'm an equal
24 opportunity specialist, and I work in the
25 division of Program Compliance Division, and

1 what I'll be doing today -- is this on?

2 CHAIRPERSON HILL: It doesn't project.
3 It's for the recorder.

4 MS. ALEJOS: Oh, I see. Okay. That's
5 why I don't hear it. Okay. Anyway, what I
6 basically wanted to cover with you are some
7 statistics concerning the complaints that we
8 receive from the Nebraska area. Altogether
9 the number of complaints that we've received
10 from the Nebraska area are -- and this is
11 since October 1991 -- we've received 139
12 complaints, discrimination complaints. 59 of
13 those were investigated by HUD and 80 of those
14 were investigated by our Federal Housing
15 Assistance Program agency, which is the state
16 agency. The state agency is Nebraska Equal
17 Opportunity Commission, and we have a work
18 sharing agreement with the state of Nebraska
19 in that they investigate so many of our
20 housing complaints and then they receive, you
21 know, moneys to investigate these complaints
22 because we receive numerous complaints through
23 our Fair Housing office.

24 Also the different types of complaints
25 that we received, and these are the certain

1 issues that we investigated under. I would
2 say 12 of those were in sales of homes; 38 of
3 those were pertaining to rental; 5 of those
4 pertained to financing. We did not have any
5 brokerage, as far as complaints against
6 brokers. Then we had as far as just on the
7 issue of terms and conditions 71 complaints.
8 We did not have any complaints regarding
9 steering, red line, and we did receive about 7
10 discrimination complaints, 2 pertaining to
11 zoning, and we did not receive any complaints
12 as far as pertaining to accessibility, and
13 that's referring to persons with disabilities.

14 CHAIRPERSON HILL: The numbers that you
15 are giving us, is that for all of Nebraska or
16 Western Nebraska?

17 MS. ALEJOS: All Nebraska.

18 CHAIRPERSON HILL: Do you have any idea
19 how many are for --

20 MS. ALEJOS: Oh, for western -- no, we
21 don't have that breakdown. But would you like
22 -- I don't know how, if we can do that. I
23 just by covering certain areas of --

24 CHAIRPERSON HILL: We can provide you
25 with a list of cities and counties.

1 MS. ALEJOS: Maybe we can go that route,
2 yeah.

3 CHAIRPERSON HILL: Because really we're
4 trying to focus -- this is helpful but we're
5 trying to focus on --

6 MS. ALEJOS: Right. If you could give me
7 the listing of the cities and counties of
8 western Nebraska, anything else. You just
9 want to know as far as the number of
10 complaints received in that --

11 CHAIRPERSON HILL: Number and types
12 within western Nebraska.

13 MR. LEVINE: It's significantly less than
14 for eastern Nebraska.

15 CHAIRPERSON HILL: Right. And for our
16 purposes, if 99 percent come from Lincoln and
17 Omaha, which is kind of my suspicion, that can
18 tell us what problems, if any, there are in --

19 MS. ALEJOS: Okay. Now, also since
20 October 1991 we've had, as far as the type of
21 closures, I'll go over that with you. We've
22 had -- 66 were administrative closures. Let
23 me explain that to you. Administrative
24 closures are like, for example, like a failure
25 to cooperate where the complainant -- and I'm

1 referring to the complaints that filed their
2 complaints, they just lost interest in their
3 case, for whatever reason or we were not able
4 to locate them. They had moved and not
5 notified us of a change of address, or maybe
6 they withdrew their complaints. Sometimes,
7 not always do complainants withdraw the
8 complaints because they change their minds but
9 also maybe it's because they somehow settled
10 with the respondent and that is who the
11 complaint is against, the name of the person
12 is the respondent. And so that way they may
13 just withdraw for that reason. So it varies
14 for whatever reason they withdrew their
15 complaints.

16 Also the number of no cause
17 determinations. Now, this has been a no cause
18 determination has been rendered after an
19 investigation has been completed, and we had
20 14 of those no cause determinations. As far
21 as conciliated cases, there have been 45 of
22 those have been conciliated. And now one
23 thing I want to mention about these 45 cases
24 that have been conciliated, there's a
25 possibility that some of these may have been

1 already leaning towards a cause finding and
2 it's just that it was -- and so we don't
3 really have a record on hand to show that, you
4 know, because until a determination has really
5 been rendered then we can say there was a
6 violation. But sometimes in these cases, and
7 I've experienced that myself, where I already
8 was seeing that there was a cause finding but
9 yet the respondent and the complainant agreed
10 to settle the complaints. And we had one
11 cause finding as far as one cause
12 determination was rendered.

13 I guess now we're open for questions.

14 MR. LEVINE: You asked about the region.
15 I know we have just a bit of information about
16 Scotts Bluff, I think. Let's see if I can
17 pull that out of here. We'll go ahead and
18 pull these by counties.

19 MS. ALEJOS: Did you want a certain time
20 period for this -- when you wanted --

21 CHAIRPERSON HILL: Let's take the last
22 year or --

23 MR. LEVINE: Last two years, we can do
24 that. That's two years. Let's see, looks
25 like we have a total -- we received a total of

1 6 complaints from Scotts Bluff, Nebraska.
2 Let's seen, I'm not sure how far back this
3 went so we'd have to check on that. I believe
4 two of them were on the basis of national
5 origin American Indian, the other two -- the
6 other four were I believe by national origin
7 Hispanic. So those are what we're getting
8 locally. But we can certainly find out more
9 about the half of the state we're in.

10 MR. ART HILL: I've got one question.
11 You know in a lot of cases in the minority
12 communities, through education or ignorance or
13 whatever, word just doesn't get out on where
14 to go with the complaint. How do you get the
15 word out to them in the minority community so
16 they know where, if they have a complaint?
17 I'm familiar with it. I filed a housing
18 complaint once, and the FBI showed up to
19 investigate.

20 MR. LEVINE: All right.

21 MR. ART HILL: And then we went to an
22 administrative hearing with it and they ruled
23 in my favor. But, see, I know the system.
24 There's a lot of people out there that don't
25 know the system and they are intimidated by

1 the system. And so how do you get the word
2 out, other than going to the local community
3 agencies or local HUD office?

4 MR. LEVINE: That's pretty much what we
5 do do. We will do some outreach. If a
6 municipality requests that we come out and do
7 some field work, if we have it in our budge --
8 and we have had budget cutbacks. We have a
9 hiring freeze at HUD, so we are under the same
10 -- right now we are under the same kinds of
11 budgetary constraints that all federal
12 agencies and many municipalities and cities
13 and states are under, as far as what our
14 resources are. And our primary goal in HUD is
15 to investigate discrimination complaints in
16 our office because, you know, once they have
17 been filed they need to be investigated. But
18 we also do outreach and so what I would
19 suggest is that if there is a need in a
20 community for outreach, to write HUD or
21 contact our office and request it, and we
22 will, you know, try and coordinate with our
23 resources the best we can. We are out here
24 doing investigations and so we were able to
25 attend this outreach, this discussion of civil

1 rights as a result of our already being here.
2 So, you know, we are trying to use our
3 resources efficiently, but our primary focus
4 has to be on investigation of complaints.
5 That's what we're required statutorily to do
6 is investigate housing discrimination
7 complaints. What do we do as far as outreach?
8 Stella and I, in Kansas City, have gone to the
9 Hispanic community, we've gone to the -- what
10 was the group? we spoke before a community
11 organization there. Some of the field
12 offices, we have a field office in Nebraska
13 and they do some outreach for the state of
14 Nebraska. So we try to do as much outreach as
15 we can, and we're always willing to do more.
16 Please ask us. And there is a lack of
17 awareness of what to do as far as, you know,
18 if you have a discrimination complaint. What
19 I would say to anyone that's not sure of who
20 to call, as far as, you know, you have a
21 housing complaint or you have a work-related
22 complaint, a job discrimination complaint, an
23 employment practice discrimination complaint,
24 would be to call your elected officials, be
25 they local, or particularly federal. That's

1 your senator or congressperson, and their
2 staff will refer you to the appropriate
3 federal agency because they are familiar with
4 the areas of jurisdiction of federal agencies.
5 That would be, you know, if you can't call the
6 1-800 number or you don't know what that
7 number is and information doesn't have it or
8 whatever, or you don't know who to call, call
9 your congressperson. They certainly will
10 refer you to the right agency, and it's a very
11 good way to get the attention of that agency
12 would be to have a referral from a
13 congressperson. But, yes, there is a need for
14 greater community awareness we agree.

15 MR. ART HILL: Just a quick follow-up
16 question. Do you put out a brochure or
17 anything like that?

18 MR. LEVINE: We put out a lot of
19 brochures today for that purpose. And, yes --
20 also that's another thing, a community group
21 or a real estate firm, anybody who wants these
22 materials can write to us. They can write to
23 HUD in Washington. They can get these
24 materials in English or in Spanish. Some of
25 the materials are in other languages as well.

1 But we brought this Fair Housing booklet which
2 describes the Fair Housing Act in detail, in
3 which it also has a complaint in the middle
4 which you would fill out. And we have these
5 in English and Spanish. So community
6 organizations that would like to have these
7 call us and we'd be happy to send them out.
8 The same thing goes for Section 504 of the
9 Rehab Act which covers non-discrimination on
10 the basis of handicap in federal recipients,
11 which is housing authorities. There are
12 requirements under 504 that go beyond what
13 Title 8 covers. Housing authorities need to
14 make accommodations for persons with
15 disabilities, and so, you know, if someone
16 feels like they've been discriminated against
17 because of their disability call our office.
18 The same number I gave you, and ask for
19 Deborah Jones who is the director of the
20 Program Compliance Division. If you don't
21 know who to ask for that doesn't matter. Just
22 call HUD. Call the operator and say I want to
23 talk to HUD. I want the HUD hotline, and
24 she's going to be able to give you the number.
25 Because we do have a hotline, we have a 1-800

1 hotline.

2 MS. ALEJOS: It's in the materials.

3 MR. LEVINE: Yeah, it's in here. So we
4 are accessible and we try to be reachable, so
5 please call. And we do something else, for
6 the population size in the Hispanic community,
7 in Nebraska we're not getting the numbers that
8 we should be getting statistically so, you
9 know, yes, that is something that the Hispanic
10 community is underrepresented in the numbers
11 of complaints for the population size.

12 MS. ALEJOS: But that's not really
13 unusual because it occurs everywhere. We
14 notice that even in the Kansas City, Missouri
15 area who has, you know, access to the outreach
16 and the education. For some reason we cannot
17 get the -- well, and I'm referring to the
18 Hispanics because that's what I'm familiar
19 with. They just do not file complaints
20 whether it be in the employment area or
21 housing, and I don't know what it is. Can't
22 figure that one out yet.

23 MR. LEVINE: We cannot investigate a
24 complaint without a complaint being filed. We
25 would love to come out and investigate, you

1 know, but we can't do anything without a
2 complaint being filed. So, you know, please
3 contact us, that's what we're saying. Let me
4 make that as clear as we can.

5 CHAIRPERSON HILL: Rosa?

6 MS. COBOS: We have some testimony from
7 some residents in Dawes County Native American
8 groups are not benefitting from federal
9 subsidized housing.

10 MR. LEVINE: Uh-huh.

11 MS. COBOS: There's little or no access
12 to public subsidized housing, Section 8
13 existing housing. If residents were to
14 complain as a group would your department be
15 willing and able to do an investigation in
16 Dawes County to see why these residents are
17 not being given an opportunity to participate
18 in these low-income housing programs?

19 MR. LEVINE: Okay. What I would say is
20 the first thing that would happen is they
21 would file the complaint and we would have to
22 establish jurisdiction. Once we've done that
23 then we would investigate it. We have to
24 establish jurisdiction, because if we don't
25 have jurisdiction we cannot investigate the

1 complaint. But once that's established, then,
2 yes, we would investigate whatever -- if the
3 allegation were a discriminatory conduct on
4 the basis of national origin then it could be
5 filed under Title 8. If they're CDBG funds
6 then you'd have Section 109, if it's -- we can
7 determine the area of jurisdiction also. So
8 if you file under one area, you know, we would
9 refer to the appropriate area, okay, of
10 coverage. So don't be intimidated by not
11 knowing what the particular statute is where
12 the appropriate coverage is.

13 MS. COBOS: But you definitely have
14 jurisdiction over federally subsidized
15 housing?

16 MS. ALEJOS: Well, we have public housing
17 divisions and they're over all the --

18 MR. LEVINE: That's not discrimination.
19 That's administration --

20 MS. ALEJOS: That's more or less right.
21 If there's a concern pertaining to public
22 housing, though.

23 MR. LEVINE: As far as lack of public
24 housing, if you believe it's for a
25 discriminatory reason, you know, then we would

1 look at it and try and see if it's
2 discrimination. But if it's for, you know,
3 just the lack of existence of public housing,
4 you know, maybe that would be something that
5 you would want to take up with the Office of
6 Public Housing. Section 8 would be the Office
7 of Housing. So the lack of housing is also
8 something that you take up with your elected
9 officials and with your city leaders. You
10 know, cities compete for federal money, BDBG
11 funds and everything, and part of what our
12 office does, another branch of our office,
13 they do reviews of cities equal opportunity
14 performance. You know, this is a city that
15 has chronic problems with discrimination;
16 they're going to have a hard time getting CDBG
17 funds because our office is going to be more
18 reluctant until we're sure that those things
19 have been cleared up to sign off on releasing
20 these moneys to the city. We work with the
21 Office of Community Planning and Development,
22 another HUD office, which gives the grants.
23 They do the economic assessments and so forth,
24 and what we do is we sign off on, you know, we
25 rate these cities as far as points and so

1 forth. So it's not really our office or our
2 division, but there is a division in HUD that
3 does that in Fair Housing. So non-
4 discrimination is something that is sort of an
5 up front thing, too. So if there are concerns
6 with the municipality or with the housing
7 authority, with a landlord, call our office
8 and let us know so that, you know, we're not
9 releasing additional moneys to, you know --
10 because money has some impact, you know. If
11 you're giving money to people who are
12 discriminating, you know, we don't have to
13 give money to people who are discriminating.
14 If we know they are discriminating we're not
15 going to release the money.

16 MS. COBOS: Another question that I have,
17 Felipe Cruz talked about migrant farm workers
18 being excluded from low-income housing
19 entirely. And he addressed an issue with
20 regard to the family size.

21 MR. LEVINE: Okay.

22 MS. COBOS: Perhaps in some instances
23 they are being denied due to family size. But
24 there are also other problems with regard to
25 income verification. Do you deal in that

1 aspect at all? I mean, is the Housing
2 Authority turning people away because they
3 cannot produce the proper verification? Would
4 that be good cause to turn someone away?

5 MR. LEVINE: Well, we'd have to look at
6 it. File a complaint and let us look at it.
7 I can't, you know, commit us to investigating
8 something until I've seen what it is, because
9 you can describe it and it might be, you know,
10 worse than what you're describing, or it might
11 not be exactly what you're describing. We
12 would have to look at it first-hand from the
13 people who were filing the complaint to
14 discuss with them what their allegations are.
15 If they are saying that they require income
16 verification only if it's Hispanics and they
17 are using it as a screening tool, yes, that
18 would be something that we'd have jurisdiction
19 for. If they have procedures that are in
20 place that are mandated by HUD guidelines in
21 the Office of Public Housing or the Office of
22 Housing, and they have to collect this
23 information in order to have the moneys
24 released or to spend the moneys, then that
25 might not be something that our office would

1 have jurisdiction for. However, there are
2 some federal -- there are some areas of
3 conflict that historically have arisen as to
4 the regulations in the Office of Public
5 Housing and the Office of Housing, and those
6 regulations conflicting with the Fair Housing
7 law that we enforce. So if we see a
8 regulation that's discriminatory, or you
9 believe that it is having a discriminatory
10 impact let us know.

11 MS. COBOS: I was, you know, lack of
12 income verification was an excuse for them
13 being excluded, as well as a residency
14 requirement that's being imposed upon this
15 special class of people.

16 MR. LEVINE: They would need to call the
17 office and discuss their concerns with an
18 intake officer, and we can give an answer at
19 that point once we establish --

20 MS. ALEJOS: Let me add one thing that my
21 experience, you know, from investigating
22 housing authorities. True, that is one of
23 their policies is to obtain income
24 verification, but if there's a concern there,
25 you know, where it has an impact on a certain

1 group of people then still that should be
2 brought to the attention, you know, because
3 they cannot provide this income verification,
4 and maybe it's effecting a particular class of
5 people. There may be enough there to say that
6 there's a discriminatory effect, but, see,
7 only by us getting such a complaint will we be
8 able to follow through and see if we can have
9 jurisdiction to investigate or refer the
10 complaint to another agency.

11 CHAIRPERSON HILL: Okay. We will give
12 you a list of the counties. We appreciate
13 just quick feedback. You're not in policy,
14 you're in investigation.

15 MR. LEVINE: Right.

16 MS. ALEJOS: Right.

17 CHAIRPERSON HILL: We'll follow the
18 policy thing through another way, but one of
19 the messages we've received loud and clear,
20 both last night and the beginning of today,
21 that you might just take back to staff is that
22 there's at least a perception by people in the
23 area they don't how in the hell to get ahold
24 of you. They don't know -- now, you did a
25 good thing. You gave us a number and a name

1 of someone to ask for. Before you bring it up
2 at a staff meeting, just for a little
3 entertainment, because I do this weekly, call
4 the HUD 800 number and ask how you submit a
5 complaint or who you should see in Terrytown,
6 Nebraska. Call it yourself and then report
7 what you are told.

8 MR. LEVINE: Yeah, we'll do that.

9 CHAIRPERSON HILL: And try it both at
10 night and during the day, just as a
11 suggestion.

12 MR. LEVINE: Part of, you know, the
13 numbers that I gave you -- we have a number of
14 numbers and if they will, you know, contact
15 directory assistance for Kansas City, Kansas,
16 all of our HUD numbers are there. You want
17 the number of Fair Housing and Equal
18 Opportunity, the regional office.

19 CHAIRPERSON HILL: That's terrific for
20 me.

21 MR. LEVINE: Okay.

22 MS. ALEJOS: But when you say --

23 CHAIRPERSON HILL: But I'm in the middle
24 of Scotts Bluff and I don't know from Kansas
25 City, and it's a long distance call and I

1 don't have a quarter to begin with, because I
2 can't find a place to live and without a place
3 to live I can't get a job. It's a circle.
4 All I'm suggesting is that within your own
5 staffing meetings you might talk amongst
6 yourselves and at least say that there are
7 people that have the opinion that they don't
8 know how to get in touch with you, so maybe
9 distributing more brochures, maybe signs,
10 maybe hooking up with 7-11 and seeing if
11 they'll put free stickers on the door. These
12 are things you might -- that people have told
13 us they have a problem.

14 MR. LEVINE: Okay. One thing also that I
15 might comment on. We have not had people from
16 headquarters come out to the regions to see
17 what the regional concerns are until this
18 secretary has been appointed and has sent out
19 headquarters staff to each of the ten regional
20 offices in the country to get input and
21 feedback from employees, and it appears like
22 headquarters may be more receptive possibly
23 than it has been in the past to suggestions
24 from the regional offices. Sometimes what
25 will happen is we will agree with you, you

1 know, yes, it's very difficult to get through
2 on this 1-800 number, and it's inadequate and
3 maybe we need more 1-800 numbers, or more
4 advertising, advertising on TV, whatever. And
5 we might make that suggestion to headquarters,
6 and whether or not they take action on it, you
7 know, different reasons, will have different
8 input. And they have to make the call at
9 headquarters as to what they can do within the
10 budget. But, you know, call us collect. Call
11 us direct. However, we'll be out here after
12 we talk today to take any questions from
13 anyone who would like.

14 CHAIRPERSON HILL: Thank you. We
15 appreciate it very much.

16 MR. LEVINE: Thank you for letting us
17 speak.

18 CHAIRPERSON HILL: Is Dr. Sexton here?
19 Doctor, for the record, would you please start
20 with your name, address and occupation, and
21 then your statement, please.

22 DR. SEXTON: I'm Steve Sexton,
23 Superintendent of School, Chadron, Nebraska.
24 I have with me today Mr. Wayne Jones who is
25 principal of the high school and Mr. Henry

1 Rice who is principal of the middle school,
2 in the event that there are questions at that
3 time which would be appropriate for them to
4 respond to.

5 Members of the panel, I've provided each
6 member present a copy of a statistical summary
7 representing Chadron schools, and, in addition
8 to that document, a three-ring binder is
9 submitted to the committee and that binder
10 contains the previously referred to summary
11 together with the following documents: These
12 comments that I am making today to the
13 committee, a statistical summary of district,
14 student, and faculty data, school surveys
15 concerning multi-cultural education, a vision
16 document for Chadron city schools, an annual
17 report for '91-'92, and a document concerning
18 Expanding Your Horizons Conference which is an
19 example of student opportunity outside of the
20 school.

21 Chadron District 2 is located in
22 northwestern Nebraska approximately 20 miles
23 from the South Dakota border on the north and
24 100 miles from the Wyoming border on the west.
25 The Chadron school district is a Nebraska

1 Class 3 district of approximately 1,065
2 students and it serves a community of
3 approximately 6,000. In addition to the city,
4 the district serves six rural elementary
5 districts in Dawes County and parts of two
6 elementary districts in Sheridan County.

7 All Chadron schools are fully accredited
8 by the state of Nebraska and by the North
9 Central Association, which is a regional
10 accrediting agency. In this regard I believe
11 that Chadron departs from any other systems in
12 that the elementary and middle school levels
13 are also accredited by NCA.

14 The student population of Chadron school
15 district is approximately 11.5 minority,
16 Native American students making up the
17 greatest percentage of that minority of 9.2
18 percent. The district provides a full
19 educational program K-12 and is organized on
20 the basis of K-4, 5-8, and 9-12 grades.
21 Special education programs functioning in
22 accordance with federal requirements and State
23 Rule 51 are provided to eligible students. At
24 least one resource room is located in each of
25 the four schools, and in addition to

1 instructional services, physical therapy,
2 occupational therapy, speech therapy,
3 registered nurse services, three counselors,
4 one at the elementary, one at the middle
5 school and one at the high school level are
6 provided. The district employs 127.65 FTE
7 persons, and of that figure 49 are classified
8 assignments, including 7 male and 42 female.
9 There are 4 minority persons employed in
10 classified positions. There are 78.65
11 certified individuals, including 6
12 administrators, 5 of which are male and 1
13 female. There are 17 male faculty members,
14 and, if the sir name is used as a point of
15 reference, 2 are minority.

16 During the school year a total of 7
17 students dropped out of school; 6 were white
18 and 1 was Native American. There were 5 out
19 of school suspensions, three of which were
20 white male, 2 were Native American male.
21 There were 43 students assigned in-school
22 suspensions, 2 were at the high school, 3 were
23 elementary, 38 were middle school students.
24 Of the total of 38 middle school students, 32
25 were white, 2 were Hispanic, 9 were Native

1 American. Thus, 74.4 percent were while, 5
2 percent were Hispanic, and 20.9 percent were
3 Native American.

4 During the first semester of '92/'93
5 there were 14 instances of unsatisfactory
6 behavior reported to the principal at Kenwood.
7 Kenwood is one of our elementaries. Five of
8 those students were white, 1 was Native
9 American, 1 was black. All repeat offenders
10 were white students.

11 At Eastwood Elementary School there were
12 70 instances of unsatisfactory behavior
13 reported involving 38 individuals. Of those
14 individuals involved, 30 were white, 1 was
15 Hispanic, 5 were Native Americans, 2 were
16 Asian. For the entire elementary level, 7
17 percent then were Native American, 1 percent
18 were Hispanic, 1 percent were black, 2 percent
19 were Asian, and 89 percent were white.

20 Nearly two years ago at this point the
21 district embarked on a process designed to
22 address equity access, and responsiveness of
23 the educational system. The approach included
24 two broad dimensions: One was the school
25 community, the other was the community at

1 large. A consultant contracted
2 internationally to work with schools and
3 governments is of Native American descent and
4 is assisting us in that project. School
5 improvement teams were identified for the
6 elementary, middle school, and the high school
7 levels. These individuals were taken through
8 extensive training to develop problem solving
9 skills and team skills. At the same time
10 school improvement teams were being developed
11 a broad-based community team was called
12 together for the purpose of identifying the
13 exit requirements of the system as seen by the
14 community. The results were threefold: First
15 a vision document, a copy of which each panel
16 member has been given, was developed which
17 sets forth the responsibilities of the various
18 segments of the community. The beliefs held
19 by the community, the goals expected of the
20 community school, and the exit outcomes for
21 the various areas incorporated in the
22 document. Many of these statements, including
23 the reference on page 13 of that document
24 addressing the development of ability to work
25 within diverse groups of people, are directed

1 at human relationship issues. Similar
2 references are made on pages 11, 14, and 15
3 which specifically addresses the issues of
4 multi-culturalism of the local community.

5 Second, as a result of those efforts, a
6 document which provides direction in program
7 development and decisionmaking was developed.

8 Third, as a result of the faculty and
9 community progress in process, Chadron was
10 designated as the third Nebraska America 2000
11 community in the state.

12 The impact of the planning teams cannot
13 be emphasized too strongly. Efforts as a
14 result of these teams have focused on the
15 following critical areas:

16 One is positive conflict for resolution
17 at the elementary level. Another is student
18 self-responsibility at the middle school
19 level. Drug and alcohol abuse prevention at
20 the high school level. Time management at the
21 high school level. Reading skill development
22 and improvement on the K-12 basis, and multi-
23 cultural education K-12.

24 Activities to address multi-cultural
25 education have included over recent years the

1 provision of faculty in-service, including a
2 nationally recognized Native American speaker,
3 Don Bartlett; faculty and student
4 presentations by our regional presenter Dallas
5 Chief Eagle; Dr. Wayne Evans of Vermillion,
6 South Dakota; representatives of the Center
7 for Education Equity of the Mid-Continent
8 Regional Education Lab, in Colorado; Mr.
9 Dayton Edmonds a nationally recognized Native
10 American storyteller who has presented in
11 Chadron and who is scheduled for two days in
12 '93/'94 in our system; and current efforts to
13 arrange assistance of Dr. Juanita McGowen of
14 the Mid-West Desegregation Center, in Kansas
15 City, for her assistance in developing multi-
16 cultural curriculum and materials.

17 In addition to program efforts focused
18 towards equity, a Title 5 Indian Education Act
19 program which was initiated in the fall of '92
20 to improve contacts among Native American
21 parents in the schools. A Native American
22 home/school liaison person, who couldn't be
23 here with us today, was hired to fill this
24 role. As a result of meetings with
25 representatives of Native American community

1 on december 20th, 1991, regular meetings with
2 interested representatives of that community
3 have been carried out. In addition to a
4 quality program, the latest in technology is
5 pursued, included courses taught by
6 telecommunications, courses in robotics,
7 computer assisted drafting, laser disk
8 equipment, and so forth. Facilities are
9 presently being upgraded and improved, updated
10 as a result of a September 22nd passage of a
11 \$5.8 million construction bond issue.

12 Clearly we don't live in a perfect world
13 and we're very well aware of the possibility
14 of a divergence of perception and reality.
15 It's our intent, as evidenced by our efforts
16 both past and continuing, to reduce the
17 differences between perception and reality.
18 We don't intend to allow differences in
19 perceptions, nor the fact that Chadron has
20 limited financial resources to stand in the
21 way of providing quality education programs
22 and one in which equity is more nearly
23 achieved. Over the last several years some
24 evidence that we feel directed toward that has
25 been the development of a breakfast program

1 that was designed specifically for students we
2 felt were coming to school hungry in order to
3 reach that population of students. Another
4 was concern over adjustment of young children
5 to the school environment, and at that time, I
6 think it was three years ago, we employed a
7 full-time elementary guidance counselor. At
8 the time that individual was being employed,
9 we did -- I did contact the service center in
10 Bismarck to determine whether or not there
11 were any individuals of Native American
12 descent who might be appropriate to -- or
13 interest in or available, and at that point in
14 time I was told very clearly that those
15 individuals of Native American background that
16 were qualified were already under contract
17 somewhere and it would be very difficult to
18 identify one. We did, however, hire at that
19 time a counselor for the elementary to aid
20 that process, and we believe it to be
21 successful at that point in time.

22 That concludes the remarks I prepared. I
23 have developed a rather extensive summary of
24 the statistics concerning our community as
25 they exist, and at this point in time I'd be

1 open to any questions that you may have and
2 try to respond to those.

3 CHAIRPERSON HILL: Art?

4 MR. ART HILL: Yes. Dr. Sexton, we did
5 hear from a representative from the Native
6 American population from Chadron yesterday,
7 and I did ask her if there was a Title 5
8 program and a JOM program. You do have a
9 Title 5 program, but do you have a JOM
10 program?

11 DR. SEXTON: Yes. The school district
12 does not have Johnson O'Malley. We initiated
13 the Johnson O'Malley program, I've been in the
14 district about 10 years. I believe it to be
15 about 8 years ago we initiated Johnson
16 O'Malley program in the school system. After
17 about two or three years of operation, there
18 was a desire by the Native American community
19 to administer that program, so we removed
20 ourselves from it and Johnson O'Malley, as it
21 exists, is administered by the Native American
22 community.

23 MR. ART HILL: Very good. The follow-up
24 question I have, it may be a jurisdictional-
25 type question. Most schools in the state of

1 Nebraska are moving toward multi-cultural
2 education in some way, shape or form through
3 being pushed by the Unicamera. I don't know
4 what the title of the bill that was recently
5 passed. That's well and good. It's directed
6 towards administrators and teachers toward
7 teaching their own people, their teachers, and
8 the white students about Native Americans.
9 And the question I ask you, in your school
10 district is anything being done to address or
11 prioritize Native American students in your
12 school district? Because again we heard this
13 over and over again since yesterday, the poor
14 self-image, self-esteem, self-perceptions of
15 Native American students, and that destroys
16 them before they even get anywhere. You
17 probably remember Jonathan Kosocks (phonetic)
18 book a few years back, "Death is an early
19 age," about those black children. That's what
20 ~~he~~ he was referring to. They don't even get a
21 start when they are very small. If the -- I
22 realize -- again I'm not accusing you of being
23 that way or your school district, but
24 discrimination, racism is there in the
25 community, you know. Someone has to take it

1 by the horns and address it and move in those
2 directions to help those little ones.

3 DR. SEXTON: Well, we believe very
4 definitely that issues of self-concept and how
5 students view themselves, that's not a concern
6 only for and of Native American students, it's
7 a concern for all students and all minority
8 students. In fact, concern over how students
9 relate to each other, how students relate to
10 adults, how adults relate to students, those
11 concerns were among the reasons which
12 motivated the faculty at the elementary level
13 to target positive conflict resolution as an
14 area for them to concentrate on. That grew
15 out of the concern of how kids relate to each
16 other and trying to develop self-concepts and
17 trying to move that forward. So far as that
18 whole issue of how children view themselves,
19 that was one ingredient for employing a full
20 ~~time~~ elementary counselor a few years ago. So
21 I think we are making definite moves in that
22 direction. Insofar as multi-cultural
23 education itself is concerned, we are looking
24 at this on a broad basis. It's a district-
25 wide system target. It's one that we had set

1 up for ourselves insofar as accreditation is
2 concerned. We are moving away from the old
3 standard of accreditation which basically is
4 based on the count of how many books you have
5 and what kinds of things you provide in terms
6 of courses to the product, or what happens to
7 (inaudible). That's the direction that we're
8 moving. And one of those objectives that
9 we're going to hold as a yardstick is multi-
10 cultural education. In fact, I mentioned Dr.
11 Juanita McGowen. One of the reasons for
12 contacting here is I understand she's one of
13 the best there is in the country insofar as
14 developing multi-cultural approaches to
15 education. We've asked her for her assistance
16 within the scope of our school improvement
17 process, and we are very much interested in
18 that and it is a target not only for one
19 level, it's an objective for the elementary,
20 ~~for the~~ for the middle school, for the high school
21 level. So we are moving in that direction,
22 yes.

23 MR. ART HILL: Thank you.

24 MS. COBOS: Last night we heard some
25 testimony from a concerned individual

1 concerned with the manner in which the
2 teachers were treating students. They talked
3 about insensitivity in the schools. She
4 talked about the children being called dirty
5 Indians, cannibals, that they are all drunks,
6 that they are hopeless because it just runs in
7 their genes.

8 DR. SEXTON: The allegations are that
9 faculty are making those references?

10 MS. COBOS: This is what the children are
11 hearing in the schools.

12 DR. SEXTON: I would challenge the
13 accuracy of that statement. I have no
14 knowledge that that is an accurate statement.
15 I believe that certainly, as I indicated in my
16 closing remark, that I believe there are
17 perceptions, all kinds of perceptions of what
18 is and is not happening. I've attended
19 meetings where charges have been made of one
20 ~~kind~~ kind and another, and when and where those are
21 made directly to me with any kind of
22 definition at all I follow up on them to
23 determine their validity. One of the problems
24 that you run into is when a charge like that
25 is made if there isn't anything really to

1 substantiate it or follow up on it, it's very
2 difficult to run down. One of the things that
3 we were interested in, that we wanted to know
4 for our own purposes, was what were the
5 incidences of student behavior and misbehavior
6 at the elementary level, and this all
7 pertained to the issue of conflict resolution.
8 Most of the difficulties we found are kid/kid
9 kinds of -- student/student kinds of problems.
10 And the fact is that most of those
11 difficulties were with white students. We
12 feel the incidences of those with the Native
13 American students either being accused of
14 being in trouble or being sent to the office,
15 whatever, were small. So, insofar as those
16 comments being made by faculty, we challenge
17 that. Whether or not they are being made by
18 students of various belief systems, I have no
19 way of responding to that. I can tell you,
20 though, that the belief systems of students is
21 an area that we are very committed to
22 addressing. And, in fact, I think the record
23 will show that we've tried to move in that
24 direction.

25 MS. COBOS: I didn't mean to say just

1 faculty or teachers but, you know, the school
2 in general, the environment, the children, the
3 race, that there's tension.

4 DR. SEXTON: We are concerned about the
5 perception.

6 MS. COBOS: And also a comment that was
7 made was that the parents have concern for the
8 children's right to education; that the kids
9 want an education free of name calling.
10 Another comment that was made was that the
11 children are suffering, and what I wanted to
12 know is do you have a plan of action or any
13 recommendations in the future for improving
14 race relations in the school?

15 DR. SEXTON: The plan that we have
16 developed over the last 18 months certainly is
17 targeted in improving relations among all
18 students, and would include the Native
19 American community. So far as involvement of
20 ~~students~~ students in school life we, you know, in
21 looking at it, I guess it's just like a -- a
22 student community is just like I think the
23 unstudent community. You have students who
24 involve themselves in activities, students who
25 don't involve themselves in activities. I

1 know we're going to continue to try to improve
2 how students relate to each other, all
3 students. It was interesting to me to note,
4 and I was pleased to find, that 70 percent of
5 our Native American students in high school
6 are involved in some kind of activities in
7 addition to school. The fact that they are in
8 those activities and they continue in them
9 suggests to me that they feel comfortable in
10 that setting or they wouldn't do it.

11 The senior class this year, the president
12 of the senior class is a Native American, an
13 outstanding young man who's now that the dust
14 has settled over what we're going to do with
15 invocations and benedictions, who -- in our
16 community at any rate -- who will, when it's
17 delivered, I suspect will be delivering those.
18 So I think we see all range of involvement and
19 perceptions. As I said, it's certainly
20 ~~something~~ something that we've tried to continue to work
21 on. If there is a quick answer -- I don't
22 think there's a quick answer, I don't think
23 there's a quick fix. We found that, as
24 (inaudible) said, every complex problem
25 there's a simple solution that doesn't work.

1 And we found that in trying to address these
2 concerns, it's best to do so over the long
3 haul, which is the commitment we made about 18
4 months ago.

5 CHAIRPERSON HILL: Ascension?

6 MR. HERRANDEZ: Well, first of all, Dr.
7 Sexton, I want to thank you very much for
8 coming down from Chadron. I know it's quite a
9 distance, and to bring your staff with you to
10 help us with the data collection. And
11 certainly the binder that you provided us with
12 and the vision document and your statements
13 here are going to be very meaningful to the
14 committee. It goes without saying that the
15 school district, the schools, the teachers are
16 the hope for upward mobility for everyone.
17 And your beginnings in terms of multi-cultural
18 approach and the school counselor at the
19 elementary level, all of these are meaningful
20 ~~goals~~ goals and things that you are putting into
21 action. I just hope that your plans become a
22 reality because it's very necessary in that
23 part of Nebraska. And the reason I say this
24 is because while I'm a federal employee, also
25 don't come into this part of the country very

1 often, I did a very quick assessment and
2 somewhere I think I heard -- we hear the bad
3 things, and we want also to get both sides of
4 the story. But even the few bad things that
5 we heard, the negative things, perceptions,
6 facts, I couldn't go to try and get into all
7 the details: You know, is this true what
8 you...? That's up to some investigative team,
9 if it would go that route. But what I'm
10 saying is that because of the closeness to the
11 reservation, the back and forth travels by the
12 Native Americans, I heard that there was some
13 elementary children, Native American students
14 that didn't feel comfortable. And when you
15 talk about self-esteem in this document and
16 knowledge of culture and multi-culture
17 education of other cultures, I think that
18 that's going to go a long ways in trying to
19 narrow that, bridge that gap of not knowing
20 ~~the other~~ the other side, the folks that you're trying
21 to teach. But the thing that, for instance, I
22 heard that it was like a -- in the bathroom,
23 and if I remember correctly the girls
24 bathroom, there was graffiti that said,
25 "Cannibal Indian go back to the reservation."

1 Or something to that effect in one of the
2 elementary schools, or something like that, in
3 Chadron, and that the authorities or one of
4 the persons was advised that this did happen.
5 Now, true or not, I don't know. But certainly
6 I'm sure that it's something that could have
7 been resolved at that level, but certainly if
8 it came to my attention I would be remiss if I
9 didn't mention it to you. And not to, it's
10 not to say it's true or not, but the fact is
11 if there is something wrong one of the
12 outreaches that the school district can make
13 is to the Chadron Native American Center
14 because they are the ones that receive the
15 complaints, and, if you work with them
16 together, I think you'll go a long ways in
17 trying to resolve some of the differences that
18 you have in terms of are Native Americans
19 getting a proper education.

20 ~~DR. SEXTON~~ DR. SEXTON: I think it's important to
21 point out to the committee that the
22 opportunity to -- we are trying very hard to
23 support communications among school and all
24 dimensions of our community. And since the
25 21st of December '91, as a result of concern

1 that was raised regarding communications, we
2 have met regularly with representatives of the
3 American Native community, and those
4 representatives are anyone who wants to come
5 to those meetings. Susan Esparza, who, in
6 reviewing the record, provided testimony I
7 believe last evening, is a member of that
8 group, comes regularly. She is also the
9 president of the Title 5 advisory, Parent
10 Advisory Committee. So insofar as the efforts
11 that are being made within those programs, the
12 opportunity to share concerns, they certainly
13 have a direct link through her to us. So that
14 -- I don't know if that was made clear but I
15 do want to make it clear that we do have that
16 link for her to be able to communicate with
17 us.

18 CHAIRPERSON HILL: Doctor, for a school
19 district your size, the documents I've seen on
20 ~~and~~ a quick look are a remarkable effort in terms
21 of what it appears you're trying to do, and
22 we'll of course have a chance to look at that
23 and look at some other things. But let me ask
24 you a little bit broader question, if I may.
25 When I go into a strange community and I want

1 to know the general tone of the community
2 there are two places I go, and we're looking
3 at race relations. One is the bars, and I
4 assume you're not an expert in those -- an
5 assumption -- the other, of course, you get
6 together with a group of students after school
7 or parents and you get a pretty good feel for
8 the tone and the undertone of a community.
9 You're meeting with lots of groups. Students
10 are coming in constantly. It appears that
11 you've got a great interest in how they
12 perceive themselves and others. Your gut
13 level in terms of race relations within the
14 western Nebraska area: good, bad, getting
15 better, getting worse? What do we need?

16 DR. SEXTON: Well, my believe is, perhaps
17 contrary to what I read in the paper this
18 morning, my feeling is that communities are
19 making a very definite effort to try to
20 ~~address~~ address concerns as they arise. I can only
21 speak for my own community because I don't
22 have a real good feeling or assessment for the
23 other communities in western Nebraska insofar
24 as what kind of perceptions or difficulties
25 that they may encounter. I believe that our

1 service agencies are making a very definite
2 effort to keep moving in a positive direction
3 at all levels. Relationships among all
4 minorities, and Native American being among
5 those, as well as the majority of the
6 population. So I think I see things moving in
7 a positive direction. And I also know that
8 perceptions differ. There are individuals who
9 believe that you can change perceptions
10 overnight, and we found that quick fixes don't
11 work. We believe that our best shot at making
12 things better is to work with little kids that
13 become big kids, and not to give up on the big
14 kids. And that's what we're trying to do. I
15 believe that the other agencies are also
16 working to try to resolve issues before --
17 resolve circumstances before they become
18 issues. And I don't know which other agencies
19 you're going to be visiting with today, but my
20 ~~feeling~~ feeling is that since the mid-seventies and
21 perhaps even early eighties that things are
22 moving in a positive direction. But that's
23 just one person's perception, and, as I said
24 in my closing remarks, sometimes perceptions
25 and realities are two different things.

1 That's my perception, sir.

2 CHAIRPERSON HILL: Thank you very much.
3 We appreciate your being here and the
4 material.

5 DR. SEXTON: I appreciate the opportunity
6 to speak to you today.

7 CHAIRPERSON HILL: For those who want to
8 regulate their time. We have a couple of
9 people that would like to make an early
10 afternoon flight that would be appearing a
11 little bit later. We, if you are following
12 the agenda, are going to keep going through
13 the lunch hour. We will not break until close
14 to 1 o'clock or so. Can you handle that?
15 Art, can you handle that?

16 MR. ART HILL: I hope so.

17 CHAIRPERSON HILL: Is Mr. Sylvester here?

18 MR. SYLVESTER: Yes, I am.

19 CHAIRPERSON HILL: Mr. Sylvester, for the
20 record, please start with your name, address
21 and occupation, and then your statement.

22 MR. SYLVESTER: My name is Ronald
23 Sylvester and I'm director of Student Services
24 with Scotts Bluff Public Schools, right here
25 in this community. And I have with me this

1 morning Dr. Ronal Reichardt who is the
2 superintendent of schools in Scotts Bluff.

3 Earlier, when Mr. Hernandez came to visit
4 with me, I sent quite a packet of materials in
5 regard to our school district to the office in
6 Kansas City. So what I prepared to day is
7 just a basic outline of some of the data that
8 I think I can speak from that will give you
9 some sort of an indication about our school
10 district. We are the largest school district
11 in the western half of Nebraska. We are a
12 Class A school. We have on our September
13 enrollment count this year 3,158 students.
14 That's the official state enrollment count
15 dated the last Friday in September. We have a
16 budget of \$12,900,000. We employ 347 people;
17 219 of those people are certified employees;
18 128 are non-certified. We have 238 female
19 employees, 109 male employees. We have 6
20 certified Hispanic teachers and we have 20
21 non-certified employees which range from bus
22 drivers to the district office secretaries to
23 special education aids to attendance clerks, a
24 variety of positions in the school district.
25 We have one Native American employee and she's

1 our home/school liaison under a Title 5 grant.

