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**U.S. COMMISSION ON CIVIL RIGHTS**

IOWA ADVISORY COMMITTEE

TO THE U.S. COMMISSION

ON CIVIL RIGHTS

"Race Relations and Des Moines'

New Immigrants"

Commencing on April 21, 1999, at the  
United Way of Central Iowa, Room F, 1111  
Ninth Street, Des Moines, Iowa.

VOLUME II

Reported by: Jodi Lewis, C.S.R.

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CASSADY COURT REPORTING  
Des Moines, Iowa  
(515) 243-5154

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1 DR. SOMMERVILLE: We will resume the  
2 afternoon session. I shall call the name of  
3 the individuals. If he or she is here, please  
4 say yes. Reverend Kevin Cameron, Sister Karen  
5 Thein, Dr. Mark A. Grey?

6 DR. GREY: Present.

7 DR. SOMMERVILLE: Would you like to  
8 go now?

9 DR. GREY: I'll be happy to. I  
10 brought all these things to grade, and that's  
11 fine. We'll press on.

12 DR. SOMMERVILLE: We are not  
13 permitted to grade papers during the  
14 presentation.

15 DR. GREY: There's no rest for the  
16 weary.

17 DR. SOMMERVILLE: For the record,  
18 would you give your name, your address, and  
19 your occupation.

20 DR. GREY: Mark A. Grey, G-r-e-y.  
21 I'm an associate professor of anthropology at  
22 the University of Northern Iowa. Anything  
23 else?

24 DR. SOMMERVILLE: That's fine.

25 DR. GREY: I've given a couple of

1           copies of my presentation to Ascension, and I  
2           wanted to make sure that that written copy got  
3           to the record because it does contain a number  
4           of references. If you choose to pursue it,  
5           you may want to look into those. So whenever  
6           you're all ready, I'll go ahead and read this.

7                         DR. SOMMERVILLE: You may go.

8                         DR. GREY: And hopefully -- it is  
9           timed to be done well within the 15 minutes so  
10          we will have time for the questions and  
11          answers, and I'll be happy to do that. The  
12          title of my presentation is Structural Change  
13          in Agribusiness and Recent Influxes  
14          of Immigrants and Refugees to Iowa. Anyone  
15          who is even vaguely familiar with Iowa history  
16          knows that the state's economy took a beating  
17          in the 1980s. This is called the farm crisis,  
18          for this period of economic downturn engulfed  
19          many sectors of the economy. Jobs  
20          disappeared, and rural populations declined.  
21          Against this backdrop we have witnessed  
22          numerous structural changes in the state's  
23          economy. Principle among these are the  
24          dramatic changes in the structure and labor  
25          practices of agribusiness. First we have seen

1 increasing concentration of this sector in the  
2 economy. Although the traditional view of  
3 rural Iowa is one of small family-owned farms,  
4 a growing portion of agriculture production is  
5 in the hands of a declining number of  
6 corporations. And again, I provide references  
7 for these things if you'd like to go to them  
8 in further. One result of concentration is  
9 that many agribusiness operations are no  
10 longer owned and operated by local families.  
11 Instead, they are parts of large often  
12 multinational corporations that have few, if  
13 any, ties to rural communities. Although  
14 individuals who work in these facilities may  
15 call the rural communities home and develop  
16 social relations, absentee owners may view  
17 communities differently and make decisions  
18 that do not take into account the economy or  
19 social welfare of host communities.

20 One result of concentration in  
21 agribusiness is the integration of rural  
22 communities into a global economy. Many Iowa  
23 food producers have exported their products to  
24 other states and countries for decades, but  
25 the degree to which these communities now

1 depend on global markets has increased. While  
2 globalization may benefit some food producing  
3 communities, it can also present challenges.  
4 Specifically many rural Iowa producers find  
5 themselves competing with producers from other  
6 parts of the world. These other producers may  
7 have a number of advantages over Iowa  
8 producers including lower labor costs, cheaper  
9 raw materials, and closer access to global  
10 markets. This situation has forced numerous  
11 Iowa communities to become active members of  
12 the global economy in which geographic and  
13 political borders have become largely  
14 irrelevant. The place and role of community  
15 becomes confused. The major part of this new  
16 position is that rural communities have also  
17 become part of the global labor market. This  
18 accounts for the majority of Iowa's immigrant  
19 and refugee influx in the last ten years.

20 Meat packing is an industry that  
21 receives the most media and research  
22 attention for a reliance on immigrant and  
23 refugee workers, but other agribusinesses also  
24 rely on these workers including poultry  
25 processing, vegetable harvesting, egg

1 production, dairy, and livestock raising. In  
2 many of these industries, minority immigrants  
3 and refugees make up the majority of the  
4 production work force. Although rural  
5 depopulation and low unemployment rates are  
6 often cited for this increasing reliance on  
7 immigrant and refugee workers, there are other  
8 explanations.

9 First, many of these industries have  
10 experienced decreases in wages and benefits  
11 making them less attractive to established  
12 resident Iowans. Meat packing provides an  
13 excellent example of this transition. In the  
14 1970s packing jobs paid well above the  
15 national average for manufacturing workers.  
16 This changed during the early 1980s, and as  
17 wages fell well below average, manufacturing  
18 wages and most plants' benefits did not become  
19 available until after six months on the job.  
20 When new packing plants opened, they were  
21 larger and more efficient than their older  
22 counterparts, which also meant that they  
23 employed more workers. Older plants could not  
24 compete, and most were forced to close. Today  
25 there are fewer packing plants in Iowa than 20

1           years ago, but most of those plants employ  
2           many more workers.

3                         Packing jobs also became the most  
4           hazardous in the nation. On average, roughly  
5           one in every three meat packing employees were  
6           injured on the job. Most of these  
7           injuries are associated with repetitive  
8           motions, problems such as carpal tunnel  
9           syndrome. As plants became larger and more  
10          highly engineered, they also deskilled most  
11          jobs to the fewest possible motions. This  
12          allowed plants to push more product through  
13          workstations increasing efficiency and output.  
14          Similar phenomena, of course, are found in  
15          other agribusinesses as well. Again, I  
16          provide some more of the detailed information  
17          in the notes.

18                        All of above factors combine to make  
19          agribusinesses recruit workers outside the  
20          state, and, in many cases, outside the country.  
21          Immigrants and refugees are often targeted  
22          because the majority of production jobs do not  
23          require proficient English language skills.  
24          This, combined with a lack of formal education  
25          and training, often make these people



1 unqualified for most jobs in our economy.  
2 Therefore they are qualified, in quotes, to  
3 take food production jobs precisely because  
4 they have relatively few other opportunities  
5 on the job market.

6 There are other reasons immigrants  
7 and refugees are sought by food processors,  
8 mainly because of low wages native Iowans  
9 consider too low; however, this willingness --  
10 and that's another word that goes in  
11 quotes -- willingness, must be understood  
12 against a complex backdrop of cultural and  
13 economic pressures that immigrants and  
14 refugees employ to support and make possible  
15 their ability to survive and even thrive in  
16 low-wage jobs. These include extensive use of  
17 networks, defacto mutual aide societies not  
18 unlike what used to happen in Iowa 100 years  
19 ago.

20 While migration patterns have  
21 maintained homes and regions with lower costs  
22 of living and frequent employee turnover, in  
23 short, food processing corporations have  
24 become established in transferring some of the  
25 costs of reproducing and maintaining their

1 labor forces through immigrants and refugees  
2 themselves, their sending communities, and, of  
3 course, the rural Iowa communities that host  
4 them.

5 The growing dependence on a global  
6 work force presents a number of challenges to  
7 Iowa communities. Of course the majority of  
8 rural communities used to be almost  
9 exclusively English speaking of European  
10 decent. Hereafter I will use the term  
11 "American Anglo" to describe this population.