2 The district configuration. We have four
3 elementary schools and they are K-5 in
4 enrollment, and they range in size from 301,
5 which is Lincoln Heights, to 464 which is
6 Longfellow. We have a middle school grades 6,
7 7, and 8, an enrollment of 714, and a senior
8 high grades 9 through 12 with an enrollment of
9 871. Roosevelt Elementary, which composes our
10 largest ethnic group, has 377 students. I
11 gave for you the racial ethnic enrollment
12 breakdown for '92/'93, but I also put on the
13 back a chart which gives you the last four
14 years history in our district. This is the
15 official enrollment chart that is filed with
16 the State Department of Education in September
17 which gives you an overview of what's
18 happening in our district. So our breakdown
19 this year in the racial ethnic group includes
20 ~~67~~ 67 percent white, using the terms from the
21 form, 6 percent Asian, 27 percent Hispanic, 5
22 percent American Indian, and .03 percent
23 black. I also broke it down by building so
24 you'd have a better indication of building,
25 giving you the figures for both the Hispanic

1 and the Native American. And I won't go
2 through those for you.

3 The State of Nebraska a year ago changed
4 from a different sort of a dropout report to
5 what they now call the dropout completer
6 report. And you may or may not be familiar
7 with that. We've only filed one of those in
8 the state at this point. We'll be filing
9 another one this summer, and it asks you to
10 break down the students who dropped out, the
11 students who completed school, also indicates
12 students who have been expelled. Last year in
13 grades 9 through 12, which are the grades
14 where students most often drop out, we had 40
15 students drop out of our school system; 21 of
16 those were females and 19 were males; 21 were
17 white, 17 Hispanic, and 2 Native American.
18 Now, if you'd like to do some quick math, I
19 didn't do it for you there. You can come up
20 with a very alarming figure. You can say that
21 42 percent of all the Hispanics in the Scotts
22 Bluff schools drop out every year, and that's
23 what the median most often quotes when they
24 have the opportunity. If you really take a
25 look at the actual facts, on the next page,

1 there were 189 Hispanic students enrolled at
2 the beginning of the school year and with 17
3 of those students dropping out during the year
4 we have an actual dropout rate of 9 percent of
5 the students enrolled in the beginning of the
6 school year. Of the 26 Native American
7 students who enrolled 2 did drop out, for an
8 actual figure of 7 percent. I always have
9 difficulties with dropout rates because you
10 can do anything you want to with those dropout
11 rates, and, in fact, I do many times when
12 writing a grant, I make them just as alarming
13 as I can because we get more money that way.
14 But I know I hate to have the whole school
15 judged on a dropout rate, and that's usually
16 the very first thing that they talk about when
17 they talk about schools.

18 Our completer rate I think is a better
19 sort of thing to look at. In the Class of '92
20 ~~there~~ there were 172 students; 31 of those students
21 were Hispanic or 18 percent; 2 of those
22 students were Native American. The projection
23 for this year's class, and I just talked to
24 the high school principal this morning and
25 changed these figures a bit because things are

1 moving along here as we get towards graduation
2 date. We will have 191 seniors; of that group
3 42 of the students are Hispanic and 7 students
4 are Native American. An interesting class
5 this year in that 8 students are tied with a
6 4.0 grade point average and will serve as co-
7 valedictorians. Two of those students are
8 hispanic. We have 7 Native American students
9 graduating. This is the largest number in the
10 20 years that I have kept record on it. The
11 interesting thing about that, 4 of those
12 students started in kindergarten here in our
13 school system and are finishing. We're
14 extremely proud of that and we give a lot of
15 credit for that to our Title 5 grant and our
16 Parent Committee that we've worked with.

17 We have a number of programs that I'll
18 talk about and then answer questions for you.
19 We have both an Hispanic and Native American
20 ~~home~~/school liaison person. They are part of
21 our student services office. They have their
22 office. They have a telephone and we also
23 equip them with pagers so they can be located
24 as they work through the district. We have
25 had a Title 5 Indian Education Grant for over

1 15 years. About 5 years ago the families from
2 Gering, our district to the south, said why
3 can't our kids have the same sort of help that
4 you're allowing for the Native American
5 students in Scotts Bluff. So we checked with
6 Washington and they said there was no problem
7 in writing a cooperative program, and so we
8 did, in fact, do that and added some parents
9 from Gering to that committee and put together
10 a cooperative grant with the two school
11 districts, so the home/school liaison person
12 serves both communities.

13 Our Native American population has grown
14 tremendously. When we started our first Title
15 5, which was then Title 4, we had 66 Native
16 Americans enrolled and we now in our last one
17 have 202. We will be audited next week, on
18 Wednesday, by Washington, D.C. We're one of
19 the one-third grants to be audited. We
20 ~~are~~ receive that honor next week, and so we've
21 been getting ready for that. We've been
22 audited about three times. We've had a long
23 running Native American program. We've worked
24 with the center, the Tech Center in Bismarck,
25 North Dakota that works with the Native

1 American grants. We, in fact, will be
2 attending a workshop on the 13th of May in
3 Chadron, where these gentlemen are from, in
4 regard to the grants.

5 JOM has money in the community and the
6 JOM grant comes from the reservation and is
7 distributed in the communities of Chadron,
8 Alliance, Gordon, and Scotts Bluff/Gering, and
9 we've been trying to work closer and closer
10 with JOM in the last couple of years. They
11 have funded various opportunities for the
12 students in the community and we're trying to
13 get a better working relationship between
14 Title 5 and JOM, and we, in fact, just sent a
15 group of people to a conference in South
16 Dakota to look at combining the efforts of JOM
17 and Title 5. Our Title 5 moneys are used
18 exclusively for the students. We do not use
19 any of that money as far as the district. We
20 ~~provide~~ provide all those things in kind. We hire the
21 Native American home/school liaison person,
22 provide the materials and supplies for
23 students who need them, based on the federal
24 guideline of free and reduced lunch. We also
25 then provide certain kinds of support things

1 for students who wish to be in activities, and
2 we also conduct a culture and language class
3 the second semester, in the afternoons after
4 school, for Native American students, and then
5 culminate the year with a celebration. At
6 first it was a picnic and the last couple of
7 years it's been a graduation banquet the
8 Native Americans hold to honor students who
9 graduated and also honor the students who made
10 various kinds of gains or things that can be
11 marked during the year. The Parent Committee
12 awards what the kids really like, T-shirts
13 with the logo on them that the kids designed,
14 that show that they received some kind of
15 award during the year.

16 We hope to work out better relationships
17 with JOM. There's a lot of things that are
18 still questionable about the JOM funding and
19 how it operates in the community. There are
20 ~~lots~~ lots of JOM dollars and they are not being
21 utilized as they should, and our target is to
22 try to put together a tutoring program paid
23 out of JOM funds. We had a tutoring program
24 last year but it wasn't very lengthy because
25 we didn't have enough money in Title 5 itself.

1 We operate a pre-school special education
2 program for students with developmental
3 delays. And I mention this because we have a
4 high number of Native American students in
5 that program who are fetal alcohol syndrome.
6 And so, we've had to send our teachers for
7 some special training and so forth. That's
8 operated by the district.

9 We also have a parent program on Friday
10 mornings where the mothers come in with their
11 babies and we work with them on skills,
12 parenting skills.

13 We operate a transitional language
14 program at the Roosevelt Elementary School,
15 and I say transitional in the fact that a few
16 years ago the Office of Civil Rights worked
17 with us and we worked with the parents and
18 they indicated they did not want bilingual
19 education but that they wanted their children
20 ~~to~~ to learn to speak English, read English, and
21 write English, and that was their major
22 concern at that time versus trying to educate
23 the students in both languages. The students
24 in our transitional program, for the most
25 part, are oral language students. In addition

1 to that, we have a limited English proficiency
2 program in that building for students that are
3 totally Spanish speaking when they enter
4 school. And that program also carried into
5 our middle school and also into our senior
6 high, and it's funded by Chapter 1 funds.
7 It's the first Chapter 1 limited proficiency
8 program in Nebraska. Only a few years ago did
9 they begin to allow Chapter 1 funds to be used
10 for that.

11 We have also funded from that an at risk
12 counselor who works at the middle school,
13 specifically with students who are having
14 difficulty, also funded by Chapter 1, in
15 addition to the two counselors that are at the
16 middle school.

17 We also operate from Chapter 1 reading
18 specialists and math specialists in the
19 buildings. Roosevelt that has the large
20 ~~racial~~ ethnic group, we have two reading
21 specialist and one math specialist along with
22 the limited English proficiency.

23 We operate also a summer school. We've
24 moved our summer school to August and we call
25 it jumpstart and we go for three weeks before

1 school begins to try to get the kids back in
2 the swing of things, and it worked very well.

3 We do lots of cooperation with various
4 groups in the community in order to give us
5 the information that we need. One of the most
6 important ones the last two or three years has
7 been the group that base itself here at the
8 college. My tenure in the district has been
9 about 24 years so I've been through a number
10 of different sorts of situations in regard to
11 concerns with racial and ethnic groups in
12 Scotts Bluff. My first position in the
13 district after teaching here five years was to
14 be a Title 4-B Coordinator, for an entire
15 year, to work with cultural concerns in the
16 schools. So I've worked with lots of various
17 community groups. It wasn't until this group
18 came forth a few years ago from the college
19 that said we have these many concerns and
20 ~~these~~ these many issues in regard to education in
21 the Scotts Bluff schools, but they came forth
22 not just with an accusatory pointing of the
23 finger but also said, we want to help. We
24 have some ideas for some solutions and we will
25 help, and it's really made a major difference

1 the last couple of years since this group came
2 together at the college.

3 We've cooperated with the Amigos Program
4 which is much like Big Brother, Big Sister,
5 and also with a mentoring program to help some
6 of the older students helping some of the
7 younger students. And these are both directly
8 attributed to this group that started at the
9 college and now has formed in the community.

10 We also are part of the Family
11 Preservation Team in the Scotts Bluff
12 community, and part of that is case
13 coordination. We have elementary social
14 workers, one in every single building. One of
15 our social workers sits on the Case
16 Coordination Team every Wednesday morning to
17 take a look at all kinds of issues in regard
18 to the families of our students, whether they
19 be housing or employment or medical or
20 ~~whatever~~ whatever. So we have a good connection with
21 24 other agencies that are a part of Family
22 Preservation, and meet every Wednesday
23 morning.

24 We operated for years in our school a
25 migrant program. That program is now in the

1 Gering schools simply because we didn't have
2 room one summer and so they said they'd run it
3 for awhile. The value of the program to us,
4 though, is that one of our elementary
5 secretaries and one of our elementary social
6 workers -- excuse me -- one of our elementary
7 special education aids hold the position of
8 secretary and also recruiter for the summer
9 migrant program, so we have an inside track on
10 who the students are, what their needs are, so
11 forth, as they stay in the community. They'll
12 continue and bridge from the summer program to
13 our school program.

14 We had a need a couple of years ago and
15 we worked with the Gering Public Schools,
16 again in cooperation. We wrote a grant called
17 Project Success and we've opened a Teen Parent
18 Program for students in the Scotts Bluff and
19 Gering schools, and we serve several students
20 ~~in that~~ in that program from both districts.

21 We also put together a grant a couple of
22 years ago to serve our youth shelter with the
23 McKinney grant money, the homeless money. It
24 helped some of the students.

25 Our middle school has recently formed a

1 club called Youth In Charge. I think this is
2 also an outcome of the Advisory Committee at
3 the college. And our Native American groups
4 have a number of different dance clubs, and
5 this has done a great deal for the kids'
6 esteem. An experience we had last week,
7 Hemingford, Nebraska, to the north, and I was
8 surprised about this, asked a group of our
9 Native Americans to come and spend the day,
10 because they did not have Native American
11 students in their schools. So we sent a group
12 last week, on Thursday. They spent the
13 morning with the students in Hemingford, had
14 lunch with them, and then they danced for them
15 in the afternoon. It was a good experience
16 for both of our kids. And more and more we're
17 having those opportunities.

18 The Roosevelt school has been changed in
19 its name from an elementary school to a
20 ~~community~~ community center and we operate adult basic
21 education classes in cooperation with the
22 college, working with the parents in both
23 literacy and language.

24 We have worked with the Midwest Center
25 out of Kansas City. Dr. Charles Rankin and

1 Anita McGowen was here and helped us last
2 year, and helped the committee from the
3 college. For 18 years we've been a part of
4 that.

5 As I say, we work very closely with the
6 Gering schools in a number of ways. I feel
7 almost this morning that I'm talking for
8 schools in the valley because what I'm saying
9 to you, although we have more programs because
10 we're larger, but the kinds of concerns in
11 regard to the students occur in Minatare,
12 Nebraska; Bayard, Nebraska; Scotts Bluff,
13 Nebraska; Gering, Mitchell, Morrill. You
14 know, whether you want to identify that
15 totally or not, but it's true. And the kids
16 are, in a sense, a giant social community, if
17 you will. My personal bias is that Scotts
18 Bluff and Gering should be one school district
19 tomorrow by noon, but it probably won't happen
20 ~~in my~~ in my lifetime. But the kids are a social
21 community because what they do when they have
22 leisure time is they come to Scotts Bluff and
23 drive up and down Main Street and they all
24 know one another. So a lot of these things
25 branch all the schools in the valley.

1 As I say, we work closely with Gering.
2 They have added to their senior high an at
3 risk counselor, if you will, and they have
4 started in their senior high this year some
5 specific clubs and activities to reach some of
6 the students.

7 We have had, between Scotts Bluff and
8 Gering, five people serve on the LB922
9 Nebraska Multi-Culture Education Planning
10 Committee this year. We have two teachers
11 from our school system, and I serve on the
12 committee. Gering has a principal. Dr.
13 Harmes from the college, and we have someone
14 from the service unit, all who have worked
15 with that.

16 I guess in my history what I have seen,
17 and I think the question you asked Mr. Sexton
18 earlier, things are getting better all the
19 time, and we still have a long way to go. But
20 the place where things are getting better is
21 when you can go into the school and there
22 isn't any way to measure the data and put it
23 on a piece of paper for you. The fact that
24 our student body president now is Hispanic
25 this year, the fact that when we have students

1 nominated for royalty and we elect kings and
2 queens, and so forth, we have kids of
3 different racial ethnic groups in those
4 positions. Those are the kinds of things that
5 we didn't have happening 20 years ago, and so
6 we're getting a different sort of a feeling
7 among the student body and those are the kind
8 of things that are hard to measure. The thing
9 that is really true among the racial ethnic
10 group is that students who feel and belong
11 will finish school. When they say students
12 who participate graduate, we really found that
13 to be true. And if we can work with those
14 students and get them involved in activities,
15 and we do that, as I say, with some of our
16 Native American money. And I guess finally
17 the thing that we found out, with more and
18 more kids succeeding and graduating, it's
19 because the parents have the expectation for
20 ~~them~~ them now. A lot of the credit goes to the
21 parents, and if I were to sort it out
22 specifically from my experience, it goes to
23 the mother. The students for the most part
24 will achieve the level that their mother
25 expects them to.

1 Thank you. Any questions?

2 MR. ART HILL: I've got two questions.
3 The first one I asked Dr. Sexton, you probably
4 heard the question. Is the school district
5 doing anything to address the needs of those
6 young Native Americans where it pertains to
7 self-image, self-esteem, how they feel about
8 themselves? We know that they are going to
9 run into a lot of hassles from their peer
10 students, and, granted, multi-cultural
11 addresses the concerns toward the
12 administrations, toward the teachers, toward
13 the white students. But, you know, a lot of
14 our Indian students are out there. I mean,
15 I'm from Omaha and that's a problem with our
16 Indian students is that they are still being
17 harassed by their peers. So we're trying to
18 start a program where we're going to go
19 approach it from the student point. And
20 that's the question I had was whether there
21 are any kind of thoughts or ideas in that
22 direction? And then I have another question
23 after you answer that.

24 MR. SYLVESTER: We have a class, I guess
25 you'd call it, an opportunity for the students

1 after school, second semester, where it's
2 called language/culture and they are
3 reintroducing the La Cota language and working
4 through a whole number of things with the
5 Native American students at the elementary
6 level to make them feel better about
7 themselves and better about their culture.
8 And then part of the banquet that we have at
9 the end of the year is when they display a
10 number of things that they've made and so
11 forth. One of the things that has happened in
12 the community is the pow-wow now in September,
13 which has grown from just being a small
14 celebration with just a handful of people into
15 a major community event this past year. It
16 was housed here at the college. They used the
17 gym. The set tepees up in the front yard, and
18 the fact that that was accepted widely by the
19 whole community, and I think also the students
20 realized that their identity, it was okay to
21 be a Native American. There's still a long
22 way to go. Our elementary schools we can
23 produce a pretty good feeling. When we
24 transition into the middle school, when we
25 bring together four elementary schools, some

1 students from the parochial schools, and some
2 students sometimes from the country, sometimes
3 it's the transitioning regardless of racial
4 ethnic make-up, but that's a difficult sort of
5 time because you sort of resort out the
6 pecking order. And I think if anywhere that's
7 where we get some difficulties occurring, and
8 that's where we've tried to target by putting
9 some different people there and so on.

10 MR. ART HILL: Before I ask my question.
11 One of the things that we're doing in Omaha, ~~and~~
12 and what's being done in other parts of the
13 country, is that the Title 5 program does have
14 a separate awards ceremony for Native American
15 students. I mean, some of the students may go
16 through school and never get an award but, you
17 know, we give awards like "The Best Bus
18 Rider," and little things like that. "Most
19 Books Read," different things that are out of
20 ~~the~~ the ordinary; high academic grades, perfect
21 attendance, and things like that. Things that
22 we are more creative at given -- and then we
23 film it. We film it and we show it on TV.
24 You see what it does for those little kids
25 when they see themselves getting an award,

1 being on TV and things like that. Their self-
2 esteem and self-image just really goes up.
3 But the question I have is, do you work
4 closely or do you work with the Indian Center
5 here in Scotts Bluff?

6 MR. SYLVESTER: To a degree, yes. We
7 many times write -- you know, I have probably
8 this spring written two or three letters of
9 support to various kinds of activities that
10 they are doing through the Indian Center that
11 will profit the kids and the school. The
12 Indian community divides and subdivides,
13 that's an ongoing thing that we just have to
14 deal with. It's interesting as we work with
15 these two committees. The Hispanic committee
16 has all kinds of wonderful ideas and all kinds
17 of things they are working on, and little or
18 no resources. The Native American community
19 has all kinds of resources; dollars, Title 5,
20 JOM, everything else, but has difficulty
21 organizing and working and taking full
22 advantage of all those. That's what I say,
23 there's a lot of JOM money that has not been
24 utilized as it should have been in the
25 community.

1 MR. ART HILL: That was the question I
2 had was are you aware that there is Title 5
3 part B available toward community centers?

4 MR. SYLVESTER: Uh-huh.

5 MR. ART HILL: And it would seem like
6 with your involvement with them you could link
7 up with the school district, the Indian Center
8 and the school district in a part B program.
9 That's why I asked you that original question.

10 MR. SYLVESTER: Thank you for the ideas.

11 MR. ART HILL: Thank you.

12 CHAIRPERSON HILL: Rosa?

13 MS. COBOS: Do you have any data or
14 statistics on the number of students that are
15 suspended annually listed by race? Is that
16 included here in --

17 MR. SYLVESTER: You know, I didn't
18 include that, but I can talk to you from the
19 report.

20 MS. COBOS: Okay.

21 MR. SYLVESTER: Part of that same report,
22 and I'll show you this, the Dropout/Completer
23 Report, the third part is the number of
24 expulsions. In last year's report from our
25 district, we had 12 students expelled; 7 were

1 female and 5 were male. Of that group, 5 were
2 Hispanic. We had 4 girls and 1 boy. We had 6
3 white, 1 Native American. Does that add up to
4 12?

5 MS. COBOS: Do you have any breakdown as
6 to where these expulsions are occurring?

7 MR. SYLVESTER: Exactly. I'm sorry, I
8 should have put this in here for you. Let's
9 take Hispanic. There were 4 students expelled
10 in the 9th grade: 3 girls and 1 boy, and 1
11 girl expelled in the 11th grade. Native
12 American: We had 1 expulsion, it was a male
13 in the 9th grade. We have students suspended
14 on short-term suspension but expulsion is, you
15 know, a much more involved process and they
16 can only be expelled for the remainder of the
17 semester.

18 MS. COBOS: Do you have any figures on
19 the short-term expulsion? Would that be like
20 ~~7~~ 7 days and under?

21 MR. SYLVESTER: Five.

22 MS. COBOS: Five.

23 MR. SYLVESTER: I don't have figures on
24 that.

25 MS. COBOS: On these suspensions. There

1 have been numerous complaints about
2 suspensions and expulsions occurring in the
3 Scotts Bluff Middle School, by Mexican
4 American residents, and I was just wondering,
5 the parents are concerned that the children
6 are missing 7 to 10 days from school that they
7 are going to fall back. Those 7 to 10 days
8 are going to make a difference, you know, in
9 their education. I was wondering if you've
10 ever thought about choosing other alternatives,
11 and methods other than suspending the children
12 or expulsion from the school? Such as having
13 the children work within the schools.

14 MR. SYLVESTER: We have an in-school
15 suspension room.

16 MS. COBOS: An in-school --

17 MR. SYLVESTER: Yes. With a suspension
18 supervisor, and that is the first alternative
19 that the student not have to leave school,
20 ~~that~~ that they go to that room and that the work
21 from the classes is given to that supervisor
22 who works with the students in the room. And
23 that's the first level. When offenses get
24 greater, then you would have an out of school
25 suspension.

1 MS. COBOS: It depends upon the offense?

2 MR. SYLVESTER: That's right. The first
3 alternative is to leave the student at school
4 and supervise them and make sure they get the
5 work done.

6 MS. COBOS: So you wouldn't consider
7 using this for -- what would you consider a --

8 MR. SYLVESTER: It's used for a variety
9 of things, all kinds of student misbehavior.
10 Usually when a student reaches a point,
11 sometimes fighting is when they would get
12 suspended out of school; when the safety or
13 concern of other students, that student or
14 others, is involved.

15 MS. COBOS: So even in those instances or
16 in those cases you would not consider other
17 forms of punishment other than expulsion or
18 suspension? For instance, a child gets into a
19 fight?

20 ~~MR. SYLVESTER:~~ MR. SYLVESTER: I think it depends on the
21 degree and how many times. You know, the very
22 first thing the parents are brought in and
23 there's a discussion in regard and they try
24 and resolve it, but it depends on how many
25 times. And I can be wrong on this. I'm just

1 giving you may best knowledge.

2 MS. COBOS: It appears that the largest
3 concentration of Hispanic or minority children
4 is in Roosevelt school?

5 MR. SYLVESTER: That's correct.

6 MS. COBOS: How many Hispanic teachers do
7 you have there?

8 MR. SYLVESTER: We have four.

9 MS. COBOS: Do you have any guidance
10 counselors or Hispanic counselors?

11 MR. SYLVESTER: No.

12 MS. COBOS: Do you have any Native
13 American teachers employed at Roosevelt
14 school?

15 MR. SYLVESTER: No.

16 MS. COBOS: How many are employed at the
17 middle school, Hispanic teachers?

18 MR. SYLVESTER: One and a half I guess
19 you'd say. One full time and one who works
20 ~~some~~ mornings there and then works afternoons in
21 the senior high.

22 MS. COBOS: Any Native American teachers
23 employed at the middle school?

24 MR. SYLVESTER: No.

25 MS. COBOS: Are there any employed in the

1 high school?

2 MR. SYLVESTER: There are no Native
3 American teachers at all in the school system.

4 MS. COBOS: Okay.

5 MR. SYLVESTER: We can't pay enough
6 money. We ran an ad in national magazines
7 trying to get racial ethnic applications in
8 the district, and, as you know, the
9 opportunities are great and people went
10 elsewhere I guess.

11 CHAIRPERSON HILL: Ascension?

12 MR. HERRANDEZ: Just a very quick
13 comment, and I guess it's for the record. I
14 would hope that maybe each school district has
15 a code of conduct for students and that that
16 book be used in a very equitable manner. And
17 I'm sure that that's happening, or should
18 happen in the Scotts Bluff school district,
19 and maybe parents should know what that code
20 of conduct book says so there will be no
21 questions about due process. That's all I
22 have, just a comment.

23 CHAIRPERSON HILL: Thank you. Appreciate
24 it very much.

25 MR. SYLVESTER: Thank you.

1 CHAIRPERSON HILL: Dr. Nahwooks. For the
2 record, would you please start with your name
3 and address and occupation, and then your
4 statement. And we know you're on rushed time.

5 DR. NAHWOOKS: Thank you. I appreciate
6 you accommodating my schedule. I'm Reaves
7 Nahwooks. I chair the Nebraska Commission on
8 Indian Affairs, and I also minister in Lincoln
9 and Omaha. I'm very pleased to be here with
10 you today.

11 Mr. Chairman and members of the panel, on ~~my~~
12 behalf of the Nebraska Commission on Indian
13 Affairs, I appreciate an opportunity to share
14 some views with you. Obviously the task that
15 you have and that you have given us cannot
16 adequately be done in these few minutes that
17 we have. However, will touch on some major
18 concerns that we have. Basic to any dialogue,
19 an improvement in any system, is
20 ~~understanding~~ understanding. And the value system of our
21 tribal groups, our Native American Indian
22 people across the country, or actually what I
23 call Indian thought, is that it is different.
24 Laws have been designed to make us conform,
25 and they've not taken into account what makes

1 up our basic definitions and value systems.
2 And, as a result, we've been directed and
3 encouraged to accept ways that are not
4 consistent with our practices and thinking.
5 Until that understanding results, we will
6 continue to have problems trying to
7 communicate. You know, we in the commission
8 get numerous requests for assistance in regard
9 to discriminatory practices from all aspects
10 of the Native American Indian community. The
11 commission has in the past advocated for an
12 office here in western Nebraska in order to
13 serve the great number of requests and needs
14 of this community. We have commissioners who
15 represent this area. In fact, I think there
16 are three on the commission and we have tried
17 to utilize those three to feed back the
18 concerns of this area. We've tried to respond
19 to the basic needs of the tribes and the
20 ~~communities~~ communities in Nebraska which include housing,
21 education, welfare, medical and dental care,
22 employment, economic development, law and
23 order, and related problems as well as working
24 with agencies and the tribes. It's very
25 difficult to know where the needs end and

1 civil rights start they're so tied together.
2 So many of the tensions that we've dealt with
3 resulted from deaths which have occurred
4 causing conflict among the Native American
5 Indian citizens and others in these different
6 communities. In those cases, we have tried to
7 work to bring about some understanding to all
8 citizens.

9 We have recognized the need for more
10 information to deal with some of the most
11 critical problems brought to the attention of ~~the~~
12 the commission, and we're in the process now
13 of examining - in quotes - disparate treatment
14 of Native American Indian people in Nebraska,
15 and these due to situations involving law and
16 order systems of many of the communities. Our
17 preliminary findings -- and this study is not
18 complete yet, it's in progress. Our
19 preliminary findings reflect that Native
20 ~~Native American~~ American Indian people in Nebraska make up
21 eight-tenths of a percent of the state's
22 population, and yet averages 4.7 of the
23 state's state prison admissions. Of the 56
24 Native American Indians sent to prison in
25 1991, 9 or 16 percent came from a county with

1 only six-tenths of a percent of Nebraska's
2 population, and only 4 percent of the entire
3 Native American Indian population in Nebraska.
4 The figures demonstrate four to six times
5 greater numbers of Native Americans being sent
6 to prison then might naturally occur.

7 In addition, we have some letters and
8 contacts that were made by representatives of
9 individuals in prison about problems they feel
10 that are arising from discrimination due to
11 their being Native American and the way they
12 worship and their spirituality. Now, we're
13 working with the Department of Public
14 Institutions on issues regarding the prison
15 system. We have been highly concerned with
16 the situation involving Seth White Face in
17 Lincoln who was shot by a police officer who
18 had been involved in two other shootings. The
19 Lincoln chief of police promoted this officer
20 to a position of Director of Internal Affairs.
21 The Indian people of Lincoln cannot feel
22 confident in taking any concerns to this
23 person. He represents an injustice and
24 appears to be rewarded for his act against a
25 Native American person. The details are too

1 numerous to relate in this situation except
2 that it appears to affect the minority
3 community as well, because they've expressed
4 some concern over the outcome of this
5 particular incident. I'm talking about the
6 Native American community, the Hispanic
7 community, and the Asian community as well.

8 When confronted by the commission the
9 mayor and police chief refused to do anything
10 more. Now, this is an obstacle in working
11 toward positive efforts to deal with problems
12 of a community. The attitude and treatment of
13 Native American Indian people is a part of a
14 large issue of discrimination which is so
15 built into the system that it is not
16 recognizable as an issue except by Native
17 American Indian people.

18 I had the opportunity to sit on a parole
19 hearing for a Native American young man in
20 prison in Lincoln. He had been arrested for
21 intoxication, breaking his parole. He had
22 plans to rehabilitate himself, and I'd helped
23 him make those plans, to gain counseling, to
24 treatment, and he had made a commitment to
25 attend school for further training. He was

1 denied a parole because the parole officer
2 disagreed with him in the discussion on one
3 incident which seemed immaterial in this case.
4 The officer accused him of lying and calling
5 one of the police officer a liar because of
6 the differences in their opinion. So the
7 parole officer on that basis recommended that
8 Mr. Free stay in prison for another year.
9 Now, previous to that hearing, two other
10 people not Native American had no such plans
11 and they were granted parole. They in fact
12 did not know what they would do after they got
13 out. They said, well, I'm just glad to get
14 out of here. I don't know what I'm going to
15 do. So it appears to be a double standard;
16 one for Indian people and one for others. So
17 this translates into discrimination as far as
18 I'm concerned.

19 Other incidents in Omaha resulting in
20 ~~shooting~~ shootings that were -- and again you're aware
21 of these -- followed similar exonerations by
22 those law enforcement people. In most cases
23 Indian people feel they have been
24 discriminated against but have no legal
25 resources or financial resources to counter

1 these. We recognize that too.

2 In the area of employment, if I can shift
3 just a little bit, the guidelines and criteria
4 established by existing agencies virtually
5 eliminate most of our people who are willing
6 and able to work. Those who meet most
7 agencies' criteria have jobs and they're
8 surviving. But the situation, the situations
9 really we're talking about when it comes to
10 Native American Indian people are unique, and
11 unique situations require unique solutions, if
12 we're going to deal effectively with that. So
13 I guess, up to this point, in general, yes,
14 there is discrimination. Yes, there is
15 racism. The question is: How do we deal with
16 it? Now, the Nebraska Commission on Indian
17 Affairs is dealing with these concerns, or
18 many of these concerns on the basis of a 5-
19 year plan that we have which will be updated
20 each year as we gain more information and as
21 we reorganize some of our efforts. And this
22 plan, this 5-year plan includes an overall
23 goal for what we're doing. It includes
24 specifically health problems, education
25 problems, employment, Indian civil and human

1 rights, economic development, and the
2 structure of the Indian Commission. Other
3 major problems for us are funding and
4 involvement of all Native American Indian
5 people in the state. I mean, those are two
6 major, maybe very basic. So, in the sense I
7 guess all I'm trying to say is, you know,
8 we're taking a very general approach to this.
9 And, at this point, I guess I'm not really the
10 best person to give you the kind of
11 information you need for western Nebraska. I ~~have~~
12 have been chairman of the commission for a
13 couple of months; however, on a general basis,
14 I have probably dealt with Indian affairs for
15 somewhere like forty years or more. So I'm
16 really talking in general terms and I can
17 basically see it on a general -- I'll be glad
18 to try to answer any questions that you might
19 have and provide any additional information
20 ~~you~~ you would like in the future. I don't have
21 all of that with me, but I'll be glad to try
22 to do that. So, again, I appreciate the
23 opportunity to be a part of this hearing.

24 CHAIRPERSON HILL: Questions?

25 MR. ART HILL: One of the questions I

1 have raised is, you know, there is again the
2 possibility that the Indian Commission could
3 be wiped out by the Unicamera and I don't know
4 if you have any kind of latest developments or
5 latest information along those lines?

6 DR. NAHWOOKS: Yeah, we have. I think
7 one of the major problems that brings that
8 about is a lack of understanding of the
9 senators in terms of what we're doing, and
10 many of them didn't even know that we have a
11 5-year plan. We said, hey, we have a 5-year
12 plan, and so that made all the difference in
13 the world. And I think that at this point
14 maybe it's the fact that we haven't used this
15 effectively like it should, but the other
16 thing that we're trying to do is basically to
17 find a closer working relationship with the
18 tribes. And, you know, that's the whole key
19 to any existence of any Indian organization is
20 ~~the~~ the tribal leadership and the tribal councils,
21 and how to involve them greater into that.
22 And, at this point, where it has not been I
23 guess a strong involvement of the tribes,
24 we're emphasizing that either the chair or
25 vice chair or someone who is in position from

1 the tribe to bring a strong force into the
2 commission, that they be appointed and be a
3 vital part of that commission. Plus the fact
4 that, you know, over half, as you know, live
5 in urban areas so we need to respond to those
6 needs too. So I guess representation is our
7 major problem, and then I think basically
8 dealing with the specific problems the
9 commission generally, as I understand it, is
10 not really trying to do programs to deal with
11 specifics, but will try to deal with policy
12 and try to empower those agencies and those
13 who have specific concerns. Now, one other
14 factor, Art, is the fact that I am proposing
15 at this point a reorganization in terms of
16 providing responsibility on the commissioners
17 to basically take on areas of their expertise,
18 because they do have some expertise for being
19 on this commission, and so we want to draw all
20 ~~of that out~~ of that out as we can, and to be in close
21 contact with people who are knowledgeable in
22 education, and then those in employment and
23 those in other area. So, in a sense, I guess
24 that's what -- we're trying to put this on a
25 businesslike effective basis, and I think that

1 will be one of the means for stabilizing the
2 role of the commission in the state.

3 MR. ART HILL: I guess the follow-up
4 question -- well, not a follow-up question but
5 another question I have is we've been having -
6 - listening to people since yesterday and most
7 of these Native American people are from the
8 west, western parts, Scotts Bluff, Alliance,
9 Gordon, Chadron, and some of the stories
10 they've told are real horror stories, you
11 know, very sad. And you said you have three
12 members from the western part. Are any of
13 these members from any of those towns, and if
14 there's any concerns that effect those towns
15 will they bring them to the commission?

16 DR. NAHWOOKS: They have two avenues.
17 Certainly they can bring them to the folks --
18 Gloria Herald is one member of the commission,
19 and Kevin Roach is another, and Russell
20 ~~Zephier~~ Zephier, and those three are basically, as I
21 understand it, from this part of the country,
22 and maybe they're too far away for some of
23 these towns. On a personal bias I expect to
24 be visiting more frequently these areas here,
25 but that also will help to put some emphasis

1 on the commissioners to carry through some
2 responsibilities there, so I hear what you're
3 saying and I appreciate that and I hope that
4 we can find a way to utilize them because if
5 they are not being effective in those maybe we
6 need to take another look.

7 MR. ART HILL: Again just a follow-up
8 statement is that everyone always says that,
9 you know, eastern Nebraska and western
10 Nebraska, and like Lincoln and Omaha have
11 large Indian populations and people always
12 address those two places, and the
13 reservations. Again they're on the east. But
14 the west there's not that much happening. You
15 know what it reminds me of is it reminds me of
16 western Oklahoma. You're familiar with
17 Oklahoma?

18 DR. NAHWOOKS: Yes.

19 MR. ART HILL: Cheyenne and Arapahoe
20 ~~country~~ country. Those little towns Watonga, Clinton,
21 and those places. That's the kind of stories
22 that I'm hearing from these Indian people out
23 here.

24 DR. NAHWOOKS: I appreciate that and
25 certainly that will be on an agenda. I can

1 assure that that will be on an agenda to make
2 information more available to this part of the
3 country.

4 MS. COBOS: A school official testified
5 earlier that he sees -- has seen the problem
6 fetal alcohol syndrome among Native American
7 children, and I just wanted to know whether in
8 your 5-year plan, you know, there is any
9 inclusion with regard to prevention in this
10 area? It appears that there lacks family
11 services in the area of drug and alcohol
12 prevention in Scotts Bluff. From what I
13 understand, they removed the only individual
14 that was out reaching out to the community,
15 families and children, and eliminated the
16 position for the Native American as well as
17 the Hispanic. There's a concern, because like
18 even on the East Overland area you see --
19 you'll see that there's at least five or six
20 ~~places~~ places where individuals have access to
21 purchase alcohol. You have a grocery store, a
22 quick-mart type of place. You have a bar
23 right on East Overland, a liquor store and
24 just around the corner there's 9th Street
25 bars, and then absolutely no prevention. No

1 family services in this area. Your plan, your
2 5-year plan, what does it say with regard to -

3 -

4 DR. NAHWOOKS: I did not find anything
5 specific. I did see that in there, but, you
6 know, every situation that involved the people
7 in prison and jails involved alcohol. And all
8 these deaths and tragedies involved alcohol.
9 And, aside from that, just about every person
10 in my congregation -- I pastor two churches --
11 and just about every person in the
12 congregation is affected by alcohol in some
13 form, and whether they are recovering or
14 whether the families -- even the pastor's --
15 and so I think that needs to be a priority in
16 terms of the commission's at this point. It's
17 implied and recognized as being part of that
18 but I think the direct preventive measure has
19 not been a part of that plan as I can see, and
20 ~~we talk~~ we talk about it and understand it and know
21 that, but I think there does need to be a more
22 formal approach of prevention. So that can be
23 on our agenda and, again, I think we need to
24 deal with that.

25 CHAIRPERSON HILL: Doctor, just a quickie

1 and it's really going to be a request for help
2 rather than a question, because I know you're
3 still relatively new and finding out as we are
4 what's going on. As you know, yesterday we
5 heard and this morning we heard, but primarily
6 yesterday from people dealing specifically
7 with the schools that there was a large number
8 that indicated they didn't feel they had
9 access to a good or a decent complaint
10 mechanism and they had problems with their own
11 children and other children, both Hispanic and
12 Native American, within the school system.
13 When we had the presentations today from those
14 working within the school systems, from
15 Chadron and Scotts Bluff, and even the
16 community college here, I've got to admit the
17 material they presented was very impressive in
18 terms of through their eyes; they outreach,
19 the workers, the different plans and stuff.
20 ~~What~~ What I would like to request is with your
21 commission that your people take a look, and I
22 would probably single out Chadron because it
23 seems to be the best organized and it's also
24 close proximity to the largest reservation
25 within the area, that your commission might

1 take a look at what their plans are and with
2 your outreach abilities interview the people
3 within the area to find out if there are
4 disparities within what is hoped to be
5 presented and what is actually getting across.
6 I think that would be helpful in helping us
7 and in helping the area come up with specific
8 recommendations for what does the next step
9 have to be. We've got two groups looking at
10 exactly the same object from totally different
11 views, and, as I sit here, I look at one and I
12 say, you're right. And I look at the other
13 and I say, you're right. And we need that
14 type of help I think from your perspective.

15 DR. NAHWOOKS: I can assure you that we
16 will take that on and I would appreciate if
17 you would ask us about it. Give us a few
18 months here, three months or so and ask us
19 what is being done on this request, because I
20 ~~will~~ will bring this at our next commission
21 meeting.

22 CHAIRPERSON HILL: Thank you.

23 DR. NAHWOOKS: And that way that will
24 tend to pull us closer together in dealing
25 with that, because we're already doing that in

1 terms of the prison system and I think it
2 would be critical for effectiveness in these
3 other areas. So I guess I can assure you that
4 we will undertake something in that area.

5 CHAIRPERSON HILL: Okay. As a quid pro
6 quo, we have, because some of our past work
7 and who some of our members are, some
8 expertise within the prison system. If there
9 are ways we can be helpful, from access and
10 another standpoint, then you can feed that
11 back through our staff and us.

12 DR. NAHWOOKS: All right. That will be
13 great. That's a good cooperative effort.

14 CHAIRPERSON HILL: Ascension, anything?
15 Thank you very much.

16 Okay. We're going to go on. One more
17 presentation before we break, and I think
18 we've got a substitute in terms of the person
19 who's making the presentation. Come on up and
20 ~~tell us~~ who you are and that will save us from
21 fumbling around trying to find out.

22 For the record, please, your name.

23 MR. NOWELL: My name is Charles Nowell, I
24 am the Regional Director, Office for Civil
25 Rights, with the U.S. Department of Education,

1 in Kansas City. The Office for Civil Rights
2 is an enforcement agency that enforces various
3 civil rights laws, those being Title 6 of the
4 Civil Rights Act of 1964, Title 9 of the
5 Education Amendments of 1972, Section 504 of
6 the Rehabilitation Act of 1973, the Age
7 Discrimination Act of 1975, and recently we
8 have some responsibilities under the Americans
9 with Disabilities Act.

10 We have authority to enforce these laws
11 and all programs and activities that receive
12 federal funding from the U.S. Department of
13 Education. Mainly these entail elementary and
14 secondary schools, colleges and universities,
15 vocational schools, vocational rehabilitation
16 agencies, libraries and museums. These laws
17 protect individuals on the basis of race,
18 color, national origin under Title 6; sex
19 under Title 9; disability under Section 504,
20 ~~and the~~ Americans with Disabilities Act; and
21 age under the Age Discrimination Act of 1975.

22 We are primarily a complaint driven
23 agency. We spend approximately 90 percent of
24 our FTE resources in the investigation of
25 complaints. We also initiate compliance

1 reviews, however, which target OCR activities
2 where we see a need to make our presence known
3 or where we have information that would
4 indicate areas of non-compliance where
5 complaints have not been filed. We also serve
6 as mediators at times when this process can be
7 used to assist individuals in resolving
8 problems without going through the entire
9 complaint process. We also provide technical
10 assistance upon request and as a outreach
11 activity. We have several issues that have
12 been identified through what we call our
13 national enforcement strategy that we are
14 particularly targeting our discretionary
15 resources for purposes of compliance reviews
16 and technical assistance.

17 There are four primary issues. Two of
18 them under Title 6, one of them being racial
19 harassment in the schools and universities,
20 ~~and the~~ and the other being services to limited
21 English proficient students or (inaudible)
22 students. Under Title 9 we are targeting
23 resources towards the issue of sexual
24 harassment and in the area of intercollegiate
25 athletics.

1 Approximately 60 percent of our
2 complaints, as an agency and as our region,
3 are in the area of disability; 20 percent have
4 Title 6 or race, color, or national origin
5 issues; approximately 5 percent are under the
6 area of age; 10 percent would be under the
7 issue of sex discrimination; and 5 percent
8 would fall into other areas, including areas
9 where we receive complaints over which we do
10 not have jurisdiction.

11 We at present do not have any complaints
12 in the area of western Nebraska whatsoever,
13 and, in fact, for the last three years I was
14 unable to identify any complaints coming out
15 of this area of Nebraska through our database.
16 After listening most of the morning, it seems
17 somewhat unusual with the problems being
18 identified. Very possibly, and what Mr.
19 Herrandez asked me to specifically address
20 ~~which~~ which I'll get to in a minute, on how to file
21 complaints with our agency, may be a lack of
22 information to the people that we serve.
23 However, there are ways that interest groups,
24 advocacy agencies can certainly require that
25 that information be known. All of our laws

1 require a notice of non-discrimination in all
2 general publications that any institution that
3 receives funds from our agency or our
4 department give to the general public. And
5 this notice must include an individual at the
6 institution to contact if they believe
7 discrimination is occurring, and this notice
8 must also include the identify of the Office
9 for Civil Rights and that our agency may be
10 contacted directly to file a complaint. When
11 individuals who are with advocacy groups or
12 special interest groups are aware of
13 publications being disseminated, we can
14 require these publications upon being notified
15 of their existence. We can require that this
16 notice be contained. I think this is a very
17 effective way of getting the word out who we
18 are and how to contact us.