12 As more and more minority and  
13 immigrants can survive in these communities,  
14 they experienced rapid ethnic and linguistic  
15 diversification. This phenomena challenges  
16 the ordinarily social order of the community  
17 transforming them into multilingual and  
18 multi-ethnic communities that have become  
19 pain-strickenly integrated into a much larger  
20 regional or even global social and economic  
21 world.

22 As my colleague Sandy Charvat Burke  
23 testified earlier, exactly how many of these  
24 newcomers have arrived is difficult to tell.  
25 Perhaps the number of newcomers is not as

1           important as the consequences on host  
2           communities and the newcomers themselves. We  
3           now have several years of evidence to  
4           articulate how these demographic changes  
5           affect rural towns, and we also have a growing  
6           body of evidence to note the experiences of  
7           newcomers as well. In the interest of time, I  
8           would not provide an extensive discussion  
9           on these points here, but I do provide a list  
10          of these resources in the footnotes.

11                       The rest of my remarks then will  
12          address some of the civil rights issues of  
13          rapid ethnic diversification. Many community  
14          leaders respect the newcomers and recognize  
15          their essential role in local economy, but  
16          many community members are uncomfortable. In  
17          one community I visited several times, many  
18          people were angry that migrants took jobs with  
19          low wages that locals used to take with much  
20          higher wages. Perhaps more important,  
21          feelings were mixed about these new workers  
22          because they do not simply arrive to take  
23          jobs. They bring their languages and their  
24          distant cultures with them.

25                       In nine years of researching these

1 communities in Iowa, I have witnessed various  
2 reactions from newcomers, and these  
3 reactions range from explicit welcomes and  
4 efforts to provide comfortable environments to  
5 outright unapologetic racism. In most  
6 communities there are core groups, dedicated  
7 businesses, civic leaders, and others who do  
8 as much as they can to smooth out the often  
9 difficult transition for both established  
10 residents and newcomers. These groups form a  
11 sort of diversity committee, and they are  
12 found all over the state. They perform a wide  
13 variety of functions from finding adequate  
14 clothing and housing to newcomers to helping  
15 institutions adjust to newcomers' life styles.  
16 And even these committees are often  
17 controversial because they seek to bridge  
18 cultural and linguistic gaps between newcomers  
19 and established Anglos. Perhaps more  
20 importantly, these diversity groups often  
21 involve themselves in assuring the civil  
22 rights of newcomers. In many respects they  
23 serve as clearinghouses to gather information  
24 about potential civil rights violations and  
25 attempt to address these problems through

1 public awareness campaigns, meetings, or even  
2 outright advocacy.

3 In their simplest form, stereotypes  
4 about newcomers and particularly Latino  
5 immigrants represent misinformation or  
6 outright cultural and historic ignorance. For  
7 those willing to learn, an appreciation for  
8 these newcomers can be achieved.  
9 Unfortunately many turn these relatively  
10 simple stereotypes into prejudice or even  
11 outright hostility. Achieving some degree of  
12 empathy for newcomers is often possible, but  
13 we cannot reasonably assume that all  
14 established residents will desire to form  
15 social relations with newcomers,  
16 particularly as long as linguistic, social,  
17 and class differences and frequent migration  
18 make interaction infrequent and difficult.

19 However, the lack of social  
20 interaction must not be confused with a tax on  
21 newcomers' civil rights. It is one thing to  
22 acknowledge that many newcomers and  
23 established residents do not become friends.  
24 It is quite another to say that fundamental  
25 human rights are purposefully denied. It is

1           important -- well, I will leave specific  
2           examples of violations to others, and I'm sure  
3           you have heard those and will continue to hear  
4           those today. My job is to explain the larger  
5           cultural and economic development issues in  
6           which these are taking place.

7                         Part of this, of course, is the role  
8           of the media. In many respects refugees enjoy  
9           different status than most immigrants. This  
10          is due largely to the media portrayal of these  
11          people as victims of war, and their arrival in  
12          Iowa provides an opportunity to start anew, to  
13          make Iowa their new home. Indeed, Iowa has a  
14          proud history of welcoming refugees beginning  
15          with the arrival of Thai Dam refugees in the  
16          1970s right up through more recent arrivals of  
17          Bosnian and Sudanese refugees. This may boast  
18          an active and dynamic refugee support  
19          bureaucracy that is reasonably well-funded,  
20          and I believe you heard from one of those  
21          folks this morning.

22                         In town after town, Iowans have  
23          welcomed refugees. This hospitality is no  
24          doubt driven by compassion and generated by  
25          media coverage of these newcomers' flight.

1           They are, in a sense, invited to be here.  
2           However, much the same cannot be said of  
3           economic migrants who are both immigrants and  
4           refugees who arrived in Iowa explicitly to  
5           take jobs. They have a different status.  
6           Indeed, in many cases these newcomers become  
7           scapegoats for community problems.

8                       Case in point is recent concern  
9           about the state's growing problem with  
10          methamphetamine. National and local media  
11          have linked methamphetamine traffic with new  
12          Latino populations. They are not always  
13          careful to point out the majority of  
14          Latino newcomers are hard workers who come to  
15          Iowa to earn money for their families and  
16          their home communities. Instead the media  
17          point out that new populations of Latinos  
18          provide ample opportunity for drug smugglers  
19          to blend in as they ply their wears. Doing  
20          so, the media provide ample fodder for those  
21          seeking justification of hostility towards all  
22          newcomers. Although they are usually careful  
23          not to point fingers explicitly at Latinos,  
24          law enforcement officials and some political  
25          leaders use the presence of newcomers to

1 explain rising crime rates.

2 Complicating the situation is the  
3 distinction between immigrants who are or are  
4 not in the country with proper documentation.  
5 Several high profile actions by the  
6 Immigration and Naturalization Service, the  
7 INS, in 1996 raised the specter of illegal  
8 immigration in Iowa and confirmed that once  
9 and for all that many Iowa communities have  
10 become pain-strickenly bound to global labor  
11 markets. In a strict legal sense, the INS was  
12 doing its job, but the relatively short  
13 duration of these so-called raids and how the  
14 INS chose which plants to be targeted raised a  
15 great deal of suspicion about the motives of  
16 INS officials and the U.S. Attorney's Offices  
17 which sponsored these raids.

18 Indeed the INS's own estimate is  
19 that 25 percent of all meat packing workers  
20 are in this country illegally, so it raises  
21 some questions. Why were only a few plants  
22 raided and for a short period of time? Also,  
23 why were no plants cited for knowingly hiring  
24 these workers to begin with? Since that time  
25 the INS has opened two new offices in Iowa,



1           one explicitly for enforcement activities.

2                       Regardless of the motives of the INS  
3           and its political supporters, there is  
4           an ironic affect these developments have on  
5           perception of immigrants in Iowa. The notion  
6           that Latinos may be illegal aliens compounded  
7           negative stereotyping. It also presented some  
8           immigrant advocates with a dilemma. Should  
9           they make distinctions between those  
10          immigrants who deserve their advocacy and  
11          those who do not based on their legal status?  
12          Most immigrant advocates find these  
13          distinctions irrelevant, but the  
14          legal/illegal debate clouds an already murky  
15          situation. Many wrestle with this question:  
16          Do illegal aliens have different civil rights  
17          than legal immigrants? The fact that this  
18          issue has emerged drives home the reality that  
19          Iowa is now part of an international labor  
20          market in which the political borders are  
21          increasingly irrelevant. Perhaps most  
22          importantly the fact that thousands of  
23          immigrant workers in the state are illegal  
24          aliens indicates that these workers are highly  
25          desirable in some sectors of our economy,

1 particularly since an illegal immigrant status  
2 leaves workers with little or no power  
3 vis-a-vis their employers, established  
4 residents, or law enforcement. This makes  
5 them a vulnerable work force, one that must  
6 hide. I call this Iowa's shadow work force,  
7 and the implications for civil rights are  
8 numerous.

9 Most importantly, the civil rights  
10 of these workers and their families cannot be  
11 assured as long as negative stereotypes and  
12 their legal status deny them a full range of  
13 civil rights protection. I believe that the  
14 challenge ahead is to legitimize this shadow  
15 work force and bring it into the daylight.  
16 Only then can we assure that all immigrants  
17 and refugees and newcomers to this state will  
18 have equal access to their civil rights.  
19 Thank you.

20 DR. SOMMERVILLE: Thank you. Are  
21 there questions?

22 MS. WEITZ: I've got one.

23 DR. GREY: Please.

24 MS. WEITZ: Your presentation and  
25 the preceding one by Sandy Charvat Burke, are

1 any -- I'm thinking of legislators. The  
2 information that you provide to us, is anyone  
3 else interested in that or want access to that  
4 as far as people that are making the laws in  
5 this state so that some proactive things can  
6 be put into place because the population is  
7 going to continue to grow?

8 DR. GREY: Right. Well, to me the  
9 fundamental issue is not whether the policies  
10 exist; it's whether they're enforced and what  
11 the decisions are being made about when and  
12 where those policies are being enforced. I'm  
13 sure that Sandy touched on this, but we know  
14 that there are thousands and thousands of  
15 newcomers, and when you mix in this difficult  
16 issue about their legal status -- I have been  
17 doing research in a part of Iowa that I will  
18 not name at this point where the majority of  
19 the workers in a particular sector of the  
20 agribusiness economy are knowingly illegal,  
21 and they're knowingly hired as illegals  
22 because it lowers the threshold of the civil  
23 rights clause, and I know that they're being  
24 abused, but the state's not going after that  
25 employer. The state nor the federal

1 government has prosecuted any major employers  
2 of illegal aliens in this state. And what  
3 this does, of course, is it sends a series of  
4 mixed signals to the Latino population and the  
5 general population, I think, that it's okay to  
6 take advantage of these people. It's okay for  
7 them to be in the country as long as we need  
8 them. I think one of the central points of  
9 what I had today was, you know, a lot of these  
10 people are here because there is a demand for  
11 their labor.

12 MS. FRIAUF: You sort of mentioned  
13 numbers when you were talking about the  
14 illegal population. What kind of a percentage  
15 are you talking about? I sort of missed that.  
16 You don't know?

17 DR. GREY: Well, the number that I  
18 gave you, two, three years ago the regional  
19 director of the INS, that was his published  
20 estimate for the number of illegal aliens  
21 working in meat packing alone.

22 MS. FRIAUF: What was that number?

23 DR. GREY: 25 percent of the  
24 production work force in meat packing in Iowa  
25 and Nebraska, his estimate was 25 percent, and

1 he admitted that that was probably low. Now,  
2 that was a few years ago. That was before the  
3 high profile raids. We know that it's  
4 probably gone down. We also know that most  
5 meat packing plants are now voluntarily  
6 participating in large computer database  
7 programs to try to weed people out, but it is  
8 still very, very possible to beat that system.  
9 We know that. Even honest people in the  
10 industry will tell you that as well. But,  
11 again, it raises -- to me it raises the civil  
12 rights implications of that is not how many  
13 illegal aliens there are in the state, not  
14 how many illegal aliens are working in these  
15 plants or how many of them are breaking eggs  
16 or how many of them are working in hog  
17 confinements, to me there obviously is a  
18 political agenda afoot here which is going to  
19 keep the U.S. Attorney's Office and state  
20 agencies, quite frankly, from enforcing those  
21 laws and protecting the civil rights of  
22 everybody. What I am telling you is that if  
23 they went after some of these abusive  
24 employers for breaking several laws,  
25 knowingly hiring illegal aliens, a lot of that

1 abuse would stop. What I find troubling is  
2 this selective enforcement. That's what  
3 bothers me. So I don't think it's a lack of  
4 policy. I think it's a lack of enforcement or  
5 selective enforcement.

6 DR. SOMMERVILLE: We've listened to  
7 a number of presenters this morning as they've  
8 talked about activities and services that they  
9 have implemented regarding immigrants, and as  
10 I listen to your presentation, you addressed  
11 diversity committees, and I don't know whether  
12 you really meant just limited to diversity  
13 committees, but a number of things that  
14 diversity committees do are the kinds of  
15 things that seemingly you negatively  
16 critiqued. What is your --

17 DR. GREY: No, I didn't negatively  
18 critique them. Not at all. I think they're  
19 absolutely wonderful. I think in rural  
20 communities they're the best things going.

21 DR. SOMMERVILLE: Okay.

22 DR. GREY: I've been involved or  
23 known of or talked to several of the people in  
24 these. I think they're really wonderful  
25 things, but there's a limit to what they can

1 do. I mean, they can help newcomers. They  
2 can even be advocates. They can promote  
3 education. They can bring in people to --  
4 they can bring in policymakers, they can bring  
5 in enforcers, if you will, of policy, and they  
6 can kind of open up a dialogue, and I think to  
7 an extent, that is absolutely wonderful. But  
8 then there's always going to be a limit -- you  
9 know, there's only so much that they can do.  
10 You know, they know that there's abuse going  
11 on, but they can't bust the employers.

12 DR. SOMMERVILLE: Okay. One other.  
13 You talked about the illegal hiring or  
14 recruiting of the work force that you are  
15 calling the shadow work force, and we've asked  
16 what can Iowa do. So I'm asking you what do  
17 you think Iowa can do to legitimize the shadow  
18 work force other than just coming down hard on  
19 illegal hiring. Are there other things?

20 DR. GREY: Oh, I think there are a  
21 lot of things.

22 DR. SOMMERVILLE: Would you share  
23 with us some of the things you think Iowa can  
24 do?

25 DR. GREY: Sure. I think a

1 reasonable case in point is with meat packing  
2 over the last three years. We know that wages  
3 in the meat packing industry have gone up  
4 fairly sharply over the last couple of years,  
5 and we're pretty darn sure that that's  
6 happened because of the INS action, which has  
7 basically forced them to cut off a fair number  
8 of their available employees, which means that  
9 they had to start paying higher market rates  
10 for labor. Okay. What else has this done?  
11 It's also forced many of the plants to  
12 reconsider their turnover rates. Turnover in  
13 meat packing plants is typically 80 percent a  
14 year, which also accounts for constant command  
15 for labor.

16 Now, in theory -- in theory, if you  
17 force employers to live up to the letter of  
18 the law, if you enforce that, then what it  
19 does is it forces them to legitimize their  
20 work force as well. And then if the employers  
21 are legitimizing that work force, then what  
22 that does, of course, is it gives the work  
23 force more power, and therefore wages might go  
24 up, working conditions get better, injury  
25 rates come down. There are -- again, I can't



1           be specific because of litigation purposes --  
2           but there are numerous horror stories out  
3           there about the old company store model  
4           putting illegal immigrants into debt, forcing  
5           several families into the same house but  
6           charging the same amount of rent, hiring --  
7           what's the word -- what word should I use  
8           that's polite -- enforcers to maintain some  
9           degree of control over this relatively  
10          captured work force. So I -- to me, again,  
11          it's not the lack of policies; it's the  
12          selective enforcement.

13                   DR. SOMMERVILLE: Thank you very  
14                   much. Before you answer, Reverend Kevin  
15                   Cameron, Sister Karen Thein? You may answer.  
16                   I just don't want a presenter to be in.