19 Specifically to filing a complaint with
20 ~~our~~ our agency it is not complicated; however, it
21 must be in writing. Third party individuals
22 can file complaints on behalf of other
23 individuals. What we need for a complaint is
24 the name of the injured party, the name and
25 address of the complainant, the identity of

1 the institution alleged to have discriminated,
2 the date of the alleged discrimination, and
3 that is required because our laws have time
4 frames under which you must file, that being
5 180 days within the act or from the date of
6 alleged discrimination.

7 Keeping it as short as possible and
8 addressing anything you may have to do on how
9 to file complaints at our agency or what
10 you're wanting to know about our agency, I can
11 answer any questions.

12 CHAIRPERSON HILL: Questions, Rosa?

13 MS. COBOS: No.

14 MR. HERRANDEZ: Just to be sure, the fact
15 that there hasn't been any complaints from
16 this area, it seems to me that the notice of
17 non-discrimination, the posters, have either
18 been not posted or posted in a place where the
19 communities don't get a chance to read them,
20 ~~or maybe~~ or maybe things are all right. I'm not
21 exactly sure. But they can be filed for
22 incidents that happened at the elementary,
23 secondary, and also at post-secondary or
24 higher education levels; is that correct?

25 MR. NOWELL: Correct.

1 MR. HERRANDEZ: Okay. Do you have any
2 ideas about maybe why nothing is happening in
3 western Nebraska?

4 MR. NOWELL: Honestly, no. Our complaint
5 load has increased threefold since 1988
6 nationally, and our region has pretty much
7 mirrored that, the number of complaints filed.
8 Why none have come from this area and they are
9 increasing from -- we've got a five state
10 region, that being Nebraska, Iowa, Kansas,
11 Missouri, and Kentucky, why they would
12 continue to increase from other areas of the
13 region, I really don't have a good answer.
14 One thing I would like to point out in
15 relation to your question, the notice or the
16 lack of a notice in publications is probably
17 the most commonly cited violation we find.
18 Basically because whenever we investigate
19 complaints we ask for information of a general
20 ~~nature~~ nature from the institution, and that
21 information, while useful to us in the
22 complaint investigation, would also have to
23 include this notice, and in many instances it
24 does not. Now, we spend a lot of time
25 correcting that violation.

1 CHAIRPERSON HILL: Mr. Nowell, that
2 notice, is there standard wording for it?

3 MR. NOWELL: We provide standard wording,
4 suggested wording that would comply with the
5 law. But, no, it does not have to be
6 standardized, per se.

7 CHAIRPERSON HILL: But you do have the
8 sample if --

9 MR. NOWELL: We certainly do, and we hand
10 that out, and in fact could present you with
11 that, what we suggest, very easily.

12 CHAIRPERSON HILL: Okay. Do you have the
13 large posters like EEOC that says, Office of
14 Civil Rights, Department of Education?

15 MR. NOWELL: No, we do not disseminate
16 posters. We disseminate any amount however of
17 pamphlets and booklets that describe
18 individuals' rights under the various laws
19 that we enforce. Most of these are sent in
20 mailings, bulk mailings to institutions that
21 they would, in their admissions office or
22 counseling office, just mainly keep them on
23 hand.

24 CHAIRPERSON HILL: The last question that
25 I've got, you indicated you can initiate

1 compliance reviews?

2 MR. NOWELL: Yes, sir.

3 CHAIRPERSON HILL: What would cause that?

4 MR. NOWELL: What we use to target
5 reviews, again, are if we have been advised
6 either through news, through interest groups
7 informing us, where they do not care to file a
8 complaint necessarily, but they present to us
9 what they believe to be a problem in a certain
10 area. We have resources every year we use for
11 compliance reviews and we target them on that
12 basis.

13 CHAIRPERSON HILL: Okay.

14 MR. NOWELL: Where we see a need, where
15 there have not been the complaints filed to
16 get into maybe other issues that have not --
17 very few of our compliance reviews are in the
18 area of disability, primarily because 60
19 percent of our complaints are in that area.
20 ~~We try to use of discretionary resources to~~
21 enforce the other laws in areas where we see a
22 need.

23 MS. COBOS: I just have one question.
24 Did you say that every public educational
25 institution has to have a resource person

1 available at the school in case there are
2 complaints?

3 MR. NOWELL: They have to have a
4 designated individual. Title 6 does not
5 require this, Section 504 and Title 9 does
6 require this, that there must be a designated
7 individual to address compliance concerns
8 within the institution, and that person must
9 be identified in their notice of non-
10 discrimination, not necessarily by name but
11 definitely by title, where they are located
12 and a telephone number where they may be
13 reached.

14 CHAIRPERSON HILL: Thank you.

15 We are going to break. The good news is
16 you get to stretch. The bad news is we will
17 start again at 1:20. It's not the people this
18 afternoon fault that we took longer. So eat
19 fast and enjoy.

20 ~~RECORD~~ (Off the record at 12:50 p.m.)

21

22

23

24

25

A F T E R N O O N S E S S I O N

(ON THE RECORD AT 1:20 P.M.)

CHAIRPERSON HILL: I'm going to call the group to order. The first presenter, Larry Myers, is not here, so we're going to move ahead. Mr. Ehlers, if you don't mind, we'll start you early. We appreciate your being here. Just procedural, because we do -- you're used to court proceedings, though this is not a court proceeding. But, for the record, if you'd please start with your name and address and occupation, and then your statement, we'd appreciate it.

MR. EHLERS: Okay. My name is Ron Ehlers. I'm chief of police at the City of Gordon, Gordon, Nebraska. My address is Box 310 in Gordon. I guess to start out I'd like to say that Gordon is a small community, 1,803 people, located in the northern part of ~~Sheridan~~ Sheridan County in the northern panhandle here in Nebraska. We have a small department, five full-time officers. We're currently operating with four. We operate a reserve officer program. Currently have one reserve officer that works with a full-time officer. The

1 make-up of our department includes one officer
2 that's an enrolled member of the tribe at Pine
3 Ridge and we have one officer that's
4 physically handicapped with leg that's shorter
5 than the other, so we like to think that we're
6 an equal opportunity employer. We have a
7 unique problem in the City of Gordon. We're
8 located about, I think it's about 17 miles --
9 12 to 17 miles, I get confused sometimes on my
10 directions, or on my distances, but south of
11 the Pine Ridge Indian Reservation. The Pine
12 Ridge Indian Reservation is a dry area as far
13 as alcohol is concerned; therefore, our
14 community becomes a place for a lot of people
15 come to socialize and drink, that sort of
16 thing.

17 In breaking down my statistics, we try to
18 keep our statistics on a yearly basis. We
19 computerized our systems and try to update
20 ~~this~~ on a yearly basis, and it's also kept on
21 a monthly basis. Last year we responded to
22 398 requests for assistance by citizens; 1,506
23 requests came through our dispatcher; and 3,08
24 of these incidents that we were involved with
25 were initiated by the officer for a total of

1 4,912 incidents. In all of those incidents,
2 we broke down the number of arrests that were
3 made by our department for 1992 and the total
4 number of arrests came out to 207 arrests. We
5 went ahead and broke that down by male/female,
6 White, Native American, Hispanic, and Black.
7 We had 66 male White arrests; 104 male Native
8 American arrests; 4 male Hispanic arrests.
9 The female side we had 10 White female arrests
10 and 23 Native American female arrests. We
11 also end up with quite a few situations
12 involving juveniles. We broke those down
13 separately and came up with White male
14 juveniles 27 arrests; Native American
15 juveniles, male, 34; Hispanic male juveniles
16 2. On the female side, White female juveniles
17 9 arrests; Native American female juveniles 8
18 arrests.

19 In addition to that, we keep a record of
20 ~~the~~ the number of arrests that involve alcohol.

21 Out of the 207 arrests, 156 of these involved
22 alcohol, which is a total of near 75 percent
23 of our arrests have alcohol involved in some
24 form or fashion. In addition to that, we find
25 that out of the 207 arrests 91 of those were

1 non-Gordon residents. We find that we have a
2 large transient population. The majority of
3 those would probably have been from the
4 reservation but we've also got quite a few
5 from other locales and areas in Nebraska, and
6 other states also.

7 When we looked at our population, we
8 found that we had approximately 222 Native
9 Americans living in the City of Gordon for
10 about 12 percent of our total population, and
11 as far as any other major population we have
12 approximately 40 of Hispanic origin for about
13 2 percent of our population.

14 The department itself has really been
15 progressive minded here in the past. We've
16 stepped up officer involvement. We're really
17 becoming pro-active in trying to get involved
18 in situations before the crime develops.
19 Being a small department and the level of
20 ~~activities~~ activities has hampered us in this area, but
21 we found that we had stepped up our officer
22 activities where the officer actually
23 initiated the contact from 2,040 in '91 to
24 3,008 which is a pretty substantial increase
25 for a department our size. This is an effort

1 to reduce the crime rate. We found that in
2 1992 we had set a goal of approximately 20
3 percent of reduction in overall crime, and we
4 ended up with about a 22 percent reduction
5 overall, which made us feel real good. We
6 felt the officers were out there being pro-
7 active and making a bigger attempt at trying
8 to control the situation before it developed
9 into something that was going to get somebody
10 in some serious trouble. Talking with the
11 people on the street, we became more involved
12 with the people in the community trying to
13 enlist their aid.

14 One of the things that I do notice when
15 we're dealing with the Native American
16 population is that the biggest share of our
17 complaints come from the Native American
18 community, and I would say that the large --
19 more than 75 percent -- I do not have the
20 ~~exact~~ exact figures, more than 75 percent of those
21 calls are involved with alcohol. We work real
22 close with the NEPSAC, which is Northeast
23 Panhandle Substance Abuse Counsel, trying to
24 do some diversion activities and get people
25 involved in situations where they can turn

1 themselves around and avoid these situations
2 in the future. A lot of these situations
3 involve domestic disturbances and things of
4 that nature.

5 The major crime in Gordon is probably not
6 that substantial. When I look at my
7 statistics for the year of '92 I find that we
8 had four felony assaults, 31 misdemeanor
9 assaults, 12 residential burglaries, 11
10 business burglaries, 89 thefts, 5 vehicle
11 thefts, 4 miscellaneous offenses would fall in
12 any other category with these major-type
13 offenses which would largely constitute
14 felonies. In other offenses, we go down to
15 the narcotic offenses, we had six; minor in
16 possession, which shows a big problem with
17 alcohol in our community, we had 33 violations
18 in that area; contributing to the delinquency
19 of a minor 5; drinking in public 8; public
20 ~~indecent~~ indecency 2; littering 4; disturbing the peace
21 18; carrying a concealed weapon 1; discharging
22 a firearm in the city 1; criminal mischief 58;
23 trespassing 18; fraud, forgery, bad check type
24 of incidents 5; obscene and harassing phone
25 calls were 5; resisting arrest 9; false

1 reporting 2; miscellaneous sex offenses 3; and
2 other misdemeanor complaints would have been
3 17. In addition to that, we try to break
4 things down so we have an idea of what we're
5 going to be doing in just general calls where
6 we don't end up with an actual complaint. We
7 find that this is probably the area of
8 greatest activity, and these are just more or
9 less listed as non-specific calls for service.
10 We investigated 115 suspicious vehicles;
11 suspicious persons 93; suspicious
12 circumstances, and this can constitute
13 anything from somebody hearing a noise outside
14 their window at night to somebody finding a
15 bicycle in their front yard that doesn't
16 belong there, it's just anything that seems
17 suspicious to the person or the office, 419;
18 family and neighbor disputes 92; prowler calls
19 9; missing/runaway persons 9; animal
20 ~~complaints~~ complaints 68. We don't handle all of the
21 animal complaints. We only handle a small
22 share of those. We have a part-time animal
23 control officer. Intoxicated persons 257. As
24 a rule, when we find an intoxicated person who
25 does not have a place to stay or is unable to

1 care for themselves in our community, we make
2 every effort to see that they are properly
3 placed so that they cannot come to harm. We
4 use detox or the NEPSAC center quite
5 extensively in that capacity. They are very
6 helpful to providing someplace for these
7 people to go when they have no place else to
8 go. We also place a number of those
9 individuals which are reoccurring on a real
10 frequent basis in civil protective custody
11 where they are kept overnight in the jail at
12 Rushville, Nebraska. Recovered lost and
13 stolen property 10. Disturbances 92.
14 Juvenile complaints 86. Civil complaints 35.
15 Most of those are keeping the peace in
16 disputes where someone might have an argument
17 over rent or something like that and end up
18 wanting to move out, and disputes over
19 property and things like that. Two unattended
20 ~~deaths.~~ Attempted suicide 2, and other
21 miscellaneous complaints which are non-
22 criminal 77. That totaled 1,366 complaints
23 for that category, which is quite substantial.

24 We have other areas where we provide
25 services that involve foot patrol and things

1 of that nature. Checking on false alarms when
2 we don't have anything else. Security checks.
3 We provide security checks to anybody who
4 request them. All they need to do is come
5 down to our station or call and fill out a
6 security check form and we do those checks on
7 a nightly basis. We performed 1,548 of those
8 last year. Forty-five public relation
9 contacts. Most of those are in the nature of
10 contacts at the school or civic organizations,
11 things of that nature. Any request we get
12 which we feel we can fulfill an obligation to
13 the community is attempted to be met. We feel
14 that it's real necessary for us to communicate
15 with all segments of our community and make
16 them aware of what we can do for them and try
17 and provide an extra service if it's at all
18 possible. We ended up in those categories
19 with 2,436 incidents.

20 ~~One~~ One other area that I would like to touch
21 on is driving while intoxicated arrests.
22 There were 45 of those last year, and in '91
23 there was 54. So that still becomes a problem
24 for us.

25 A lot of our contacts, especially in the

1 area of traffic and things of that nature,
2 result in written or verbal warnings. With
3 the citations we issue, we issued 179
4 citations. Warnings 185, these are written
5 warnings, and verbal warnings 167. In
6 addition to that, we break down citations
7 issued for misdemeanor violations, we issued
8 39 citations; issued to juveniles for juvenile
9 violations that would constitute a crime if
10 they were an adult would be 48. That's pretty
11 well a breakdown of what we have in Gordon.

12 CHAIRPERSON HILL: Good information. Did
13 you have something else before we get to
14 questions?

15 MR. EHLERS: No, I'm ready to answer
16 questions.

17 CHAIRPERSON HILL: Okay. Questions?

18 MR. ART HILL: All right, this is kind of
19 an open-ended question I guess. How do you
20 feel your community relations are at the
21 police department with the Native American
22 community there in Gordon?

23 MR. EHLERS: Sometimes it's better than
24 others. We have -- like I say, some of our
25 calls are you end up in a situation where

1 you're in a domestic disturbance type of a
2 situation. If you're aware of the way the
3 Nebraska statutes are written now we have a
4 duty to do something about this, and in most
5 cases if a person is intoxicated, there's
6 evidence of physical abuse, we have to make an
7 arrest. Before the law was changed in
8 Nebraska we ended up with a lot of repeat
9 incidents along those lines. Those have been
10 reduced somewhat by the change in laws, but
11 it's not received very well sometimes by the ~~the~~
12 Indian community where some of these incidents
13 occur. They feel threatened by our presence
14 sometimes. We try to explain things as much
15 as we can. With the alcohol involvement,
16 sometimes it really becomes a problem.
17 Usually when we're dealing in these situations
18 both parties are intoxicated and they resent
19 it somewhat. Usually we try to explain it to
20 ~~some~~ some satisfaction so they understand what's
21 going on. We're very receptive to any
22 suggestions that they may make that would help
23 things along. The Indian community in Gordon
24 does not seem to be very well organized in
25 having any one or group of persons that can

1 speak for the Indian community itself and come
2 and talk to us. We usually deal with them on
3 a one to one basis and, if there's any
4 questions, we'll take the time to talk to them
5 about what we can do and what we can't do.
6 They understand some of our limitations and,
7 for the most part, the officers get along well
8 with the Indian community. There may be some
9 problems but usually we try and iron them out,
10 work them out, talk them out, make them
11 understand why we're doing what we're doing. ~~about~~
12 I don't know if I answered your question. ~~about~~

13 MR. ART HILL: Yes, in a way you did. I
14 guess I've got another question. First of
15 all, you know Gordon, Nebraska has a very bad
16 reputation nationwide?

17 MR. EHLERS: Yes.

18 MR. ART HILL: Throughout the whole
19 country when you mention Gordon, Nebraska, you
20 ~~know,~~ red flags pop up all over the place.

21 MR. EHLERS: Yes.

22 MR. ART HILL: How long have you had this
23 Native American on the police force and has it
24 made any improvement?

25 MR. EHLERS: Well, I don't know that it's

1 made an improvement. I tried to hire Native
2 Americans in the past. This person was born
3 and raised in this area. I was born and
4 raised in Gordon, Nebraska also. He's worked
5 with me for -- he started as a reserve
6 officer, and I'd been on the force about a
7 year when he started and he's been there 8
8 years, or 9 years this year. I've been there
9 10 years. And it makes no difference, we've
10 had Indian officers on the force before and
11 it's been real hard on them. I can't keep
12 these officers. In the first place, we end up
13 with -- it's hard for us to hire people in
14 that area. Not a lot of people want to work
15 there. I just recently asked for
16 applications. The city, because of financial
17 problems, feels it's not really financially
18 reasonable for them to hire a certified
19 officer because of the 12 weeks they need to
20 ~~spend~~ spend in the academy. We're already working
21 at minimum capacity for the number of
22 incidents we have per year compared to the
23 number of man hours we have available to carry
24 on with a 24-hour a day service from the
25 police department. So it restricts the city

1 more or less, they feel, from hiring certified
2 officers. And I've received two applications
3 from officers that were certified.

4 Unfortunately, neither one of them fall in the
5 category of being Native American. There's
6 just not a lot to choose from. The last
7 officer I hired that was a Native American
8 lasted three months and his comment to me was
9 he could not take the pressure that was put on
10 him by the Indian community. They felt -- he
11 felt that he was being required to give them
12 special treatment, if not he was criticized
13 severely for it by the Native population. So
14 it was tough for him.

15 CHAIRPERSON HILL: Rosa?

16 MS. COBOS: You said that you have some
17 contact with the local Nebraska Substance
18 Abuse Council regarding problems in the
19 community with alcohol. Can you elaborate a
20 little bit on exactly what types of activities
21 you and the Panhandle Substance Abuse Council
22 have done in order to help resolve some of the
23 problems that exist?

24 MR. EHLERS: We've gone into the schools
25 and put on educational programs concerning

1 substance abuse. We seem to have a pretty
2 good problem going at the present time in
3 abuse of inhalants by young kids. We're
4 talking about starting about the age of 7 or 8
5 and going up to about 16, 17 years old.
6 There's been times when we've had to have the
7 stores take certain products that are subject
8 to that abuse off the shelves just to prevent
9 that from reoccurring. We go into the
10 schools, we present programs to the teachers
11 so they can recognize the problems and help
12 identify students that may need the help. We
13 talk to the parents if we find that we have a
14 person who is -- and usually we don't find
15 them abusing these substances. What we do is
16 we end up with a complaint on shoplifting and
17 the item being shoplifted is the substance of
18 abuse, bringing up a red flag for us. So we
19 go to the parents of these children that are
20 ~~involved~~ involved and sit down and explain to them the
21 potential danger of them being involved in
22 this sort of activity. We also work closely
23 with the detox in trying to get people who are
24 habitually intoxicated convinced that some
25 type of a substance -- long-term substance

1 abused program could help them. We work with
2 social services back towards that same
3 problem, also with the alcohol and substance
4 abuse trying to get people convinced that some
5 of their problems can be resolved just by
6 finding out why they are abusing the
7 substance, a lot of those areas when we get to
8 dealing with subjects such as child neglect
9 and child abuse.

10 MS. COBOS: Has the police force had any
11 cultural sensitivity training?

12 MR. EHLERS: Yeah. We haven't done it
13 for a while. Three years ago I believe it was
14 Redge Cedar Face, from the community college
15 in Pine Ridge, came down and taught a class La
16 Cota history, which was probably not exactly
17 the course we wanted but we wanted something
18 that would help us understand the people in
19 our community a little better, and it really
20 was good for our cultural awareness. We
21 understood the people much better from that.
22 It's difficult to get those sort of things in
23 there. We had Elmer Cass (phonetic) from the
24 Justice Department come up and give us a
25 training session on sensitivity awareness and

1 that sort of thing, too.

2 MS. COBOS: Have there been any
3 complaints of violence against community
4 residence, or do you keep data on that?

5 MR. EHLERS: The complaints we get are
6 more along the lines that the people feel are
7 being harassed or treated unfairly. Nothing
8 that really constitutes violence in the
9 context that we are using physical aggression
10 against the individual without it being in the
11 form of only to protect ourselves. Each
12 officer, in our policy manual, is required to,
13 if there's any escalation of force beyond
14 simple control techniques, such as an escort
15 position or something of that nature when
16 you're taking a person into custody, just for
17 officer safety reasons any escalation beyond
18 those means requires an escalation of force
19 report to be filled out by the officer to
20 ~~explain~~ explain why the escalation in force was
21 necessary. It has to be justified, and we
22 follow the guidelines that have been
23 established by the pressure point control
24 tactics training that we spend a lot of time
25 on.

1 MS. COBOS: How often do you put your
2 officers through training of that sort?

3 MR. EHLERS: Well, it depends on where we
4 stand with the number of officers we have
5 within our department. When we're at full
6 staff we try to have in-service training twice
7 a month. Those are two to four hour sessions
8 each time. The officers also are enrolled in
9 a minimum of 36 hours of continuing education
10 of other sorts through schools that are
11 provided either by the training center or
12 other areas that are in the line of law
13 enforcement. We also encourage the officers,
14 the city is pretty progressive from that
15 standpoint, they will pay for the school any
16 officer wants to attend that centers around
17 law enforcement that they want to go to in
18 addition to that. They will pay room, board
19 and tuition costs.

20 CHAIRPERSON HILL: With five officers and
21 one reserve you've got an interesting staffing
22 pattern for 24 hours a day with that much in-
23 service training.

24 MR. EHLERS: Yes.

25 CHAIRPERSON HILL: I gather flu and

1 sickness is not allowed. If a citizen has a
2 complaint, "I'm being harassed," or whatever,
3 and I'm sure you know we've heard several
4 individual things like that, mostly subjective
5 types of stuff, what's the route for
6 presenting their complaint?

7 MR. EHLERS: They've got several routes.
8 They aren't restricted to any one route. We
9 encourage everyone to come into the police
10 department if they wish, if they've got a
11 complaint against an officer, they can file a
12 complaint. It's established in our policy
13 what we will deal with once a person comes in
14 and files a complaint. The complaint is
15 usually in the form of a verbal complaint that
16 I will write down for this individual if they
17 do not feel comfortable writing down the
18 circumstances. I tell them that the complaint
19 will be followed up on. I do an investigation
20 of the complaint itself and report my findings
21 back to that individual. If it's a violation
22 of policy or procedure or something of that
23 nature, the officer is disciplined if he is
24 found to be at fault. And most of the
25 discipline is being handled at the level of

1 the city manager. I just recommend what needs
2 to be done. But the complainant does not need
3 to come into my office. They can also
4 telephone. They can go to the city manager or
5 phone the city manager. He's available to
6 take those complaints also. And any officer
7 who has someone on the street inform them that
8 they have a complaint against a certain
9 officer, that officer will encourage them to
10 come to the office and contact the appropriate
11 person or phone the appropriate person to
12 register that complaint. But every complaint
13 is investigated and we do follow up and
14 contact that individual back and let them know
15 what our findings are, whether we were able to
16 substantiate the complaint, if not, why, and
17 let them know what our actions are if there is
18 actions taken against the officer.

19 CHAIRPERSON HILL: Are those complaints
20 recorded internally within your computerized
21 data information system? In other words, at
22 the end of a year can you look at a summary,
23 as the administrator, and say we've had 57
24 complaints that said Officer Joe had his hair
25 too long over his right eye?

1 MR. EHLERS: From the standpoint of that,
2 the number of complaints that we get don't
3 require us to enter them into the computer
4 because there are so few. I probably had I'd
5 say close to a half a dozen complaints in the
6 last two years.

7 CHAIRPERSON HILL: The same number would
8 be true with the city manager receiving
9 complaints?

10 MR. EHLERS: Yes. We confer on what kind
11 of complaints we're getting. A lot of the
12 complaints that we get, if they do not
13 constitute a complaint -- a violation of
14 policy or procedure, we explain to the person
15 why whatever was done was done. Whether it
16 involves an officer having to use a control
17 tactic to control somebody who is combative or
18 something of those natures. Like I say, those
19 are the majority of the situations. If you've
20 got someone who begins to resist you, we don't
21 look at a lot of our resisting arrests as that
22 really in truly, because most of these
23 individuals are intoxicated that we end up
24 dealing with and have a hard time
25 understanding what's going on so we use a

1 control technique or control move, and the
2 person may try to take a swing at us or
3 something like that. But, being intoxicated,
4 you're able to control. You may have to take
5 them to the ground or something of that
6 nature, and that's when our complaints come
7 in: You used too much force on this
8 individual. What the officer was doing was
9 trying to put them in a position where they
10 were not able to hurt them or themselves. And
11 then usually a second officer is called out
12 and that person can be escorted with much more
13 safety. Because of the minimum amount of
14 manpower we have available to us, we do not
15 have more than one officer at a time on the
16 street unless we have a reserve officer out
17 with one of the officers, generally speaking.

18 CHAIRPERSON HILL: If there's a citizen,
19 for whatever reason, I don't feel I want to
20 ~~trust~~ trust the so-called power structure. It's a
21 small town, you've been there forever, you
22 know the city manager, et cetera. I don't
23 trust you. Do I have any other vehicle? If I
24 wanted to complain against the administrative
25 authority, not necessarily force or something

1 that would be obvious, if an officer came into
2 my home without my inviting him in; I'm being
3 followed and harassed. If I've got that
4 perception, do I have any other vehicle within
5 the area?

6 MR. EHLERS: There is a police review
7 board. There's a Human Rights Commission.
8 All of those members can take complaints and
9 ask that the city manager follow up on them,
10 and they will be followed up to that member's
11 satisfaction.

12 CHAIRPERSON HILL: Thank you.

13 MR. HERRANDEZ: I have one quick kind of
14 a question. I know that -- I didn't catch the
15 -- you announced the size of your budget, but
16 I do know that Gordon is somewhat of a small
17 town, and so are Alliance and Chadron, and of
18 course Scotts Bluff is a little bit bigger,
19 but about two years ago there was a Federal
20 ~~Hate~~ Hate Crimes Statistic Act that required that
21 all police departments begin to train their
22 officers in recognizing hate crimes and also
23 to reporting hate crimes to a state agency who
24 in turn provided the report to the attorney
25 general's office, Department of Justice,

1 F.B.I. Has any of this training taken place
2 in Gordon? Or have you sent any of your
3 officers to any type of training at all that
4 would bring it back from the city?

5 MR. EHLERS: Our biggest problem with
6 that is we don't have any that was locally
7 available as far as I know. And, as far as I
8 know, we haven't had anything other than what
9 we received through the Law Enforcement
10 Television Network which we have at our
11 department, and that's usually minimal. It
12 amounts to about 30 minutes to a one hour
13 program.

14 CHAIRPERSON HILL: Okay. But you are
15 familiar with the --

16 MR. EHLERS: I'm familiar with it, but as
17 far as being formally trained in that area,
18 we're lacking.

19 CHAIRPERSON HILL: Thank you. Have there
20 ~~been~~ been any incident, when you get the
21 statistics, do you have any reported hate
22 crimes within your area during the last year?

23 MR. EHLERS: Not in the -- we end up with
24 situations which we feel probably could be
25 considered that if they progressed to the

1 point where something actually took place.
2 Two years ago we had an incident involving
3 some white boys from another community and a
4 group of the Native Americans. It involved
5 baseball bats and clubs and that sort of
6 thing. Two groups confronted each other and
7 when we got done with our investigation nobody
8 wanted to cooperate to the point where -- it
9 was mostly juveniles involved -- where we
10 could determine whether it was a hate crime or
11 not. We reported it to the county attorney
12 the way we saw it, just based on the facts,
13 and asked him to make some sort of
14 determination for us because it was really
15 hard to separate out the facts for us there
16 was so many people involved, and we never got
17 a response back from the county attorney's
18 office as to what he thought we should do with
19 it.

20 ~~CHAIRPERSON HILL:~~ CHAIRPERSON HILL: Thank you, Chief. We
21 appreciate the time.

22 MR. EHLERS: Sure.

23 CHAIRPERSON HILL: We know it's difficult
24 to take off. We appreciate it.

25 MR. EHLERS: Sure. No problem.

1 Appreciate being here.

2 CHAIRPERSON HILL: Mr. Vastine? Did I
3 pronounce the name right?

4 MR. VASTINE: Right.

5 CHAIRPERSON HILL: Chief, for purposes of
6 the record, would you start with your name,
7 address, and occupation.

8 MR. VASTINE: Ted Vastine. Address is
9 125 Main Street, Chadron, Nebraska, and I'm
10 the police chief there. I have a cold and --

11 CHAIRPERSON HILL: Do you need water?

12 MR. VASTINE: I've got a cup. I went and
13 got a cup of water. And I haven't been before
14 a commission before so if I'm straying off of
15 what you want to hear, let me know.

16 Chadron is located in the northwest
17 corner of Nebraska. We have a population of
18 approximately 6,000. We have a four year
19 college there which has an enrollment of
20 ~~3,500~~ 3,500. I have 12 sworn officers including
21 myself, and communications, and animal
22 control, the other support staff of about six.
23 In the four year college there they have
24 criminal justice program so we do get a lot of
25 officers from the college, or a lot of

1 individuals that apply there so half of my 12
2 officers have a four year college or better.
3 My lieutenant has been there about 21 years.
4 I've been there 18 years. I have three
5 sergeants. The youngest sergeant has been
6 there about 12 years. It drops down to a
7 couple of officers who have been there 5
8 years, and the rest round out to 3 years or 2
9 years or 1 year.

10 We handle the communications for the --
11 county-wide communications. We patrol 24
12 hours a day, and basically answer all types of
13 calls within the city. I'm not sure exactly
14 what all else you need about the --
15
16
17
18
19
20
21
22
23
24
25

1 CHAIRPERSON HILL: What we're looking at,
2 and it may help you in terms of anything else
3 you want to add before questions, without
4 anything preconceived from the group here,
5 we're looking at the whole general question of
6 race relations within western Nebraska and the
7 state. And so it encompasses everything from
8 of course education to housing, law
9 enforcement is of course one of the major
10 items that comes up. So we're looking for a
11 combination of, within your area, makeup of
12 both training and staffing within the law
13 enforcement community that has a cultural
14 diversity within it, complaints from citizens,
15 minorities and others where they feel that
16 they're getting either non-fair or fair
17 treatment within law enforcement. We're
18 trying to get a picture of the area.

19 MR. VASTINE: Within that area up there
20 ~~there's~~ there's virtually no bus service, cab service
21 and stuff so the police department operates a
22 lot of time just transporting people around.
23 The city does have a bus for taking people to
24 medical appointments. As far as training
25 within the police department, we have a DARE

1 program which is in the school. We have an
2 officer that works that, and we have one
3 officer that is in the WING program which
4 works more or less the enforcement end of the
5 drug task force throughout the panhandle. And
6 the education part of it is with the DARE
7 program in the schools. Basically most of the
8 officers are more generalists. We're not able
9 to specialize into anything really particular.
10 Being small we do a little bit of everything,
11 and then some of the older officers that have
12 been there are trained in a little bit more of
13 like sexual abuse or child abuse, things like
14 that. We work closely with social services.
15 I feel we have a real good relationship with
16 our Native Americans in the area. We have
17 approximately -- the population is I think
18 approximately 90 percent would be White and 10
19 percent or more would be of other origins.
20 ~~So,~~ as far as getting complaints and that,
21 very few complaints. You mentioned something
22 about computers. We don't even have any
23 computers in our department. We just now
24 ordered computers so maybe we'll be able to
25 put more things in computers, but we haven't

1 had computers until -- like I said, we just
2 ordered two or three of them here last week.
3 We're going to try to learn how to work on
4 computers. But, as far as handling complaints
5 and things, they can -- Chadron is a city of
6 the first class, which is required to have a
7 Civil Service Board. It's a city manager form
8 of government so the city manager appoints
9 three members for a Civil Service Board,
10 residents within the community, and they do
11 the testing and interviewing for applicants
12 for the police department. They also review
13 complaints on the police department. People
14 can make complaints to myself. I will have my
15 administrative assistant or my lieutenant do
16 the investigation. Since I have to make the
17 decision I don't do the investigation.
18 Whatever I recommend, whatever comes down has
19 to go to the Civil Service Board and they
20 ~~review~~ review that. We have a human relations
21 council that meets once a month so complaints
22 could be aired there. They can go to any
23 member of the city council. They can go to
24 the city attorney. They can go to the county
25 attorney, so they don't really necessarily

1 have to come through he police department.
2 And the community being small enough, if
3 you've got an officer that's way out of line,
4 it doesn't take too long for somebody to
5 really let you know about it, that you have an
6 individual Rambo-type style, if you want to
7 refer to it that way. We try to work closely.
8 We have a homeless shelter in town that we've
9 had a couple of years. We've tried to use
10 that as best we can for indigent people coming
11 through or needing a place to stay temporarily
12 until they get on their feet. We have a place
13 for meals. Everybody can get at least one
14 meal per day. It's called Dorothy's Kitchen,
15 which is provided through the community, and
16 Community Action I believe helps that and some
17 of the service clubs. I try to be out and
18 among and around in the community and be
19 sensitive to what's going on in the community
20 ~~as much~~ as possible, and people know pretty
21 well who I am and run me down to talk to me.

22 CHAIRPERSON HILL: Any questions?

23 MR. ART HILL: Yeah, I've got several. I
24 need I guess a clearer picture in my own way
25 of thinking. Do you have any Native Americans

1 on your police force?

2 MR. VASTINE: No, I do not.

3 MR. ART HILL: Do you know the Native
4 American population there in Chadron?

5 MR. VASTINE: I'd say approximately 9
6 percent, and that's just kind of a rough
7 guess.

8 MR. ART HILL: So it would come out to a
9 little over 1,000 -- a little over 600?

10 MR. VASTINE: Yeah.

11 MR. ART HILL: About 600?

12 MR. VASTINE: It fluctuates back and
13 forth. It could be more sometimes and more
14 other times. I know right now we've got a
15 housing shortage in Chadron right now. I
16 don't have to work on that but I know we've
17 got one.

18 MR. ART HILL: Okay. You mentioned a
19 Human Relations Commission. Do you have any
20 Native Americans on it?

21 MR. VASTINE: Yes.

22 MR. ART HILL: How many?

23 MR. VASTINE: I don't know exactly how
24 many, but I think there's approximately six,
25 but I'm not sure exactly of the total number.

1 There's only about twelve totally that come,
2 you know, to the meetings altogether. Myself
3 is on there and the city manager is on there.
4 I'd say approximately six.

5 MR. ART HILL: Okay. I've got a specific
6 question. I read somewhere, I don't know if
7 it was in "Indian Country Today." Are you
8 familiar with that paper?

9 MR. VASTINE: Not --

10 MR. ART HILL: It used to be "La Cota
11 Times."

12 MR. VASTINE: I'm familiar with "La Cota
13 Times."

14 MR. ART HILL: Well, they changed their
15 name to --

16 MR. VASTINE: Okay.

17 MR. ART HILL: I don't know if I read it
18 in there, but it was three Indian boys that
19 were in jail that were housed in one cell and
20 a bond was set very high on one them, and the
21 others didn't know what they were being held
22 for.

23 MR. VASTINE: Okay. We don't handle the
24 jail. The police department doesn't handle
25 the jail at all so I'm not familiar with that.

1 The sheriff's department, the county has the
2 jail and they set the bond between them and
3 the judge and the court.

4 MR. ART HILL: Oh, okay.

5 MR. VASTINE: We don't have any holding
6 facility whatsoever, the police department
7 doesn't, so I really couldn't answer that for
8 you.

9 MR. ART HILL: Okay. That's in
10 Rushville; is that correct?

11 MR. VASTINE: I'm in Dawes County.

12 MR. ART HILL: Oh, okay.

13 MR. VASTINE: I don't know which one he's
14 referring to, but Chadron is in Dawes County
15 and the sheriff's department there holds the
16 prisoners. They are responsible for people
17 that are rested.

18 MR. ART HILL: Okay. Then the court is
19 there in --

20 MR. VASTINE: Dawes County, yeah.

21 There's a courthouse in Chadron. The block
22 that I'm in is the 100 block and it's up in
23 the 300 block.

24 MR. ART HILL: One other question. How
25 far are you from the nearest reservation?

1 MR. VASTINE: I'd say, if we go through
2 the back road, probably approximately 25 miles
3 north of us.

4 MR. ART HILL: Is that Pine Ridge?

5 MR. VASTINE: Yes, Pine Ridge Indian
6 Reservation.

7 MR. ART HILL: Does the city have any
8 kind of working relationship with the tribal
9 government up there?

10 MR. VASTINE: Well, I think they do.
11 For a number of years they've been trying to
12 get the road paved between the reservation and
13 the City of Chadron, and I know the economic
14 developer and the city manager and some other
15 people have been up there working with them
16 off and on. I have a couple of officers that
17 work with officers up there on the
18 reservation, know them by name and stuff, and
19 meet with them and visit from time to time.
20 We try to. I also hold a monthly officers
21 meeting in the morning where we try to have an
22 in-service training, just some speaker come
23 and we send that out within about a 60-mile
24 radius of Chadron and it's open for --
25 actually I have to end up getting a speaker

1 all the time. I always welcome when someone
2 else gets the speaker, but it's officers in
3 the area; state patrol, sheriff's department,
4 other law enforcement agencies around. We try
5 to get together and meet once a month and our
6 fellow officers to the north are also invited.

7 MR. ART HILL: Okay. I've just got one
8 last question. How would you characterize --
9 I know you've already mentioned some of it --
10 but how would you yourself characterize the
11 police/Native American community relationship?

12 MR. VASTINE: I feel that it's good
13 myself, and I try to instill in my officers
14 that we treat everybody the same. We treat
15 them as human beings. We treat everybody
16 equally. We treat people the way we want to
17 be treated in like circumstances. And, over
18 the years, I've had several Native Americans
19 come in and visit with me about perception
20 problems, things like that... Nothing that they
21 really want to make a formal complaint on,
22 just wondering why this happened or why that
23 happened. I try to sit down and talk with
24 them on that myself, plus there's this Human
25 Relations Council that we've established is

1 another place that they can air things out. I
2 feel it's good. If it's not and there's some
3 problem, I'd be glad to sit down and talk with
4 anybody and air out whatever the feel isn't
5 well within the police community.

6 MR. ART HILL: Thank you.

7 CHAIRPERSON HILL: Rosa?

8 MS. COBOS: I was wondering, do you have
9 any data available on the number of arrest
10 that you have and breakdowns as to how many of
11 those arrest were Hispanic, Native American,
12 White, female/male?

13 MR. VASTINE: I don't have it with me.
14 And, like I was stating, we're just getting
15 computers now. We don't have computers. The
16 only information I could get, and it's
17 probably available to you or I will get it for
18 you, if you'd like me to, is through the
19 Uniform Crime Report for Nebraska. We have to
20 participate with the Uniform Crime Report and
21 that's sent in to Lincoln monthly, so that's
22 available I'm sure. It's a public document-
23 type thing.

24 MS. COBOS: Have you received any
25 complaints about police misconduct or abuse or

1 harassment by community residents in your
2 area, and, if so, do you keep data on these
3 complaints?

4 MR. VASTINE: Yes. I would take the
5 information down. We haven't had any. Like I
6 was saying, this past year we haven't had
7 anything other than some individuals wishing
8 to me about different things. Usually it's a
9 verbal miscommunication or something occurring
10 within an arrest type situation, and as far as
11 I know I have satisfied what they needed. But
12 if there's anything official that they wish to
13 get, a written statement-type thing or tape-
14 recorded statement, we would sure keep a
15 record of that, yes. Because everything I do
16 I have to then send it to the Civil Service
17 Board.

18 MS. COBOS: But you say you -- Do you
19 have minorities serving in your police --

20 ~~MR. VASTINE:~~ MR. VASTINE: No, I do not..

21 MS. COBOS: What does the force consist
22 of?

23 MR. VASTINE: Twelve male officers.

24 MS. COBOS: Are they all white?

25 MR. VASTINE: They are all white. We

1 have -- we have had females over the -- I have
2 been there 18 years and had a couple of
3 females that have come and gone. We did have
4 one early American that was on and left. It's
5 by competitive exam. The Civil Service Board
6 is the one that advertises and handles it. We
7 have advertised in the "La Cota Times" before.
8 Like I say, it's advertised widely throughout
9 the papers in the surrounding states, and it's
10 open competitive exam. The only main
11 qualification now is there is -- well, it
12 actually turns out to be a basic English-type
13 test that the state now requires before you
14 can get into the training center at Grand
15 Island. It's a test of basic English ability
16 at the 11th grade level I believe. Otherwise,
17 we have a written exam, an oral interview, and
18 physical exam, and they're placed on the
19 eligibility list for the city manager. The
20 ~~city~~ city manager is the appointing authority and
21 he would make the appointment.

22 MS. COBOS: One more.

23 MR. VASTINE: Sure.

24 MS. COBOS: Has the force had any
25 cultural sensitivity training?

1 MR. VASTINE: I have not had it there.
2 The chief to the south, in Alliance, they have
3 recently had a class and I was able to send
4 three officers down to there. We've got some
5 other type of training coming up I think near
6 the end of the month that I'm sending a couple
7 of officers to. To get speakers and stuff in,
8 I'm sure we could from time to time try to
9 work maybe more closely with the college, but
10 they always want a minimum of 20 people or a
11 minimum of 25 people, and it's difficult to
12 get that many people in that area when you're
13 in a border town there, a small community.

14 CHAIRPERSON HILL: Would you welcome
15 that, though?

16 MR. VASTINE: Oh, yes. Yes, we sure
17 would. And after Alliance had their
18 sensitivity training there, we got a lot of
19 good reports on the individual that gave that,
20 ~~and I did~~ go up and talk to Dr. Watson at the
21 college to see whether or not we could work
22 something with the college to bring them in
23 next year, and I think he's going to look into
24 that.

25 CHAIRPERSON HILL: Ascension?

1 MR. HERRANDEZ: Yes. The question that I
2 have is under the category of perceptions, one
3 that you talked about with the residents there
4 in Chadron. On my visit there one perception
5 that I received in our conversation was that
6 the Native Americans think that the police
7 officers target them in terms of driving under
8 the influence or, you know, target them either
9 I guess when they are driving or when they are
10 at taverns and that there's -- quote --
11 selective targeting of arrests. As a police
12 chief who oversees the officers, have you
13 detected any pattern in terms of paydays,
14 Saturdays or places where this happens?
15 Because I know to a certain extent in large
16 cities there isn't a quota system but
17 certainly the budget is driven by -- quote --
18 arrests and fines and stuff like that.

19 MR. VASTINE: Sure.

20 MR. ART HILL: I want to know what it's
21 like in a small town.

22 MR. VASTINE: Well, to dispel the quota
23 thing, that is something that always comes up,
24 or there's a special list or something like
25 that. All that is is a rumor. There's no

1 such thing. It would not help my budget one
2 bit if we wrote 10 drunk drivers in one day or
3 if we wrote 20 speeding tickets in one day; it
4 doesn't affect my budget in any way. Any
5 tickets or arrests that are made, they
6 eventually go to court and if they end up
7 getting a fine it goes to the school district,
8 is where it usually goes. It doesn't -- so a
9 very small percentage might come back to a
10 school district within the city, or maybe some
11 money might go to the highway fund eventually
12 to fix the highway or something. But there is
13 no quota system. The officers are told to go
14 out and do a good job and be a public
15 relations person. Ninety percent of our work
16 in a small community is service type; 10
17 percent is about police work. I don't know of
18 what you're saying of any officer that's
19 targeting any individual. We may get one DWI
20 ~~arrest~~ arrest, one or two a month. I think those I
21 could really check pretty close to see if
22 there was more early Americans than the White
23 community. But I don't allow them to stake
24 out bars. I tell them to go out on patrol,
25 you be on view, in view. I have my cars

1 painted black and white with red light on top
2 of them so they are readily recognized, and
3 they're told to treat everybody equally and
4 the same. And, if they don't and I get a
5 complaint on that, I will take action on that
6 and I will change that individual officer's
7 working habits. So if anybody there does have
8 that particular thing, they can sure come and
9 talk to me about it and I'll sure check on it.

10 CHAIRPERSON HILL: Chief, I'm glad to
11 hear you're getting computers. They're
12 educational. They'll teach you how to cuss,
13 if you have an interest in learning.

14 Would the what you call the back road, I
15 call it the No Name Road, from Chadron to Pine
16 Ridge, you're one of the major trade areas.

17 MR. VASTINE: Right.

18 CHAIRPERSON HILL: And so you get large
19 influxes at particular periods of time from
20 ~~people~~ people from Pine Ridge. Do you get complaints
21 or concerns or fears from the business
22 community during certain times where they ask
23 you to increase patrols or be more vigilant
24 because they have fears of people coming into
25 the area to shop and then to stay and drink

1 and possibly cause problems?

2 MR. VASTINE: Not really. I mean, you
3 know, over there years there may have been off
4 and on just general conversation, but to
5 specifically call me up and say I want extra
6 patrol on this store or I want extra patrol on
7 that street, no. And, at the most, we have
8 two officers that are patrolling the street at
9 any one given time. And so if that
10 individual's on a traffic accident then I've
11 got one officer that's patrolling the street
12 at any given time.

13 CHAIRPERSON HILL: I was looking for
14 perception.

15 MR. VASTINE: Yeah, it very well could be
16 but it's really not. That road has been a
17 sore spot with me because I felt that road
18 should have been paved a long time ago. If
19 that road was in eastern Nebraska it would be
20 ~~paved.~~ There are so many accidents and so
21 many people that have been injured, maimed,
22 killed on that road. And I've talked to
23 whoever I can talk to and put in my two cents
24 with everybody, but if they took the people
25 that traveled on that road and figured out the

1 accident statistics and everything on that
2 road, and some people that have went into the
3 ditch and have froze to death because they
4 weren't found because nobody patrols that
5 road, that's one of the things that as bugged
6 me. I really feel that that road should be
7 maintained and paved between us because
8 there's a lot of travelers on that road.

9 CHAIRPERSON HILL: The last question I
10 have and it's more of a technical question,
11 only because I don't know. You have no jail,
12 it's handled by the sheriff?

13 MR. VASTINE: Right.

14 CHAIRPERSON HILL: Your people arrest
15 somebody, where do you interrogate them?

16 MR. VASTINE: Well, we either interrogate
17 them at the police station or we do it up at
18 the courthouse.

19 CHAIRPERSON HILL: Are there holding
20 ~~cells~~ cells in the police station and courthouse?

21 MR. VASTINE: We have an interview room.
22 We don't have any holding cells. I have an
23 interview room at the police department. But
24 basically if you, let's say drunk driving, you
25 arrest a drunk driver. From the scene the

1 officer has got to talk to him there, store
2 the car, and then he goes to the hospital for
3 a blood test. From the blood test from the
4 hospital then they go to jail, and they would
5 be booked in there and then either released on
6 bond or held for awhile. But we have an
7 interview room at the police station but we
8 don't have any holding cells at all.

9 Everybody we arrest or anybody that's arrested
10 on a warrant, or whatever, is taken to the
11 county jail. And when the officer goes up
12 there he fills out the booking slip and, after
13 that, he's in custody of the sheriff and the
14 sheriff is responsible for him after that.

15 MS. COBOS: I just wanted to ask you one
16 last question. There was some complaints by
17 the Dawes County residents with regard to
18 Native Americans being harassed inside the
19 homeless shelter by the police, as well as
20 ~~children~~ children being threatened with guns -- Native
21 American children being threatened with guns
22 by police officers because they're in the
23 street at dusk or dawn. And I just wanted to,
24 you know, bring that up to see if you had any
25 knowledge.

1 MR. VASTINE: Sure. The homeless shelter
2 has been -- it's been kind of a problem.
3 Community Action had the homeless shelter and
4 then Community Action was going to close the
5 homeless shelter, so the city attempted to
6 take over the homeless shelter to keep it
7 open. We don't know anything about running a
8 homeless shelter. We don't have no business
9 being in the homeless shelter business. We're
10 not social workers and things like that. But
11 in an attempt to keep a place open so that
12 people have a place to go, that they don't
13 freeze on the street or they don't get run
14 over, they don't get beat up or they don't get
15 rolled or whatever, we try to maintain a
16 homeless shelter. What it fell down onto, it
17 basically fell down onto the police department
18 supervising it even. I mean, we meant just to
19 take people there and answer calls there.
20 ~~There is~~ There is a phone in there where they can dial
21 911 and anytime there is a disturbance we
22 respond and we handle the call like any other
23 call. But, the funding did not allow for a
24 manager and so there was no manager on site
25 other than volunteers that you could find,

1 people that were there in the homeless shelter
2 that may be staying for a while that was
3 willing to help clean it up and things like
4 that. There have been conflicts from time to
5 time as to who should run it and how long they
6 should stay in there and things like that. We
7 didn't want to set it up as a permanent
8 resident. We wanted it as an emergency-type
9 shelter so that people could come and go. As
10 far as children being in there and threatened,
11 it's very possible that they could have been
12 by other people that were in there staying at
13 the shelter. They would not have been
14 threatened, I don't think, by the officers.
15 They would have been threatened by other
16 people that were staying in the shelter. But
17 this is going to be resolved because I think
18 there's a meeting next week to either --
19 either Community Action is going to help with
20 ~~it and~~ the city is going to help with it, or
21 the culture center there and the homeless
22 shelter -- there's a culture center upstairs
23 and they have a board, and I think possibly
24 they are going to take that shelter over and
25 the city is just going to do the paperwork and

1 then, you know, we'll respond to any calls.
2 If anybody has a problem there, we'll go there
3 and try to handle that.

4 The other problem was that, again,
5 intoxicated individuals -- we do not have a
6 detox center in Chadron but there is a detox
7 center in Gordon. If anybody indicates to us
8 that they want to go to the detox center in
9 Gordon, we'll get them transportation to the
10 detox center in Gordon, but they have to
11 voluntarily want to do that. Detox in Gordon
12 won't take them if we bring somebody down
13 there that doesn't want to be there; they're
14 just going to walk off anyway. Then we're
15 taking our problem from our city to their
16 city, so a lot of times we will put people in
17 the homeless shelter that have been drinking
18 but we don't put them in there if they're on
19 the fight. If they want to go there and sleep
20 that's -- a lot of times that doesn't happen.
21 They're not on the fight when we take them
22 there and then they wake up later and they're
23 on the fight, and then we get called. They're
24 harassing some of the residents in there. So
25 that's about what I can tell you about the

1 homeless shelter. I'm positive that it wasn't
2 officers that were threatening anybody with
3 any knives or guns or anything. I think it's,
4 you know, our street people are a lot of
5 people that were let out of the mental
6 institutions in the fifties, sixties,
7 seventies that shouldn't be, but they are
8 running around the streets and they drift in
9 and out of small communities as well as large
10 communities. So I'm sure that there are
11 people that get put in there that really
12 should be in some type of hospitalization or
13 something, but they aren't.

14 MS. COBOS: Well, I hope that you don't
15 think that I'm trying to put you on the spot,
16 but that's, you know, some of the complaints
17 that have been received, and give you and
18 opportunity to address them.

19 MR. VASTINE: Sure, that's fine.

20 ~~CHAIRPERSON~~ CHAIRPERSON HILL: Thank you. We
21 appreciate the time.

22 MR. VASTINE: Thank you.

23 CHAIRPERSON HILL: Chief Jatczak. I hope
24 I get the name close.

25 MR. JATCZAK: Close enough.

1 MR. VASTINE: Are we excused?

2 CHAIRPERSON HILL: Oh, sure. We're not
3 that formal.

4 Chief, just for the record, give your
5 name, address.

6 MR. JATCZAK: My name is Robert E.
7 Jatczak. I'm chief of police for Alliance,
8 Nebraska. Alliance has a population of 9,765
9 of which 5 percent are Mexican American and 3
10 percent are American Indians. This comes from
11 our administrative assistant who maintains
12 these type records. Upon meeting with the
13 American Indican Community they say there's a
14 higher population than this in Alliance. I
15 tend to believe them, too.

16 The police department is structured with
17 20 officers, which there's a chief,
18 lieutenant, 4 sergeants, 2 detectives, 12
19 officers, and 9 civilian support people. We
20 ~~have~~ have 21 males on the department and 8 females.
21 We're a computerized department. We're not to
22 the point where we want to be but we call
23 ourselves a computerized department in that we
24 have the CAD system, computerized dispatched.
25 Everything that comes in no matter what it is

1 is entered into the computer system. We're
2 able to track all activity that we do, in
3 fact, to the point that in 1992 our officers
4 were involved in 31,000 plus incidents, or
5 contacts. The call is received by the
6 dispatcher and given to the officer via radio
7 and we then handle the call with a conclusion
8 coming into the computerized system. If it is
9 an investigative case report, we do make
10 case -- assign it a case number, and an
11 officer is assigned the case and they work it.
12 We do track it through the computer system.
13 All the reports that are generated by the
14 officers are either verbally put in where the
15 dispatcher puts it into the computer, or, if
16 it's a narrative with an offense report or DUI
17 or a sudden death, the officers do their
18 reports in the field via the use of a --
19 presently a Tandy 10 laptop, and we're
20 ~~presently~~ switching to a MicroElete laptop
21 computers. The officers write their own
22 reports. They correct them and turn them in,
23 and then they are transposed (sic) by the
24 dispatcher. We're a very aggressive
25 department in maintaining our equipment. Our

1 lieutenant is in charge of not only the case
2 management but he is also in charge of the
3 records division, and he has developed what we
4 call an ASP, Alliance Solvability Program.
5 With every offense that is worked by the
6 officer they have to complete an ASP report,
7 which is just a bunch of questions asked
8 regarding a specific type crime; be it a
9 burglary, theft, or a generic crime. All
10 sexual assaults, assaults, robberies, and so
11 forth are done on the generic side. What this
12 does, it helps the case management in that
13 we're able to tell our supervisors, our
14 detectives, our officers that it is a solvable
15 case because it meets a certain number or it
16 is not. It's a very popular program. We have
17 been able in Alliance to be what we think one
18 of the leaders in the state, and probably in
19 the nation, in helping to maintain a very high
20 ~~clearance~~ clearance of all our criminal activity. Last
21 year we had a 47 percent clearance rate for
22 Part 1 offenses and an 83 percent, which is
23 the highest ever recorded by the City of
24 Alliance, for Part II offenses. Our case
25 reports have grown just like anyone else's.

1 In 1989 we had 1,804 case reports and in 1992
2 we had 2,334. Really what that amounts to, we
3 have about 43 crimes per thousand in 1990. In
4 1991 we had a little drop, 36 per thousand.
5 In 1992 we had 46 per thousand, an increase.
6 As a result of all this computer work that we
7 do, one of the neat things that happens on
8 that too is that every day we have a meeting,
9 we review the reports from the past 24 hours.
10 This is the detective, any supervisor that's
11 on duty, myself, the lieutenant, whoever wants
12 to come to the meeting, and we discuss it. We
13 assign it to different officers if they're
14 solvable cases, and they're generated into a
15 case management program and then the victim of
16 each crime receives a notification as to the
17 status of the case. In other words, Mr. Hill,
18 if you were the victim of an assault and you
19 didn't know who committed the assault, you
20 ~~were taken~~ were taken to the hospital but, in the
21 meantime, the officer solved it, your letter
22 would read, "Your case has been closed." I
23 hope I don't murder your name there, but,
24 "Rosa Cobos was the responsible party and the
25 case was turned over to the county attorney

1 for prosecution purposes." Everyone gets
2 that. It's a result of some meetings that
3 we've had with the American Indians, and we've
4 been doing for about I think five months, and
5 the community is very impressed with it. We
6 have had very little calling. In fact, the
7 county attorney has even said that he's
8 received very few calls about status of cases.

9 Our arrests also have increased
10 dramatically. In 1988 we had 454 arrests, in
11 1992 we had a total of 1,267. I did give you ~~some~~
12 two reports there, an analysis of the DUI ~~cases~~
13 arrests for 1992. It shows you how many we
14 arrested; 113. Drop down to the race; 90 were
15 white, 22 were American Indian, 1 person was
16 an Asian. The sex of the persons arrested and
17 the average BAC and a few other statistics
18 about it. Another sheet that you have there
19 is an analysis of the assaults in 1992. I
20 ~~should~~ tell you that 255 cases was a 61
21 percent increase over 1991 in assault cases.
22 That's a dramatic increase in assaults. It
23 will show you that by victim 159 of them were
24 white; 69 or 27 percent were Indian; 8 were
25 black, 3 percent; and 22 were white Hispanic,

1 that's 8 percent. Of those arrested, 127,
2 which would be 56 percent were white; 76, or
3 33 percent were Indian; 7 were black, which is
4 3 percent; and 18 were white Hispanic, which
5 is 8 percent. It shows you by sex, both
6 victim and arrested. The average age. And
7 the bottom part there, persons over 50, one of
8 our council persons suggested that it was
9 unsafe for the elderly to be on the city
10 streets after dark because of some assaults
11 that were reported. It shows you that we had
12 4 reported cases of persons over 50 during
13 1992.

14 Regarding our budget. We operate on a
15 budget of about \$900,000 a year. Of that
16 budget, for operations we receive \$6,000 a
17 year for training. The services lieutenant is
18 responsible for coordinating training, and he
19 does an excellent job. Last year, towards the
20 ~~end of~~ end of summer, we received several written
21 allegations of complaints against the
22 department from the Indian community, some
23 were very vague, some were more specific. We
24 responded in writing to each of the
25 allegations by enclosing a copy of the report

1 or the CAD report, whichever we had that we
2 could respond to that complaint. The American
3 Indian community members met with the city
4 manager, they met with some of the council
5 people. They were all given a copy of the
6 return. A copy of the -- as a result of all
7 these meetings, it was felt that someone else
8 should look at it. It was sent to the
9 Nebraska Commission on Indian Affairs, and we
10 have not heard anything since then.

11 We sat down with a couple of the people
12 from the Indian community and they suggested
13 that we do some training. We did not have a
14 lot of money left in our budget, but we found
15 out that we could get two people, Sally Ross
16 Wagner and Tilly Blackbear, both from South
17 Dakota, to come to Alliance to do some
18 cultural awareness training. They came down
19 there for three days. They met with people
20 ~~from the~~ from the Indian community and then provided
21 training for the police department. The
22 evaluation done by the police department was
23 very good. It was very well received. We did
24 invite people from other communities, and did
25 receive people from other communities, to come

1 to the training. At the same time, Tom
2 Fitzgerald, from the Western Community
3 College, called me and said that he was aware
4 of some training that he would like to bring
5 to the panhandle. It was called Latino
6 Diversity Training. It was headed up by Frank
7 Carrello. I asked him to include in that
8 training something of a nature from the
9 American Indian standpoint, which they did.
10 They hired a Robert E. Koffee, a BIE person,
11 from Pine Ridge, South Dakota. That was a 16-
12 hour block. One was done here in Scotts
13 Bluff, one was done in Alliance. Again we
14 invited people from surrounding communities
15 and they did come. I can't tell you the exact
16 numbers, but all 20 of our people, including
17 some of our dispatchers, were involved in all
18 of the training. And the evaluations again
19 were done by a person not involved in the
20 ~~training,~~ and the evaluations were extremely
21 good, the reaction sheets.

22 The Alliance Police Department is a city
23 manager form -- operates under a city manager
24 form of government. We do have a Civil
25 Service Commission. Our officers are all

1 certified except one who is a recent hired
2 individual. We have no race minorities but we
3 did have an American Indian, young gentleman,
4 who left. We have two female officers; one is
5 a patrol officer, one is a sergeant. We feel
6 that our female sergeant is very involved in
7 the Indian community. In fact, she had for a
8 short time adopted a part of an Indian family
9 who was having some financial problems and
10 some other problems. As a result of that
11 adoption some of the 19 allegations that we
12 received were against her because of some
13 mistreatment, alleged mistreatment. The
14 matter was investigated and she was cleared of
15 any wrongdoing in the matter. She's still
16 involved in the Indian community. In fact,
17 she is one of the officers who regularly
18 schedules meetings with the Indian community,
19 and we as recently as three weeks ago met with
20 a very large group of both American Indians
21 and Mexican Americans at the Indian Center.
22 In fact, they invited us for supper. We spent
23 the better part of a day and evening with
24 them. Listened to any complaints that they
25 might have had and we responded to those

1 complaints. Another meeting is scheduled. We
2 hope that it's going to be a continuing
3 program and our plans are to continue it as we
4 have in the past.

5 One of the things that was suggested by
6 the Indian community, we are very aggressive
7 in our recruiting. We have tried to hire an
8 American Indian and have been unsuccessful.
9 They recommended that we advertise in the "La
10 Cota Times," and our intent is next time to do
11 that.

12 I have been in Alliance for five years.
13 The complaints received by the department are
14 just like any First Class city. We can
15 receive them either through the city manager,
16 through my officer. We have a form that is
17 filled out that is a complaint against an
18 officer form. We have a complete file system
19 for complaints against individuals. In 1988
20 ~~we had 14~~ we had 14 complaints that were all
21 investigated, and last year we had 2 that were
22 investigated. If we feel that there's a
23 conflict we do not investigate them, we ask an
24 outside law enforcement agency to investigate
25 them, and we have had the Nebraska State

1 Patrol come down and assist us in those
2 investigations.

3 One of the -- probably the most difficult
4 thing that we're in the process of doing right
5 now is accreditation. I'm sure you've all
6 heard of accreditation through COLEA (phonetic).
7 We're about 60 percent complete. Our goal is
8 that in October this year we will have our
9 first inspection, which will be a test
10 inspection. We have worked with other
11 departments and asked them for assistance. We
12 are rewriting all of our policies on
13 everything that we do according to the
14 standards set up by accreditation. These are
15 900 and some. And, as we issue the new
16 policies, our officers are told that those are
17 the operating procedures as of the date of
18 receipt.

19 One thing that -- on the hate crimes, we
20 ~~feel that~~ we might have had two. We had one
21 officer that did attend training to try to
22 identify hate crimes, but it's very difficult
23 when you have two different races involved in
24 a situation. We feel more it was revenge than
25 it was particularly hate because of race or

1 sex, sexual gender. But we do investigate it
2 to determine if there is a hate crime. The
3 computer officer that we have, the lieutenant,
4 is involved in NIBRS, National Incident Base
5 Reporting System. He's a very intelligent
6 gentleman and is aware of these particular
7 problems.

8 The last thing I have is that we did
9 break down the statistics on all of our
10 arrests. These are the arrests that are non-
11 traffic. Of all our arrests, 1,043 for 1992, ~~we~~
12 we arrested 638 whites, which is 61 percent of
13 the total; 270 Native Americans for 25 percent
14 of the total; 103 Hispanics for 9 percent; 29
15 blacks for 2 percent; and 3 Asians for .28
16 percent. That comes up to 99.98 percent.

17 If I can answer any questions, I'd be
18 happy to.

19 CHAIRPERSON HILL: Any questions, Rose or
20 ~~Art?~~

21 MR. ART HILL: I've got a couple of
22 questions. You said you had a Human Relations
23 Commission. Do you have some Native Americans
24 that sit on that board?

25 MR. JATCZAK: No, we don't have a Human

1 Relations Commission, but we do have a group
2 that sits and gets together I would say
3 informally at different locations. Most of
4 them are American Indians, along with our
5 officers, members of our administration in the
6 city.

7 MR. ART HILL: And did you say that you
8 had one Native American on your force?

9 MR. JATCZAK: We had one, a young man,
10 and he left the force. He is since deceased.

11 MR. ART HILL: But you said you're going
12 to be recruiting?

13 MR. JATCZAK: We have been trying. In
14 fact, we aggressively recruited an Indian lady
15 but she did not pass the test. But we will,
16 we've asked the Indian community to assist us
17 the next time we have an opening.

18 MR. ART HILL: Now, the next -- I guess
19 what kind of threw me is that you said the
20 ~~Native~~ Native American population in Alliance was 3
21 percent, and I was looking at these figures
22 you gave us on the assaults. 33 percent of
23 the people that were arrested were Native
24 American Indian, and I thought that was quite
25 a bit of difference.

1 MR. JATCZAK: But also 27 percent of the
2 victims were American Indians too.

3 MR. ART HILL: Okay.

4 MR. JATCZAK: We have two families in the
5 community that are what I would call feuding
6 and have been ever since they've been there.
7 In fact, two years ago we had -- it was riot
8 conditions and, as a result of that particular
9 case, in fact someone from your office, and I
10 can't tell you what his name is, from Kansas
11 City came down and created an avenue of
12 communication between the two families along
13 with the police department as a court order
14 from the district court judge at that time.
15 They do fight a lot. It's a result of most
16 generally after having consumed some alcoholic
17 beverages. We try to deal with both of them.
18 One accuses us of playing favoritism with the
19 other family. In fact, we played basketball
20 ~~with the~~ with the one side because of a fundraising
21 effort for about four years. We had to stop
22 it simply because the other family was
23 accusing us of showing more favoritism to that
24 side. But I think that that's probably why
25 much of the cause is. I can practically tell

1 you, every case that we had where it's a white
2 against Indian or white against black type
3 situation. Now, as far as the thefts and
4 the -- maybe the burglaries, I don't know. I
5 can't answer those specifically.

6 MR. ART HILL: Okay. One other question.
7 How far are you from the nearest reservation?

8 MR. JATCZAK: I would say, using Chief
9 Vastine's short-cut, probably 75 miles.

10 MR. ART HILL: And that is the Pine
11 Ridge?

12 MR. JATCZAK: Pine Ridge, yes.

13 MR. ART HILL: Okay. Thank you.

14 CHAIRPERSON HILL: Rose?

15 MS. COBOS: Did you say you have no
16 Hispanic people in the police force?

17 MR. JATCZAK: No, we do not.

18 MS. COBOS: What does it consist of? Can
19 you repeat those figures?

20 MR. JATCZAK: On the police force we have
21 20 officers of which 18 are male and 2 are
22 female.

23 MS. COBOS: Eighteen white male and 2
24 female?

25 MR. JATCZAK: Yes.

1 MS. COBOS: How many complaints did you
2 get -- I thought you had mentioned that you
3 had received some complaints by Native
4 Americans last year?

5 MR. JATCZAK: Yes. We received it in the
6 form of handwritten notes, handwritten out by
7 different people. Some were signed, some were
8 not signed. There were allegations of -- let
9 me try to think specifically -- that the young
10 man was arrested for no reason and was held in
11 the jail for a period of time and he was a ~~juvenile~~
12 juvenile. The closest case that we could come
13 up to it was that the person was an 18-year-
14 old, which in Nebraska is not a juvenile,
15 that's 18 and over can be held. It was a
16 felony so if it would have been a juvenile he
17 still could have been held, but, again, we
18 just followed procedure. It was a reported
19 assault by another Indian, and we did have
20 ~~witnesses~~ witnesses and the person was finally --
21 finally pled to the matter, to a lesser
22 offense. I mean, there were no irregularities
23 in the process done by the police.

24 MS. COBOS: How many complaints were
25 there?

1 MR. JATCZAK: There were 19 allegations
2 and all were responded to, and, in fact, one
3 was to the point where a lady said that an
4 officer called her a liar. And to us that was
5 not really a violation of any policy or
6 procedure. It very well could have happened.
7 It was during the investigation of a robbery
8 and the whole case report, because there were
9 other allegations in that robbery
10 investigation -- for example, one of them was
11 that the officer trespassed on the property to
12 find the evidence of the robbery. The
13 evidence was being burned in the backyard.
14 But one of the -- the lady that lived there
15 complained that there was a fire in the
16 backyard. Of course it was the officer's
17 responsibility to investigate, and that's a
18 matter for the court to decide, not for us to
19 decide. But eventually there was a plea in
20 that case too. But, again, all these reports
21 are, the allegations are turned over to the
22 Commission on Indian Affairs, and it was our
23 believe that we were going to hear a response
24 regarding them and we have not.

25 MS. COBOS: Out of the 19 there was no

1 wrongdoing found on the part of the police
2 department of the 19 complaints?

3 MR. JATCZAK: No. No.

4 MS. COBOS: We heard some testimony by
5 the Native American community last night, and
6 I just wanted to address something that was
7 said at the end. It was a plea, it was a
8 sense of hopelessness, a sense of disparity
9 among the people. A statement to the effect
10 that something has to be done before our
11 people are killed is something that I took as
12 very, very serious. What I want to know is,
13 you know, what are your plans or what are your
14 recommendations for improving race relations
15 in the community.

16 MR. JATCZAK: Well, we will continue to
17 seek out training areas. But, at the last
18 meeting that I told you where we were at where
19 there was a very large amount of people, I
20 ~~felt~~ felt very good. In fact, Mr. Monroe, Mark
21 Monroe, who I feel is probably one of the
22 leaders in the Indian community, shook my
23 hand. Said that he was very happy to see the
24 number of officers -- three of my supervisors,
25 three of the sergeants were there. I guess

1 there was somewhat of a misunderstanding
2 amongst the officers. We thought that a
3 couple of the officers -- was completely
4 voluntary on any of the officers part. I was
5 going. They knew I was going and they were
6 all invited to go but, for some reason, the
7 ones that said they were coming backed out or
8 misunderstood and thought that they could not
9 come, and Mr. Monroe said that he wished he
10 had seen more of the young people there. And
11 I do have some young people that would like to
12 go to it, and at the next meeting I assure you
13 they will go to the meeting.

14 I can tell you about an incident that
15 happened probably three weeks ago where two of
16 the young officers responded to a -- it was
17 not an American Indian but a black man, in
18 fact two, where they -- one of the men was
19 intoxicated. He was fighting with a clerk in
20 a store when the officers responded. They got
21 there, the man left the store. They followed
22 him and tried to talk to him. He was very
23 intoxicated. He drew a knife, came at the
24 officers. The officers did draw their guns.
25 I have witnesses that say that the man was

1 within six feet. All training by the
2 professionals say that a man with a gun within
3 21 feet is a very dangerous instrument and
4 should be handled with some form of constraint
5 by the police. The officers did not shoot.
6 They backed out of the situation. They called
7 the supervisor. They did everything that they
8 possibly could not to injure this person and
9 were successful in taking him into custody
10 after awhile without hurting him. They talked
11 him into putting the knife down -- and that
12 happened twice this year so far where the
13 officers have done that. So the training that
14 we place on the officers is geared towards
15 that type of -- not only white. Black,
16 Indian, whoever it might be, we don't want to
17 hurt somebody. We've had guns, knives, we've
18 had clubs drawn on officers. We have not been
19 involved in an injury with a defendant except
20 two that were done accidentally. But we will
21 continue to meet with them. I feel very good
22 about the last two meetings that we had with
23 the American Indians. But, again, we're
24 meeting only with one family and their
25 relatives. I wish we could get more involved.

1 There was some American Indians there that I
2 did not know but lived in the community all
3 their life and all the time I'd been there and
4 had not ever been contacted by the police. I
5 talked to two of the ladies. They said that
6 they thought the police were doing a pretty
7 good job. But, again, they had never been
8 contacted by the police. They never cause to
9 be contacted by the police.

10 MS. COBOS: Can I ask one more question?

11 MR. JATCZAK: Sure.

12 MS. COBOS: How do you routinely handle
13 domestic disputes?

14 MR. JATCZAK: We have the sergeant that I
15 told you about, the female sergeant, she's our
16 -- really our in-house instructor on domestic
17 disputes. But we try to be very aggressive
18 and if there is an assault we try to make an
19 arrest. We try to get the individual into
20 jail so at least the situation is not going to
21 continue, especially if there are drugs or
22 alcohol involved. We do provide information
23 to the family in the form of a handout card,
24 as per our policy, that gives them different
25 resources that they can go to. We have a

1 couple of people that we can get money from
2 for a motel in the event that they need to
3 spend the night in a motel away from the home.
4 There are marriage counselors on there and we
5 provide that information.

6 CHAIRPERSON HILL: Thank you. You're
7 going through the accreditation process for
8 police. I've got a lot of familiarity with
9 that. That's a tough process.

10 MR. JATCZAK: It is.

11 CHAIRPERSON HILL: Expensive too.

12 MR. JATCZAK: Yes.

13 CHAIRPERSON HILL: What about the jail?
14 Are you going through correctional
15 accreditation or is there any consideration?

16 MR. JATCZAK: We're in the same building
17 with the jail but we have nothing to do with
18 it. It belongs to the sheriff. We're not
19 allowed in there. The only time we go in
20 ~~there is~~ if they call us to assist with a
21 prisoner problem or something. We do assist
22 the county with their activities, but we have
23 nothing to do with them.

24 CHAIRPERSON HILL: Thank you.

25 MR. JATCZAK: You bet.

1 CHAIRPERSON HILL: I'm going to apologize
2 to those who are scheduled next. We're going
3 to need to take about a ten minute break.
4 We've been going straight, so I apologize, but
5 we will start again in ten minutes.

6 (Whereupon, a short recess was had.)

7 CHAIRPERSON HILL: As the rest of the
8 committee is coming back let me remind those
9 who just came in that at the end of this, even
10 though it's not on the schedule, starting at
11 probably 5:30, we will, the committee will
12 stay for an open session so people who were
13 not formally on the agenda, if they have
14 things that they would like to say or
15 something to present, please see Jo Ann at the
16 back, sign up on the schedule and she'll fill
17 you in on the ground rules. And, just a
18 quickie, the ground rules are very simple.
19 There's a slight time frame obviously in how
20 ~~long~~ long we would like each person to talk, but
21 basically the ground rules are, from a legal
22 standpoint in terms of not mentioning specific
23 names or general allegations that might defame
24 another individual, because in a public
25 meeting that's neither proper nor acceptable,

1 and so she will fill you in on that. But
2 please feel free to sign up if you'd like to.

3 At this time we are with -- Schneekloth,
4 did I pronounce it right?

5 MR. SCHNEEKLOTH: Close enough.

6 CHAIRPERSON HILL: Well, no, please --

7 MR. SCHNEEKLOTH: Schneekloth.

8 CHAIRPERSON HILL: Thank you. And, for
9 the record, please give your full name,
10 address and occupation, and then your
11 statement.

12 MR. SCHNEEKLOTH: I'm Roger Schneekloth,
13 from Alliance, Nebraska, and I'm the Box Butte
14 County Attorney there. Mr. Jatczak, Chief,
15 covered a lot of material that pertains to my
16 office. I would estimate that 90 percent of
17 the prosecutions done in Box Butte County come
18 from the City of Alliance Police Department.

19 Just to give you an idea of what my
20 ~~office~~ office consists of: There are two part-time
21 attorneys and one full-time secretary, that's
22 the prosecutor's staff. I also supervise the
23 child support office which is staffed by one
24 attorney and one secretary. I just got the
25 attorney moved up from part-time to full-time

1 in that job.

2 Our budget consists of \$93,000 a year
3 which includes everything except benefits. It
4 includes salaries and everything.

5 Just a little bit of our procedures,
6 which are probably similar throughout
7 Nebraska. Arrestwise, it's either with a
8 warrant -- if it's not with a warrant then I
9 require that the law enforcement official
10 making the arrest provide an affidavit with
11 the factual basis before the prisoner will be ~~be~~
12 accepted in jail, or as a condition of being ~~be~~
13 accepted in jail. I review that within -- the
14 law says 48 hours. I go in on weekends every
15 day and review them, and then I have a judge
16 sign it within 24 -- try to have it within 24
17 hours, to show that there was probable cause
18 for the arrest.

19 Bonds are -- the county judges have set
20 ~~up~~ a schedule for bonds. A DUI is so much, a
21 Class 1 misdemeanor is so much. Then that
22 bond is reviewed the first day there's a judge
23 in the county. We no longer have a judge
24 sitting in Alliance so we get judges in there
25 Monday, Tuesday, and Thursday, and we

1 immediately have anybody in jail brought over
2 for a bond hearing. Bonds are based on -- if
3 it's a misdemeanor and they've never had a
4 failure to appear and they're residents within
5 the county, I always recommend a personal
6 recognizance bond. If not, a (inaudible)
7 comes down. Our judges are fairly liberal on
8 it and I go along with it, hey, can you raise
9 some money, and the bond is kind of determined
10 by what the person is capable of raising and
11 comparing it to the crime. Probably where
12 we've had our most recent complaints from our
13 Native Community is in sentencing. Here about
14 three weeks ago we had three people being
15 sentenced: two Native Americans and one White
16 person. The two Native Americans went to the
17 state penitentiary, the White person was
18 placed on five years probation. Sounds bad
19 when you look at it. It's explainable but it
20 ~~certainly~~ riled our Native American community
21 up. They were picketing the courthouse last
22 Thursday. One Native American, he was
23 originally charged with distributing cocaine
24 and a habitual criminal. He had been to the
25 state penitentiary twice before. I dropped

1 the habitual criminal and he pled to
2 distributing cocaine. He was sentenced to the
3 penitentiary, as I thought he should have
4 been.

5 The other Native American was sentenced
6 for first-degree assault wherein he and four
7 other individuals beat -- and in this case it
8 happened to be a white person, race wasn't --
9 they were drinking buddies and got in a fight
10 and then there was retaliation the next night.
11 But just about killed him. We were lucky we
12 didn't have two killings there. And he had a
13 long history of felony convictions, and he was
14 sentenced to the penitentiary.

15 The White man was a 17-year-old kid who
16 was involved in a motor vehicle homicide, and
17 this was his first conviction in adult court.
18 So I feel satisfied that they were fair, but
19 it certainly hasn't appeared that way to our
20 ~~Native~~ Native American people. I have discussed it
21 with them, explained it to them that way. I
22 work very closely with Mark Monroe. He's one
23 of the first people I met when I came to
24 Alliance and I've done some legal work for him
25 ever since then and we have become -- he's my

1 sounding board to kind of let me know. But we
2 do have, as the chief said, the two factions
3 are the source of most of our crime on Native
4 Americans by Native Americans. We haven't had
5 -- I can think of just very, very few
6 interracial-type incidents.

7 Just for general knowledge, there's two
8 areas I am very concerned about now with our
9 incident rate, that's family violence and
10 particularly sexual abuse on children.
11 They're just going off the top of the chart in
12 that. I think a lot of it is our increased
13 emphasis on child abuse and the fact that we
14 are prosecuting. We haven't dropped one that
15 I can think of in a couple of years, and we're
16 vigorously prosecuting those. The same way
17 with spousal abuse. When someone files a
18 complaint I won't drop the charges, because I
19 find that it gets worse the next incident and
20 ~~the next incident~~. Now, there's an exception
21 to every rule. That's my policy.

22 With that, I'll entertain whatever
23 questions you might have.

24 CHAIRPERSON HILL: Questions?

25 MR. ART HILL: I've got two questions. I

1 think this might relate to the county jail
2 where the three juveniles, the three American
3 Native juveniles were being held and their
4 bond was set very high.

5 MR. SCHNEEKLOTH: What were they being
6 held for? Were they on a felony?

7 MR. ART HILL: We didn't get the charges
8 and we didn't find out why they were being
9 held.

10 MR. SCHNEEKLOTH: Well, give me some --
11 this isn't ringing a bell with me.

12 MR. ART HILL: Do you have any juveniles
13 in your jail now?

14 MR. SCHNEEKLOTH: No.

15 MR. ART HILL: No.

16 MR. SCHNEEKLOTH: All juveniles, unless
17 they are held on a felony, are brought down to
18 either the youth shelter or the detention
19 center down here. Now, if they are held on a
20 ~~felony~~ felony, we hold them until, you know, a
21 decision is made. The judge can, if he wants
22 to, he can send them down there, but we can
23 also hold them in our youth facility in the
24 jail. We have a separate youth section in the
25 jail but it doesn't meet the state's standards

1 that it has to be a separate building. They
2 are separated from the adults, but it's no
3 longer an approved facility.

4 MR. ART HILL: The next question I have
5 is are you familiar with the Indian Child
6 Welfare Act?

7 MR. SCHNEEKLOTH: Oh, yes.

8 MR. ART HILL: You are?

9 MR. SCHNEEKLOTH: Yes.

10 MR. ART HILL: How have you dealt with
11 it?

12 MR. SCHNEEKLOTH: We offer the tribe --
13 we contact the tribe immediately anytime an
14 Indian child is involved in it, if it's going
15 to be a placement under the emergency
16 placement, emergency placement.

17 MR. ART HILL: Thank you.

18 MR. SCHNEEKLOTH: That's one of the first
19 things I got aware of when I came to Alliance.

20 ~~MS.~~ MS. COBOS: May I ask what steps you take
21 say, for instance, you receive a complaint
22 from the Child Protective Services Agency
23 alleging that there is child neglect or child
24 abuse in a Native American home? What steps
25 does the county attorney's office --

1 MR. SCHNEEKLOTH: Social Services and the
2 law enforcement official, which is usually the
3 city, will investigate it and come to me and
4 we discuss and see what is going to be done
5 about it. Here -- oh, it started about six
6 months ago was something I like very much,
7 although it is time consuming. We have an
8 interagency meeting twice a month where we
9 meet representatives of the social service,
10 law enforcement, county attorney, schools, all
11 the counselors, special ed people, and we
12 discuss everybody. We let everybody know,
13 hey, we want to discuss this child, this
14 child, and this child, and that family, and we
15 all bring our files and sit down and I develop
16 a plan, an overall approach of, okay, I'll
17 file a juvenile petition that's in a situation
18 dangerous to health or morals. Schools will
19 do counseling. I think it's going to work.
20 ~~It's~~ If we hold it together, it's going to be a
21 good tool.

22 MS. COBOS: Then you don't act in any way
23 until you get ahold of the tribe? In other
24 words, you don't go out and take the child out
25 of homes?

1 MR. SCHNEEKLOTH: Well, I take whatever
2 has to be -- you know, to protect the child,
3 number one, and then go from there. If I file
4 a petition, I'll send a copy of the petition
5 to the tribe, if there's a possibility of
6 removal from the home. If it's substance
7 abuse and the child is going to need, you
8 know, we don't get the tribe involved.

9 MS. COBOS: Do you have any Child Welfare
10 Act specialist or someone that's very
11 knowledgeable in that area?

12 MR. SCHNEEKLOTH: I'm a specialist in all
13 areas. You get to a small community and --

14 MS. COBOS: Are you the overseer of child
15 support enforcement?

16 MR. SCHNEEKLOTH: Yes. We have a
17 separate child support unit, and it was
18 independent. It came directly under the
19 commissioners. That wasn't working so the
20 ~~commission~~ put it under the -- it's still a
21 separate unit but I'm responsible for overall
22 supervision.

23 MS. COBOS: There's been some concerns
24 raised with working moms that they are not --
25 that the child support enforcement division is

1 not pursuing child support as aggressively for
2 working mothers as they are for ADC mothers.

3 MR. SCHNEEKLOTH: I think that's true in
4 the past. I have a new ADC officer -- child
5 support officer now and she's great. She's
6 going after everything. The one I had before
7 was just a little hardheaded and didn't listen
8 to me quite as -- that's the reason she was
9 under me, by the way. But I think we're going
10 to see some significant changes in that, and
11 she is part Native American which hopefully
12 will help the communication. She's a very
13 aggressive lady. I don't think anybody will
14 be complaining about lack of pursuing cases
15 and stuff. She's doing a total review of
16 everything that's fallen through the crack in
17 the past, and the mothers who have become
18 discouraged and just quit calling and all that
19 type of thing. I hope it's going to work out
20 ~~very~~ real good.

21 MS. COBOS: One more quick question.

22 MR. SCHNEEKLOTH: Okay.

23 MS. COBOS: Do you have a diversion
24 program?

25 MR. SCHNEEKLOTH: Yes, ma'am.

1 MS. COBOS: For first time offenders?

2 MR. SCHNEEKLOTH: Uh-huh.

3 MS. COBOS: Do you have data on how many
4 minorities as opposed to non-minorities are
5 entering the diversion program?

6 MR. SCHNEEKLOTH: My data collection
7 device is here also. We've had several
8 minorities, black and Native American and
9 Hispanic, in it. If they meet the criteria
10 they're offered the program, and I even push
11 the criteria sometimes if they haven't had any
12 -- it's supposed to be first time offenders.
13 If they haven't had anything for a year or two
14 or something and not chronic offenders, I'm
15 giving them a shot at that too, and
16 particularly Native Americans because I'm very
17 concerned about that.

18 MS. COBOS: Is that data available?

19 MR. SCHNEEKLOTH: I'd have to go back
20 ~~through~~ through my file. I just don't keep that kind
21 of -- Our last diversion program, I was a
22 deputy from '81 to '85 and I had a diversion
23 program going, or there was one in place when
24 I got there and it was so bureaucratic it just
25 died of its own weight, and then they didn't

1 have one again until I took office two years
2 ago. So I decided I was going to do it sort
3 of dictatorial: I'll decide who goes on and
4 we'll draw up the contract and everybody will
5 sign it and assign a counselor from the
6 community and get on with it, you know. And
7 it seems to be working. At least it isn't
8 this let's have a meeting, you know, and take
9 a vote and that kind of stuff. I haven't had
10 any complaints on it.

11 CHAIRPERSON HILL: Is there a public
12 defenders officer --

13 MR. SCHNEEKLOTH: Yes, uh-huh.

14 CHAIRPERSON HILL: -- also your
15 counterpart. In terms of plea bargaining
16 arrangements, are those informal between your
17 office and the public defenders office?

18 MR. SCHNEEKLOTH: Pretty much, yeah.

19 CHAIRPERSON HILL: So the determination
20 ~~to file~~ to file and even the sentence is really pretty
21 much determined before court?

22 MR. SCHNEEKLOTH: Well, not the sentence.
23 We have nothing to do -- in Nebraska we have
24 nothing to say about the -- we can't agree on
25 a sentence. That's strictly -- I can't even

1 recommend a sentence. I can't say, give them
2 ten years. I think this is a very significant
3 crime and should be -- Does that answer --

4 CHAIRPERSON HILL: Yes. What about is
5 there need within your area for translation
6 services?

7 MR. SCHNEEKLOTH: Yes.

8 CHAIRPERSON HILL: Hispanic, and are
9 there people available?

10 MR. SCHNEEKLOTH: Yes. We have a couple
11 of real good ladies who make themselves
12 available, and one translated in the United
13 Nations I think. We do have one problem, and
14 I think it brings about some unfair treatment
15 of our Hispanic people. There's no one in Box
16 Butte County who is a drug and alcohol
17 counselor who can speak Spanish, so we have a
18 non-English speaking Hispanic up for DUI, who
19 is a classical example, that person can't get
20 ~~probation~~ probation as a white person would because he
21 can't speak English to comply with the terms
22 of probation, and I think it's a serious
23 problem. We have very few Hispanics for DUI,
24 but still I think there should be somebody
25 available the one time that it does come up.