17                   DR. GREY: I understand.

18                   MR. HERNANDEZ: Yes. When you talk  
19                   about enforcing policies, you're talking about  
20                   employment policies or INS policies?

21                   DR. GREY: I think it's a mixture of  
22                   things. I think it's federal -- any violation  
23                   of immigration law is a federal issue. Okay.

24                   MR. HERNANDEZ: In other words, like  
25                   for instance, if an employers -- if you say 25

1 percent of the work force is illegal according  
2 to what INS said --

3 DR. GREY: Right, that's correct.

4 MR. HERNANDEZ: -- that would mean  
5 that every packing house in Iowa, 93 of them,  
6 or --

7 DR. GREY: This is the INS. This is  
8 not me, but go ahead.

9 MR. HERNANDEZ: I'm talking about  
10 the illegal work force, that by right, each  
11 packing corporation should have -- they should  
12 check for documents.

13 DR. GREY: Yes.

14 MR. HERNANDEZ: And the one that  
15 checks the corporation is supposed to be who?  
16 The Iowa --

17 DR. GREY: INS.

18 MR. HERNANDEZ: INS?

19 DR. GREY: If they're breaking  
20 immigration law, INS is supposed to enforce  
21 that.

22 MR. HERNANDEZ: But these employment  
23 records, aren't those monitored by the Iowa --

24 DR. GREY: No.

25 MR. COULTER: No, that's feds.

1 DR. GREY: That's federal. So if  
2 your question is are there state policies  
3 which kick in here -- is that what you're  
4 getting at?

5 MR. HERNANDEZ: Yeah. I'm trying to  
6 figure out who enforces the policies of the  
7 illegal work force.

8 DR. GREY: That's the INS.  
9 That's the federals. They're the ones who are  
10 supposed to be. And I want to be on the  
11 record here. I am not saying that 25 percent  
12 of all illegal workers are illegal immigrants.

13 DR. SOMMERVILLE: Thank you very  
14 much, Dr. Grey. Dr. Munoz is here?

15 DR. MUNOZ: Yes, present.

16 DR. SOMMERVILLE: Would you like to  
17 come at this time?

18 DR. MUNOZ: Yes, if it's okay with  
19 the Committee.

20 DR. SOMMERVILLE: Mary Lynn Jones,  
21 Dick Murphy? Okay. Dr. Munoz.

22 DR. MUNOZ: Thank you. Good  
23 afternoon.

24 DR. SOMMERVILLE: Dr. Munoz, for the  
25 sake of the record, would you state your name,

1 your business address, and your occupation.

2 DR. MUNOZ: Okay. My -- I'm Ed A.  
3 Munoz, and I'm an assistant professor of  
4 sociology at Iowa State University in Ames.  
5 Is that good enough then, or I could give you  
6 107 East Hall. Thank you very much for  
7 inviting me to speak. I will be probably  
8 going a little bit more in depth today on what  
9 Professor Grey just kind of -- briefly  
10 mentioned on the stereotyping of Latinos.

11 DR. SOMMERVILLE: If you could  
12 provide no more than 15 minutes.

13 DR. MUNOZ: Right. It might even be  
14 about 12 minutes.

15 DR. SOMMERVILLE: All right. Very  
16 good.

17 DR. MUNOZ: Which is kind of hard  
18 for a professor every now and then since we  
19 tend to be a little long-winded, and I'll just  
20 try to go from my script. And I should have  
21 brought some handouts. I thought I'd have an  
22 overhead, but the things I'll talk about come  
23 from my research, but I can revise my  
24 statement and provide you with citations and  
25 all that there.

1                   As I said, my Name is Ed A. Munoz,  
2                   and I'm an assistant professor at the  
3                   department of Sociology at Iowa State  
4                   University. And I'm also a faculty member of  
5                   a fast growing U.S. Latino and Latina studies  
6                   program at Iowa State. I received my BA, MA,  
7                   and Ph.D from the University of Nebraska  
8                   where I was a minority fellow. Since then I  
9                   have focused my research in teaching endeavors  
10                  on race in the areas of race and ethnicity and  
11                  also in criminology and deviance. I'm also a  
12                  native Nebraskeno, which for some that are  
13                  bilingually impaired is merely a Spanish term  
14                  for native Nebraskan. But it is also a term  
15                  that I created, however, which is proof of the  
16                  fluidity of culture, language, and customs in  
17                  the United States. My parents both were Texas  
18                  sugar bee workers, migrated to the Nebraska  
19                  panhandle with their respective families in  
20                  the early 1950s. They happen to meet, fall in  
21                  love, get married, have children, and earn  
22                  their slice of the American dream, all in the  
23                  panhandle of Nebraska. Okay. So for some --  
24                  for some, you know, I am not from the  
25                  southwest or not from Mexico. I'm a native

1           Nebraskan, born and raised in the midwest, in  
2           the heartland. Okay. Which I could talk  
3           about more later on. Okay.

4                       Now, there are many experiences  
5           similar to mine from many Latinos and Latinas  
6           in the midwest as Mexican migration into the  
7           region has been ongoing for close to a  
8           century. Okay. It's not a recent phenomenon.  
9           Today we are witnessing one of the largest  
10          flows of Latino and Latina immigration into  
11          the area for quite some time in order to  
12          compensate for labor shortages and key  
13          occupational sectors. This dramatic rise in  
14          the Latino population here in Iowa has raised  
15          many complex issues that need to be addressed  
16          by a multitude of voices. With the multitude  
17          of voices, it is possible to develop and  
18          implement sound policies for the good of  
19          communities, Iowa, and also the United States.

20                      Undoubtedly one of the most pressing  
21          issues today is substance use and/or abuse as  
22          well as illicit drug manufacturing and  
23          trafficking among all sectors of the Iowa  
24          community. Now, in the short time that I have  
25          left to speak with you, I will have hopefully

1 provided you with an alternative perspective  
2 to Latino immigration and criminology, a  
3 perspective that should raise questions in the  
4 current debate about Latinos in the  
5 methamphetamine industry.

6 Now, my intention here is not to  
7 deny that Latinos are involved in drug  
8 trafficking, okay, but rather to balance the  
9 debate in order that equal justice under the  
10 law can be a reality for all individuals.  
11 This is something we take pride in as citizens  
12 of the United States. In doing so, I will you  
13 introduce you to Alfredo Mirande's theoretical  
14 perspective of Gringo Justice or  
15 Anglo-American justice and its historical  
16 perspective, and it's in this book, and so if  
17 you want the citation for later on, I'll be  
18 glad to provide that for you. And then I will  
19 then present a sketch summary of my findings  
20 supporting this theoretical perspective of  
21 "gringo justice". I will then discuss the  
22 implications of my research as it relates to  
23 the contemporary debating of Latinos and drug  
24 trafficking.

25 In essence, Mirande argues that

1           preconceived notions of Mexican criminology  
2           have been prevalent among Anglos since initial  
3           interactions between the two groups began on  
4           the northern Mexican frontier early in the  
5           19th century. This socially constructed  
6           criminal nature of Mexicans became solidified  
7           with the 1848 Treaty of Guadalupe Hidalgo  
8           which in theory ended wartime hostility  
9           between the United States and Mexico. More  
10          specifically Mexicans remaining in some  
11          forfeited Mexican territory now more commonly  
12          known as the southwestern United States were  
13          guaranteed not only land ownership rights, but  
14          also political and cultural rights. However,  
15          an unscrupulous process began in which land,  
16          property, and status were quote, unquote,  
17          legally stripped from Mexicans. Legal in the  
18          sense that unethical and often violent  
19          commercial ventures were sanctioned by all  
20          levels of the United States civil and criminal  
21          justice systems.

22                         Now, responding to these injustices,  
23          many Mexicans went outside of the American  
24          legal system to rectify the situation  
25          repeatedly producing periods of blood-stained



1 confrontation between Mexicans and Anglos.  
2 Kind of a social banditry kind of developed  
3 along the boarders and those types of things.  
4 Okay.

5 Now, subsequently the image of the  
6 cutthroat Mexican bandits preying on law-  
7 abiding American citizens and territory was  
8 easily cultivated and maintained. Now,  
9 stripped of any social, economic, and political  
10 clout, Mexicans were next to helpless in  
11 combatting Anglo law and enforcement  
12 officials', journalists', politicians', and  
13 intellectuals' maintenance of this criminal  
14 image. At various points in times, these  
15 forces have worked to mobilize bias against  
16 Mexicans rationalizing and justifying the  
17 differential treatment they encounter in the  
18 American criminal justice system.

19 Today the Mexican bandito image has  
20 evolved into the Latino drug runners, as is  
21 evident in ongoing local and national media  
22 debates concerning the Latino immigrants  
23 immergent in western rural meat packing  
24 communities. Numerous quotes by politicians,  
25 police officials, community leaders, and

1           intellectuals alike -- and not all, okay, but  
2           there are quite a few of these quotes -- make  
3           mention of the resulted crime problem  
4           apparently associated with Latino immigrant  
5           populations. This criminalization of Latinos  
6           undoubtedly affects the enforcement and  
7           adjudication of drug laws and helps explain  
8           the disproportion of representation of Latinos  
9           in criminal statistics. Okay.

10                        So this is kind of the theoretical  
11           background I'm working for and the  
12           perspective, you know. There's never been  
13           kind of this equal justice for Latinos  
14           starting way back since they first made  
15           contact with Anglos, and a lot of my research  
16           is based on this theoretical perspective.

17                        And I am now going to share with you  
18           some of the critical findings that I've come  
19           up with, and a lot of these will be soon  
20           published also. Now, quantitative  
21           research results from an overall case study  
22           analysis of criminal sentencing patterns in  
23           a rural sparsely-populated county in western  
24           Nebraska between the years 1987 and 1991 can  
25           provide an illustration. Latinos in this

1 county experienced an approximately 350  
2 percent higher probability for incarceration  
3 of felony offenses. This even when  
4 controlling for all legal relevant variables;  
5 type of crime, seriousness of the crime,  
6 lawyer, type of lawyer, judge, those types of  
7 things. All these things were taken into  
8 account. Now, additional evidence of  
9 disparities in criminal sentencing arises in  
10 significantly longer jail sentences for  
11 Latinos, particularly when convicted for  
12 felony drug offenses. Okay. So there's a  
13 higher probability of incarceration, and then  
14 there's not a lot of length in sentencing  
15 differences, time -- or the length of  
16 sentence, but there is when it's for a  
17 drug-related charge, okay, in comparison to  
18 the Anglo counterparts.

19 Now, a major limitation of this  
20 study was the absence of data describing a  
21 defendant's prior criminal record. That could  
22 explain disparities in sentencing decisions.  
23 So I was able to collect more data one summer,  
24 but this is misdemeanor data. The data I was  
25 talking about earlier is felony court data.

1 Now, this is misdemeanor data, which if you're  
2 probably more likely to commit some less  
3 serious crimes in the beginning, and then when  
4 you're arrested on felony charges later on  
5 down the road, these are really going to  
6 really affect your sentencing in the long run.  
7 Okay. This is kind of what I was getting into  
8 a little while ago.

9 Now, in a separate study  
10 examining misdemeanor sentencing decisions in  
11 three nonurban Nebraska counties, okay, one  
12 was the same county I did the felony data  
13 which has a three- to four-generation  
14 old Mexican community, okay, one that's been  
15 established for quite some time, versus two  
16 other nonurban counties in northeastern  
17 Nebraska where a meat packing industry has  
18 kind of opened up shop. So I had this kind of  
19 comparison, and I'll probably talk about this  
20 a little bit more later on.

21 But overall, though, Latinos have  
22 significantly higher proportions of  
23 individuals charged with misdemeanor offenses  
24 other than simple traffic violations. Whites,  
25 for the most part, the majority of their

1 crimes anywhere from 90 percent -- misdemeanor  
2 crimes they were charged with were for simple  
3 traffic violations. Whereas Latinos were only  
4 charged with maybe about 75 percent of simple  
5 traffic violations. The other violations were  
6 drug, alcohol, other types -- all these other  
7 types of offenses, which kind of gives a  
8 picture that maybe Latinos don't drive, okay,  
9 or Anglos do not drink a beer every now and  
10 then or whatever. Okay. So there's those  
11 kinds of portrayals. Because of this, they  
12 were also recipients of higher mean number of  
13 charges, higher mean fines, and mean day  
14 probations, and similar disparities were found  
15 in analysis of sentencing -- misdemeanor  
16 sentencing decisions for Latinos.

17 Now, then, the only representation  
18 of Latinos and Latinas in alcohol- and  
19 drug-related criminal statistics also suggests  
20 that Latinos may have a higher propensity for  
21 substance abuse and as well illicit drug  
22 trafficking. Okay. If they have a higher  
23 rate of substance use and those types of  
24 things, there's probably a chance for them --  
25 a higher probability for them to be caught.

1           Okay.  However, results from a Nebraska Needs  
2           Assessment Project shows Latinos and Latinas  
3           having a significantly lower probability for  
4           substance abuse dependency in comparison  
5           to their white counterparts.  Okay.  They have  
6           lower ratios to substance abuse; however, they  
7           are disproportionately represented in criminal  
8           statistics, particularly for drug- and  
9           alcohol-related crime.

10                       Moreover, predictors of substance  
11           abuse dependency differs between whites and  
12           Anglos.  Social psychological variables were  
13           better predictors of substance abuse  
14           dependency for whites; whereas, assimilation  
15           variables were better predictors of substance  
16           abuse dependency for Latinos.  In some Latinos  
17           in Nebraska -- and this is -- all of this data  
18           is from Nebraska, and I'll address that here  
19           in a little bit, okay?  In some, Latinos in  
20           Nebraska are less prone to substance abuse  
21           dependency than whites and the probability  
22           for substance abuse dependency increases for  
23           Latinos and Latinas as they become integrated  
24           into the dominant U.S. culture.  So maybe the  
25           Latino culture isn't such a bad thing.  Maybe

1           there's some things good about Latino culture  
2           that can help curb substance abuse,  
3           dependency, all those types of things.

4                         So where am I going with this?  
5           Okay. The data is not comparable from study  
6           to study. It's felony data, misdemeanor data,  
7           and then substance abuse data, and it's also  
8           from Nebraska. But I think we can still make  
9           some pretty reasonable inferences from this  
10          body of research. Now, the lower propensity  
11          for Latinos and Latinas to be diagnosed as  
12          substance abuse and dependent raises  
13          speculation as to why Latinos and Latinas are  
14          ultimate representatives of the daily criminal  
15          statistics. We do need more social  
16          psychological research to study the affects of  
17          Latino criminal stereotypes on law enforcement  
18          and criminal justice activities.  
19          Nevertheless, the data presented here does  
20          support the claim that socially embedded  
21          stereotypes buys the enforcement and  
22          adjudication of criminal codes.

23                         To further illustrate, numerous  
24          accounts of law enforcement drug interdiction  
25          policies make mention of drug courier profiles

1           that often target nonwhite males as probable  
2           drug offenders. Contemporary claims of the  
3           disproportion in involvement of Latinos in the  
4           methamphetamine crisis is a prime example of  
5           this "gringo justice". Puzzling, among this  
6           debate is the lack of data demonstrated in the  
7           disproportion involved in the Latinos in the  
8           manufacture and distribution of  
9           methamphetamine. There is readily available  
10          data on undocumented immigration in Iowa,  
11          information that can pinpoint the percentage  
12          of undocumented workers in a meat packing  
13          plant in Marshalltown. Okay. But thus far,  
14          attempts to acquire data to investigate the  
15          nature and scope of Latino involvement in the  
16          methamphetamine industry has proved pointless.