1 CHAIRPERSON HILL: Thank you. We
2 appreciate the time and the information.

3 MR. SCHNEEKLOTH: Thank you.

4 CHAIRPERSON HILL: Chief Livingston.
5 We'd appreciate, just for the record before
6 you start, if you'd give your name and address
7 and occupation.

8 MR. LIVINGSTON: James R. Livingston,
9 1410 Bryant Avenue, Scotts Bluff. I'm the
10 police chief for the City of Scotts Bluff. I
11 have prepared remarks. I know you're running
12 into a time situation. I'll give you an
13 opportunity to follow along, and obviously I
14 will shorten some of the areas and still have
15 a complete record.

16 CHAIRPERSON HILL: The time constraints
17 are for the people out there, not for us. So
18 now I think the pressure is off because I
19 think everybody else is local so take your
20 ~~time.~~

21 MR. LIVINGSTON: I've been with the
22 Scotts Bluff Police Department since 1967, and
23 I've been police chief since May of 1976.
24 During the time I've been with the department
25 I've watched it change with the times.

1 Maintaining high levels of training and
2 supervision has paid off in decreased citizen
3 complaints and higher productivity to all of
4 our citizens. We believe that we deliver
5 quality law enforcement and support activities
6 to our community. Combining selection,
7 training, equipment, and facilities with
8 adequate supervision makes for a good law
9 enforcement unit.

10 Our general organization of our
11 department is, of course, the police chief. I
12 have seven police lieutenants. On May 3rd we
13 will add the level of sergeant, and three
14 officers have recently been promoted to that
15 position. The sergeants will work with the
16 shifts, the 7:00-3:00, the 11:00-7:00, and
17 3:00-11:00 and cover the shifts when the
18 lieutenants are on their days off. Other
19 lieutenants supervise the function of
20 ~~technical~~ technical services, which would be records,
21 special operations office, specific duties
22 dealing with police training, policy
23 development, property disposal, school
24 crossing guard program and community
25 relations.

1 The detective bureau which conducts and
2 supervises all investigations in the
3 community, we have three permanent detectives;
4 one that works with the WING narcotics task
5 force, and we have a training program for
6 patrol officers who work with that bureau on a
7 temporary basis.

8 The newest addition within our police
9 department is the administrative lieutenant
10 who will work closely with my office and the
11 remainder of the staff. We have 16 regular
12 police patrol officers. We assign officers to
13 established beats within the city, and
14 generally have one unit move around as a cover
15 unit. We rotate officers off the shift every
16 two months. We have beat assignments and they
17 change daily. One officer works in crime
18 prevention, coordinates our Crime Stopper
19 Program, and is a DARE instructor in the
20 ~~elementary~~ elementary schools.

21 Of the patrol officers, one is female.
22 We have three female record technicians; one
23 male humane officer; and four male and two
24 women crossing guards.

25 We contract with several Hispanic

1 citizens who are on call for interpreter
2 duties. We have in the past had Hispanic
3 officers, including a supervisor, Hispanic
4 clerks and a Hispanic humane officer. One
5 officer speaks Spanish and one records
6 technician is presently taking Spanish.

7 Flip books dealing with basic phrases in
8 the Spanish language are distributed to
9 officers. Bilingual forms are available for
10 the interpreters. Of the 30 authorized
11 officers, 5 have some college and 10 have
12 college degrees. Most officers and support
13 personnel are cross-trained in areas of
14 responsibility. We intend to pursue national
15 accreditation in the future when budget
16 constraints are resolved -- if that ever
17 happens.

18 The department has an annual operating
19 budget of more than \$1.4 million.

20 ~~Under the~~ In the area of recruiting the City of
21 Scotts Bluff Police Department is covered
22 under Civil Service Law in Nebraska. We
23 advertise through the media, letters,
24 bulletins, whenever we have openings on the
25 department. Qualifications for openings are

1 listed in the advertisement and we invite all
2 who qualify to take the examination. The
3 examination is followed by interviews and from
4 that process an eligible list is compiled. We
5 presently have an eligible list which expires
6 in July of 1993. One or more Hispanic
7 applicants are on that list.

8 A brief training overview of our training
9 program is as follows: All employees are
10 certified through the State of Nebraska. One
11 new officer is attending the 12-week basic
12 training now. The newly appointed sergeants
13 are scheduled to attend a supervisory course
14 soon. Some supervisors are certified
15 instructors through the Law Enforcement
16 Training Center in Grand Island. I have
17 attended the F.B.I. National Academy, and
18 we're on the waiting list to send another
19 officer. We conduct regular in-service
20 ~~training~~ training and utilize the Law Enforcement
21 Television Network for exposure to national
22 training programs, equipment, trends, and
23 techniques. We simply realize the value of
24 training.

25 Field training. All new officers are

1 assigned field training officers during their
2 first 30 to 60 days of employ, or longer if
3 necessary. At that time, regular evaluation
4 sheets are completed and the probationary
5 employee's progress is closely monitored. The
6 total time of field officer instruction
7 depends on when the training center opening is
8 available for us to send the officer down for
9 formal training and how well the employee is
10 responding to the training. Upon his return
11 from the training center the new officer is ~~again~~
12 again monitored closely. His training manual ~~is~~
13 is reviewed and they are allowed to gradually
14 assume individual duties under the watchful
15 eye of the shift commander and senior
16 officers.

17 During the career of an officer in our
18 department, they undergo daily briefing,
19 rollcall training, bi-monthly training
20 ~~sessions~~ sessions in the form of video programs, films
21 and lectures. Officers attend firearms
22 training monthly and qualify semi-annually.
23 In addition to these regularly scheduled
24 programs, safety programs are held monthly and
25 all activity is supplemented with the latest

1 law enforcement bulletins and legal
2 publications. Each officer has access to a
3 set of training keys covering virtually every
4 subject in law enforcement.

5 As the officers conduct their daily
6 duties they are monitored, assisted, and
7 directed by the shift commander. All
8 employees are evaluated on an annual basis and
9 more often if necessary.

10 The department averages \$8,000 to \$9,000
11 training budget each year. This will
12 generally cover schools of a specialized
13 nature. I've attached a list of the training
14 for your review. I'm not going to go through
15 all of it, but you'll certainly see that we
16 have a wide range of training that we offer
17 our employees, and we encourage their
18 attendance in college courses and in anything
19 else that formally will help them do a better
20 ~~job.~~ job.

21 The department owns and maintains its own
22 VCR and monitors, movie projectors, and slide
23 projectors. The classroom is available at the
24 department for training and for community use.
25 We recognize the value of working out in the

1 community and with other agencies who service
2 the needs of our citizens. I've listed some
3 of the activities we're involved in: The
4 Child Neglect and Abuse Investigative Team
5 that's mandated by the statute now. We're
6 involved with the Western Juvenile Detention
7 Center as a board member. We have worked for
8 many years as a coordinator for the funds of
9 Salvation Army and the church funds for the
10 needy people that come in and need a helping
11 hand. We're active in the new ADA regulations
12 as it applies to our community and our city.
13 We have neighborhood Bock Watch programs set
14 up and we try to expand and encourage that
15 participation. We've had a Crime Stoppers
16 Program in place for about six years. It's
17 been highly successful in making our streets a
18 lot safer by encouraging citizens to call when
19 they have information that will help us. We
20 ~~have a~~ Child Fingerprinting Program. We have
21 a Police Explorer Program. We do vacation
22 house checks for any citizen who leaves town
23 and gives us a call. We've developed a canine
24 program and that program was developed
25 exclusively with community funding donations.

1 The community saw the need and supported the
2 program. It's in its second year now. We
3 have burglary prevention inspection and other
4 type programs, Operation Identification. We
5 work parade and special events security.
6 We're already lined up for the Cinco de Mayo
7 celebration coming up next week.

8 As I mentioned before, we coordinate and
9 operate the school crossing guard program.
10 We're involved heavily in western Nebraska's
11 WING task force that's combating narcotic
12 violations in our community. We participate
13 in the schools and in the public arena with
14 community education programs of all types
15 relating to law enforcement. We offer school
16 programs, whether it's safety bike, traffic,
17 whatever the call is. We worked with the
18 Indian Center two years ago, got an ordinance
19 changed which allowed us to rechannel some of
20 our bicycles that we'd picked up all over the
21 community back into the hands of the needy
22 kids. A good project. We work in support of
23 the Juvenile Diversion Program which is in
24 place, and I recall one question to the
25 attorney was what's the criteria? I think the

1 criteria for our Diversion Program through the
2 county attorney's office is wide enough to
3 accommodate all who qualify. We work with
4 drug and alcohol programs and support groups
5 as needed. We try to maintain close
6 coordination with the schools on juvenile
7 problems. We've worked with the groups that
8 have talked about the needed shelter for the
9 homeless and things like that that address the
10 needs of our community. And we've worked with
11 Children at Risk projects with the other
12 agencies. Our programs and projects are
13 designed to encompass all the citizens in the
14 community. We utilize the media on a
15 continuing basis to advise and inform the
16 citizens of the changes which affect them.

17 Citizen inquiries and complaints: We
18 accept any and all inquiries and complaints in
19 regard to the way a specific situation is
20 ~~handled~~ handled. Complaints are handled according to
21 the guidelines established by our Internal
22 Affairs Policy. All citizens in our community
23 have the option of reporting circumstances to
24 a variety of sources, some of which are
25 myself, any supervisor, any officer, the city

1 manager, the mayor, any city council member,
2 the city prosecutor, the city attorney, the
3 judges both county and district, other law
4 enforcement agencies, any one of the county
5 commissioners, the county attorney,
6 congressional representatives, state senators,
7 legal services, through the parents, and
8 through the news media. I guess over the
9 specter of 25 years in Scotts Bluff I've had
10 concerns come in via almost all those. That's
11 why it was easy to list them.

12 Some of the methods that used to report
13 would be certainly in person, by letter, an
14 unsigned note, a phone call, through a third
15 party, or through an attorney. Upon receipt
16 of a complaint or inquiry, we will take
17 immediate and appropriate action whether it
18 involves the signing of a staff officer to
19 conduct an investigation and report or perhaps
20 ~~refer it~~ refer it to another agency for follow-up.

21 No public service organization is immune
22 from citizen complaints. We work hard to
23 avoid them. We dislike adverse publicity, the
24 same as any other agency or business. We do
25 not encourage litigation as a means to change

1 specific police behavior. We've changed
2 policies and adjusted procedures many times in
3 order to do a better job. Civil rights
4 violations usually occur when there's
5 inadequate training or supervision. We try to
6 keep a supervisor on duty 24 hours a day, 7
7 days a week. I've already outlined their
8 training.

9 We are at a point where we have many
10 experienced officers on our department,
11 married with families, who know their job, its
12 limitations, and they know the people of the
13 community. We have tried to maintain regular
14 contact with various resources in our
15 community in order to monitor our progress and
16 to try to reduce concerns and problems. Since
17 1976, the tone has been set for fair and
18 impartial law enforcement in the community of
19 Scotts Bluff. Our work is not without
20 ~~complaint~~ complaint, but we accept the fact that we have
21 a nearly impossible job to do. We respond to
22 and resolve complaints in the best possible
23 manner. Seldom has a situation resurfaced
24 that was investigated, reported, and handled
25 in what we believe to be an appropriate

1 manner. That's the end of my prepared
2 remarks. If you have questions, I'd be more
3 than happy to try to answer them.

4 CHAIRPERSON HILL: Thank you. Questions?

5 MR. ART HILL: I really didn't get the
6 breakdown on whether you have any minorities
7 in your police department.

8 MR. LIVINGSTON: I have no minority
9 officers with the exception that I have a
10 female officer who has been on the department
11 for quite a while and she works actually with ~~our~~
12 our Crime Prevention and our DARE program, but
13 she also works the street when we need her.

14 MR. ART HILL: Okay. The next question I
15 have is are you familiar with the Indian Child
16 Welfare Act?

17 MR. LIVINGSTON: Probably not as much as
18 I ought to, but it's my understanding that
19 most of that falls on the shoulders of the
20 ~~legal~~ legal system, the county and social services.
21 We work in support of those agencies and we
22 would expect that they would follow the letter
23 of that directive.

24 MR. ART HILL: I guess the reason I asked
25 is that I noticed that you do work with other

1 agencies within your system.

2 MR. LIVINGSTON: Yes.

3 MR. ART HILL: And it would seem like
4 they would all be knowledgeable about that. I
5 mean the --

6 MR. LIVINGSTON: Probably some of my
7 street supervisors who are more knowledgeable
8 on it than I am who work directly with Social
9 Services and the county attorney on a very
10 close working relationship on those cases
11 where that applies. We know that whether its
12 a custody case that comes to us out of Pine
13 Ridge or vice versa that we have to jump
14 through the hoops and we try to do that. A
15 lot of times we'll roll in and respond and
16 assist Social Services and the county
17 attorney's office on some of these custody
18 cases or issues, and I would expect that they
19 would have all of their I's dotted and their
20 ~~its~~ T's crossed as it relates to that.

21 MR. ART HILL: Thank you.

22 CHAIRPERSON HILL: Rose?

23 MS. COBOS: Chief, have you had any
24 police -- complaints about police harassment,
25 police misconduct or abuses in the community

1 in the past year? And do you keep data on
2 that information?

3 MR. LIVINGSTON: We have, and I can tell
4 you quite candidly that they are really
5 minimal. Some of them from your office, and
6 we've gotten right on it and tried to work all
7 of them out to a -- at least a satisfactory
8 conclusion.

9 MS. COBOS: Do you ever get complaints
10 from the public defender's office as far as
11 police misconduct?

12 MR. LIVINGSTON: Very seldom. Where I
13 get some of my best information is through the
14 judicial system when the defendants appear in
15 court and make a particular claim, and I'm
16 informed immediately and we look into it
17 immediately and we get back to the source.

18 MS. COBOS: So you don't have any data
19 available say for the past year?

20 ~~MR. LIVINGSTON:~~ MR. LIVINGSTON: I'm saying during the
21 course of one year, this past year, I would
22 say it would be less than six. There's just
23 not very many, and of course that's the
24 barometer that I use. I know for a fact early
25 on in the early seventies it would wear a

1 police administrator down, so I've got to use
2 some barometer. I know for a fact that or
3 citizens -- Native American, Hispanic or
4 Caucasian -- are extremely knowledgeable in
5 their rights and, if they think they've had
6 their toes stepped on, they're going to call
7 somebody and they do.

8 MS. COBOS: Earlier today some advocates
9 that are working on behalf of migrant farmer
10 workers expressed concerns with regard to the
11 police department and targeting of this groups
12 of people that come into the area, which
13 brings me to ask you a question. Has there
14 been any cultural sensitivity training?

15 MR. LIVINGSTON: Glad you asked. We just
16 sent through every officer on the department
17 through a two-day cultural sensitivity. It's
18 listed in the training. We worked with the
19 college. What we wanted to do was find
20 ~~some~~ instructors who had law enforcement background
21 who could relate to the audience yet shoot
22 straight as far as the cultural differences.
23 And, by and large, all the reports I got back
24 from the officers were: "I learned something.
25 I think my job will be easier, and now I know

1 why this happened or that happened." And
2 that's the kind of interaction we're looking
3 for.

4 MS. COBOS: When did this training occur?

5 MR. LIVINGSTON: Middle of February,
6 first week in March. We had a split session.
7 We had it here locally where other agencies
8 came down. Tried to keep the class size to a
9 reasonable number, and then we had the follow-
10 up session, another two day shot, in Alliance.

11 MS. COBOS: What do you feel is the
12 attitude of the police department about
13 migrant farm workers? What is your perception
14 about migrant farm workers?

15 MR. LIVINGSTON: Migrant farm workers are
16 here to stay. We know that occasionally
17 they'll come into the community and will not
18 interact favorably with the local residents
19 whether they are Hispanic or Caucasian, and we
20 ~~end up~~ resolving some of those differences and
21 very simply breaking up fights. I don't think
22 the impact of that problem has been getting
23 worse, but it's just a fact of life that we
24 live with.

25 MS. COBOS: Are the statistics going up

1 in the summer with regard to --

2 MR. LIVINGSTON: Everything goes up as
3 far as numbers in the summertime.

4 MS. COBOS: With their presence here?

5 MR. LIVINGSTON: Well, summertime is just
6 extremely busy for us. We run a 30-man
7 department or a 30-person department. We have
8 a stable population of about 14,000 plus. But
9 I'm telling you that on the weekends or
10 Friday/Saturday it seems like we've got all of
11 western Nebraska in Scotts Bluff, and we're
12 trying to keep it in check with the amount of
13 officers that are appropriately designed for a
14 14,000 population community. Pretty tough but
15 we do it, and we do it with scheduling,
16 overlapping shifts, overtime. But I'll grant
17 you that there are some summers where we're
18 praying we'll get an early snow in September
19 to get things calmed down and settle down.

20 ~~MS. COBOS:~~ MS. COBOS: You say that you run part of
21 the Salvation Army which is a shelter?

22 MR. LIVINGSTON: No. What we are is the
23 disbursing agent, and we have been for a long
24 time. We issue vouchers to people who come in
25 or are referred to us for assistance, whether

1 it's a tank of gas, a night in a motel room,
2 or a meal. Occasionally we put up families.
3 I think I've worked with you on the housing
4 problems. When you've got a mother and seven
5 kinds and no place for them to stay and housing
6 can't get moving fast enough, we put them in a
7 motel, and those are the source of the funds
8 for that type of thing.

9 MS. COBOS: Is that a one day, a one time
10 service, one night service, or can that be
11 extended to two or three days?

12 MR. LIVINGSTON: Well, nothing is ever
13 cast in stone, but what we try to do is help
14 them out with a one night or a one day
15 situation and then get things rolling.
16 There's plenty of other resources out there if
17 we can get them moving and eliminate the hand
18 to mouth from the Salvation Army funds or
19 church funds.

20 CHAIRPERSON HILL: Ascension?

21 MR. HERRANDEZ: Yes. I guess I'll be
22 somewhat consistent in a couple of questions,
23 and since you're the largest of the cities
24 that we visited with in the past -- well,
25 today, and you have a formidable list of

1 trainings, options there. You're of course
2 familiar with the Federal Aid Crimes
3 Statistics Act and the requirements the police
4 force be trained in identifying hate crimes.
5 Has this been done and do you send your annual
6 report to the state?

7 MR. LIVINGSTON: We conform to all of the
8 UCR regulations. We do our own statistical
9 work. Hate crimes is extremely difficult, as
10 you've discovered in traveling around, to zero
11 in unless you've really got some specifics.
12 But my records people go through our offense
13 reports. We're aware of what it requires and
14 we do the best we can to report it, to project
15 a true picture.

16 MR. HERRANDEZ: Did you report any hate
17 crimes in our last --

18 MR. LIVINGSTON: Not that I recall.

19 CHAIRPERSON HILL: Just -- I think most
20 ~~of the~~ questions have been have been asked,
21 and the report's good in terms of information
22 that we wanted. I'll make sure that all of
23 our members receive information on what the
24 police accreditation process involves. There's
25 a lot of people that -- because it's a

1 relatively new phenomenon. Do you know from
2 your own budgetary projections what it would
3 cost if you were to go all the way through?

4 MR. LIVINGSTON: Well, we had a meeting
5 with the supervisor of the state patrol two
6 days ago. He was in and he laid the program
7 out. And the actual cost depends on the size
8 of your agency. Based on what it cost the
9 Nebraska State Patrol, it was way out of my
10 budget. We're probably thinking in the area
11 of \$7,000 to \$8,000. That's just a fee to get
12 things started. That also involves at least a
13 year, probably 18 months of a full-time person
14 to coordinate it. They have a thousand
15 standards set for a police department to meet
16 and document and implement as policy, and it
17 will be very difficult but I think -- and I
18 brought my policy book with us -- I think
19 we've got a start. We've always believed in
20 ~~if it's~~ if it's written down it's a lot easier to
21 understand. It breeds consistency, and that's
22 the way we've tried to do it. So all my staff
23 people are telling me that they are excited
24 about doing all this work, but I think we're
25 going to move in that direction.

1 CHAIRPERSON HILL: It starts obviously
2 with a self-evaluation process.

3 MR. LIVINGSTON: Yes.

4 CHAIRPERSON HILL: Which is -- that's
5 where your staff will tell you if they really
6 meant it or not when you get through. But the
7 reason I wanted to mention it is because for
8 not just groups like ours, but more important
9 groups within the community that want to take
10 a look at a law enforcement agency it gives
11 them some general standards to go by rather
12 than saying, gee, it sounds good. You went to
13 the F.B.I. Academy, what does that mean?
14 They're very measurable and it's a relatively
15 new thing that I want to make sure that our
16 people are familiar with.

17 MR. LIVINGSTON: I think one of the --
18 obviously there's a lot of good reasons to go
19 for accreditation. First of all, there's only
20 ~~about 230~~ about 230 or 40 departments in the whole
21 country that are accredited. So that's a
22 feather in a department's hat. But the
23 reduction in insurance rates, the consistency
24 in the operation, the force documentation of
25 every one of the policies just seems logical.

1 CHAIRPERSON HILL: Thank you. We
2 appreciate the time.

3 Sheriff Fairbanks. Sheriff, appreciate
4 your being here. Just procedurally, if you'd
5 please start with your name, address and
6 occupation.

7 MR. FAIRBANKS: Charles F. Fairbanks,
8 Sheriff, Scotts Bluff County, also director of
9 the Adult Correctional Facility for Scotts
10 Bluff County. My office address is 1725 Tenth
11 Street, Gering, Nebraska. I have some
12 handouts for you ladies and gentlemen.

13 Based on what I'd like to address my
14 comments right now is first the Department of
15 Corrections as director of the adult facility.
16 Give you some idea, during 1992 we processed
17 2,064 inmates through the facility. Of that
18 there was 3,217 charges at booking. The
19 average daily population was 61 in the
20 ~~facility.~~ facility. We serve an average of 75,000 meals
21 during a year, and the biggest user of the
22 facility is Scotts Bluff Police Department,
23 followed by the Sheriff's Department, and the
24 followed by the Gering Police Department. The
25 average person being processed through he

1 facility is between the ages of 18 to 30, he's
2 a white male, has an education below a high
3 school education. And, give you some idea,
4 there in 1992 that group composed 1,275 of our
5 inmates. We have an educational component
6 within the facilities compliments of the
7 Nebraska Western Community College. We offer
8 GED classes for the inmates. We also have
9 recreation and library facilities. And, give
10 you some idea there, in 1992, the facilities
11 were used over 13,995 times during the year by
12 the inmates. You know, we have to exercise
13 them one hour per day Monday through Friday,
14 and the library, they have library privileges
15 during that time.

16 We have various programs; GED, religious
17 programs, and 949 inmates participated there
18 in our programs.

19 We have extensive training programs for
20 ~~the~~ the correctional officers and the staff. We
21 also have an outreach program called House
22 Arrest and Work Release. The Work Release
23 program is basically if you're in the facility
24 and you have a good job and it's not a very
25 serious crime, with the permission of the

1 courts, we can put you out on work release.
2 You work in the community during the day. You
3 come back to the facility at night. The House
4 Arrest program is you stay at home and it's an
5 electronic system. It's either on your
6 ankle -- usually everybody has it on their
7 ankle. The advantage to that program is you
8 stay home with your family. We maintain the
9 family bonds. You have a job so you maintain
10 your family, and you don't occupy a bed within
11 the facility. The total number of visitors
12 during 1992 was 6,827 throughout the facility.

13 Scotts Bluff County for the last five
14 years has been researching a new facility.
15 Matter of fact, this last Tuesday I just flew
16 to Lincoln to meet with the Department of
17 Corrections, and one of our plans is to
18 develop a community correctional program. It
19 will be a pilot program in the State of
20 ~~Nebraska~~ Nebraska so we can look at the inmate that's a
21 non-violent inmate and instead of shipping him
22 off to the state pen, which is 400 miles away
23 from us -- you break the family bond, you
24 break all relationships the inmate has with
25 the community, and then 90 percent of those

1 inmates return to their home -- 90 percent
2 nationwide. Our goal is instead of taking
3 non-violent inmates and shipping them off to
4 the state pen, is in a new facility, working
5 with a contract with the state, house them
6 here locally. Put them through a program
7 system which starts with classifying the
8 inmate, and then, if the inmate doesn't know
9 how to make a living, teach them how to make a
10 living. Then we would like to have, working
11 with the community college again, is develop
12 job skills. Then from the job skills the
13 inmate would have a job and then he can
14 eventually work himself up into a work
15 release/house arrest program and is eventually
16 totally out of our system. Because every time
17 we send an inmate to the state institution
18 it's about \$18,500 to house them for a year,
19 and our average daily cost is about \$45 per
20 ~~day.~~ And we cannot build ourselves out of the
21 correctional problem we've got today. It just
22 won't work. California tried it. Ohio is
23 trying it. Texas tries it. We must get into
24 community corrections. We must be able to
25 teach these inmates how to get along in

1 society and that way they become a productive
2 member of society, and that's one of our
3 goals. And we have hired a consultant for the
4 last three years to work with us, and if I
5 brought those reports in here, of all the
6 reports we've done so far, it would go from
7 there to the ceiling. So that's how much time
8 and effort we've got into this program. But
9 it's brand-new in the State of Nebraska and we
10 realize we've got to have patients and we've
11 got to be flexible and we're trying to do
12 that. And, with that, I'll open it up to any
13 questions.

14 CHAIRPERSON HILL: Art, anything to ask?

15 MR. FAIRBANKS: I guess the question I
16 have, since you're the sheriff, are you
17 familiar with the Indian Child Welfare Act?

18 MR. LIVINGSTON: Not really. We don't
19 house any juveniles. We have a -- it's an
20 ~~adult~~ facility. We only house adults. Scotts
21 Bluff County has a separate juvenile facility
22 ran by a separate director. If we wanted to
23 house a juvenile, no matter who the juvenile
24 is, we would have a juvenile probation officer
25 assist with the commitment, and you will not

1 bring them to the adult facility unless it's
2 of a very, very serious crime because we just
3 don't house them.

4 MR. HERRANDEZ: So if there's a complaint
5 the local police would handle it or --

6 MR. FAIRBANKS: If there's a complaint
7 within the cities they would handle it. If
8 it's in the county we would handle it. And if
9 we would have to take the juvenile into
10 custody, we would call a juvenile probation
11 officer to come -- they are on call -- to come
12 and assist us in evaluating what we should do
13 with the juvenile.

14 MR. HERRANDEZ: Okay. That's all.

15 CHAIRPERSON HILL: Rosa?

16 MS. COBOS: Do you know what the Hispanic
17 population in Scotts Bluff County is?

18 MR. FAIRBANKS: Yes, I do. It's 14.5
19 percent of the county population by the 1990
20 census.

21 MS. COBOS: By the 1990 census. On page
22 6 of your report, the total number booked by
23 race. Between January 1st, 1992, and December
24 31st, 1992, it appears that 965 whites were --

25 MR. FAIRBANKS: 46 percent of the county.

1 MS. COBOS: -- booked. 811 Hispanics.

2 MR. FAIRBANKS: Right. That's 39
3 percent.

4 MS. COBOS: Why such astounding figures?
5 I mean, is there a reason for the -- such high
6 number of individuals of Hispanic descent
7 being there?

8 MR. FAIRBANKS: I think it's kind of
9 unique your -- I think the reason is the
10 education. Remember that the majority of them
11 do not have a high school education that are
12 going into our facility, and also they are
13 single and that has a great impact on the
14 facility. The answer to the correctional
15 problem -- you've got to realize that right
16 now in the nation we've locked up almost as
17 many -- probably more people than there are in
18 the state of Nebraska, 1.3 million. In the
19 last census I read there was like 95,000
20 ~~juveniles~~ juveniles in locked secure facilities. If you
21 analyze that number, it would compare almost
22 exactly to what we're looking at today. The
23 problem is education and the problem is job
24 skills, and that's where we need help.

25 CHAIRPERSON HILL: What's the designed

1 capacity of the jail?

2 MR. FAIRBANKS: When it was built it was
3 designed, when it was built, for 64. The
4 national standards that have been adopted
5 since the eighties, if you put the square
6 footage against that facility, is 24. That's
7 one of the studies that --

8 CHAIRPERSON HILL: Are we trying to
9 relate the 61 to what you'd like as opposed
10 to--

11 MR. FAIRBANKS: Right. That's why we're
12 looking at, just for Scotts Bluff County
13 alone, we're looking at 130 beds we would
14 need, and that's various classification beds.

15 CHAIRPERSON HILL: Your consultant
16 projects what numbers during the next 10
17 years?

18 MR. FAIRBANKS: 130 next 20 years.

19 CHAIRPERSON HILL: The next 20 years?

20 ~~MR. FAIRBANKS:~~ MR. FAIRBANKS: 20 years, right. But
21 with community corrections, if you could stop
22 the recidivism rate, you have really gained
23 because you stop them from coming into the
24 system. You know, if we ship them off to the
25 state pen, 90 percent are coming right back to

1 us. We ship them off for three years, they're
2 right back.

3 CHAIRPERSON HILL: Is your facility, as
4 you look toward community corrections, are you
5 looking toward accreditation also within the
6 jail?

7 MR. FAIRBANKS: For the new one, yes.

8 CHAIRPERSON HILL: Are you familiar with
9 the standards?

10 MR. FAIRBANKS: Right. Yes.

11 CHAIRPERSON HILL: Okay, you've got all
12 of those?

13 MR. FAIRBANKS: We've got all of those
14 standards.

15 CHAIRPERSON HILL: I have no additional
16 questions.

17 MS. COBOS: Do you see the number
18 skyrocketing in minorities during the summer
19 when the migrant farm workers are in the area?

20 ~~MR. FAIRBANKS:~~ MR. FAIRBANKS: I really -- now, we peek
21 by the court system. We're controlled more by
22 the court docket than anything. That controls
23 our daily population, and that means when
24 we're inundated in the court docket with
25 sentencing that controls our population more

1 than anything.

2 MS. COBOS: So the initial -- when they
3 initially bring them in and book them do you
4 keep data?

5 MR. FAIRBANKS: Yes. We just -- we're
6 kind of fortunate, we just finished
7 computerizing the sheriff's department about
8 two years ago and the department of
9 corrections. You're probably looking at the
10 first true computerized report. It's not
11 perfect because when we did this one of our
12 mistakes was on the computer we went by
13 numbers and we went from 11 to 30 years of
14 education because we had somebody in the
15 facility that had two or three master's
16 degrees, a Ph.D., but we forget, we didn't
17 break it so we could tell which ones completed
18 high school, which ones didn't. So we're
19 reprogramming the computer right now. So the
20 ~~next~~ next report will show 10th, 11th grade and
21 then it will show high school completed. And
22 it won't change, because we've talked to the
23 inmates and most of them, it's that high
24 school level is where we run into trouble.

25 MS. COBOS: But the breakdown of the

1 quarters, breakdown into quarters --

2 MR. FAIRBANKS: We'll do that next year
3 when the quarter cycle -- we just finished
4 ours last week and I submitted it to the board
5 Monday.

6 MS. COBOS: Would our committee be able
7 to get a copy of --

8 MR. FAIRBANKS: Uh-huh. Right.

9 CHAIRPERSON HILL: Do you design your own
10 software or do you use a package?

11 MR. FAIRBANKS: We had this designed. We ~~send~~
12 send out people to program school all the way ~~to~~
13 to an advanced program school in Florida, so
14 we design our own system and that's one of the
15 advantages, we can change it.

16 CHAIRPERSON HILL: I'll suggest for
17 whatever it's worth, when you get into the
18 home monitoring and the work release, if that
19 can be broken down by ethnic category also it
20 ~~would be~~ helpful. Not for us, it would be
21 helpful within your own. There's only one
22 other facility in the country that does that
23 that I know of and --

24 MR. FAIRBANKS: Where is that facility?

25 CHAIRPERSON HILL: I've got your address

1 and I've got a package I'll send you in terms
2 of some of the packages that have been put
3 together like that.

4 MR. FAIRBANKS: Okay.

5 CHAIRPERSON HILL: Thank you.

6 MR. FAIRBANKS: Thank you.

7 CHAIRPERSON HILL: Is Mr. Green here?
8 You've been sitting patiently. Mr. Green,
9 would you, please, for the record, give your
10 name, address and occupation.

11 MR. GREEN: My name is Roger Green. I
12 live at 3633 Skyline Drive, Scotts Bluff,
13 Nebraska. I'm a teacher at Western Nebraska
14 Community College. Have been for 28 years. I
15 was a city councilman for the City of Scotts
16 Bluff for 10 years. I'm in my 7th year as a
17 county commissioner.

18 Scotts Bluff County, according to the
19 1990 census, had a population of 36,025
20 ~~people.~~ There are several things that I -- I
21 guess to give you a scenario of the things
22 that I'm looking at, over recent years Scotts
23 Bluff County has gone through a lot of
24 changes. We've had to implement a 911 system
25 of enabling legislation from the legislature,

1 and the point I'm trying to make here is we
2 had to get special legislation to be able to
3 create a county 911 system. We put in place a
4 juvenile facility which we hope will
5 ultimately become regional in nature. Once
6 again this is a precedent kind of thing and
7 once again I think there is some legislative
8 support systems that are not yet in place that
9 need to be put into place in order for us to
10 really fulfill that objective. We're doing
11 the same thing in terms of a regional
12 landfill. Once again we're dealing with
13 changing federal and state regulations in
14 terms of trying to meet the specifications.
15 These things seem to be changing very rapidly
16 for us. And, as the sheriff said, we're in
17 the planning and discussion stage of a new
18 jail that might include arrangements with the
19 State of Nebraska to accept minimum security
20 ~~prisoners~~ on a contractual basis.

21 Two years ago an independent auditor
22 identified the lack of a monitoring system for
23 federal grants and other -- and state grants
24 received by the county or passed through the
25 county for agencies. We were also able to

1 identify a lack of central monitoring system
2 for inventory for Scotts Bluff County. In
3 order to address these shortcomings, as well
4 as to establish a well-run county Keogh
5 operation, which the county also has, the
6 county board also hired a management
7 accountant to establish proper paper trails to
8 audit various activities on an on-going basis.
9 This county has been effective and
10 instrumental in effecting a panhandle-wide
11 drug task force. This county has been
12 involved in both a juvenile facility and a
13 youth shelter for abused children, and we've
14 been involved in economic development in
15 conjunction with the cities of Scotts Bluff
16 and Gering.

17 The image, the picture I'm trying to draw
18 is that Scotts Bluff County government over a
19 very short period of time has grown in a
20 ~~dynamic~~ dynamic fashion, due in part to federal and
21 state mandates and also in part due to
22 community demands. Over the course of time,
23 we've been engaged in conversations with the
24 senator from this district in the Nebraska
25 Legislature, Joyce Hillman, concerning the

1 lack of uniformity and continuity in our
2 county personnel policies. One of the things
3 I think more than anything that we found to be
4 the case is that county government was
5 instituted in Nebraska in the 1880s and a lot
6 of the changes that occurred in federal law
7 and federal mandate were not in the minds of
8 the people that created county government in
9 Nebraska.

10 Anyway, we've also worked with -- we
11 worked with Senator Hillman concerning the
12 lack of uniformity and continuity in our
13 county personnel policies, and we've also
14 worked with the Nebraska Association of County
15 Officials in attempting to create a uniform
16 policy for our county. We ultimately came to
17 the conclusion that without legislation we
18 could not address the problem. What we wanted
19 was an independent board with representatives
20 ~~from the county commission,~~ elected officials,
21 and the public at large to create a personnel
22 board so that we could address areas like
23 comparability in wages based on job
24 description, comparability in terms of salary
25 ranges, to have a uniform method of grievance

1 procedure, and uniform hiring policies. In
2 fact, on two occasions, the county board,
3 Scotts Bluff County Board, budgeted for such a
4 study but found out that once the study was
5 completed there appeared to be no way to get
6 compliance from elected officials. So you'd
7 spend the money, find out what needed to be
8 done to create a uniform personnel policy and
9 once done there was no guarantee that we would
10 get any kind of cooperation because under
11 Nebraska State law each elected official, in
12 essence, has a degree of autonomy that
13 sometimes creates vast vacuums in terms of the
14 operation of county government.

15 In the course of the last couple of
16 years, we've had some independent audits done
17 and they've pointed out that we've had some
18 problems in the area of personnel. Until
19 about a year ago, many of our county officials
20 ~~didn't~~ didn't have job descriptions on file with our
21 personnel officer, and we were very concerned
22 that we were not in compliance with the
23 American Disabilities Act, that we weren't in
24 compliance with some of the federal civil
25 rights acts, that we weren't in compliance

1 with EOC or civil rights laws, other kinds of
2 federally mandated regulations. Now, we found
3 great disparities between job descriptions and
4 work activities and attempted to address these
5 things. For example, one elected official
6 describe one of his employees as a computer
7 programmer; in fact this person was a computer
8 operator and was only a computer operator.

9 In the area of salaries, one family
10 official gave his employees a salary increase
11 in the beginning of the fiscal year, later in ~~the~~
12 that year an employee died, this elected
13 official reallocated this persons, the
14 deceased person's salary to the rest of his
15 employees in the form of raises in wages.
16 This cost a great deal of consternation on the
17 part of the board and other elected officials,
18 and instigated a circular game of leap-frog
19 and catch-up through salary increases and job
20 ~~descriptions~~ descriptions on the part of other elected
21 officials using the rationale that others were
22 doing it.

23 The county board in this state has
24 control only over bottom lines of county
25 budgets. We're also impaired by Lid Law and

1 the fact that salaries certainly are one of
2 the largest costs of county government. The
3 public holds the county commission accountable
4 but in fact the county commission doesn't have
5 the authority to establish job and wage
6 comparability. Some elected officials are
7 submitting -- submit salaries based on monthly
8 computations, others based on hourly
9 computations. Elected officials are not
10 always aware of what other elected officials
11 are doing in terms of salaries and fringes and
12 grievances, and there's a lot of bitterness
13 and mistrust because of the lack of continuity
14 and the lack of coordination in terms of
15 existing policies, but state law allows this
16 to continue as it is. There's no central
17 mechanism for monitoring sick leave, vacation
18 leave, and other kinds of benefits in terms of
19 projecting future accountability for budget
20 ~~purposes.~~ Funeral leave is permitted at the
21 discretion of elected officials in terms of
22 their policies. There's no objectively
23 defined criteria in many of these policies.
24 The county attorney's office, county employees
25 of the court system, and appointed officials

1 under the county board are currently under the
2 board of commissioners' personnel handbook,
3 but there are seven elected officials who have
4 not participated in this in the past so we, in
5 essence, have disparate personnel policies and
6 a lack of coordination between them. One of
7 the problems that seems to be very apparent is
8 that not all county officials are fully
9 informed as to what's necessary to bring them
10 into compliance with federal laws. I would
11 say that -- and I said that the personnel
12 policy that is currently under the county
13 board, meaning all appointed officials and
14 employees working under those appointed
15 officials are operating under the county
16 commissioners' personnel handbook and this
17 policy was written in cooperation with the
18 Nebraska Association of County Officials, and
19 the intent was to create a personnel policy
20 ~~that would~~ provide fairness and objective
21 criteria in both hiring and grievance
22 procedures.

23 Now, the sheriff's department under state
24 law does operate under a separate merit system
25 in Nebraska. There have been complaints from

1 the Hispanic and Native Americans in this
2 community that the hiring process as employed
3 in some county offices are discriminatory and
4 not based on merit or objective criteria.
5 We've had many situations where relatives and
6 friends may have received preferential
7 treatment in job opportunities, and by the way
8 this is not -- it's not something that is not
9 acceptable under Nebraska. Nebraska law does
10 not prohibit nepotism or this kind of thing in
11 terms of the hiring practice of elected
12 officials.

13 It has been suggested, I've been
14 contacted by the Hispanic community and the
15 Native American community and it's been
16 suggested that there's a significant disparity
17 between the Hispanic population in Scotts
18 Bluff County and the number of employees in
19 the offices of county elected officials.

20 ~~There~~ There have been some complaints also about
21 shave and a haircut form of appeal process in
22 Scotts Bluff County, and to the best of my
23 knowledge there still appears to be some
24 disparity in this area. The need has been
25 apparent to the county board of a balanced

1 appeal process where all interest groups in
2 the county are allowed to participate in a
3 fair process. For that reason, Scotts Bluff
4 County, through its State Senator Joyce
5 Hillman, has supported the introduction of LB
6 212 in the Nebraska State Legislature. There
7 have been proposed amendments to it. It was
8 heard by the Government Affairs Committee, I
9 believe, in Lincoln. I testified on behalf of
10 that bill. The essential purpose of the bill
11 would be to enable Scotts Bluff County to --
12 it would allow county action for counties to
13 in fact implement a personnel policy that if
14 the county -- county option that if it were --
15 if the county chose to do it, it would provide
16 a centralized personnel mechanism so that
17 everybody would be accountable, all elected
18 officials in that county as well as appointed
19 officials, so you would have one uniform
20 ~~process.~~ Now, it was heard. It was not a
21 priority bill of any state senator but the
22 committee didn't kill it. There was some
23 initial opposition from the Nebraska
24 Association of County Officials, especially
25 concerning the possibility that it mandated

1 for all counties. And the position taken by
2 the Nebraska Association of County Officials
3 was that not all counties need it -- were in
4 the same situation or circumstances that they
5 were dealing with were not all the same. And
6 so one of the amendments that was proposed and
7 which apparently seemed to make Nebraska
8 Association of County Officials more receptive
9 was that it be optional on a county basis.
10 Scotts Bluff County has addressed or
11 identified a need for such a personnel policy,
12 and we've supported the passage of this
13 legislation with the idea that a personnel
14 board providing hiring and grievance
15 procedures should be comprised of employees of
16 the county, elected officials of the county,
17 and citizens at large so that, in fact, what
18 we do have is a system that is monitored by
19 the community and participated in by the
20 ~~community~~ community. And yet we want procedures in
21 place that in fact do conform to federal and
22 state statute.

23 CHAIRPERSON HILL: Questions?

24 MR. ART HILL: I've got some questions.
25 How many commissioners does the county have?

1 MR. GREEN: Five.

2 MR. ART HILL: How are they elected?

3 MR. GREEN: At large. Check that, by
4 district -- I'm sorry. I stand corrected, by
5 district. There are five districts.

6 MR. ART HILL: Okay.

7 MR. GREEN: When I was a city councilman
8 it was at large.

9 MR. ART HILL: Okay. Now, how many
10 employees does the county have and what is the
11 minority breakdown?

12 MR. GREEN: I don't have a minority
13 breakdown, but the number was 279 employees.
14 The minority breakdown I don't have, but I
15 think it would be available from the county
16 personnel office. Scotts Bluff County
17 Personnel Office would have the number.

18 MR. ART HILL: To get to this panel would
19 we have to request it?

20 ~~MR. GREEN:~~ MR. GREEN: I can request it for you. I
21 don't know how -- you know, how quickly we can
22 expedite it, but we can sure get it for you.
23 It shouldn't be that difficult.

24 MR. ART HILL: You wouldn't know if there
25 are any Native Americans in that 279?

1 MR. GREEN: There have been. You know, I
2 don't -- I -- as a county commissioner, I'm
3 not directly involved in day-to-day operations
4 involving personnel, but I know that there
5 have in fact have been because I've had
6 students from here, Native American students,
7 who have been employed by the county.

8 MR. ART HILL: Okay. Here's another
9 question. As a policymaker of the county, I'm
10 sure that you are familiar with the Indian
11 Child Welfare. I mean, are you familiar with ~~the~~
12 the Indian Child Welfare Act?