17                        Requests for this data to numerous  
18                        agencies has been less than forthcoming. It  
19                        appears that none of these agencies -- none of  
20                        the agencies contacted thus far records data  
21                        on race and ethnicity of offenders. Okay.  
22                        Are there underlying reasons for this  
23                        institutional targeting of Latino immigrants  
24                        for drug-related criminal activity? If there  
25                        is no data substantiating the disproportionate



1 involvement of Latinos in the methamphetamine  
2 industry, politicians, journalists, and the  
3 like should be more careful of what they say  
4 and/or print. As it stands right now, this  
5 historical practice is demonizing a group of  
6 people who, for the majority, are here to work  
7 and earn their American dream, much like most  
8 of us here today. And I'd be glad to  
9 elaborate on anything that you'd like me to.

10 DR. SOMMERVILLE: Questions?

11 MR. HERNANDEZ: I was just going to  
12 jokingly say that one of the points is that  
13 Latinas aren't chemists.

14 DR. MUNOZ: That seems to be evident  
15 also in TV. They're not the ones that are  
16 cooking this up in the field or whatever. You  
17 know, and there's just no data available at  
18 this point. I don't know. Okay.

19 MR. HERNANDEZ: The other thing that  
20 I was trying to relate in terms of how you  
21 could bring on your information on the Latino  
22 offenders, have you studied any information as  
23 to why they are stopped or targeted in small  
24 towns?

25 DR. MUNOZ: That's another --

1                   MR. HERNANDEZ:   In small rural  
2                   towns.

3                   DR. MUNOZ:   Right.   That's another  
4                   thing that I would like to be able to do some  
5                   day, but I think some of the best ways to look  
6                   at that right now is particularly since we  
7                   have so much of this video technology  
8                   now that's going en route, mounted in police  
9                   cars and those types of things, I think that  
10                  might be some of the best ways to kind of take  
11                  a look at, you know, bias discretion, those  
12                  types of things, you know.   Who really gets  
13                  stopped and for what reasons and those types  
14                  of things.   But right now, basically what  
15                  people rely on, criminologists is kind of  
16                  arrest records to kind of make inferences  
17                  about bias and those types of things, but it's  
18                  something that really needs to be looked into.  
19                  Okay.   And something as simple as -- we tried  
20                  to contact like the Department of Corrections  
21                  to look at the prison admissions like in the  
22                  recent years, okay.   This state agency -- for  
23                  me I would think they would keep information  
24                  on type of offense, county of admission, and  
25                  race and ethnicity.   Some of the work I've

1 done before, I've used prison admissions data,  
2 and it has a lot of information, but when  
3 we're trying to get some of this information  
4 here, we've kind of been stone-walled at just  
5 about every place we go. Yes.

6 MR. COULTER: Relevant to your  
7 frustration at trying to get at that  
8 information and databases, we heard this  
9 morning from the Iowa Civil Rights Commission  
10 and certainly your issues would seem to go in  
11 that direction, but she reported that -- the  
12 director -- that over 80 percent, I guess, 85  
13 percent actually had dealt with employment  
14 kinds of things and didn't -- didn't get into  
15 other realms, and it seems as if some of our  
16 other witnesses and people who have presented  
17 here today have talked about the absence of  
18 legal services or of data gathering or data  
19 sets where these kinds of apparently -- highly  
20 discriminatory practices are going on, yet the  
21 data seemed to be elusive at best.

22 DR. MUNOZ: At this point. Right.  
23 And that's -- to me that's kind of just their  
24 way of kind of, you know, demonizing this  
25 population, and it's kind of a political thing

1           also. Right now the mood of the country is  
2           that anybody that's soft on crime, you're not  
3           going to get elected for whatever reason. And  
4           I've even read accounts of this happening  
5           among, you know, in large urban areas. Latino  
6           politicians even are tough on crime, but their  
7           concern is more so the gangs in their  
8           neighborhoods and those types of things,  
9           whereas here I think it's a whole different  
10          perspective. We don't have extensive gang  
11          problems in rural Iowa, those types of things,  
12          and it's also, you know, not only at the  
13          national level. It's even at the local level.  
14          The more drug or -- the higher the crime rate,  
15          the more resources you get. Okay. You can  
16          kind of apply and get it. So there's quite a  
17          few political kinds of underlying factors, I  
18          think, for this criminalization. Even when we  
19          use the term "illegal aliens", we're  
20          criminalizing Latinos right there. So you see  
21          how these stereotypes are socially embedded  
22          with our society, the way we talk about these  
23          individuals, where the first perception we  
24          have is they're criminals rather than law-  
25          abiding citizens making a living. Any other

1 questions?

2 DR. SOMMERVILLE: Thank you.

3 DR. MUNOZ: Thank you.

4 MS. MURPHY: I have a quick  
5 question. Your study is being published. Is  
6 this --

7 DR. MUNOZ: Yes. And I can provide  
8 you some citations. I think I did provide an  
9 article, but I can send Ascension some more,  
10 and this will relate to three counties in  
11 Nebraska. The first set of finding was solely  
12 on the western part of Nebraska, and the  
13 second set was on three counties. Just real  
14 quickly, I guess, is disparities in sentencing  
15 were worse in the county that had the  
16 established Mexican population, okay, where  
17 you would expect that where the immigrant  
18 population, you would expect racial ethnic  
19 tensions to be higher and therefore probably  
20 more problems with the law. Okay. But it was  
21 worse in this county where the Mexican  
22 population was three, four generations old.  
23 So are things going to get worse for  
24 immigrants, you know? Those are the kinds of  
25 decisions I'm looking at.

1 MS. MURPHY: And these are good  
2 times. My reason for asking is that I think  
3 when we say what can we do to counteract this  
4 stereotype, people have this myth, really, that  
5 Latinos are filling our jails and they're  
6 more -- and I think what we need are some  
7 basic studies like this to counteract that  
8 because you can't just stand and wave a piece  
9 of paper. This gives us at least some backup  
10 in documentation. And I hope yours is not the  
11 only one. I don't know whether it is.

12 DR. MUNOZ: There's not a whole lot  
13 of criminological studies particularly looking  
14 at Latinos.

15 MS. MURPHY: Do you intend to do  
16 something like this in Iowa?

17 DR. MUNOZ: I would love to sooner  
18 or later. I'm trying to get everything  
19 done that I've been working on so far. But  
20 I probably will sooner or later. As my  
21 workload kind of decreases somewhat, I'll  
22 probably get into it, and we're already  
23 starting it, I guess, because now we're  
24 starting to ask the questions.

25 MS. MURPHY: Because this needs to

1 be publicized as well as published.

2 DR. MUNOZ: Okay. Thank you.

3 DR. SOMMERVILLE: Thank you. We had  
4 to move into the law enforcement perspective,  
5 but now we will go back to the educational  
6 perspective. We had Dr. Grey to speak about  
7 an educational perspective. Now we'll look at  
8 the public schools. Mary Lynn Jones director.  
9 Are you here?

10 MS. JONES: Yes.

11 DR. SOMMERVILLE: Would you take the  
12 podium, please. For the sake of our records,  
13 Ms. Jones, would you state your name, business  
14 address, and occupation.