13 MR. GREEN: Not in terms of specifics I'm
14 not. Not in terms of specifics.

15 MR. ART HILL: You are aware that it is
16 there; right?

17 MR. GREEN: Well, I'm sure that it's been
18 explained, but in not in -- you want to give
19 me kind of quick synopsis of what your point
20 ~~is?~~ is?

21 MR. ART HILL: Well, I'm sure that, you
22 know, the county is like the overall
23 policymaker for the county.

24 MR. GREEN: Yes.

25 MR. ART HILL: And Indian Child Welfare

1 cases do start from the street level and do
2 work themselves up. That's what I'm trying to
3 get at, to see whether you are even familiar
4 with the operation, or I would expect you to
5 go back to your office and say, I need to find
6 out what that guy was talking about, you know,
7 and get a copy of that law and read it.
8 Because sooner or later when -- it's going to
9 come up to you.

10 MR. GREEN: I guess what I can say is
11 that one of the things we've done with a
12 fellow by the name of Mark Monroe and the
13 Lyons, we've cooperated with him in terms of
14 providing transportation to Native Americans
15 from this area who wish to go back to South
16 Dakota in terms of receiving medical
17 assistance and things like that. We've -- you
18 know, when we were approached by the Native
19 American community that, you know, we
20 ~~cooperated~~ and have provided some funding for
21 that.

22 MR. ART HILL: Okay. Thank you.

23 MR. GREEN: But, you know, I will check
24 into what you are talking about.

25 CHAIRPERSON HILL: Rosa?

1 MS. COBOS: Have there been any changes
2 in the general assistance rules since the
3 takeover?

4 MR. GREEN: The takeover? You're talking
5 about the county?

6 MS. COBOS: By the county.

7 MR. GREEN: The only change that I would
8 suggest happened is there have been a number
9 of charges by citizens that in fact people
10 were receiving services that they were not
11 entitled to, and so the only thing that I
12 would say that any change is that I think
13 we're trying to do better background checks to
14 be sure that in fact people who are receiving
15 assistance are entitled to the assistance they
16 are receiving.

17 MS. COBOS: What I am talking about is
18 the regulations themselves, have there been
19 any changes in the regulations themselves?

20 ~~MR. GREEN:~~ MR. GREEN: I know that -- well, not to
21 my -- I --

22 MS. COBOS: Not to your knowledge?

23 MR. GREEN: Well, I guess what I'm saying
24 is when we implemented this as a county
25 position and it took over what was a

1 contracted service by the state, we've
2 attempted to implement a program that in fact
3 serves the needs of the county. Now, whether
4 it -- in terms of substance whether there is
5 anything significantly altered, not to my
6 knowledge.

7 MS. COBOS: Not to your knowledge?

8 MR. GREEN: Not to my knowledge.

9 MS. COBOS: We had some -- an applicant
10 that was very concerned about migrant farm
11 workers and how the county is going to be
12 treating them this year. He testified when
13 the Department of Social Services had a
14 program they always had accessible funds for
15 emergency housing for migrant farm workers,
16 and what the concern here was, you know, what
17 should migrant farm workers expect with regard
18 to access to your agency housing funds from
19 your county this summer.

20 MR. GREEN: There are two farmers on the
21 county commission. One of them has been
22 actively involved, a man by the name of
23 Willard Camersville (phonetic) has been
24 actively involved in communicating with these
25 people in terms of housing problems.

1 Certainly it's deemed to be an issue of
2 concern to people in this area because
3 agriculture is very importing, and having
4 these people here to provide assistance
5 economically is very important too. So it's
6 deemed to be a problem that the county has to
7 be a part of in resolving, so we've been
8 involved but, you know, there are things that
9 have fallen through or things that, in terms
10 of federal funding and some things that we
11 attempted to pursue, that we've attempted to
12 cooperate with the local representatives who
13 are advocates of the migrant workers. So, to
14 the best of my knowledge, we've tried to
15 cooperate as much as we could with them.

16 MS. COBOS: So you believe it will be
17 just as accessible and available as it was
18 when the Department of Social Services had the
19 program?

20 ~~MR. GREEN:~~ MR. GREEN: Well, I would -- if what you
21 are saying -- if you are defining success in
22 terms of trying to meet the needs of people,
23 I'm hoping that it will. It's, you know --
24 and I'm -- in this community, it's a small
25 enough community. I know Steve Janis. I know

1 people from this community and they are not
2 inhibited about coming before the county
3 commission, or catching me on a street corner
4 and saying, hey, this thing is not working the
5 way I want it to work.

6 MS. COBOS: I also understand that the
7 county commissioners have control of several
8 houses that have been confiscated by the drug
9 arrests that have occurred, and how many
10 houses do you have available?

11 MR. GREEN: That was a question you
12 should have asked the sheriff and the people
13 in the -- some of those things are in process.
14 They're in court process.

15 MS. COBOS: Okay.

16 MR. GREEN: So, insofar as the county,
17 you know, as far as my knowing any specifics
18 about that, I don't have any information about
19 it because I don't think they are far enough
20 ~~in terms of~~ the legal system for us to have
21 actually acted --

22 MS. COBOS: Will the county eventually be
23 taking --

24 MR. GREEN: Wait a minute.

25 UNIDENTIFIED MALE: I think there was one

1 house that was auctioned.

2 MR. GREEN: Yeah, there was one house
3 that was auctioned that was related to this,
4 and I think only one; is that correct?

5 MR. FAIRBANKS: So far.

6 MR. GREEN: But there are others in
7 process?

8 MR. FAIRBANKS: Yes.

9 MS. COBOS: So the county commissions
10 have absolutely no say so in what occurs with
11 those houses?

12 MR. GREEN: That's pretty much run by --
13 the law pretty much dictates what's done; is
14 that not correct?

15 MR. FAIRBANKS: It's established by state
16 statutes with the Advisory Board.

17 CHAIRPERSON HILL: Do you have a
18 question, Ascension?

19 MR. HERRANDEZ: More like a comment.

20 ~~First~~ of all, I want to thank you for coming
21 before us, and, in my assessment visit to
22 Scotts Bluff County, I did go to -- well,
23 Scotts Bluff, Gering, the courthouses in the
24 cities, and I did hear some stories or some --
25 they related some incidents of discrimination

1 in terms of employment and some stressful
2 situations on the job because persons who were
3 in authority in the work force -- in the
4 workplace situation. And the only thing I
5 want to do is commend you in terms of
6 supporting the type of legislation that would
7 address those type of issues. While it might
8 not help one or two individuals that were
9 affected by stress on the job, vis a vis
10 discrimination, I think this is a good start
11 if it gets going through the process and gets
12 implements. So thank you for that.

13 MR. GREEN: The county personnel policy
14 has been in place I think about a year, and
15 I'm not sure that all employees, although
16 every employee does get a personnel handbook,
17 I think there are some people that are
18 sometimes intimidated and so, you know, what
19 they might tell you they might not tell me.
20 ~~They might~~ -- I think there are people who
21 say, well, you know, it's a stacked deck in
22 terms of the grievance procedure, or I really
23 don't have recourse. I think the policy that
24 we now have in place is much more effective in
25 terms of assuring objectivity and a fair

1 hearing than existed before. But that's only
2 for the county board and appointed officials.
3 And the county attorney's office, by the way,
4 does participate in the personnel policies of
5 the county board. But there are seven elected
6 officials who have their own procedures and,
7 as I said, I think that the lack of
8 consistency and the lack of continuity causes
9 problems, and perhaps some stress and so forth
10 in terms of some employees who might feel that
11 the process that's implemented in some elected
12 offices is not fair and objection.

13 Now, my primary reason for being here is
14 that I was contacted by some people in the
15 Hispanic community and I have the -- my
16 district comprises a significant number of
17 Hispanics and Native Americans, and so I, you
18 know, when the issues arise involving these
19 people, as a city councilman and as a county
20 ~~commission~~ commission, I felt like, you know, this is
21 something I need to address and I've attempted
22 to do that. I don't want to -- I guess what
23 I'm trying to say is I think we're changing.
24 I think county government is, you know, a
25 million miles behind city management forms of

1 government and some other forms where you have
2 accountability. I think in situations where
3 you have a decentralized kind of political
4 system it's very easy for people to do things,
5 you know, an elected official does something
6 wrong the county is sued, even though the
7 county may very well have not done it that
8 elected official has the benefit of being
9 protected by the aegis of county legal
10 protection, but what that person has done,
11 whether it's an assessor, whether it's a
12 registrar of deeds, whether its clerk, or
13 whomever, then people assume, well, the county
14 is really screwing up. When, in point of
15 fact, the issue is really the way the law
16 reads and the lack of accountability and the
17 autonomy that exists within county government.
18 We don't have, at least at this time without
19 some kind of new legislation from the state,
20 ~~the~~ the opportunity to come up with a
21 comprehensive personnel system so that
22 everybody's got -- they're on the same page,
23 same paragraph, same line and everybody says
24 this is the way the system works and this is
25 exactly how I can go about addressing it. We

1 have under existing personnel policies of some
2 of the elected officials the grievance stops
3 and ends with the elected official. There's
4 no step beyond that, and essentially I think
5 that's unfair and I've said, I testified to
6 that effect before the legislature.

7 CHAIRPERSON HILL: Commissioner, more of
8 a perception hypothetical. You've been around
9 a long time within the government and within
10 the population and so you may be in a better
11 position than anybody else we've had to kind
12 of look out a window at the general area,
13 thinking out loud with us, if you would, not
14 that long ago the State of Nebraska had a
15 series of commission offices located in
16 western Nebraska.

17 MR. GREEN: Indian Commissions?

18 CHAIRPERSON HILL: American Commission,
19 instead of everything just being in Lincoln.
20 ~~Since~~ Since they've been withdrawn, have you seen
21 any change in people's perception of their
22 accessibility or actual accessibility?

23 MR. GREEN: Yes. And I think that people
24 are not as happy. They don't feel that they
25 have the same kind of opportunities to be

1 informed or to pursue redress as they had
2 before when there were in fact extensions of
3 those agencies in this part of the state.

4 CHAIRPERSON HILL: Appreciate your being
5 here. Thank you very much.

6 Mr. Muller, for the record, would you
7 please start with your name, address and
8 occupation.

9 MR. MULLER: Yes. My name is Alan
10 Muller. I'm the assistant city manager for
11 the City of Scotts Bluff. Office address is
12 1818 Avenue A. I've been with the city for
13 about two years. I'd like to thank the
14 commission for the opportunity to address you
15 today. The city manager, Keith Chance, is out
16 of town and that's why I'm here today.

17 I'd like to start by making just a few
18 brief general comments, and then with me today
19 also is the city's personnel director, Dawn
20 ~~Piatt~~, and the city's community development,
21 Cindy Dickenson, and they will provide more
22 details on their respective areas.

23 The 1990 census population for the city
24 is 13,711. It is governed by a
25 council/manager form of government. The five

1 member council is elected at large and is
2 currently composed of one female and four male
3 members. At the last election in November of
4 1992, two incumbents, one male and one female,
5 and two male challengers were on the ballot.
6 No ethnic minorities filed for placement on
7 the ballot. The incumbents were reelected by
8 wide margins.

9 The city operates on a \$17 million annual
10 budget with property tax, a 1 percent sales
11 tax, and user fees composing the majority of
12 revenue. The city organization is composed of
13 18 departments which include general
14 governmental functions and also city operated
15 utilities of water, sewer, and sanitation.

16 In January of this year the city council
17 and staff participated in a two-day strategic
18 planning process, and we feel that we are
19 proactively addressing the needs of this
20 ~~community~~ community through the goals that we have
21 adopted. The mission statement reads as
22 follows:

23 "The City of Scotts Bluff is committed to
24 providing the best possible service to
25 all citizens in the regional community

1 through responsible political
2 administrative leadership. Guided by
3 citizen participation this cooperative
4 endeavor will strive to efficiently
5 enhance the living, environment, and
6 quality of life."

7 The goals are being implemented through
8 a series of employee and citizen task forces,
9 and a copy of the mission statement and the
10 goals is included in some handouts that I'll
11 distribute when I'm done.

12 The city has also recently undertook a
13 comprehensive ADA compliance survey, and
14 during the next two years we will be spending
15 over \$288,000 to upgrade city facilities to
16 make the accessible to the physically
17 challenged. In addition, during the last two
18 years, we have upgraded job descriptions to
19 make them in conformance with the ADA and to
20 ensure accessibility to employment.

21 So, at this point, I'll conclude my
22 remarks and turn the podium over to Ms. Piatt,
23 and when we're all three done with our
24 presentations we've be happy to answer any
25 questions.

1 CHAIRPERSON HILL: Welcome. Also, for
2 the record, name, address, and occupation.

3 MS. PIATT: My name is Dawn Piatt, and
4 I'm personnel director for the City of Scotts
5 Bluff. The address is 1818 Avenue A. I have
6 some information concerning -- (giving
7 handouts to panel).

8 I have been with the city since July of
9 1991. My function is to ensure proper
10 training and development of staff in all
11 matters relating to personnel. I also serve
12 as secretary of the Civil Service Commission
13 and function as the city's affirmative action
14 program coordinator and equal employment
15 officer. The City of Scotts Bluff employs
16 approximately 179 full and part-time
17 individuals in numerous capacities during the
18 course of a year. The services provided by
19 the city are varied, thus the functions and
20 ~~minimum~~ qualifications of each job are
21 different. The national origin of 179 city
22 employees are as follows: 1 Native American;
23 1 African American; 17 Hispanics; and 160
24 Caucasian. Thus 12 percent of the employed
25 population is comprised of minorities. The

1 breakdown of gender is as follows: 127 males
2 and 57 female employees.

3 Each full time and part-time employee of
4 the City of Scotts Bluff is given a personnel
5 manual which explains the benefits that the
6 city provides, as well as the policies of the
7 city in regards to employment. The personnel
8 manual provides policies for equal employment
9 opportunities, and in the back of the
10 information that I have presented I've
11 included all of those policies. These
12 policies include creation of affirmative
13 action program coordinator, an equal
14 employment officer, continual review of the
15 affirmative action program, recruiting
16 campaigns for minorities, investigation and
17 counseling for any minority, career
18 development and affirmative action goals.
19 Specifically the city has provided policies
20 ~~which~~ ensure that no applicant for a position
21 with the city service shall be prohibited from
22 securing employment with the City of Scotts
23 Bluff as a result of race, religion, color,
24 sex, age, disability, marital status, national
25 origin, or political affiliation except where

1 age, sex, or physical ability constitutes as a
2 bona fide occupational qualification necessary
3 for job performance.

4 Front line supervisors and department
5 heads have received various types of training
6 during the last year and a half. Such
7 training has included the following areas:
8 sexual harassment, the Americans with
9 Disabilities Act, and questions that cannot be
10 asked during an employment interview. In
11 addition, all employees of the city are
12 offered an opportunity to attend various
13 training seminars offered in the local area.
14 The information is disseminated through the
15 use of the employee newsletter. Most
16 recently, topics such as "Community Conflict
17 Management," "Powerful Communication Skills
18 for Women," "Motivating to Achieve
19 Potential," and "Projecting a Positive
20 ~~Image,~~" have been offered throughout the
21 newsletter. During the course of the year
22 several positions are filled through the
23 city's recruitment efforts. When a position
24 becomes available the city advertises in the
25 Star Herald, a newspaper published and of

1 general circulation of the city. Notice is
2 also sent to 45 different agencies which cover
3 a wide spectrum of individuals, and I have
4 also attached a list of all the agencies that
5 receive the job opportunity.

6 To be considered for a particular
7 position, a general application form and a few
8 questions must be completed and returned to
9 the personnel department. The city does not
10 keep any applications on file so each time an
11 opening is available in the city you must
12 reapply. The department head and myself
13 examine the various applications for minimum
14 qualifications and experience to determine
15 which of the interviews will be asked to come
16 in for an interview. The job description for
17 the 87 different positions of the city
18 currently was updated in 1992 to comply with
19 the ADA. As well, it should be noted that the
20 ~~city~~ city updates each job description on a yearly
21 basis during the employee's evaluation year.
22 Thus the essential functions of each job and
23 the qualifications are kept current and up to
24 date. Interviews are conducted by an
25 interview board which consists of at least two

1 people but as many as four. A representative
2 from the personnel department, which is
3 usually myself, is always present. Before the
4 interview, I review all questions that will be
5 asked of the candidate during the course of
6 the interview to ensure that the questions are
7 legal employment questions. During the
8 interview, the individual is asked job-related
9 questions and is sometimes asked to perform
10 skills tests, depending on the job. Such
11 tests include typing test, operations of heavy
12 equipment, or assessment center exercises.
13 Through the course of the interview and before
14 the specific skill tests, each candidate is
15 asked of any reason accommodation as necessary
16 in performing the job itself or the tests.
17 Each candidate is rated upon their responses
18 to the specific questions asked,
19 qualifications and experience, and performance
20 ~~on skill~~ tests, if applicable. The references
21 are then checked and the position is offered
22 to the individual who best meets all the
23 qualifications. Any individual that believes
24 that he or she has been discriminated against
25 may seek counseling from the personnel

1 director slash affirmative action program
2 coordinator. This individual has the
3 authority to investigate the facts of the
4 employment rejection and determine if any
5 discrimination has occurred. The personnel
6 director can then recommend a course of action
7 and disciplinary procedures to the city
8 manager for approval. The City of Scotts
9 Bluff is a fair and impartial employer to both
10 current employees and candidates looking for
11 employment. City staff has received training,
12 guidelines in the form of policy and constant
13 coaching to ensure that each individual is
14 given the opportunity to be judged on their
15 experience and qualifications.

16 That's the end of my remarks. Thank you.

17 CHAIRPERSON HILL: Name, address.

18 MS. DICKENSON: Same thing.

19 CHAIRPERSON HILL: You know the drill.

20 ~~MS. DICKENSON:~~ MS. DICKENSON: Yeah, I know the rules.

21 My name is Cindy Dickenson, and I'm the
22 community development administrator for the
23 City of Scotts Bluff. Business address is
24 1818 Avenue A. And also I have some handouts.
25 (Distributing handouts to panel.)

1 I have been the community development
2 administrator for approximately five years.
3 The City of Scotts Bluff has participated in
4 community development block grant programs
5 through the Nebraska Department of Economic
6 Development over the past 14 years. My
7 position as the community development
8 administrator involves the direct day-to-day
9 contact with administering the grants and
10 monitoring the progress. During the time the
11 city has received these federal grants, a
12 number of community revitalization programs
13 have been completed in the target areas. The
14 target areas include all of southeast Scotts
15 Bluff and Hunts Tracks which is located west
16 of town, and these areas are identified on a
17 map which I've included in your packet.

18 The areas are designated as such because
19 of the blighted conditions of the properties
20 ~~and also~~ we do income surveys and find that
21 over 51 percent of the residents in these
22 neighborhoods are considered to be low to
23 moderate income based on HUD guidelines. The
24 community revitalization that occurred over
25 the past 14 years includes such things as

1 paving the streets, installing street lights
2 and sidewalks, building a community center in
3 Hunts Tracts, housing rehabilitation,
4 demolition of unsafe, dilapidated structures,
5 clearance of junk cars, appliances, and debris
6 from the target areas, rehabilitation of
7 rental properties which are available to low
8 to moderate income tenants. A day care
9 facility which is currently being built on the
10 Western Nebraska Community College campus.
11 This facility will provide day care for
12 Headstart clients, low to moderate income
13 residents, and college students. The city
14 will continue to assist with these types of
15 activities in the future.

16 The Community Development Block Grant
17 Program requires the government recipient to
18 comply with civil rights mandates. The laws
19 and regulations involving these mandates
20 ~~involve~~ the Civil Rights Act of 1964, Title 6;
21 the Civil Rights Act of 1968, Title 8; Housing
22 and Urban Development Act; the Rehab Act of
23 1973, Section 504; Title 1, Housing and
24 Community Development Act of 1974, Section
25 109; the Age Discrimination Act of 1975;

1 Executive Orders 11063, 11246, and 11259; OMB
2 Circular A102, Attachment O; and Section 106
3 of Title 1; and the Fair Housing Amendment Act
4 of 1988. The Community Development Block
5 Grant Program manual addressing these
6 requirements is also attached, so you have a
7 little bit more detailed information.

8 The city has established a Fair Housing
9 Commission to ensure that there shall be no
10 discrimination in the acquisition, ownership,
11 possession, or enjoyment of housing throughout
12 the city. The commission is designed to
13 accept and investigate complaints and make
14 recommendations to the city council. A copy
15 of this ordinance is also included. The
16 Community Development Advisory Committee is
17 comprised of five volunteers made up of
18 residents of the community. The makeup of
19 this includes three women, two of which are
20 ~~Mexican~~ Mexican American, and one Caucasian woman, and
21 two white males. These people represent the
22 target areas and different economic
23 backgrounds. Their main function is to review
24 all housing rehab applications and to
25 determine which applicants shall receive

1 assistance. Priority is given to families who
2 qualify financial, which means they are below
3 80 percent of the median income, large
4 families, and their property poses hazardous
5 conditions and other assistance has been
6 denied. The priority rating guide is attached
7 also for your information.

8 The city receives more requests every
9 year than there are funds available so the
10 guides are used to determine the priority
11 order. Over the past ten years the Housing
12 Rehabilitation Program has assisted 57
13 families. 88 percent of the grant loan
14 recipients represent minority status. When
15 needed, we have two advisory committee members
16 and one city staff person who is available to
17 interpret for non-English speaking clients.
18 The community development guidelines and
19 application are also available in Spanish.

20 ~~The city~~ The city has a very good working relationship
21 with the Indian Center incorporated of Lincoln
22 and Scotts Bluff. The city has submitted
23 grants on behalf of the Indian Center to
24 develop additional housing and most recently a
25 home grant for home ownership assistance. A

1 city council member is on the Tenant Selection
2 Committee, and the Case Coordination
3 Committee.

4 The community development has also been
5 sensitive to the needs of the physically
6 challenged. The city currently has an ADA
7 compliance plan. House rehab plans and
8 specifications are prepared to accommodate
9 clients faced with special needs. All
10 interviews and preconstruction conferences
11 with physically challenged clients are
12 scheduled at the client's home to avoid
13 unnecessary travel.

14 Health and rehabilitative services, which
15 is also know as HOSSI, in the city have also
16 coordinated efforts in obtaining grant funds
17 to renovate a motel into seven apartments for
18 mentally handicapped residents. These units
19 are also affordable for low-income tenants.

20 ~~HOSSI~~ HOSSI is an organization that deals with
21 basically housing mentally handicapped people
22 and putting them into an employment situation.

23 The community development department
24 works very closely with low-income residents,
25 either through the rental or owner-occupied

1 rehabilitation programs. Special outreach
2 efforts include distributing notices of the
3 meetings and grant awards to Guadalupe Center,
4 which is in the southeast target area; to the
5 Hunts Tracts Community Center in the west
6 target area; to the YMCA, the Indian Center,
7 Panhandle Community Services, Social Services,
8 and distributing press releases to the local
9 newspaper and radio station. The city has
10 been sensitive to the special housing needs of
11 all residents of the community. We have
12 assisted with a variety of housing
13 developments and the rehabilitation of
14 existing homes to provide safe, sanitary
15 living conditions for residents of Scotts
16 Bluff.

17 The city will continue to seek federal
18 funds to improve the living conditions of our
19 community.

20 ~~Now~~ If you have any questions or need
21 anything later on, I gave you my address and
22 phone number on the form also.

23 CHAIRPERSON HILL: Art, do you want to
24 start?

25 MR. ART HILL: I would like to start with

1 the personnel director. How many minority
2 employees do you have with the city and what
3 is the percentage breakdown?

4 MS. PIATT: Okay. We have 1 Native
5 American; 1 African American; 17 Hispanic.
6 That's all the minority population. We have
7 about 12 percent minority population out of
8 the 179 city employees currently.

9 MR. ART HILL: Okay. A couple of other
10 questions. On the list that you submitted, is
11 there any reason why the Nebraska Indian
12 Commission isn't on there?

13 MS. PIATT: No, there is not. How the
14 list was developed, it was developed before I
15 got here, and as people send out it just keeps
16 growing and growing. People will find out
17 about the list and so they ask us to put them
18 on their mailing list, and we can certainly do
19 so.

20 ~~MR. ART HILL:~~ MR. ART HILL: And then the other thing I
21 have I guess is more of a suggestion than
22 anything else. Whenever you advertise, you
23 know, people like to say, especially persons
24 that are trying to hire minorities, try to
25 come up with a diverse staff, that they do go

1 make an active effort to recruit minorities.
2 And I've told other people that have come
3 before us that one of the ways to do it is to
4 advertise through the "La Cota Time," or the
5 "Indian County Today." It might cost you some
6 money but you're going to get the word out
7 throughout the country. There's a lot of
8 master's degree people walking around out
9 there, like everyone else, that need a job.
10 And one of the -- you don't hear the excuse
11 more, oh, we try to hire Native Americans but
12 we can't find them. But they are out there,
13 and I live in Omaha and the different
14 organizations who advertise in the "World
15 Herald," granted the "World Herald" goes
16 statewide, but that's about it. So I started
17 pushing them. I used to have a list of all
18 the Native American publications around the
19 country but I don't have it with me. I do
20 ~~know that~~ the "La Cota Times," is read by all
21 the people throughout the -- all the Native
22 Americans throughout the country, so, again, I
23 would just offer that as a suggestion.

24 MS. PIATT: I appreciate it. Thank you.

25 MR. ART HILL: Sure. And then on the

1 other, the housing lady, we have heard a lot
2 of testimony that housing is a priority,
3 especially -- it's a problem I guess,
4 especially among minorities here in Scotts
5 Bluff. And I know you work with the Indian
6 Center, the Lincoln Indian Center and the
7 local Indian Center here. Regardless of how
8 much you're trying to do, the complaints still
9 keep coming in, and so I don't know if you are
10 aware of it and whether anything is being
11 done. Like I guess one example is the migrant
12 population that does come. Whether they even
13 fall under the purview of these laws that you
14 have listed here and whether anything is done
15 to try to help then, and that also goes
16 through with the Native American population.

17 MS. DICKENSON: Yes, I'm very much aware
18 of the situation. It is a real problem and it
19 hasn't really I think become a noticeable
20 ~~problem~~ until the last maybe two years because
21 of our shortage of housing. We've always it
22 seems like had sufficient housing in the past.
23 We have submitted a number of grants. We did
24 just receive a home grant that will help us to
25 purchase properties and also bring in in-field

1 housing. We've done a lot of rehab but that
2 hasn't increased our housing population. We
3 do have a grant right now that will enable us
4 to build houses. And what they are planning
5 on doing is prefab homes, modular homes and do
6 in-field housing in our target area. There's
7 an organization in town that has been just
8 recently formed. I don't know if they have
9 testified or not, called the Community
10 Development Coalition, and Steve Janis is a
11 member of the coalition. They are working on
12 a number of grant programs right now to do
13 this project. Their director has also helped
14 a lot with the minority -- I mean, with the
15 migrant housing problem, and I think that they
16 have a grant application in progress right now
17 to build some units for migrant housing, and
18 that would be through Panhandle Community
19 Services. So there's a lot of things in the
20 ~~making~~ right now. Unfortunately, like with
21 all the government programs, it takes some
22 time to get the housing here and get it up and
23 going.

24 MR. ART HILL: There is a suggest again I
25 would like to offer you and Steve, is that

1 there's a whole separate department in HUD
2 that deals strictly with Indian housing, and
3 it goes to tribes. Tribes have their own
4 housing authorities and they build houses for
5 Indian people. Within my tribe, we build
6 houses in the little Indian towns in western
7 Oklahoma, much like western Nebraska. We've
8 got our Alliances, Chadrons, and Scotts Bluffs
9 in western Oklahoma where conditions are very
10 bad for Native American people. But our tribe
11 also has jurisdiction over that area. And I
12 don't know how -- I think you can try
13 something different and something innovative,
14 and I think the people are really committed.
15 They would approach the Housing Department in
16 Washington, D.C., because there's a lot of
17 houses that are not used by every tribe, those
18 slots go back, and some of those tribes that
19 are very aggressive will go in and get those
20 extra houses. Like the Cherokee tribe or the
21 Apache I've found out about. They will go in
22 and get those extra houses. Why can't we ask
23 them to give those extra HUD houses to places
24 like Alliance, Chadron, and Scotts Bluff?

25 MS. DICKENSON: You mean the houses have

1 been foreclosed on?

2 MR. ART HILL: No, they're not even
3 built.

4 MS. DICKENSON: Okay.

5 MR. ART HILL: They're not even built,
6 but they're slots more or less and they're not
7 -- that's the way it used to be. Maybe
8 they're all used now, I don't know.

9 MS. DICKENSON: And tribes need to apply
10 for those funds; is that correct?

11 MR. ART HILL: Right. Based on their
12 population they get X number. But some tribes
13 don't follow through. Maybe they're having
14 problems or something. Maybe they don't apply
15 for the full amount, but there are some. But
16 it's going to take someone like Steve Janis
17 and your people to investigate it, and it
18 won't happen overnight. It's going to require
19 some work and some research, but I think that
20 the door is open if someone wants to try it.
21 That's all.

22 MS. DICKENSON: Good idea. Thank.

23 MS. COBOS: I have a question for Cindy.
24 The funds that you receive for the Community
25 Development Block Grant, are they just limited

1 to revitalization?

2 MS. DICKENSON: No. We also do
3 demolition of substandard properties and
4 relocation. If someone is living in a house
5 that can't be rehabed at all then we relocate
6 them to a different house.

7 MS. COBOS: But either way they have to
8 either be property owners or homeowners in
9 order to qualify?

10 MS. DICKENSON: Right.

11 MS. COBOS: For the Community Block
12 Grant, as of now. I mean, later you're
13 planning to acquire more funding to purchase
14 homes?

15 MS. DICKENSON: Right. The Home Grant
16 provides funds for first time buyers,
17 homebuyer assistance. So that will help
18 people who don't own a home now. The rehab
19 funds are just for owner-occupied applicants,
20 ~~and then we~~ also have some rental rehab funds
21 to fix up rental properties.

22 MS. COBOS: Oh, you do. How does one go
23 about applying for that?

24 MS. DICKENSON: The landlord applies for
25 the funds and then it's a loan program.

1 MS. COBOS: For the landlord? The
2 landlord has to be willing to --

3 MS. DICKENSON: Yeah, and then they have
4 to be willing to comply with all the program
5 requirements which means that they have their
6 house available for low-income tenants for a
7 period of ten years.

8 MS. COBOS: Does that also -- I mean,
9 does that include -- would the city put liens
10 upon it?

11 MS. DICKENSON: Uh-huh.

12 MS. COBOS: As part of the --

13 MS. DICKENSON: Right. Put a lien on the
14 property for ten years to make sure that they
15 comply with the rules and regulations.

16 MS. COBOS: Would that program also
17 include like additions, building an addition?

18 MS. DICKENSON: I don't think that we've
19 done any additions. Most of them have to be
20 ~~in violation~~ in violation of some of the Section 8
21 standards, and if they are in violation then
22 we can go in and bring them up to code so they
23 can be rented through the Housing Authority.

24 MS. COBOS: Okay. As you're probably
25 aware, not very many Native Americans in our

1 community own homes.

2 MS. DICKENSON: That's probably a true
3 statement.

4 MS. COBOS: So probably not very many of
5 these funds are reaching that population.

6 MS. DICKENSON: Other than maybe through
7 the rental programs.

8 MS. COBOS: Through the -- oh, the --
9 let's see, you said that there were grants
10 awarded to the local Indian Center?

11 MS. DICKENSON: Uh-huh.

12 MS. COBOS: Do you know the number of
13 homes that are being -- that were purchased by
14 the --

15 MS. DICKENSON: Four.

16 MS. COBOS: Four home currently?

17 MS. DICKENSON: That's how many they own
18 now, uh-huh, through that grant program. I
19 don't know if they've done other grants since
20 ~~then on~~ their own.

21 MS. COBOS: Are these houses that you
22 know of exclusively being occupied by Native
23 Americans?

24 MS. DICKENSON: No, huh-uh, they are not.
25 They are open for, you know, basically low-

1 income tenants to move into.

2 MS. COBOS: Several housing or migrant
3 advocates expressed a lot of concern about
4 lack of housing for migrant farm workers, and
5 what I wanted to know is has anyone from this
6 city acting as advisors to this new coalition
7 in their effort to develop migrant housing?
8 Is anyone from this city, from your
9 department, part of the board?

10 MS. DICKENSON: No, I'm not part of the
11 board, but I participate a lot just with
12 giving a lot of information, and Aaron and I
13 work really closely together.

14 MS. COBOS: Has the city ever looked into
15 the area of an emergency shelter?

16 MS. DICKENSON: We have and the county
17 has and the Panhandle Community Services has.
18 They applied for a grant at one point and it
19 was denied. It's become a real difficult
20 ~~assessment~~ assessment problem I guess more than anything.
21 It's very hard to assess the need for an
22 emergency shelter, what type of shelter, who
23 wants to run it. You know, it's kind of like
24 a hot potato.

25 MS. COBOS: You talked about this, some

1 home ownership grant that is going to be given
2 to the local Indian Center.

3 MS. DICKENSON: Right.

4 MS. COBOS: And you elaborate on that?
5 What type of --

6 MS. DICKENSON: Okay. That's also in
7 coordination with the Community Development
8 Coalition. They were formed by the Indian
9 Center and that's for the home ownership
10 opportunity where we'll provide downpayment
11 assistance.

12 MS. COBOS: Okay. How much money is
13 available for that?

14 MS. DICKENSON: Oh -- Steve, do you
15 remember?

16 MR. JANIS: I think it's two forty.

17 MS. DICKENSON: Well, there's one grant
18 for one hundred forty-five, and another one
19 for two hundred, so it's three forty-five
20 ~~total.~~

21 MR. JANIS: Yeah, it's three forty-five.

22 MS. DICKENSON: Uh-huh.

23 CHAIRPERSON HILL: Ascension?

24 MR. HERRANDEZ: I'll make it very quick
25 and easy question to Ms. Piatt. Could you

1 submit to our panel here an Affirmative Action
2 Plan?

3 MS. DICKENSON: Uh-huh. In fact it's
4 listed in the back in our personnel manual, so
5 it's one of the handouts.

6 MR. HERRANDEZ: I thought I looked
7 through it and I didn't see what I thought was
8 an Affirmative Action Plan, one where you list
9 by the different levels of management the
10 entry level. The clerical and then the mid-
11 management and then the administrators, and
12 the broken down according to the protected
13 groups.

14 MS. PIATT: This is what we have as our
15 plan.

16 CHAIRPERSON HILL: You're asking about
17 the reporting system I think.

18 MS. PIATT: So would you like the
19 different areas of, you know, how many people
20 ~~are in~~ management, how many people --

21 MR. HERRANDEZ: Yes.

22 MS. PIATT: We have 11 --

23 MR. HERRANDEZ: Well, if you could just
24 submit it, you know, in a written document, a
25 report. I guess you'd call it a summary, that

1 would be helpful to us in analysis of the
2 information later on.

3 MS. PIATT: Okay.

4 CHAIRPERSON HILL: A simple question. If
5 -- and this is subjective. Facts are an easy
6 thing. The paperwork is beautiful; the
7 Affirmative Action Plan, the housing, the
8 city, and it's obvious a lot of thought and a
9 lot of work has gone into it. From your
10 knowledge of the city and the people, and I'm
11 asking collectively I guess, is I were a
12 Native American or Hispanic or Black and I
13 said, gee, I want to move into Scotts Bluff,
14 and I walked into the Indian Center, or the
15 Hispanic Center, or talked to residents that
16 lived here, what do you think I would be told
17 about the reception I would get? What kind of
18 a city do you think they would tell me I would
19 be coming into?

20 ~~MS. DICKENSON:~~ MS. DICKENSON: We all look at Alan.

21 MR. MULLER: I'll base my response on the
22 fact that in the past five years I've live in
23 San Antonio, Texas, Dallas, Texas, and
24 Lawrence, Kansas, a suburb of Kansas City,
25 and, like anywhere, there's discrimination

1 here, there's bias here, but in my opinion
2 it's no greater here than I've seen in any of
3 the other places that I've lived. And, you
4 know, bias is an unfortunate fact,
5 unfortunately. I think in that regard someone
6 coming to Scotts Bluff is not going to see
7 something dramatically different than they are
8 going to see in other places.

9 CHAIRPERSON HILL: What would I be told -
10 - I guess for all of you -- in your opinion,
11 I'm not -- by the way, Lawrence, Kansas, would
12 take great exception to being a suburb of
13 Kansas City.

14 MR. MULLER: Yeah. Some people think it
15 is, some people think it isn't.

16 CHAIRPERSON HILL: If the question were
17 to come up about access to city services for
18 minorities, do you think people feel they've
19 got easy access to your office or to decent
20 housing, or to a good job in the city? It's a
21 perception question.

22 MS. DICKENSON: I would think so because
23 a lot of the housing people that I work with
24 are migrant workers who came here and started
25 working, and evidently liked it, and moved

1 here and stayed here. So, you know, there
2 must have been something drawing them here. I
3 don't know if it was relatives or whatever.
4 It's unfortunate that now there's not enough
5 housing for those people because we, you know,
6 welcome all people and it's nice to include
7 another dimension to our population I guess.
8 But that's basically how I feel about it, and
9 I think the migrant people that I have worked
10 with in, you know, their housing situation,
11 feel real comfortable here. Maybe other
12 people can tell me differently, but that's my
13 perception.

14 MS. PIATT: Well, as far as employment, I
15 would say that would be a difficult question
16 to answer. You know, the standard application
17 form obviously doesn't ask any questions
18 relating to national origin and so when we
19 send out job opportunities, as we did last
20 ~~week~~ week, for heavy equipment operator, we can get
21 60 to 70 to 90 applications back. And so you
22 just look through them for qualifications and
23 experience and pick those to interview, and so
24 I would say that most people in the area would
25 probably feel a little disgruntled about

1 employment practices, but not because of the
2 employment practice itself, it's just because
3 we're in hard times for finding employment,
4 especially labor-type positions or manual
5 labor-type positions. They are just few and
6 far between. So, when we do get those
7 openings, we do have quite a few people apply,
8 and we do have quite a few people feel as
9 though, you know, what happened? What was
10 wrong with my application? It wasn't there
11 was anything wrong with their application, it
12 was just there was so many people applying
13 with so much experience and so many of the
14 essential qualifications.

15 MR. HERRANDEZ: See, but my answer to
16 that is, you know, when you have good minority
17 applicants and all things being equal,
18 affirmative action means that you hire a
19 minority to fill the position. And is this
20 ~~done?~~

21 MS. PIATT: Okay. But I, in regards to
22 the employment practice, I do not have any way
23 of doing who is a minority and who isn't when
24 I look at the application. The applications
25 will give you a name, and perhaps -- in fact,

1 I thought hard and long about looking at an
2 application form to try to derive a
3 nationality from a sir name, and I'm unable to
4 do so because there's so much marriages in the
5 middle that I don't think a sir name is a
6 proper regards for telling what nationality a
7 minority is.

8 MR. HERRANDEZ: Okay. I'll quit.

9 CHAIRPERSON HILL: Others? Okay. Thank
10 you. We appreciate the time you took to be
11 here.

12 MR. MULLER: Thank you.

13 MS. DICKENSON: Thank you.

14 CHAIRPERSON HILL: Reminder before we
15 call the next person. For those of you who
16 are not on the agenda that do have something
17 that you would like to present to the group,
18 we will have an open session, even though it
19 is not on the agenda handed out, immediately
20 ~~after this.~~ So please feel free to see Jo Ann
21 at the back and sign up on the sheet if you've
22 got something that you would like to say to
23 participate, and then Ascension will
24 participate with you in terms of time frame
25 and the presentation format.

1 Mr. Kosman, as you heard, will you please
2 start with your name, work address and
3 occupation.

4 MR. KOSMAN: Thank you. Good afternoon.
5 My name is Hod Kosman. I am president of
6 Firsttier Bank in Scotts Bluff and Gering. My
7 address 1620 Broadway. I appreciate very much
8 the opportunity to speak to the Nebraska
9 Advisory Committee and express my views on
10 some of the very positive programs and
11 initiatives that I think are taking place in
12 the Scotts Bluff/Gering area. And I know it
13 would be naive to think that these initiatives
14 alone will eradicate discrimination in western
15 Nebraska. Indeed, they may just scratch the
16 surface but, as with any journey, one must
17 begin. I believe that our community has begun
18 and is developing some very innovative and
19 very positive programs.

20 I'd like to begin with my own institution
21 as a corporate citizen in this community, and
22 I think we represent I hope the finest in
23 corporate citizenship, but want you to know
24 that there's many other corporate citizens
25 that feel the same way. And as a prominent

1 financial institution in the area I believe
2 that we must be a leader in developing
3 products and programs that serve our entire
4 community, and that we must take the lead in
5 supporting economic development, education,
6 and housing initiatives.

7 As president and CEO I will not tolerate
8 any overt racism in any form, but I'm also
9 responsible for eliminating any inadvertent
10 discrimination that can come in through
11 policies and procedures that may be followed. ~~Some~~
12 Some of the initiatives that we've taken on a
13 local basis is we have a very active CRA
14 Committee, both at the officer and director
15 level. We have an Education and Communication
16 and Career Planning Committee to aid our
17 employees in their career planning and their
18 educational opportunities mentor program, if
19 you would. We have a comprehensive GEO coding
20 ~~system~~ system to track loan activity and denials in
21 geographical areas of our community by the
22 number, by the amount, and by the loan type.
23 We meet with focus groups from the community
24 in order to better understand and to serve
25 community needs and to help us develop

1 programs and products to meet those needs. We
2 have conducted surveys in the community,
3 bilingual surveys to help us better address
4 the needs and develop products. We have made
5 funding available for programs such as the
6 CDVG Housing Rehab Program, which you've heard
7 about. We help finance the Indian Center in
8 its transitional housing program. We've
9 approved funding for the Community Development
10 Corporation Low Moderate Income Home Ownership
11 Program, and that's 10 to 12 new homes in the
12 next year. We provided funding for Scotts
13 Bluff County Housing Authority transitional
14 housing applicant, and we have more funds
15 available as those opportunities become
16 available. We are financing the WNCC Child
17 Development Center. We co-sponsored with the
18 community college here a comprehensive three
19 week business seminar, and highlighted
20 minority business leaders in that program. We
21 supported the Hope III grant and the community
22 health clinic grant. We initiated a housing
23 conference in the community because of the
24 growing need and the -- we identified a
25 terrific need in this community. And, as a

1 result of that, we have now a standing
2 committee at the Chamber of Commerce level and
3 we are in the midst of a comprehensive housing
4 study that's being conducted by Martin
5 Schooker (phonetic) from Omaha. And, Mr.
6 Hill, I would ask that if you can get Martin
7 some information on that housing program it
8 would be very helpful to us to implement that
9 in our housing, some ideas on that.

10 MR. HERRANDEZ: Sure.

11 MR. KOSMAN: And 60 percent of the funds ~~was~~
12 for this housing study and for the
13 implementation, eventual implementation was
14 raised from private businesses in the
15 community, and we think that's our good faith
16 effort in getting this housing initiative off
17 the ground. We support numerous groups; WNCC
18 Hispanic Advisory Council and their
19 publication, and we provide scholarship
20 ~~fundings~~ funding for that group; we supported Ogla
21 Olavarish (phonetic) and her local GLAD group,
22 and we participate in their career program; we
23 co-sponsor the Hispanic Cultural Fair; we have
24 a lending program that we've had for 10 or 12
25 years with the Roosevelt 5th grade class, and

1 we've an active adopt a school partner; and we
2 provided support for the La Cota Lutheran
3 Center.

4 Officer, directors, and employees are
5 involved and we participate in numerous
6 organizations, and I started to list them and
7 I though, oh, it's another whole page, so it's
8 listed as an attachment on the back.