15 MS. JONES: My name is Mary Lynn  
16 Jones. My address is Des Moines Public  
17 Schools, 1800 Grand Avenue, Des Moines, Iowa,  
18 and I am director of intercultural programs  
19 for the Des Moines schools. And today my  
20 staff and I are going to give you an overview  
21 of the services that we provide for immigrant  
22 families and students. With me today is Vinh,  
23 V-i-n-h, Nguyen, N-g-u-y-e-n, who is bilingual  
24 community liaison advisor, and Mary Garcia,  
25 who is the ESL bilingual program coordinator.

1           We will now -- we have materials for you.  
2           We'll give them to you at the conclusion of  
3           our presentation. Mary?

4                       MS. GARCIA: I'm going to talk to  
5           you about as students arrive into the  
6           Des Moines Public School area. They are  
7           referred to our welcome center for assistance  
8           and registration, and at the welcome center,  
9           we have a teacher that tests the children so  
10          that we can get a level of English  
11          proficiency. He also does some screening for  
12          native language academics, and then we'll  
13          place them according to their needs. At that  
14          time that they're at the welcome center, we  
15          also have tutors that work -- that are  
16          scheduled in daily to help parents assist them  
17          with filling out all the registration forms  
18          necessary for the public schools. And this is  
19          done with translated materials and the tutors'  
20          help who speak the language of the people  
21          coming to be registered at that time. They  
22          are also given a family handbook that is  
23          translated for them in order to explain some  
24          of the policies and procedures of the  
25          Des Moines Public Schools and tell a little



1 bit about the school that the child will be  
2 placed in.

3 At that time, then, they are placed  
4 according to their needs, and we have 19  
5 centers in Des Moines. We have 3 high  
6 schools, 3 middle schools, and 12 elementary  
7 schools. Five of those 12 elementary schools  
8 are bilingual schools with Spanish being the  
9 focus, the language. If the child is placed  
10 as a newcomer in a high school level, they are  
11 also given the opportunity to go to a newcomer  
12 center at Central Campus, which is another  
13 program we operate, in order to give them  
14 English instruction as well as help them with  
15 social studies and American history.

16 When they're placed in their  
17 schools, all the testing is sent to the  
18 teachers so that they'll be able to start  
19 immediate, appropriate instruction for each  
20 child.

21 We also have a literacy survival  
22 class that operates at our welcome center.  
23 Our welcome center is housed at Madison  
24 Elementary School, and it's not one of our ESL  
25 centers. We have operated independently of a

1 center, but in that center, we do house -- the  
2 teacher will teach in the morning and do the  
3 placement in the afternoon. He does a  
4 literacy survival class, and this is for  
5 students that have no prior formal education.  
6 We also do that at the middle school and high  
7 school level. The high school level is at our  
8 Central Campus. The middle school is partly  
9 at Central Campus and partly at Harding Middle  
10 School.

11 We often translate services for our  
12 parents with our tutoring staff, and that is  
13 done through scheduling our tutors into the  
14 buildings where we have those highest  
15 populations and then scheduling them for  
16 conferences. And anytime anyone else needs  
17 tutoring, they will call us to arrange for  
18 these services. We also offer tutoring  
19 services for the schools that do not have ESL  
20 because we have students that have exited from  
21 our program, yet their parents will still need  
22 services from us, so we do that by appointment  
23 as needed.

24 We have materials that have been  
25 translated by our tutors so that any schools

1           that need those materials, we can sent them to  
2           them, and it is available, of course. Also  
3           our welcome center has them. That covers my  
4           part.

5                         DR. SOMMERVILLE: Any questions of  
6           her?

7                         MS. JONES: We would prefer to go  
8           through all of this and have questions at the  
9           end.

10                        MARY GARCIA: Yeah. I was going to  
11           give you an overview of the number of students  
12           we have. Currently Des Moines itself has  
13           approximately 31,000 students, and 25 percent  
14           of that is minority students, or roughly 25  
15           percent. In our ESL program, we currently  
16           have 1,854 students that are currently being  
17           served by our ESL teachers and our ESL staff.  
18           We also have 153 students that are on  
19           maintenance, because after we exit our  
20           students, we give them 2 years of maintenance  
21           to follow up and make sure that they are being  
22           successful in their academic areas. And for  
23           this coming year, we have -- or for the next  
24           coming year we have registered 167 incoming  
25           kindergarteners, so it's going to be a busy

1 year. And we are expecting 63 of our students  
2 to graduate this year.

3 MS. JONES: How many languages do we  
4 serve?

5 MS. GARCIA: We serve 29 different  
6 languages. Eight of those we consider major  
7 languages that we do complete translations  
8 for. Our growth has increased rapidly  
9 throughout the years.

10 MR. NGUYEN: Good afternoon. My  
11 name is Vinh, V-i-n-h, N-g-u-y-e-n, and I am a  
12 bilingual community leader for the Des Moines  
13 school. I have to say that I'm very proud  
14 with our intercultural programs. We employ  
15 the most diverse group of people in the  
16 Des Moines Public Schools and I believe maybe  
17 in Des Moines itself. We employ 44.5 teacher;  
18 one teacher is half time. Many of whom  
19 speak -- who are bilingual, speak a variety of  
20 languages from Spanish to Vietnamese, Laos,  
21 Thai Dam and so on.

22 We also -- in the program we also  
23 employ 26; 25 full time and 2 half time. We  
24 call them a specialist in the native language  
25 and culture. They are named as native

1 language tutor. They are the one who provide  
2 all of the -- I would say the luxury things we  
3 need to know about our culture from the kids  
4 we serve. We have 27 of them. Like I said,  
5 we have 25 full time and 2 part time, to serve  
6 eight major languages from Bosnian, Cambodian,  
7 Hmong, Laos, Nuer, Spanish, Thai Dam, and  
8 Vietnamese. With the other language groups,  
9 we do not staff, but we also look for the  
10 agency that we work with to get help. For  
11 example, Somalia kid, a Kurd kid and so on.

12 In our program we have done and we  
13 are doing many things to help kids to increase  
14 in their academic level and participation at  
15 school level, activity and so on. Let me name  
16 some of those for you. Tutoring services.  
17 Our native language tutor. They do stay after  
18 school to help kids. Let me give you one  
19 example. Like at Harding. We have two in  
20 after school, and our Hispanic tutor who  
21 speaks Spanish stays there until 3:30 to help  
22 his Spanish students to get their homework  
23 done and so on. And it happens at all levels  
24 at many different schools. We also have the  
25 MAP, which stands for Minority Achievement

1 Program. This program provides opportunity  
2 for minority student to participate in many  
3 different school-related activity and  
4 colleges. For example, field trip.

5 We took a field trip. We took a  
6 group of kids from Harding Middle School -- we  
7 start from middle school now -- to University  
8 of Northern Iowa for field trip last Friday,  
9 and the MAP coordinated that.

10 We also have the Latino College Expo  
11 especially done for Hispanic kids, but in the  
12 last few years, I believe some of the other  
13 minority kids also get along with it. It is  
14 sponsored by the regional universities and  
15 colleges. Last year it was held at Central  
16 College in Pella in October of 1998. Mary and  
17 myself was there. It was a rewarding  
18 experience for us, and it happens year after  
19 year after year.

20 We also have Latino and Asian  
21 recognition program. We work with family very  
22 closely to provide them -- their need so their  
23 children can be success in school. We hold  
24 ethnic parent meeting almost yearly for big  
25 groups like Bosnia, Vietnamese, Latino group.

1 We hold yearly. For the Vietnamese I believe  
 2 we held two last year. It's to help the  
 3 parent understand the school policy and  
 4 regulation. Also the parents help us to  
 5 understand where they are from so we can serve  
 6 them better.