9 I think we need to look at our community
10 and see some of the things that are happening
11 and what we can garner from that and maybe
12 improve upon, definitely can improve upon, but
13 that we are headed in the right direction. We
14 have Leaderships Scotts Bluff group that is
15 operating. It's a comprehensive 9 month
16 leadership development and community awareness
17 program. It's focused on developing volunteer
18 leadership in the community, and has a broad
19 base of community people involved in that.

20 ~~Search~~ Search Group which was formed really
21 through the University of Nebraska, with the
22 help of the University of Nebraska out here
23 and their alumni program. And it's a
24 comprehensive year long career exploration
25 program focused on science and math related

1 careers. Students from the Scotts Bluff and
2 Gering schools are selected to participate in
3 those programs.

4 GLAD, the Growing Leaders Against Drug
5 and Alcohol, and they were the winner of a
6 national award. And Olga has so many
7 activities it's hard to even imagine how she
8 finds time to do it. I do know they eat lots
9 of pizza and we can help with that, and help
10 in their career program which is very
11 rewarding to us as well.

12 North Platte Valley Initiative began and
13 has developed a community development
14 coalition in Scotts Bluff and Gering, and has
15 one started in Bayard, Nebraska. It's a new
16 CDC with broad community representation.
17 Their first project that they had after
18 holding numerous focus meetings in the
19 community was a home ownership program and
20 ~~they will~~ they will have a major impact in our community
21 in the future. They are just getting started
22 but, boy, have they got started. Great
23 program and very committed, great people.

24 Our Boy Scouts of America, Campfire Boys
25 and Girls, 4-H focus many activities at the

1 youth of our community. They have many
2 opportunities to participate in this, and
3 right now the Boy Scouts are fund raising in a
4 matching grant program to focus Boy Scout
5 activities, especially at and specifically at
6 low income and minority communities that have
7 heretofore not had the participation that
8 you've seen in other segments of the
9 community.

10 The YMCA is a fantastic asset to this
11 community. There are numerous programs
12 provided. Services range from day care and
13 youth programs into the elderly, and there is
14 no program that is inaccessible because of
15 lack of funds.

16 WNCC Hispanic Committee. I don't know
17 what more you can say about that group. A
18 dynamic group. They've focused on numerous
19 activities in educational and community needs
20 in our area, and a tremendous group and a
21 great future that they have in bringing many
22 initiatives to publicity.

23 One small event that I think had
24 tremendous impact was the Bluffs Middle School
25 Cultural Fair. The kids bring out something

1 in their heritage or their life or their
2 family that they are proud of. They develop a
3 program and they have a display and then the
4 auditorium is opened up and the community is
5 invited in and the place is packed and what a
6 great experience, and the kids really take
7 pride and really do a tremendous job in that.

8 Regional West Hospital supports an
9 Explorer group focused at the attention of the
10 youth interested in the health professions.
11 It goes hand in hand with a program where
12 students can be recognized in high school and
13 can be admitted into medical school or dental
14 school if they follow a certain curriculum,
15 and that's very important that we identify
16 students from rural areas to come into those
17 areas because they are the most likely to come
18 back and serve the rural areas.

19 Panhandle Center for Lifelong Learning.

20 ~~This was~~ a chamber advocacy group that was
21 committed to the development of enhanced
22 educational opportunities, and we went to the
23 legislature and received some funding. We
24 have state of the art satellite and two-way
25 video communication in the campuses around the

1 community; Chadron, Sidney, Scotts Bluff in
2 the hospital, and it was -- it really brought
3 to the forefront the difficulties for
4 placebound and non-traditional students, and
5 non-traditional is kind of a misnomer and non-
6 traditional is fairly traditional out here, in
7 receiving advanced educational opportunities.
8 I think we've made great strides in that
9 regard.

10 Adult basic education is a major
11 volunteer program in this area. They serve by
12 far the largest high school -- in quotation
13 marks -- their class in western Nebraska: 900
14 individuals in the last eight months; 3,500
15 hours of donated, volunteer time, classroom
16 time, one on one student. It's a tremendous
17 program.

18 Panhandle Community Health Center, and I
19 think maybe you've heard a lot about the
20 ~~Panhandle~~ Panhandle Community Services and all that they
21 do for this community. I don't know, we
22 couldn't operate this community without them,
23 but this is a brand-new jewel in their crown
24 and it's a new health clinic focused on the
25 health care of underserved citizens in this

1 panhandle, and we hope to see them building a
2 new clinic in the near future and addressing
3 one of the basic needs of this community.

4 I guess there's obviously a great deal of
5 effort and resources required to address the
6 needs of our diverse cultures. Our task, our
7 challenge is to provide opportunity for our
8 community; opportunity for employment,
9 education, for access to adequate health care
10 and housing, and the list goes on. And I
11 think you for the opportunity to express my
12 views.

13 CHAIRPERSON HILL: Appreciate it.
14 Questions?

15 MR. ART HILL: I've got a couple of quick
16 questions. First of all, as one of the
17 corporate leaders of the city, are you
18 familiar or do you know of any other major
19 corporations in the city that are involved in
20 the community like the Firstier Bank?

21 MR. KOSMAN: Well, I think all the banks
22 are involved to some extent. I don't think I
23 know of any probably to our extent, but we
24 have our Housing Committee, we had about 60
25 people show up for those meeting. We have a

1 Housing Committee now that's a formal part of
2 the Chamber of Commerce. It includes really
3 all of the local financial institutions,
4 several builders, several lumber yards,
5 representatives of the cities and so forth.
6 So I think they all play a part in it, but I
7 can't tell you exactly what their
8 participation would be.

9 MR. ART HILL: The next question I have
10 is I understand that Firstier has just been
11 gobbled up by a major national corporation, so
12 is that going to have any impact on your
13 operations out here?

14 MR. KOSMAN: I would predict not. I have
15 known Bank One Corporation for a long time.
16 We are the average sized bank in Bank One
17 Corporation. Bank One Corporation is very
18 prideful in the fact that it banks Main Street
19 in Nebraska, and the country. And I would say
20 ~~that that~~ that would -- plus the fact that Firstier
21 Bank will simply change its name to Bank One
22 Nebraska. We'll have our same people in Omaha
23 and Lincoln, and we'll have our same autonomy
24 in western Nebraska, so I would see very, very
25 little change and if there would be any it

1 would be positive. They'll never change our
2 resolve in this area. It doesn't make sense
3 for our community.

4 MR. ART HILL: Thank you.

5 CHAIRPERSON HILL: Rosa?

6 MS. COBOS: How many branches do you
7 have?

8 MR. KOSMAN: Six.

9 MS. COBOS: Six branches. Are they all
10 in western Nebraska?

11 MR. KOSMAN: Scotts Bluff and Gering is
12 all we are.

13 MS. COBOS: How many people do you
14 employ?

15 MR. KOSMAN: We have 102 or 4 FTEs.

16 MS. COBOS: 102?

17 MR. KOSMAN: I was trying to think
18 whether it was 2 or 4.

19 MS. COBOS: Are any of those positions
20 filled by Hispanics or Native Americans?

21 MR. KOSMAN: Yes. I believe we have
22 about 10 percent.

23 MS. COBOS: Are they exclusively Hispanic
24 or does that include Native Americans?

25 MR. KOSMAN: To my knowledge, and

1 sometimes you go just by sir names, I don't
2 know that there was any Native American
3 descent that we have had in the bank.

4 MS. COBOS: In those 10 positions, are
5 any of them administrative or loan officer?

6 MR. KOSMAN: Yes. We have the branch
7 manager at the Western branch. She actually
8 has moved down. She's in customer service at
9 the main branch now. We have the head of our
10 approve transit department. We have a
11 computer operator. We have a number of teller
12 positions that --

13 MS. COBOS: Do you have bilingual
14 literature available? I thought I knew of
15 some a while back, you know. I saw some
16 literature for Firsttier.

17 MR. KOSMAN: We do have bilingual. Of
18 course we had -- our survey was bilingual. We
19 do have interpreters at all of our locations
20 ~~that we offer~~ lending and we have them
21 available if there's in opening an account
22 that we need to have them. I think we have
23 every location covered at this point.
24 Sometimes that moves when positions change.
25 But as far as a bilingual loan application, I

1 don't know that we have one out here.

2 MS. COBOS: Well, I'd like to thank you.
3 I know of your involvement in the community.
4 I know of your involvement with the minorities
5 in the community, and I also know about your
6 support, the support that you have been giving
7 to the Growing Leaders Against Drugs and
8 Alcohol which consists of Native American
9 children and Hispanic children in the
10 prevention of drugs and alcohol.

11 MR. KOSMAN: It's an easy one to support.
12 It's a great program.

13 CHAIRPERSON HILL: Just a -- I run a
14 little business also and you've got obviously
15 an enviable record and take great pride in it,
16 and you also do a lot of homework on what your
17 people contribute in terms of their time which
18 is a fine thing.

19 MR. KOSMAN: We require it.

20 CHAIRPERSON HILL: Do any of your
21 activities with either the chamber or within
22 your own operation involve primarily during
23 the summer months when housing becomes
24 extremely critical within the area, do you
25 ever take any of your people on a tour of the

1 housing to look at the conditions within your
2 own community?

3 MR. KOSMAN: I never have. It's a great
4 idea.

5 CHAIRPERSON HILL: I would suggest it.
6 I've had more than one opportunity. I'm sure
7 you're familiar, and people really need to see
8 that there are people paying \$350 to \$450 a
9 month for something not quite the size of the
10 table, and I wish I were exaggerating, without
11 running water, without electricity, without
12 even an outdoor facility nearby. A couple of
13 tours with your employees and with others,
14 knowing where your heart's at, and with the
15 business background may tend to translate into
16 some specific remedies much beyond anything
17 those of us that fly in for a half an hour and
18 motormouth and fly out can do, and much more
19 than bureaucrats can do. And I would just
20 ~~recommend~~ it after seeing the enviable record
21 and knowing where you and your people come
22 from. An interesting tour. We appreciate
23 your being here very, very much.

24 MR. KOSMAN: Thank you. Again, Martin
25 Schooker, we rely very heavily on him because

1 it's going to set our goals and --

2 MR. HERRANDEZ: When is the report from
3 him due?

4 MR. KOSMAN: He's right in the middle of
5 it right now. It will probably be August
6 before it's complete, but we have an interim
7 reporting period so that he's doing a block by
8 block survey of the community, of the rehab
9 needs and of the preventive maintenance that's
10 just as -- probably better than building new
11 in terms of allocating resources, and so we're
12 going to get a report on that right away so
13 that if there's some initiatives we need to
14 get started now then we will do so. But it
15 comes down to money. It comes down to
16 dollars, and if we can identify the dollars we
17 will do the program. We'll donate the land.
18 You know, we'll do what needs to be done.

19 MR. HERRANDEZ: Marty was the planning
20 ~~director~~ director when we were putting up a housing
21 project and he gave us a lot of money. I
22 mean, I can remember one meeting we went to
23 and we needed \$65,000 and we went into the
24 meeting and he brought his staff people in, he
25 said, okay, what's the bottom line? and we

1 said, \$65,000. He said, can't promise you
2 now. Go back to your office and I'll call you
3 in about three days. And he came through with
4 the \$65,000.

5 MR. KOSMAN: That's exactly why we want
6 him doing our study here.

7 MR. HERRANDEZ: He's good.

8 MR. KOSMAN: He's very good, and he gets
9 -- he knows where our heart is. He knows
10 where our community is going. He did our
11 beautification study and we want that to be
12 part of this housing initiative as well.

13 CHAIRPERSON HILL: Thank you very much.

14 Ms. Berzina, I hope I pronounced the name
15 right.

16 MS. BERZINA: You did, thank you.

17 CHAIRPERSON HILL: Would you please start
18 off with name, occupation, and working
19 address.

20 ~~MS. BERZINA:~~ MS. BERZINA: I'm Pat Berzina, Executive
21 Director, Scotts Bluff County Housing
22 Authority. Address 89A Widley Park Road,
23 Gering, Nebraska.

24 I have been the executive director of the
25 Scotts Bluff County Housing Authority for

1 about 22 years, and we have 162 units that we
2 own that we rent out and we have 410
3 subsidized units. That means that we
4 subsidize the rent on 410 units over the
5 Scotts Bluff County. At this time we are
6 very, very short of housing. We don't have
7 any housing vacant in our 162 units, and our
8 410 subsidized units are over-extended now.
9 If everybody would find a house we would be in
10 deep trouble, but we over-extended so if
11 someone was living in a house, needed help, we
12 could go ahead and help them.

13 We had contacted our HUD office and
14 everything about how we could get more
15 housing. I don't believe there's any funds
16 available. The housing authority, which Mr.
17 Hall happens to be a member of the -- I mean
18 an employee of the Firstier Bank and he is on
19 our board. We have been trying to figure out
20 ~~how we can~~ get some houses built through
21 another kind of a program where we wouldn't be
22 getting a grant from the government, because
23 we need the desperately.

24 I didn't make a prepared statement. I
25 just have some statistics and stuff here that

1 I could give you that maybe would give you.
2 When we do have people that come in and apply,
3 we take applications five days a week for our
4 public housing. We take it two days a week
5 for our subsidized housing; on Tuesday and on
6 Thursday.

7 At this time in our public housing, and I
8 want you to know that 76 of these units are
9 elderly, and in our area here our elderly
10 usually are white, so when I give you some
11 percentages here it's going to look a little
12 different. We have 26.3 percent that are
13 Hispanic; non-Hispanic is 68.8; Black zero;
14 Native American 3.9. That's in our public
15 housing, the 162, but 76 of that is elderly,
16 and we do have some Mexican American people
17 that live in the elderly units but not very
18 many. They usually stay with their families.

19 In our subsidized program, we have 26.3
20 ~~percent~~ percent that we are helping that are Hispanic;
21 non-Hispanic 67.2; Black .3; and Native
22 American 6.2.

23 So I'm going to let you ask questions of
24 me, as I have another appointment at 6:00 and
25 I'm sure sorry.

1 CHAIRPERSON HILL: No, we're late. I
2 apologize. Art, do you have any follow-up
3 questions to start with?

4 MR. ART HILL: No.

5 MS. COBOS: I just have a real quick one.

6 There was some housing advocates earlier
7 testifying and they were just a little bit
8 concerned about the migrant farm workers that
9 come to work in the area.

10 MS. BERZINA: I'm very happy that Aaron
11 is addressing that problem and trying to get
12 some housing, and I have been very active with
13 him trying to get -- that we would have the
14 migrant housing available for them when they
15 were here then we would have it for people who
16 wanted to, you know stay. I'm real anxious to
17 see how they are going to work that out. You
18 know, the can let them stay so long and if we
19 don't get some relief in our housing, get more
20 ~~housing,~~ I don't know where we're going to put
21 them. But I am real anxious. I would love to
22 go to the one in Fort Collins, but the do have
23 the different rules and regulations on that.

24 MS. COBOS: The testimony was that in the
25 past years the Housing Authority has never

1 helped.

2 MS. BERZINA: We cannot do that, Rosie,
3 because they come in and there will be so many
4 come in that the rules and regulations we
5 follow, what are they making right to this
6 date. You know, they have to have some new
7 rules in Congress or something that we can
8 take their yearly income, because it would be
9 all this -- 30 percent of their income, but
10 you could go out and do something to a field
11 and get 300 in a week, and 30 percent, that
12 wouldn't even be realistic for them.

13 MS. COBOS: So it's lack of income
14 verification?

15 MS. BERZINA: It's a verification and
16 what verification we're allowed to use. I
17 mean, if we could use it for a whole year that
18 would be fine, but we don't for anyone. It's
19 what they are making at the time they come in
20 to apply, then if their income goes down they
21 come in and they are recertified and their
22 income goes down. If it goes up it, it
23 fluctuates like that.

24 CHAIRPERSON HILL: What's the inspection
25 procedure from the Housing Authority to

1 somebody that's either under subsidized
2 housing or housing provided?

3 MS. BERZINA: What are our housing
4 quality standards or --

5 CHAIRPERSON HILL: Your inspection. I'm
6 under subsidized rate. Does the Housing
7 Authority inspect the way I take care of the
8 property, and what are the procedures?

9 MS. BERZINA: They come in and apply and
10 they are given -- called in for a briefing.
11 At that time they are given a number of papers
12 to give to their landlord, and one of those
13 papers is an inspection booklet that says
14 there is not any lead based paint, because
15 we're very conscience of that. Then we go out
16 and we will set a day that we go out. We go
17 west one day and east one day, and stay in
18 Gering/Scotts Bluff the other days, and we go
19 out and check that house to make sure it is
20 safe and sanitary. And, at that time, if that
21 landlord does want to go under our program and
22 get the check sent to him on behalf of the
23 family, he has to fix the house up to our
24 housing quality standards which is federal
25 regs.

1 CHAIRPERSON HILL: You also have your own
2 apartments?

3 MS. BERZINA: We have our own apartments,
4 uh-huh. And are right in the process now of
5 doing a C Ap program. I think we've got four
6 hundred and fifty-seven thousand -- three
7 years ago we go a million and two. This
8 year -- last year. And three hundred eight-
9 three thousand this year. So we are upgrading
10 them. They are very nice. I hope you have
11 time to drive through them. I think you did
12 when we were there. And on those we inspect -
13 - you know, they are inspected by the person
14 when they move in. If there's anything wrong,
15 the maintenance man -- there shouldn't be
16 anything wrong -- the maintenance man will fix
17 it and then in two weeks we just make a home
18 visit to make sure that everything is going
19 good, they're not having any problems
20 ~~whatsoever.~~ It's just a home visit at that
21 time. We've changed this trying to make it
22 more that we aren't just looking down their
23 throats. And then in three months we will do
24 another inspection, and then we don't do
25 another inspection for a year unless we find

1 the windows being broken out or things like
2 that.

3 CHAIRPERSON HILL: If somebody that's
4 renting or under the subsidy has a complaint
5 or feels that you've done them wrong, what's
6 their appeal process or is there one?

7 MS. BERZINA: They do have a right to
8 come in, you know. But of course they have
9 signed a lease with that landlord, you know
10 what I mean. And they have to try to work
11 that out with that landlord. We do not
12 terminate their subsidy or anything until, you
13 know, it proves out it has just been a fraud
14 case, or we usually, if the landlord and
15 tenant cannot get along okay, we ask them to
16 get a recension of the lease, extend their
17 certificate and let them go someplace if they,
18 you know, if they just have too much trouble
19 with that landlord. Because some people, you
20 ~~know, maybe~~ the landlord and them just don't
21 hit it off.

22 CHAIRPERSON HILL: But if I applied for
23 say Section 8 and I'm turned down, who do I
24 appeal to?

25 MS. BERZINA: Okay, Section 8. Well, you

1 would ask us for an informal hearing, and then
2 we would bring you in and we would talk to you
3 and find out why, you know, tell you why we
4 did and we'll go from there.

5 CHAIRPERSON HILL: Do I have anybody
6 beyond you?

7 MS. BERZINA: If you don't like what we
8 say, we usually -- well, they can go to I
9 guess to a hearing. I don't know if that's in
10 the regs or not. I think an applicant doesn't
11 have that right, but I believe they are
12 changing it right now.

13 CHAIRPERSON HILL: Okay. I was just
14 curious because --

15 MS. BERZINA: Because there's so many in
16 informal hearing and -- if you are an
17 applicant of ours, and we are paying you, then
18 you have a right for a formal hearing with a
19 hearing officer and the whole bit.

20 ~~MR. HERRANDEZ:~~ MR. HERRANDEZ: Did I hear you correctly
21 say you don't know if there's a -- if they
22 have a right to a hearing beyond you?

23 MS. BERZINA: Well, there's a -- I don't
24 believe they do. I don't have the federal
25 regs right there. There's two different

1 routes that you can go through.

2 MR. HERRANDEZ: You don't know them? You
3 don't know the federal regs that --

4 MS. BERZINA: Yes, I know them, but I
5 have Voucher Program, Section 8 Program, all
6 these programs. And which one is he referring
7 to Section 8. You just have an informal
8 hearing for a Section 8 applicant. And as far
9 as going now, I suppose they could go to
10 court. Everybody has their right to go to
11 court if they want to.

12 MR. HERRANDEZ: But you do have the regs
13 in your office?

14 MS. BERZINA: Yes, I do.

15 MR. HERRANDEZ: Okay. I just one request
16 that I would like to make, and I'll ask you a
17 couple of questions. First of all, I guess
18 because you didn't have a written statement
19 and of course we didn't require one, but now
20 ~~what seems~~ what seems to be the trend that everybody has
21 given us, and that's going to be helpful in
22 analyzing the information. And what I want to
23 do is we'll send you back your portion of the
24 transcript so you can correct it and make sure
25 that what you said was right.

1 MS. BERZINA: Okay, that would be fine.

2 MR. HERRANDEZ: And, then, at the same
3 time, I'll send you a letter request for some
4 written documentation in terms of your yearly
5 reports so we can make sure that -- my
6 shorthand is very bad.

7 MS. BERZINA: Whatever you want I'd be
8 very happy to. I didn't know what you really
9 wanted from the letter.

10 MR. HERRANDEZ: So we'll make a request
11 for some written information, your annual
12 report and broken down according to the
13 tenants that you have according to the ethnic
14 breakdown.

15 MS. BERZINA: Okay.

16 MR. HERRANDEZ: Okay. Now, just for your
17 information, we did hear complaints, or at
18 least people talked about that maybe -- if I
19 remember correctly -- that there is supposed
20 ~~to be a~~ tenant council and that -- is that
21 working or is it not working? I'm not sure.

22 MS. BERZINA: The tenant council that I
23 have -- that is a Housing Authority tenant
24 council?

25 MR. HERRANDEZ: Yes.

1 MS. BERZINA: Okay. We have tried since
2 January. We get two people. Next month we
3 get one person. I don't think it's an active,
4 viable tenant council. We have tried very
5 hard to organize a tenant council, but the
6 people that we've had living in the housing --
7 now they're staying a lot longer, but I went
8 back and checked it. I think I had two people
9 that had stayed in the housing a year. You
10 know, they don't -- we don't have enough
11 people that are staying long enough to really
12 get, you know, involved, except the elderly.

13 MR. HERRANDEZ: Okay. Then one other
14 thing that I kind of remember, and I was in
15 and out some of the presentations. But the
16 other thing was that it's very difficult for
17 migrant workers to get housing there because
18 of the short nature of the stay.

19 MS. BERZINA: That's correct.

20 ~~MR. HERRANDEZ:~~ MR. HERRANDEZ: And I'm saying that where
21 there's a will there's a way and even -- you
22 can get me on the employment, the
23 verification, okay. But the thing is this,
24 one thing that we heard very eloquent from one
25 of the lawyers that spoke about farm workers'

1 rights and how they are exploited by different
2 segments of the population, and it's this:
3 That the migrants are attracted to this area
4 because of the work that's there that needs to
5 be done, and it serves a -- it fulfills a need
6 in terms of the agriculture industry. And I
7 think it goes without saying that industry and
8 institutions in Scotts Bluff County ought to
9 accommodate them in terms of basic needs, the
10 human needs that people have; housing, shelter
11 income, and those type of things. So I hope
12 that the Housing Authority, and then Mr. Aaron
13 McGrath and I think Mr. Crosland (phonetic)
14 and the group that's working together can
15 somehow or another come up with a solution.

16 MS. BERZINA: I sure hope so. It would
17 be wonderful.

18 MR. HERRANDEZ: And I know very well that
19 you -- the word I got on you was that you are
20 ~~very~~ knowledgeable in terms of the Housing
21 Authority and that you know how to get things
22 done for all people.

23 MS. BERZINA: Thank you, but I would like
24 to say this. Lauri and I were just discussing
25 that 60 percent of our, you know, some of our

1 tenants have at one time been on the migrant -
2 - you know, on that, and they have decided
3 that they were going to stay in Scotts Bluff
4 County, and they have become very wonderful
5 tenants. So if they, you know, if the NAPH
6 (phonetic) does tell us that they are going to
7 stay, you know, then at that time they are put
8 on that list. But the time we would get to
9 them again, you know, they were gone. But
10 then a lot of people have gone on to the
11 housing.

12 MR. HERRANDEZ: Well, I think we know the
13 patterns from many years back, so I'm talking
14 about a solution. Well, I'll stop.

15 MS. BERZINA: I hope the solution will be
16 coming.

17 CHAIRPERSON HILL: You're beyond your
18 time for another appointment. We appreciate
19 very much your coming.

20 ~~MS. BERZINA:~~ MS. BERZINA: I'm sorry I have to go.
21 Thank you.

22 CHAIRPERSON HILL: We're now going to go
23 into the open hearing. I've got a list of
24 names. Let me ask your indulgence. For those
25 of you have waited so patiently, we're a half

1 an hour late, can we take a five minute break?
2 Is there anybody that must absolutely talk and
3 leave, or can we take five minutes? You have
4 to go, okay. We'll let you go first and then
5 we'll take a break. You've been here all day
6 long. Would you start with your name,
7 address, and occupation, please for the
8 reporter.

9 (The following proceeding were held
10 starting at 6:00 p.m.)

11 MS. COONIE: My name is Caroline Coonie. ~~_____~~
12 I am the administrator of the ONTRAC program, ~~_____~~
13 which is a program that's part of the Ogala
14 Sioux tribe, and ONTRAC stands for Ogala
15 Nation (inaudible) Resource and Advocacy
16 Center. The Indian Child Welfare Program is
17 funded by the Bureau of Indian Affairs. The
18 Indian Child Welfare Program is a result of a
19 federal law passed in 1978, called the Indian
20 ~~Child Welfare~~ Act, which provides the
21 opportunity for all tribes to be involved in
22 the future of their children. The Indian
23 Child Welfare Act resulted as -- came about as
24 result of the numerous loss of children to the
25 welfare systems and to the many emotional and

1 social problems as the result of being taken
2 away from their families and their homes and
3 placed with non-Indian families. The Indian
4 Child Welfare Program for the Ogala Sioux
5 tribe provides services to every state in the
6 United States. We have 56,000 identified
7 Ogala Sioux, and they reside in all parts of
8 the United State.

9 What the Indian Child Welfare Program
10 does is it becomes involved in all cases where
11 children are placed with social service
12 agencies. It enables the tribe to be involved
13 in the placement of their children. It
14 involves having exclusive jurisdiction over
15 our children.

16 We have approximately 250 cases a year
17 throughout the United States. I know this
18 percentage -- I can't say a real percentage,
19 but of the cases that we have, Nebraska is our
20 ~~second~~ largest case load, South Dakota being
21 our first because that's where we're located,
22 and Colorado being our third, and Scotts Bluff
23 and Alliance and this western part of South
24 Dakota being our highest case area.

25 In the four years that we have existed,

1 we have -- became involved with cases
2 throughout the state and many of the
3 identifiable problems and recommendations that
4 we have heard from our clientele makes us want
5 to write a list of recommendations for
6 improvement in the State of Nebraska. We have
7 had complaints of lack of sensitivity to
8 Indian needs, Indian families, Indian
9 traditions, important aspects of Indian life
10 that are necessary. The lack of recognition
11 for ceremonial needs for their children. We
12 have the lack of education of our court
13 systems of the Indian Child Welfare Act. I
14 would recommend that -- I have gotten calls
15 from attorneys, from state court judges that
16 are not familiar with the Indian Child Welfare
17 Act. The Indian Child Welfare Act has
18 procedures of where they are mandated by
19 federal law to notify the tribe of any case
20 ~~that~~ that comes before the court system or any
21 child that is picked up, that we have
22 jurisdiction over that child. But we have
23 many times not been notified of this
24 proceeding. In the past we have had cases
25 that termination of parental rights have

1 occurred before we were notified. We may have
2 been notified when the child was being placed
3 for adoption, or, you know, the adoption may
4 have happened.

5 The procedures for placement of children
6 in the Indian Child Welfare Act states that
7 the child should be placed in an Indian foster
8 home. We have very, very few Indian foster
9 homes in the State of Nebraska, so many states
10 we don't have any. We have problems trying to
11 transfer. We have exclusive jurisdiction over
12 our children but many times we have problems
13 trying to transfer because maybe the guardian
14 ad litem or the social worker doesn't feel
15 that the child should go back to the
16 reservation or to a relative because we're not
17 up to the standards of the community or what
18 they feel. So these are some of the problems
19 that we have and I would like to recommend
20 ~~that we~~ have more communication, that the
21 state would look at training in the Indian
22 Child Welfare Act. There's many services
23 provided by numerous agencies and
24 organizations that provide training in the
25 Indian Child Welfare Act. We have agencies

1 out of Rapid City that provide training on
2 cultural sensitivity sessions, and more
3 communication between the court systems. We
4 as a program, we're available to meet with
5 states and their agencies, and we have done
6 that in other states by providing them
7 training on just what the reservation is like.
8 You know, what resources we have there for our
9 children and what are important to us as
10 Indian people.

11 That's all I have. If there's any
12 questions?

13 CHAIRPERSON HILL: Art?

14 MR. ART HILL: I guess I just have one
15 quick question. I'm just looking at western
16 Nebraska. Do you have specifics about the
17 training that should be undertaken in western
18 Nebraska and what towns or cities or counties
19 should it impact on?

20 ~~MS. COONIE:~~ MS. COONIE: Well, I would say we need in
21 all -- the communities where our people live
22 are basically Rushville, Gordon, Chadron,
23 Scotts Bluff, Alliance, and Gering. That's
24 our -- and Broken Bow. I don't know if that's
25 -- I did western. But those are our highest

1 area of Indian population in the state, and
2 the specific training I would recommend be
3 that the state court systems and the social
4 service agencies be aware of the federal
5 guidelines of the Indian Child Welfare Act,
6 and also have sensitivity training in the
7 cultural areas of the tribes involved in this
8 area. Most of the people here are from
9 Rosebud and Pine Ridge, but occasionally we
10 get someone from Standing Rock or somewhere
11 else, and I think, you know, basically that's,
12 you know, the areas that I see it would be
13 needed most that would be a beginning.

14 MS. COBOS: I just have one quick
15 question. What are the most common problems
16 that you see when children are pulled out of
17 their homes by an intervention by the Child
18 Protective Services, Department of Social
19 Services? What is the most common problem
20 that you see, or reason for pulling children
21 out?

22 MS. COONIE: Well, most of the problems
23 that I see where the children are removed are,
24 you know, alcohol abuse. And it may, you
25 know, begin at someone being -- you know, a

1 call being made about someone having a party
2 and then the children are removed. But I see,
3 you know, one of the major problems is
4 training, or assistance that is helpful to
5 these people because these people are in a
6 crises at this time and I see where social
7 services may not -- would just keep them
8 darkened. You know, a common everyday person
9 just does not know what to do when they take
10 your child. You know, what shall I do? Who's
11 going to help me? Or where do I get help?
12 Then they may wait for, you know, days to have
13 a hearing. It's set maybe a month down the
14 road, or two weeks down the road, and in this
15 time not knowing what to do, you know, waiting
16 form someone to tell them what they are
17 supposed to be doing. Then the case plan is
18 developed after that, and that may continue
19 for 18 months and this child may not be put
20 ~~back~~ back in the home.

21 MS. COBOS: I need to ask one more
22 question. Is there any advocacy in behalf of
23 these Native American families that are --
24 that the children are being taken from the
25 homes, with respect to the ADC grants? Are

1 you finding that in most instances when the
2 children are pulled out of the home the
3 benefit is being taken as well, and wouldn't
4 you think that the family would need to
5 continue receiving the grant because, after
6 all, they have to maintain the home. They
7 have to maintain the, you know, the utilities;
8 the water, the basic essentials until such
9 time as the department determines that the
10 child is placed back in the home.

11 MS. COONIE: We see that as a problem in ~~many~~
12 many of our case plans that the department may
13 require that they -- they may take the
14 children. They are no longer getting ADC.
15 They're required to have a home and at the
16 same time they're required to go to treatment.
17 You know, they may go to treatment and lose
18 their home that they barely have to maintain
19 and then they have to start all over again.
20 ~~And once they get out of treatment they have~~
21 to still set up another household. And
22 getting deposits, you know, all this type of
23 stuff just prolongs a lot of the treatment
24 plans, and I see that as a --

25 MS. COBOS: As a problem.

1 MS. COONIE: -- problem.

2 MS. COBOS: I have some case law that I
3 would like to share with you so, you know, I
4 will be sending you some information with
5 regard to what the Department of Social
6 Services is required to do. And one of them
7 is to continue giving the benefits to the
8 family because sometimes these -- the removing
9 of the children is only considered a temporary
10 thing. There's anticipation that the children
11 are going to be put back into the home and,
12 you know, as part of the reunification plan.

13 CHAIRPERSON HILL: If a social worker in
14 a particular jurisdiction has concerns because
15 they don't think the tribe or the Indian
16 foster home meets whatever they think the
17 standards should be, under the law who has
18 jurisdiction?

19 MS. COONIE: Well, if the child is -- if
20 ~~the tribe~~ request a transfer of jurisdiction
21 back to the reservation, then we have
22 exclusive jurisdiction of where that child
23 goes.

24 CHAIRPERSON HILL: They must transfer?

25 MS. COONIE: They must. They're supposed

1 to but they don't always.

2 CHAIRPERSON HILL: Okay. But from a
3 legal standpoint by law they must?

4 MS. COONIE: Yeah. And if the -- if --
5 say in some cases where someone has lived here
6 all their life and they have no desire at the
7 present time to move to South Dakota to set up
8 a case plan and work with the tribal court to
9 get their children back, then the jurisdiction
10 stays in the state, you know. And it depends
11 on whether the state wants to give the
12 children back or how long they want to extend
13 their case plan. And if they don't feel
14 they're complying, then they may go for
15 termination and then, if the family wants to
16 transfer back to the tribe, then they may say
17 it's too late, you know. We have good cause
18 to believe that, you know, we're looking at
19 the best interest of the child here, you know,
20 ~~is~~ is always, you know, reason for them to
21 object. And that may be problems because we
22 don't have legal representation for many of
23 our people and the tribe, you know, doesn't
24 have the money to provide attorney fees and to
25 appeal these cases all over the United States.

1 So those are, you know, some of the problems
2 that we look at. We don't have the money to
3 travel over here every week because of a court
4 case, you know, with budget cuts every year
5 and the state's not always responsive to the
6 needs of the people. So we're sometimes in a
7 double bind, you know, with wanting to be here
8 but not being able to financial. And, you
9 know, it's the children that suffer in the
10 long run. And I think the lack of -- I
11 sometimes feel that -- we are as a social
12 service agency supposed to be providing
13 services to enable the reunification of the
14 families and sometimes I don't see that
15 happening.

16 MS. COBOS: Is it true that the
17 children -- one more question that --

18 CHAIRPERSON HILL: Okay, but we're --

19 MS. COBOS: Okay, just real quick. Is it
20 true that if the children are not registered
21 with the tribe then the tribe has no
22 jurisdiction?

23 MS. COONIE: Depends on each tribe
24 individually.

25 CHAIRPERSON HILL: Thank you very much.

1 We will take a five minute break. Whether
2 we're all back here or not, we will start just
3 before 25 after.

4 (Whereupon, at 6:19 p.m., a short
5 recess was had.)

6 CHAIRPERSON HILL: What we're going to be
7 doing, because now we're into the rules of
8 open hearing and remind you the basic purpose
9 of the open hearing is to give those of you
10 who have something that you would like to
11 bring before the committee to present what it
12 is you have. We will generally not be asking
13 follow-up questions. This is to get what you
14 have to say onto the record so we're aware of
15 it and can use it for follow up. And as
16 Ascension told you, generally three to four to
17 five minutes at the most so we can give
18 everybody an opportunity.

19 The first person that I believe we have
20 is Leroy Bear Robe, come up, please. And
21 please start off like everybody else with your
22 name, address, and your occupation, and then
23 your statement.

24 MR. BEAR ROBE: My name is Leroy Bear
25 Robe and I reside at 515 East Overland, here

1 in Scotts Bluff. When I'm working I work as a
2 substance abuse counselor. Presently
3 unemployed. What I would like to say here is
4 that I tried to file a complaint with EEOC
5 back in 1990 and it was unsuccessful not
6 because of what I was doing, they just didn't
7 take the complaint because of the problems
8 they were having and I never got the complaint
9 filed. One of your panel members was involved
10 at the time that I was doing this but I don't
11 have any -- at the state level and at the
12 local level they don't have any records of it
13 because all of them seem to have lost the
14 records, so I'm requesting the help of the
15 U.S. Commission on Civil rights to see if I
16 can address this problem. Have them help me
17 address this problem.

18 CHAIRPERSON HILL: Okay. We will, with
19 the reporting of this, follow up with --

20 MR. BEAR ROBE: Could you tell me what
21 would be the procedures I would have to go
22 through in order to get to you people?

23 CHAIRPERSON HILL: Okay. In terms of
24 getting a complaint before the U.S. Commission
25 on Civil Rights I think -- well, first of all,

1 the U.S. Commission on Civil Rights, the
2 regional office does not process individual
3 complaints. We review them and we refer them
4 to an appropriate agency. For any cause that
5 we receive, we refer to appropriate agencies.
6 You can submit the request or the complaint to
7 us and if they form a pattern what we do is we
8 use this information to plan meetings such as
9 this, or to get meetings with officials from
10 certain agencies to ask them, look, there's a
11 need for you to go out to western Nebraska and
12 look into this type of a situation. And
13 that's the type of thing that might come out a
14 report once we analyze the transcript and the
15 background information that we received
16 yesterday and today. That's the way we do it.
17 But to be sure, anything that you have, a
18 written complaint, you can send it to our
19 office and we'll try to make the best referral
20 possible, and add it to our file in terms of
21 how we can use the information for our -- but
22 what you want is to connect with the right
23 agency and that's what we'll try to steer you,
24 in terms of the best place, once you give us
25 the information that you have in your written

1 complaint. I think you might have out -- you
2 can get our address from Jo Ann at the back of
3 the room.

4 MR. BEAR ROBE: How soon could I expect a
5 response after you get the papers from me?

6 CHAIRPERSON HILL: I tell you what, I'll
7 make it a priority. Since it's a referral,
8 that's something I can do right away and I can
9 get back to you, okay?

10 THE RESPONDENT: Okay. Thank you.

11 CHAIRPERSON HILL: Ella Coleman. Ms.
12 Coleman, would you start by giving your name
13 and address, please?

14 MS. COLEMAN: My name is Ella Coleman.
15 My address is 1209 Fifth Avenue, Lot 28, and
16 I'm a mother of 10, have 2 grandchildren, and
17 I'm a housewife.

18 I'm reading this. I wrote this out this
19 afternoon after talking to Mr. Herrandez. On
20 April 29, 1993, we are requesting the U.S.
21 Civil Rights Committee to investigate
22 possibility of discrimination and harassment
23 from the Gering Social Service Department of
24 Child Protection on these reasons: When
25 called in by the police department that a

1 child or children are left alone or abused,
2 child protection agency or office takes the
3 children from the family immediately without
4 proper investigation; whereas, being La Cota
5 we are a sovereign nation through the 1868
6 treaty we are under the government and at
7 times Child Protection seems to ignore this
8 true fact. We are intimidated and threatened
9 to stay within the state laws of the social
10 services or one phone call can take the rest
11 of the family members away from us, which
12 happened March 19th after the court awarded
13 social services custody of one of our eight
14 children and returned seven temporary custody
15 under the supervision of the state. Child
16 protection worker made clear to me that if I
17 didn't go by what they said one phone call can
18 have the police department take the rest of my
19 family away from me. I think that's a threat,
20 not a warning, in the tone of the voice they
21 use. Whereas we reported a child abuse in a
22 white foster home and child protection workers
23 stated that they had to investigate before
24 removing my five-year-old daughter away from
25 that home. Now that's discrimination when one

1 phone call took the police department to child
2 protection to remove all my eight children,
3 accusing us falsely, as stated in the news
4 clippings, and when reported child abuse in
5 the white foster home they have to
6 investigate. This incident happened on March
7 23, 1993, when we had visitation with our
8 daughter and the family support worker brought
9 her to us. While visiting she noticed a
10 bruise on my daughter's right arm. It was a
11 thumb print, like someone squeezed her hard
12 and that bruise looked like it happened a few
13 days before, the bruise lightened, still dark
14 but lightened. I asked my daughter what
15 happened. She wouldn't tell right away but I
16 assured her she wouldn't be in trouble and
17 reminded her of us telling her to be honest.
18 Then she said a welfare worker had done that
19 to her. Later we found out it was a foster
20 home, a white foster home. Our children were
21 taken from us on the 11th and they had in the
22 local town newspaper and state newspaper which
23 defamed our character in finding a Section 8
24 home, which I have a certificate. At one
25 point we received a letter from a local

1 program stating we were disqualified because
2 of newspaper clipping and bad landlord
3 reference. This is being taken care of but
4 the fact is the newspaper clipping ruined our
5 name. We have tried to get a Section 8 home
6 or a house without Section 8. When we mention
7 our name they'll say come back next week or
8 later, one hour. When we do then for some
9 reason they won't rent it out to us. One
10 wanted five year reference. While we were
11 getting that taken care of, it took few days
12 because we had to get ahold of people from the
13 res that know us five years ago, and that
14 Section 8 home was rented out by the time we -
15 - we are still getting our reference together.

16
17 We did explain our situation. The
18 following day our children were taken from our
19 17-year-old daughter and our family status. I
20 believe that the decision is up to the Child
21 Protection to return our children after
22 hearing us out and letting us work with a
23 family support worker, but that didn't happen.
24 We went in 7:30 a.m. next day to talk with
25 whoever was responsible of taking our children

1 away from us. Then we met a Child Protection
2 worker. Even after we explained our situation
3 they told us that they were going to turn it
4 over, turn the paperwork over to the county
5 court that afternoon and court will set a --
6 for court hearing and we can explain that to
7 the court. In the meantime, they advised us
8 to go get a bigger home. Go AA, get a job.
9 They said we'll have visitation rights with
10 our children and in time we can visit our
11 children in our home. That sounded like
12 months from getting our children back home, or
13 maybe never.

14 La Cota families have told us they too
15 went through that system. Some are still
16 under state supervision today, and some
17 haven't seen -- some don't have visitation
18 rights with their children, accusing them of
19 having lice. Some of them still waiting to
20 see their children. Some's been five years
21 since they are with their children. Our boys'
22 hairs were cut. I asked Child Protection
23 worker why were their hairs cut. They said
24 because they had head lice, which isn't true
25 for the boys. The girls had that problem

1 since the enroll at the school in here town
2 six months ago. We pray that this panel will
3 sincerely investigate that there is a real
4 problem of discrimination. And, if you can't,
5 if you can't help us let us know and show us
6 what route to go and we'll go that route. We
7 are seeking a solution to this problem. Our
8 children's mentality is at stake. Their
9 rights are violated from having a happy,
10 fruitful, cultural lifestyle. Thank you, and
11 if you have any questions.

12 CHAIRPERSON HILL: We will be following
13 up. We talked yesterday and we'll get back to
14 you on it. Is that paper available?

15 MS. COLEMAN: Well, I was going to get it
16 typed. I was going to Mrs. Kelso. I was
17 going to have her type it up for me the way
18 it's written, then what I wanted to do is give
19 you all copies of this and any more papers, we
20 have a lot. You know, we'll get them copied
21 and hand them to you.

22 CHAIRPERSON HILL: We'd appreciate a copy
23 of that, as well as -- I think we've got one
24 of the newspaper articles, but some of the
25 others so we've got the whole thing we can

1 follow up with.

2 MS. COLEMAN: Well, we have the local
3 newspaper article with us, but I want to get
4 it bigger because the date is not on this one.
5 So I'm going to go to the "Star Herald"
6 building and get one with the date on that.

7 CHAIRPERSON HILL: We'll appreciate that.
8 We will be back with you shortly.

9 MS. COLEMAN: Okay. All right, thank
10 you.

11 MR. COLEMAN: I'd like to say a few
12 words.

13 CHAIRPERSON HILL: You are?

14 MR. COLEMAN: Wilson Coleman. I'm Ella's
15 husband.

16 CHAIRPERSON HILL: You're an extension of
17 your wife, okay.

18 MR. COLEMAN: Thank you for the
19 opportunity. I'm a member of the Lost Sioux
20 tribe from Pine Ridge Reservation and I'm a
21 resident here in Scotts Bluff for about two
22 months. I'd like to thank all the programs
23 that are in existence here, the Eagle Star,
24 the Indian Center, the legal aid services,
25 their efforts to help us in any way with our

1 problem, what my wife has just been sharing
2 here. I think our main concern is trying to
3 get the message across to the court system in
4 what happened to us. We're not the only ones
5 to have come through this problem. Previously
6 in this last so many years people have been
7 going through this problem. In other words,
8 it's going through the mill. But it seems
9 like, you know, nobody has really come
10 forward. Some people probably don't have
11 the -- don't know how to go about it or what,
12 you know, to get this across. But, you know,
13 the Indian Child Welfare Act is in existence
14 and has been since 1978, but yet the court
15 system here doesn't recognize, or they know
16 about it but they don't want to recognize the
17 Indian Child Welfare Act. And I -- you know,
18 even though what we went through, you know,
19 we're like I guess, you know, me and my wife
20 and my family are like guinea pigs but, you
21 know, still yet at least we're addressing this
22 issue to come to the light and to expose this,
23 what's taking place here in the county. Not
24 only this county but the other counties here
25 in western Nebraska. And we, like my wife

1 said, we have to go outside, outside
2 resources, and even through the news media, by
3 contacting the "Country Times Today," and let
4 them know of the problem that's existence
5 here. I contacted the "Star Herald." They
6 said they'd call me back but they never did.
7 I don't know why they didn't contact us, but I
8 felt, you know, we're defamed of our
9 character, you know, and through that our name
10 is like we can't, you know, get housing or,
11 you know, even through jobs so, you know. I
12 think there's two sides to a story. We have
13 our story to tell but looks like nobody don't
14 want to hear us out, you know, and I felt
15 that, you know, by coming forward to the panel
16 here that we could express ourself and to be
17 able to let you people know that what we're
18 going through. And, like I'm saying, we're
19 not the only ones that have come through, but,
20 you know, we're able to come out forward and
21 to, you know, let our problem be known. I
22 have a lot of paperworks here that I've
23 accumulated since my children have been taken
24 away, and a lot of this we're doing it on our
25 own. Like I say, I'm thankful to the legal

1 aid services and all for their help, you know,
2 for typing and stuff like that, and also for
3 Mr. Janis' contacting the Lost Sioux tribe and
4 the Nebraska Indian Commission on our behalf.
5 I'd like to thank them for their help, for
6 their helping us getting our problems
7 resolved. So I'd just like to say about that
8 much and thank all of you for your time.

9 CHAIRPERSON HILL: Thank you. Crystal
10 Iron Rope. Start with your name and address,
11 please, for the record.

12 MS. IRON ROPE: My name is Crystal Iron
13 Rope. My address is 1807 Avenue C, Scotts
14 Bluff, Nebraska. I am currently a student
15 here, a mother and a concerned citizen of this
16 area. I guess first off I want to welcome you
17 guys here to our community, except for Rosa
18 who lives here. I wanted to make a comment
19 first and say that it's sad that it takes this
20 advisory committee for these people that were
21 on the agenda earlier today, these like, say,
22 prominent people in our community, to come
23 here, and it was by your request that they
24 come though, the communities or something
25 asked them to come or something, you know, or

1 they don't even come, but I thought it was
2 pretty sad that they would do that.

3 My first concern is addressing
4 institutional racism because I have four
5 children; four boys and one girl, and I grew
6 up off the reservation over here in Alliance,
7 Nebraska -- that's not too far from here --
8 and I've combated racial, institutional racism
9 all my life so I know what it is. And -- I
10 get emotional here. You'll excuse me. But
11 today I had a situation that my son, one of my
12 sons said they were embarrassed to be Native
13 American, and that hurt. Because the school
14 system is not sensitive to our culture, and so
15 they call them names, the kids call them
16 names. And what I've been told is they killed
17 my son's spirit, and I think these things need
18 to be addressed in the school system as far as
19 sensitivity to the culture with the staff, the
20 teachers, the personnel all together. When
21 one of the representative from the college was
22 up here talking earlier today, he was asked if
23 there was any Native Americans that were on
24 staff: No, there isn't. I myself as a
25 student, one of my little brothers here is a

1 student, we go through hard times sometimes
2 and we want to talk to somebody. True they
3 have counselors here, but they are not Native
4 American counselors. We feel that if there
5 was somebody on staff here that we can relate
6 to as far as our spirituality, because that's
7 a big thing for us Native Americans is our
8 spirituality, and sure the counselors here
9 say, yeah, we can kind of understand but if
10 you're not Native American and if you don't
11 know about your spirituality and stuff then
12 it's kind of hard to talk to somebody that's
13 not of your culture. I know my brother and I
14 have talked about that several times.

15 And as far as more training needs to be
16 done with the Indian Child Welfare Act, not
17 only for our people but as far as the
18 community agencies within the area, because
19 I've talked to families who have gotten their
20 children taken away and they are not even
21 aware of the procedure that needs to be done
22 as far as going to contact the tribe and
23 stuff.

24 Like I said, someone on staff in any
25 place like you go, as far as the Department of

1 Social Services goes, you know, somebody
2 that's there that's on staff that is -- can
3 relate to a Native American, I think that's
4 important because a lot of our elderly -- I
5 myself, I go for my elderly and I speak for
6 them or I try to help them out any way I can
7 because that's the way I was raised. But as
8 far as the college here, Dr. Harmes has been
9 very sensitive to our Native American needs.
10 He's go above and beyond as far trying to form
11 our Native American Advisory Committee group
12 here. I know that racism is an individual
13 thing that needs to be taken individually, but
14 you can tell when someone is sensitive to you
15 just by their non-verbals, and you know when
16 you're not wanted somewhere. And I think we
17 need to put more of those people into place
18 that are sensitive to other people, and people
19 of color. But through the Native American
20 Advisory Committee, with Steve working through
21 the auspices of the Native American Advisory
22 Committee, he's got police sensitivity
23 training and the college staff here was
24 helping implement that program for the
25 training for the police. And currently, with

1 our advisory committee, we're trying to form
2 an advisory committee for the Chapter 1
3 education program that helps low income people
4 with the children having a hard time learning
5 things.

6 I'm currently the chairperson for the
7 advisory committee. This is my second year as
8 the chairperson. It is in place and we will
9 continue to stay in place here at the college
10 as an advisory committee. As long as there is
11 even one student here in the college we'll be
12 here to help, and the advisory committee has
13 been a working liaison for the community to
14 the college.

15 I kind of wanted to touch on things that
16 there is no -- currently there is no
17 organization or any type of facility here that
18 addresses human relations. I think you kind
19 of touched on that earlier today asking if
20 there was one. I think there is a great need
21 here for people who do have problems where we
22 can go to have them addressed. Earlier today
23 a Hispanic gentleman came up here and talked
24 and you're talking about if anybody was
25 running for like the city council, county

1 commissioners or stuff like that, or the
2 school board. I took the initiative this year
3 to put my name on the ballot for the school
4 board, which I never did research or anything,
5 but I think that's another issue that, you
6 know, that needs to be looked at as far as
7 getting Native American representation on
8 those kinds of boards.

9 As far as housing goes and foster
10 families. It seems like I've always addressed
11 that issue, like there's so many guidelines
12 that the feds make for us, you know, that you
13 have to have so much space per child or so
14 many bedrooms per child. I mean, if you look
15 into history, in the Native American history,
16 the Sioux people anyway, we lived in a tepee
17 and that's what, one room, and we grew up to
18 be okay people. But I think, you know, I have
19 voiced my opinion that I wouldn't mind being a
20 foster parent to some Native American children
21 but as far as the federal regulations go, as
22 far as room and stuff like that, you know, I
23 live in a two bedroom home but some of us, we
24 all sleep in one room. Sometimes we sleep all
25 in one room and then we go to the living room

1 or something like that, but, you know, I don't
2 know who made these requirements or anything
3 like that. But I would like to see if those
4 kinds of federal regulations could be changed
5 or something like that. I guess that's all
6 I've got.

7 CHAIRPERSON HILL: Thank you.

8 MR. HERRANDEZ: I just want to make a
9 quick comment, and that's that certainly you
10 as a mother and as a person are very strong in
11 coming up and speaking to us about what needs
12 to be done. And I think that your son has
13 every right to be proud that you're an Indian
14 woman and that he is an Indian fellow, and
15 that's one thing that he should be very proud
16 of.

17 MS. IRON ROPE: I think these issues need
18 to be taken care of because they're our next
19 generation coming up and we have to make an
20 easier way for them, and, you know, that's my
21 main concern.

22 CHAIRPERSON HILL: Frank and Janet Kills
23 Right. You've been very patient. You've been
24 here for two days and I appreciate that.

25 MR. KILLS RIGHT: My name is Frank Kills

1 Right and I'm a member of the Ogala Sioux
2 tribe. I currently reside at 808 East
3 Overland, No. 7. I have been a lifetime
4 member of the Council of the First People,
5 which is an intertribal non-public
6 organization of traditional healers and
7 teachers. I first became a member when I was
8 four and actively engaged in the practice when
9 I was nine. I've been involved in civil
10 rights work since I was 16 years old with the
11 National Indian Youth Council, and later with
12 the American Indian Movement. I am a
13 traditional person in the sense that I have
14 been taught these ways by my uncle who was a
15 medicine man, from which I was to carry on.
16 My history is that of all other Native
17 Americans struggling for our rights and our
18 lives for a place here in the western
19 hemisphere which rightfully belongs to us.
20 All I have to show for my efforts today is a
21 twice fractured skull, a broken nose three
22 times, broken arm, stabbed twice, hit with an
23 ax, club, incarcerated, intimidated, and
24 attempted assassination for my civil rights.
25 As a matter of fact, the United States

1 Government still believes that I am dead. If
2 you go to Ogala, South Dakota you will find my
3 grave and my gravestone. I attend my own
4 memorial services every year.

5 Today I brought with me the sacred pipe.
6 I wrapped it in black cloth because my people
7 are in mourning. This isn't an issue. This
8 is something that is not isolated, it is
9 isolated to Nebraska, but it is not isolated
10 to the Native American community as a whole.
11 As far as Native American religious rites are
12 concerned, this is something that I grew up
13 with. Back when I was practicing, when my
14 uncle was teaching me, it was a federal
15 offense for us to be doing what we were doing.
16 My grandpa Fools Crow fought for this Native
17 American right for our religion, which we had
18 stolen from us, denied us by the protestant
19 Christian white class. It finally happened in
20 1979, so we've only have nine years of freedom
21 of religion in this great country of yours --
22 your government -- it's my country, it's your
23 government. This town, this county does not
24 recognize this. They fear it. That's what
25 the whole issue is; they fear it. They don't

1 know anything about it but they fear it
2 because it brings back your identity. It
3 brings back your pride. It will make a man
4 out of you and it will make a woman out of
5 you, that is why they fear it. I am also a
6 licensed minister of the Judeo Christian
7 ethic. That is something I had to do because
8 I had some legal problems performing
9 ceremonies, so I ordained myself as a
10 Christian minister for legal purposes. I have
11 talked to all the ministers in this town. I
12 have been invited to two of their conferences,
13 and the only thing I heard was the complete
14 downgrading of La Cota culture and traditional
15 life ways. They are still trying to make us
16 into something we are not. We are not Anglo
17 Saxon Neo-Europeans, we are indigenous to this
18 country, to this land. Yesterday before I
19 came here I was invited ironically by two neo-
20 European females to the juvenile detention
21 center to talk to the Indian students, the
22 Indian children that are incarcerated there.
23 I'm not the first Native American to go in
24 there but, as far as I know, I'm the first
25 Native American to go in there with a loaded

1 pipe and my sacred staff and my feathers. I
2 talked to two boys there who are supposedly
3 incarcerated there because of an incident that
4 happened at my cousin's house. I didn't see
5 any danger to them. They're little boys.
6 They're the same age as my son, same height.
7 They were taken in there with handcuffs,
8 locked up. They're criminals. And they won't
9 let them out yet. So I talked there. Through
10 their invitation, I've been invited back
11 again. I don't know how long this is going to
12 continue because they are not the authorities,
13 the total authorities there. I feel that
14 somewhere down the line it's going to get
15 sabotaged, but I'm going to take advantage of
16 the situation while it exists. They will not
17 allow this in the county jail. There are
18 people before me that have tried. I have
19 tried. They don't want this in there. Why?
20 Because they are afraid of it. They don't
21 know anything about it but they are afraid of
22 it. Me, I'm a target in this town because I
23 openly practice it. I let people know who I
24 am and where I stand, so I'm a target now but
25 that's all right. I'm used to that.

1 There's been a lot of talk here about the
2 housing issue. I don't know if the people of
3 Scotts Bluff are aware that you have an Aryan
4 Nation organization right in your town. I had
5 confrontations with them because they kept
6 confiscating our mail, so I had to go to the
7 man's house to get my mail. I'm probably the
8 first Native American in this country to go to
9 four nights of neo-Aryan Nation rallies here
10 in Scotts Bluff, Nebraska. I sat there and
11 they tried to intimidate me and humiliate me. .
12 I fired right back. The man was my landlord.
13 I don't know if the Housing Authority is aware
14 of it. I don't know if the social services
15 are aware of it. I don't know if the police
16 are aware of it. I know the post office is
17 aware of it because I filed a complaint with
18 them about him confiscating his Native
19 American tenants' mail and forcing them to go
20 to his house so they can practice their
21 intimidation tactics on them. Some of them
22 have left. I'm still here. So they received
23 the, you know, like the -- what do you call
24 these, like you know the Nebraska Associated
25 Farm Workers gives the papers, they pay so

1 much rent for, you know, two weeks -- these
2 vouchers. Well, he accepts them. Sometimes
3 they are phantom residents. They still get
4 them. I don't know if they're aware of that.
5 So we finally left that two bedroom basement
6 apartment, which was also considered a fire
7 hazard by the Housing Authority. And there's
8 a Native American family living in that same
9 apartment now, and we moved across the street
10 to a trailer court. Them trailer houses are
11 obsolete. Late sixties, seventies model. I
12 seen what that man did. I used to do a lot of
13 interior repair work inside of houses. I've
14 seen the cheap materials that man used to
15 repair them houses; the floors, the carpets
16 ripped of old houses. Them carpets, man,
17 ain't even fit for a dog to sleep on. We, as
18 Native Americans, are relegated to slumlords.
19 I spent a lot of my lifetime in New York City
20 and Cleveland, Ohio, and Los Angeles,
21 California and I know slumlords when I'm
22 looking at them, and that's what we've got
23 here. That's all that's available for Native
24 Americans are these slumlords, and they
25 victimize us day in and day out in concert

1 with the social services and the education
2 system. You have the Native American children
3 in these schools, every single one of them
4 have been relegated to psychiatric therapy and
5 experimental psychiatric medicine, and the
6 counselors and the teachers try to bribe these
7 children to go and voluntarily volunteer for
8 foster homes, and they grill these children
9 and pressurize them and stress them into
10 admitting things that are not true. They
11 tried to make my son admit that his mother was
12 abusing him and that she's drinking and drunk
13 every day. My wife doesn't even drink. So
14 the bottom line is that all that's happening
15 here is that it's a concerted effort to
16 completely destroy and dismantle the Native
17 American family unit, its culture, its
18 tradition, and its identify because they are
19 afraid of this. That's the bottom line. When
20 you go your way and you're going to collect
21 all of this and do what you need to do, we
22 still have to live here and we still have to
23 fight with this tomorrow, the next day, and
24 the whole time that we're here. You're not
25 going to hear anything about Frank J. Kills

1 Right until I do something drastic if they
2 back me up against the corner, and I'm going
3 to be holding this because I've lived with it
4 all my life. I have too much faith in it. I
5 know what I can do. These are my civil
6 rights. My commissioners are the four winds,
7 and the earth, and they sky. And that's the
8 bottom line. Thank you.

9 CHAIRPERSON HILL: Thank you. Janet?

10 MS. KILLS RIGHT: My name is Janet Kills
11 and I live at 808 East Overland, No. 7. He
12 kind of touched up where I was, you know,
13 where I'm going to begin. My son has been
14 going to school at Roosevelt Elementary and
15 one day I got a call, they said they were
16 having some severe behavior problems with him.
17 They got his school reports from Pier Indian
18 School in South Dakota that he had a bad
19 record of severe behavior because he was taken
20 from me by force and placed in a -- well, I
21 guess it is a reformatory school for juvenile
22 delinquents and he was -- to me he was
23 practically a baby and he was taken away from
24 me and put there. And when I got him back he
25 did have problems which he didn't have when

1 they took him. So when I got him there, when
2 Roosevelt Elementary got there his school
3 records they immediately targeted him and
4 started sitting him away from the other kids.
5 They had him in a corner and a cardboard box
6 around him isolated from the other children,
7 and they called me in that day to ask me if I
8 had -- I was on social services and drawing
9 medical assistance through Medicaid so I told
10 them I was so they said they wanted -- they
11 recommended, the school counselor recommended
12 that I refer him to a psychiatrist or
13 psychologist, and they already arranged it
14 behind my back without notifying me. So I
15 took him in and from the start they talked to
16 him and they told him they wanted him -- that
17 they told him I was going to put him in a
18 foster home, and then they told me the
19 opposite, that he wanted to go to a foster
20 home, and they put him on -- well, the doctor
21 called it happy pills, take them at night and
22 they'll help you sleep and wake up in the
23 morning and you're happy and smiling. I
24 didn't see that. The medication they put him
25 on was Imenprimen (phonetic). At first it

1 helped him sleep but he was kind of drugged
2 out on that, and then my 17-year-old daughter,
3 she was going to school there too. She's at
4 the high school. I took out of school because
5 of the problems she was having sleeping and
6 not being able to sleep and trying to
7 concentrate, and they put her on Milloral and
8 Prozac. These are genetic drugs and as far as
9 I know they are still experimental. They are
10 not really accepted by the American Medical
11 Association. And they've had some severe side
12 effects from these but I discovered these
13 medicines that they put my children on are for
14 the criminally insane. I've got a 17-year-old
15 daughter and a 10-year-old son and they're
16 coming off of the medication pretty good but
17 they still have these side effects; the
18 vision, fainting spells, blackouts while
19 they're walking down the street, throwing up.
20 And social services recommended that I keep
21 seeing -- taking my children there. That if I
22 didn't cooperate they were going to take my
23 children from me. And due to the -- I mean,
24 they have behavior problems, but being on that
25 medication has increased it to where it's kind

1 of a task taking care of them, two children at
2 home, and they should be able to watch
3 themselves but I have to have my husband or I
4 watch over them with the withdrawals from the
5 medication. It scares me because my little
6 boy has been waking up with nightmares,
7 screaming. Like 3:00, 4:00 in the morning
8 wake up and hold him until he calms down. The
9 side effects from the medication that they've
10 had them both on.

11 I got a letter from the school
12 threatening me that they're going to take my
13 10-year-old son from me and place him in
14 juvenile detention if I don't put him back in
15 school. I'd be afraid to send him to school
16 right now because he still has those blackouts
17 yet, those withdrawals. And they said that if
18 I didn't cooperate with social services in
19 their work program I wouldn't be able to draw
20 welfare or food stamps or Medicaid so I
21 figured, well, I'd just go ahead and I told
22 them to take me off, and they forced me into
23 doing some things. I didn't think it was fair
24 to me, but they wanted me to prove that my
25 little son was crazy in the head so I can draw

1 SSI. I applied for three of these. They
2 forced me into it, to apply for SSI so I
3 applied for it and I got it for one of them,
4 but the other two, you know, they say they're
5 normal. There's nothing wrong with them. But
6 I've got one of them, you know, that they
7 didn't improve on. One they said, well, she'd
8 old now and she don't need SSI, she can work.
9 And so they cut me off the welfare and
10 Medicaid. So I can go to the reservation if
11 they need medication or something, but I don't
12 know how to deal with this. I'm having some
13 second thoughts about it. I'm trying to
14 figure out what to do. I've been confused
15 about a lot of this. Even, you know, trying
16 to get a job and I haven't been able to. I
17 think maybe I'm glad I can't get a job then I
18 can take care of my children. I don't think
19 they really need a babysitter but they need
20 something like a caretaker over them. But
21 I've discovered that there are other Indian
22 children, Mexican children and white children
23 in the school, not just Roosevelt but the
24 other schools, that they have these children
25 on similar or the same tranquilizers, and it

1 is in the classrooms. I'm aware of it. I've
2 heard some of the other parents telling about
3 it, they are giving these other children --
4 they say they're having a severe behavior
5 problem with these children and they are
6 forcing them to be on medication. And I had
7 one lady say, you mean your -- this doctor's
8 supposed to be helping, but she said he's a
9 legal drug pusher giving our children drugs,
10 making them out as zombies. And there is some
11 -- on these medications the way their behavior
12 is they're like a zombie, but yet it's making
13 them dangerous what it has done to them. My
14 children and other children that I've seen
15 that are on this medication, it's making them
16 more violent than they were, you know.
17 They're in a state of trauma where they are
18 like zombies, and you come up behind them and
19 scare them and they get violent. It's a
20 different reaction. It's experimental, and I
21 feel that, you know, something should be
22 looked into about this through social services
23 and Public Health Service or who's, you know,
24 distributing these medications to these
25 children, because I see it's doing permanent

1 brain damage to them, and the American Medical
2 Association, you know, has passed this off
3 that, you knot, that it's non-experimental,
4 but yet it's a genetic medication. It's, you
5 know, what I understand is it's still
6 experimental and they're experimenting on our
7 children; whites, blacks, Mexicans, Indians,
8 and it's in this area and the school system.
9 People, you know, wonder why their children
10 are like zombies. They go to school and they,
11 you know, the way they are. They're behavior
12 it's more violent now than it is, the
13 medication keeps them in a zombie state of
14 mind in the classroom but once they are out of
15 there, you know, they go out there and they
16 turn these violent little creatures loose, you
17 know, your own children, and they are turning
18 them into monsters on this medication. I've
19 seen that. And there was a lot more things
20 that I wanted to talk about but I wanted to
21 bring this out about this distribution of this
22 medication to the children, what it's doing to
23 them, and there are a lot of side effects.
24 There's a possible -- on some of them, like
25 Milloral and Thorazine, Prozac, Librium,

1 Haldol, they have some side effects: possible
2 cause of brain damage; cancer; prematuring
3 gray hair; hair falls out; pigments in the
4 skin, deterioration of the skin coloring; kind
5 of a permanent eye damage that will cause
6 children to end up wearing glasses; and stunts
7 their growth. And, you know, you talk about
8 smoking weed and huffing and shooting up
9 heroin and all this, you know, and that's a
10 drug, them are drugs. But, you know, if you
11 have someone that's going to just issue these
12 medications legally, you know, with a
13 prescription and they're poisoning our
14 children, and it's not -- I mean, this is the
15 first time I've been aware of it since my
16 children's been on this medication and it's
17 scary, and they are doing damage to these
18 children. Going to end up having a bunch of
19 zombies the rest of their life, and once this
20 medication takes hold of them, like I say,
21 about six months of it and then you take it
22 off of it and then they'll have side effects
23 from that like my little boy has and my
24 daughter. I had my daughter one day walk from
25 the bedroom and she fell against the

1 refrigerator and I grabbed her before she hit.
2 Her eyes rolled back in her head and she
3 started having convulsions. I picked her up
4 and I had to help her over and sit her on the
5 couch. It's scary. It's permanent brain
6 damage and they think this, you know, it's
7 experimental and I know it is. It's something
8 that's going to follow them around probably
9 the rest of their lives if something is not
10 done. There's a way to approach it and I'm
11 working on that. Approaching it, you know,
12 why are these children on medication, and has
13 damage been done to them and what kind of
14 adults are they going to be. Are they going
15 to be on medication until they die or are they
16 going to end up in a mental hospital or state
17 hospital because they're not going to be able
18 to motivate, move around, eat? I guess
19 that's, you know, what I wanted to talk about
20 today. There's more but I'll get around to it
21 some other time. I feel this is an important
22 issue. Thank you.

23 CHAIRPERSON HILL: It is an important
24 issue.

25 MR. HERRANDEZ: One real quick question.

1 What are you doing about it right now? Have
2 you approached like maybe the Indian Center?
3 Were they able to do something? I hate to
4 overload Steve Janis over there, and I've
5 referred everything to him. Can the Indian
6 Center do anything?

7 MR. KILLS RIGHT: Excuse me. I'm also on
8 the board of directors at the Indian Center.
9 I'm also on the Native Advisory Committee here
10 at the college center. The Indian Center is
11 unable to do anything of that sort. Their
12 hands are tied because it's basically
13 education, education assistance program.

14 MR. HERRANDEZ: They can't do anything?

15 MR. KILLS RIGHT: No.

16 MR. HERRANDEZ: I've been an Indian
17 Center director in two or three different
18 cities and I've handled a lot of problems that
19 were not necessarily under my jurisdiction,
20 but someone has to take the lead out there to
21 address those kinds of issues.

22 MR. KILLS RIGHT: Yes, but, see, if
23 you're approaching people that are involved in
24 the educational system they're -- I guess they
25 have their reasons for whatever, you know, for

1 not addressing this. That's why we brought it
2 here. This is the proper place for that.
3 This is something that we have been doing
4 independently, me and her by ourselves. As we
5 started out, we started out thinking we were
6 alone. As we went along, I was shocked to
7 discover that all the Native American families
8 and Native American students in these schools,
9 with the exception of a few, are all victims
10 of what she described to you. We're working
11 within a system here in Scotts Bluff County,
12 it's gridlock is what it is. Everything is
13 locked down tight, and all that exists here
14 for us is like the mouse's maze: one way in
15 and one way out. Everything else is a brick
16 wall. They've got this system pretty well
17 established and they have every intention of
18 keeping it that way. They've threatened us
19 legally. They threatened us -- I've been
20 threatened physically. I've been threatened
21 medically. They haven't killed me through any
22 of their threats yet, you know. They tried to
23 put me on psychiatric medication too, you
24 know, but that isn't the first time that I've
25 been called crazy. Anytime an Indian stands

1 up for his civil rights and his human rights
2 and his spiritual rights he's crazy. So what
3 do you do? That's what we're looking at now.
4 What do we do? Where do we go? How are we
5 going to get this outside of this gridlock?
6 How are we going to get it past this dark
7 curtain of secrecy here in Scotts Bluff? I
8 mean, Scotts Bluff is about as isolated as it
9 comes. I mean, we're way down deep in a hole.
10 I've got other resources outside of this area
11 that I intend to contact after we exhaust all
12 resources and avenues here. You know, if it
13 comes Russell Means time or Clyde Bell Court
14 time, well then, that's what it's going to
15 take. I've been trying to get hold of Susan
16 Shawn Harlow (phonetic) of the Morning Star
17 Foundation in Washington, D.C. today. I
18 wasn't able to so I'll try that again tomorrow
19 and take it from there.

20 As far as the Indian Center is concerned,
21 I really don't know too much about what is
22 happening there anymore. The last board
23 meeting I attended was in December and I
24 haven't received any communication from them
25 since then, so I really don't know what's

1 happening there..

2 CHAIRPERSON HILL: Thank you.

3 Fern Cross?

4 MS. STANS: My name is Theresa Stans. I
5 live at 1319 Fourth Avenue, Scotts Bluff, and
6 on behalf of Fern I'm going to read the
7 affidavits for her. This is Fern Cross, do
8 you need her address?

9 CHAIRPERSON HILL: Yes, please.

10 MS. CROSS: I live at 1214 East Hoff
11 Street, Scotts Bluff.

12 CHAIRPERSON HILL: Thank you.

13 MS. CROSS: "I, Fern Cross, do hereby --"
14 and these are affidavits that I'm going to
15 read. "I, Fern Cross, do hereby swear upon my
16 oath that the following is true: (1) that I
17 as an applicant for two 4-bedroom homes being
18 offered by the Indian Center. It was my
19 understanding that these homes were being
20 offered to those with the greatest need and
21 that a Section 8 was not a prerequisite,
22 however the ability to pay the rent was
23 required. I am currently paying \$250 a month
24 for rent without a housing subsidy. I also
25 pay a water bill that is approximately \$75 per

1 month. The rent for the Indian Center home
2 would be \$350 a month and the Indian Center
3 would also pay the water bill. I have a
4 representative payee and all my rent and
5 utilities are paid every month on time. I am
6 certain that I could have afforded the Indian
7 Center rent even without a Section 8. I was
8 on the waiting list for a Section 8
9 certificate and about the end of August, 1991,
10 I did receive two housing certificates to
11 enable me to look for a larger home and be
12 able to pay the necessary rent for a larger
13 home. I was given an interview as a result of
14 my application for the second 4-bedroom home.
15 During the interview I was asked questions
16 about my husband's drinking and whether the
17 drank too much. I was told that if I was
18 going to be given a house that my husband
19 would have to go for treatment and that my
20 entire family would have to go to Alanon
21 meetings. I was asked if Jackie worked and
22 why he did not work. As you remember, my
23 husband Jackie is deaf and mute. I informed
24 the selection committee that my husband was
25 receiving SSI but I was told that in order to

1 get one of these Indian Center homes that my
2 husband would have to work and that my family
3 would have to be dependent from AFDC and other
4 welfare programs. The selection committee was
5 concerned that my husband Jackie does
6 occasionally shout because he cannot hear
7 himself speak. It was the suggestion of one
8 Indian Center staff that his shouting would be
9 a disturbance to neighbors and would be more
10 beneficial if we lived out in the country.
11 The selection committee inquired as to the
12 number of kids in my home. I advised them
13 that I had ten children. It was a suggestion
14 of an Indian Center staff that I would have to
15 send a significant number of my kids to a
16 boarding school on the Pine Ridge Reservation
17 in order to be eligible for one of the Indian
18 Center homes. The selection committee
19 inquired as to the status of my youngest two
20 children who had additional handicaps
21 involving respiratory problems, braces and
22 seizures. I advised the selection committee
23 that there were a number of medical personnel
24 coming and going from my home attending to the
25 needs of my children. It was suggested by

1 Indian Center staff that this amount of
2 traffic in and out of my home would probably
3 be a disturbance to other neighbors. Of all
4 the selection committee members it was an
5 Indian Center staff who constantly made
6 negative comments and negative conclusions
7 about my spouse and his handicaps, about the
8 number of my children and about the handicaps
9 that my children have. My older children were
10 taunted and humiliated in public by the
11 children of a friend of the Indian Center
12 staff member. The children had confidential
13 information about my personal finances, my
14 debts, and my plans by the future. It was
15 quite embarrassing not only to my children but
16 to myself as well. I feel that my family was
17 barred from the Indian Center housing by the
18 acts of Indian Center employees because my
19 spouse is deaf and mute, and my two youngest
20 have seizures, respiratory problems and needs
21 braces. I feel that my family was barred from
22 Indian Center housing by Indian Center
23 employees because I have been blessed with ten
24 kids who manager to live in a small 2 bedroom,
25 whereas as spacious 4 bedroom was seen as

1 inappropriate. I feel that my exercise of my
2 right to obtain decent housing was denied by
3 the Indian Center because of their acts of
4 interference, coercion, threats, and
5 intimidation."

6 CHAIRPERSON HILL: Will you leave a copy
7 of that?

8 MS. STANS: Yes.

9 CHAIRPERSON HILL: Or can we get a copy
10 made?

11 MS. STANS: Yes.

12 CHAIRPERSON HILL: Thank you.

13 MS. STANS: She has two affidavits. I'll
14 read the second one. This is an affidavit by
15 Fern Cross. "On Thursday, March 25th, 1993,
16 our family had come back from Lavern Little
17 Spotted Horse's funeral in South Dakota.
18 Lavern was my husband Jackie's brother. That
19 night we were all sad and tired and hadn't
20 gotten over his death. On Friday, March 26th,
21 1993, around 11:00 a.m., Bluffs Middle School
22 truancy officer brought my daughter Julian Ann
23 Cross home from school. She didn't have to
24 tell me why she had brought her home because a
25 Child Protective Service worker from the

1 Department of Social Services pulled up right
2 behind her. The truancy officer did tell me
3 that the twins Julian Ann and Julian were late
4 for school that morning so she called the
5 probation officer so that he could come talk
6 to them. He told Julian that he would bring
7 him straight home from school but instead he
8 took him to the detention center in Gering. I
9 didn't have time to talk to the probation
10 officer because by that time about five police
11 cars arrived, one detective car, two white
12 unmarked vans, one white truck pulled up in my
13 yard. The police surrounded the front and the
14 back of my house and they tried to come
15 inside. They told me they wanted to look
16 around. I told them, no, not without a search
17 warrant. Then I asked them what is this about
18 and no one told me anything.

19 "Me and my family didn't understand what
20 was happening and we became frightened. Two
21 police officers came to my home before the
22 warrant was issued. They didn't search but
23 they did stand guard. I didn't want my little
24 children to see all this so I sent them to a
25 friend's house. One officer told me he would

1 get a warrant to search the house and began to
2 argue with me about my 15-year-old daughter
3 Missy. He said that on several occasions
4 during the winter he had brought Missy home
5 from her boyfriend's place and that he saw
6 them together all night. I told him that it
7 was a lie and I would prove it by bringing
8 Missy's boyfriend over to prove it wasn't
9 true. He just laughed and walked away.

10 "While I had been talking and arguing
11 with that officer, two other officers entered
12 my house and begin to stand guard. Before
13 Legal Aid came we couldn't touch anything.
14 They would follow us everywhere. We had to
15 even knock to get into our house. My 17-year-
16 old daughter, Nona, went next door and called
17 Legal Aid so they would come and find out what
18 was going on. The officers and detectives
19 said we didn't need to call them. I asked
20 them why and they didn't answer me. The
21 people from Legal Aid and a few of the Eagle
22 Star members showed about 20 minutes later.
23 An officer arrived with an inspection warrant
24 a little after 3:00 p.m. The police and
25 health inspector brought a camera into my

1 house and took pictures of every room. I told
2 them that I still didn't understand what was
3 going on. That's when a Legal Aid worker told
4 me that they had a complaint about the house
5 being dirty. I told them we had a death in
6 the family and that we had all the relatives
7 here and that we had just left South Dakota
8 for a funeral and when we came back we were
9 tired and sad.

10 "The detective and some other official
11 took pictures of every room in the house,
12 opened my stove, oven, refrigerator. I don't
13 know what else they did in the house because I
14 went outside. While me and my family waited
15 outside we tried to talk to the officers to
16 find out what was going on but nobody would
17 answer our questions. About that time my son,
18 Bernard, came home from school and asked me
19 what was going on. I told him we didn't know
20 and I told him to go and play. So he went in
21 the backyard to play basketball with his
22 brother Billy. I then saw that they had
23 finished inspecting the inside of the house
24 and they all came outside and gathered around
25 to talk amongst themselves. One man come up

1 to me and told me they were through with the
2 house; that I should get another house to move
3 into. That if we moved this house would be
4 condemned. He told me that they were all
5 going to leave but the probation officer kept
6 insisting that something be done around here.
7 I don't know what he meant but I heard him say
8 that my son Bernard had two warrants on him
9 and Missy had two warrants on her. When
10 Bernard heard that he started to run behind
11 the house. About four officers and the
12 probation officer chased him got him on the
13 ground and handcuffed him. I heard my kids
14 say they're hurting Bernard. I saw them when
15 they got him down onto the ground and
16 handcuffed him and threw him in the police
17 car. Next, a probation officer told the
18 police to arrest Missy on the two warrants.
19 Missy was standing beside me and she held onto
20 an Eagle Star member because she didn't want
21 to go to the detention center. She started
22 crying and screaming but the police handcuffed
23 her and took her away. I was crying and
24 screaming because I couldn't stand to see my
25 children being handled like that, and I

1 couldn't do anything to help them. All I
2 could do was cry. By that time I saw my son
3 Kevin and I heard him shout, if you're going
4 to take away my brothers and my sisters you'll
5 have to kill me before you do that. And I saw
6 him back away towards the step, but by then I
7 saw a police officer go straight for Kevin,
8 hit him and the next thing I saw as Kevin on
9 the ground. His head hit a piece of glass,
10 then I saw about six policemen on him. They
11 started to put shackles on his legs and they
12 handcuffed him. Then I saw some policeman hit
13 Kevin and smash his face harder on that piece
14 of glass. I saw someone kick him on his side
15 and that's when I shouted them to stop it.
16 Leave him alone. He has a bad heart. I
17 shouted that about five or six times, then I
18 saw one of the Legal Aid people approach Kevin
19 where he was laying and told the officers to
20 stop, you don't have to do that to him. When
21 my son got up off the ground his face was
22 covered with blood. An ambulance was called
23 and Kevin was taken to the emergency room.

24 "My daughter Missy spent the entire
25 weekend at the hospital. The detention center

1 officials brought her in there. I still don't
2 know at this time exactly what it was she was
3 treated for. Missy refused to eat at the
4 detention center because she claims the food
5 was horrible.

6 "When all of this was going on I was told
7 there was a lot of bystanders shouting for the
8 policemen to stop beating on Kevin. Cars
9 would drive by, stop and shout at the
10 policemen to stop the beating. People were
11 shouting, L.A. cops, Rodney King beatings. I
12 am not the only one who saw them beat my son.
13 There were a lot of witnesses who saw it and
14 who are willing to testify to it. My sons
15 Bernard and Julian are in a detention center
16 right now. They want to be home. Missy was
17 also in detention but because of her health
18 problems she is out.

19 "Now the social services want to take
20 away my smaller ones, my babies. But we sent
21 them to live with their aunt in South Dakota,
22 and later with an aunt in Chadron. I don't
23 want them to be in a foster home in this town.
24 One of my children was beaten by an older boy
25 while at the local detention center and I was

1 not notified. I heard about the incident
2 through a friend.

3 "The local county attorney's office has
4 filed numerous criminal complaints against me
5 and some of my other family members. We have
6 had at least six court hearings since this
7 incident occurred. Each and every time a
8 court hearing has been scheduled for my sons
9 Julian, age 13, and Bernard, age 12, they are
10 brought into the courthouse with shackled feet
11 and handcuffed as if they were dangerous
12 criminals. My son Kevin is in jail for
13 assaulting an officer and is facing other
14 charges. His bail was set at \$12,000."

15 CHAIRPERSON HILL: You'll leave that with
16 us, please?

17 MS. STANS: Yes, I will.

18 CHAIRPERSON HILL: Thank you.

19 MS. STANS: Do you need to ask her any
20 questions or anything?

21 CHAIRPERSON HILL: Not on a case in open
22 session. Not until we research it.

23 MS. STANS: Okay. We have another issue
24 we have had. It's been with the Indian Center
25 and our Nebraska Indian Commission. We have

1 reported numerous incidents to them and never
2 get any results from any of them, and we have
3 asked for the Indian Commission twice to come
4 here and hold meetings and they have not. We
5 have formally requested them to come here and
6 hold their meetings and they have not, and
7 we'd like to know why they aren't working in
8 this area.

9 CHAIRPERSON HILL: Earl Thunder Bull.

10 MR. THUNDER BULL: My name is Earl
11 Thunder Bull. My residence is in Minatara,
12 Nebraska, 1009 Fourth Avenue. My complaint
13 regards discriminatory acts by the school
14 system within Minatara Junior High concerning
15 my 13-year-old son. And this situation he's
16 been having is an on-going problem. He's been
17 placed in special ed ever since he was a
18 little kid when he started kindergarten, and
19 up to this date he's still in special ed, and
20 the principal is stressing to me that he
21 should start acting like a normal kid. And,
22 as a parent, how am I supposed to tell my son
23 how to act like a normal kid when he's having
24 problems? And, at this point, he's even
25 intimidating my son calling him into his

1 office, and the other kids now are starting to
2 pick on him. And, as a professional worker
3 within the school system, that principal
4 should be aware, look through his records that
5 he was in special ed and not take it upon
6 himself to try and act like God himself to try
7 and say your kid better straighten up, because
8 he's having problems. They should be aware of
9 it just by looking into his medical records.
10 And when I tell him to look into his medical
11 records he says we can't find his medical
12 records. That's all registered within the
13 Pine Ridge Reservation in South Dakota. A lot
14 of times our kids going through problems and
15 they are not aware of it and they should be
16 aware of it, because we explain to them when
17 they first enroll in the schools. So now it's
18 coming down to the point where he's coming
19 back from school feeling real negative.

20 And, as Indian culture, our teaching is
21 not to look into another person's eyes because
22 that's disrespect. That's something that
23 needs to be stressed to the school system, and
24 also to teach some of the teachers within the
25 system not to give out false information about

1 our ancestors because that's what leads our
2 children into believing that they are not
3 humans. I wanted to stress that, because this
4 incident is on-going. They threatened to take
5 me to court because of my son. As a Native
6 American we have rights. This part of
7 Nebraska is our sovereign land in 1868 treaty
8 rights. A lot of these issues should be
9 resolved within that aspect. So I hope this
10 commission can resolve some of these matters
11 for our children. Thank you.

12 CHAIRPERSON HILL: Thank you.

13 We have no others on the list; is that
14 correct?

15 Let me wrap it up this way for those of
16 you that went through this last part. One of
17 the most difficult things in the world is to
18 talk to a group that doesn't respond. And
19 because of the open hearing and our lack of
20 ability to pre-investigate or to know the
21 other story, you were put in that position.
22 You talked, we listened, we didn't respond,
23 and you want response and we know that. I
24 want you to know we're sensitive to that.
25 What our next step will be is we will take all

1 of the material that we've gathered during the
2 last couple of days. We will be putting it
3 together and looking at it. That's long
4 range. That's not what you're looking at.
5 There's probably some recommendations that we
6 think we're going to be making that will be
7 long term, and I can't speak for the committee
8 in terms of what those are, but I would say
9 the one thing that's become very clear is that
10 real or imagined, and my guess is it's real,
11 there's a lack of access for people with
12 complaints such as we heard here. Even if I
13 took the approach that every single complaint
14 that just came up was unjustified, even if I
15 took that approach, there does not appear to
16 be a vehicle where it comes to somebody that's
17 responsible to quickly investigate to say it's
18 unreasonable. And there does need to be a
19 vehicle and that's something that we can talk
20 about and do relatively quickly, at least
21 within our recommendations to other agencies.
22 How fast something happens, if anything
23 happens, that's beyond us to say right now.
24 But you've got a right to know what our next
25 steps are and that's about all we can do. But

1 your words were not on deaf ears. We have
2 people to report back to, not in Washington,
3 that's Ascension and staff has to report to
4 Washington and to their people, we have people
5 to report to within the State of Nebraska, and
6 you were some of those people. We will be
7 meeting as quickly as possible on some of the
8 things that call for informal resolution, both
9 through Ascension's office, through some our
10 resources, we will be referring them on.
11 Wherever possible we'll get back to you
12 directly. But we did hear what you said. We
13 will be compiling and we will be meeting
14 again, but, in the meantime, we will be taking
15 some individual action.

16 We appreciate your staying and your being
17 here. Many of you have been here a long time
18 and we appreciate that.

19 We're now formally adjourned.

20 (Whereupon, at 8:00 p.m., the hearing was
21 concluded.)
22
23
24
25