7 This Saturday, I believe, we have  
 8 the Latino ceremony award. This has been  
 9 going on for five years. This is the fifth  
 10 time. It was sponsored by our office and the  
 11 LULAC organization. It's going to be held  
 12 here in Des Moines this Saturday. We also  
 13 then have the Asian ceremony award. It was  
 14 done many times for the Vietnamese community,  
 15 last year with the Thai Dam community, and  
 16 this year we are planning to do the Thai Dam,  
 17 Vietnamese, and Laos community at one time.

18 One of the nice things for the  
 19 academic -- for our kids, our office was  
 20 rewarded by the Federal Grant Title 7. We was  
 21 very happy and lucky that we got the five-year  
 22 grant. And the this is the end of the second  
 23 year. The name of it is TEACH, T-E-A-C-H,  
 24 Teaching to Ensure the Achieving of Children,  
 25 and Mr. Van Lo is the director of that project

1 right now. Our goal for that project be to  
2 improve the staff instruction, make sure that  
3 the teacher and the staff at the local school  
4 know how to deliver the material to our  
5 language minority kids. Teaching -- we also  
6 review, revise, and upgrade our curriculum.  
7 It is our curriculum. There is a certain  
8 thing for curriculum for ESL. We are looking  
9 into it. We do have curriculum, but it's  
10 outdated. You know how ESL go. So we review  
11 our curriculum, revise, and upgrade it.

12 We try to align our Des Moines  
13 public curriculum with the teacher national  
14 level. We're doing it right now, and I  
15 think -- I believe we are at the end of it for  
16 the curriculum. We also have -- one of the  
17 components for the project, we have the  
18 leadership. We call it the Premier Training  
19 Leadership.

20 In this leadership training we train  
21 from 19 centers. We have -- last year we have  
22 about 80 teachers participated and this year  
23 we also have about almost 100 teachers  
24 participating. In that training, they have  
25 30-hour training. They train teacher how to



1           be sensitive to the kid they serve especially  
2           language minority kid because of the cultural  
3           differences. They train them how to teach  
4           them properly, how to deliver -- strategy to  
5           deliver to these kids, and so on. It's a very  
6           good training.

7                            Another component for that project  
8           the PALS, parent involvement. We name it PALS  
9           P-A-L-S, Parent Advisory Language Minority  
10          (sic). In this PALS group, we increase the  
11          parent involvement with school. We train them  
12          in a legal mandate that we have, school  
13          policies, show them how to do certain things  
14          to protect and provide the need for their  
15          children. I have some information there that  
16          I will give it to you in the end.

17                           MS. JONES: Why don't we field any  
18          questions you may have.

19                           DR. SOMMERVILLE: Any questions?

20                           MR. COULTER: You said you have 25  
21          percent, if I understood correctly, minority  
22          students enrolled in the Des Moines system.  
23          What -- how do you feel or what is your --  
24          what would you say your success rate -- what's  
25          your graduation for your high schoolers, for

1           those students?  What proportion of, say,  
2           ninth graders are going to get that degree?

3                       MS. JONES:  I have that information  
4           for African-American students, but I have not  
5           done that on all students.

6                       MR. COULTER:  I think that you'll  
7           find that only about two-thirds of them are  
8           going to achieve that.

9                       MS. JONES:  I don't think that our  
10          rate is any -- that much more disproportionate  
11          than the nonminority students.  I think at  
12          least in the African-American data comparing  
13          it to the white students, it was about  
14          proportional in terms of the number of  
15          students that you lose from ninth grade to  
16          twelfth grade, and there's some data that it's  
17          an unknown because we don't know what happened  
18          to the kids.  We don't know whether they moved  
19          out of state and enrolled in school again.  We  
20          can only deal with what we have to deal with.

21                      MR. COULTER:  I had a second  
22          question.  I think actually if you'll look at  
23          the Iowa Department of Education data, it's  
24          only about two-thirds of your minority  
25          students, ninth graders, are going to end up

1 with a high school diploma. To what extent  
2 has the Des Moines School System been able to  
3 partner with DMACC and the Urban Campus?

4 MS. JONES: That's one portion that  
5 we didn't get to. We partner with hundreds of  
6 people and agencies, and we have worked --  
7 they work especially well with us with our  
8 older students who just want English, and they  
9 know that we have a fine-quality program, so  
10 they want to come in at 19, stay for a year  
11 and a half or less, and then be able to have  
12 the kind of English they need to work on the  
13 job, but they drop out. So what that does is  
14 exacerbate our dropout rate. So we work with  
15 DMACC, and they're now offering more courses,  
16 more English language classes. Some of our  
17 teachers are teaching ESL to adults in the  
18 evening that DMACC sponsors in some of our  
19 school settings. So we work very closely with  
20 a wide variety of agencies that serve  
21 immigrant populations.

22 MR. COULTER: Could you name some of  
23 the others or is DMACC a primary or are there  
24 other major ones?

25 MS. JONES: Oh, yeah. We work with

1           Employ and Family Resources. We work with  
2           Lutheran Social Services, Catholic Social  
3           Services. Oh, gosh. The Refugee Bureau. We  
4           work with the Heartland ADA, Proteus.

5                       MR. COULTER: What is that?

6                       MS. JONES: Proteus is a special  
7           program for people who have farming or migrant  
8           background, and they help them with finding  
9           employment, learning English, et cetera. We  
10          have to do a report, an evaluation report, and  
11          in our last evaluation report, the kinds of  
12          networking that we did, I think we had maybe  
13          about 60 agencies that we network with. We  
14          network with like the Science Bound Program at  
15          Iowa State University and a lot of our LEP  
16          kids are involved in that. There's lots of  
17          different things.

18                      We work 24 hours a day, and our  
19          folks are at community celebrations. I have  
20          connections personally in the Thai Dam, the  
21          Laos, not just in Asian general, but with the  
22          different ethnic groups, with the Latino  
23          community. So we have to do that in order to  
24          establish relationships and help families. We  
25          have -- you can't -- we don't commit ourselves

1 to well, it's eight to five, and that's it.

2 MS. WEITZ: Is your department  
3 funded through grants, or are you a solid part  
4 of the school system budget?

5 MS. JONES: Most of our funding  
6 comes from the general budget; however, we do  
7 get monies, some weighted monies, not as much  
8 as we need, from the state, and they tried and  
9 we are trying to get more weighting for extra  
10 money for the services that we provide. We  
11 do -- Project TEACH is a federal grant for  
12 five years, \$2.5 million, but what we're doing  
13 is we're using those resources to train people  
14 so that after the grant is gone -- because  
15 Project TEACH, the thing that I'm most excited  
16 about is that a lot of times the regular  
17 classroom teachers say I don't know what to do  
18 with these kids in my classroom. But we are  
19 paying people to be there and train them as a  
20 team from the school, so the special ed  
21 teachers, the regular ed teachers, the  
22 counselor, those people and the ESL staff are  
23 all together learning about what is it like to  
24 learn another language and what strategies can  
25 we do. And then we also connect the parents

1 and the staff together. So it's a really  
2 exciting opportunity. But in terms of  
3 funding, that's a real issue. We just don't  
4 have enough money.

5 MS. WEITZ: This is an extension  
6 that we're learning about here today that the  
7 demographics indicate, everything indicates  
8 that the ESL student population is only going  
9 to grow. So are there enough forward-looking  
10 people within the public school system to set  
11 aside money from that and to know where to get  
12 money for that, or are you being restricted  
13 financially?

14 MS. JONES: We are seeking out  
15 outside funds for special grants like Project  
16 TEACH. Right now is not a good time to talk  
17 about money with us. We just reduced  
18 drastically so that we can repair. We reduced  
19 our administrative central office from 57  
20 administrators to 31.

21 MS. WEITZ: Whose idea was that?

22 MS. JONES: Well, it was the  
23 administration's idea because we have to  
24 provide monies to -- one of our major efforts  
25 is that we want all of our kids to read, be

1           able to read by third grade because after  
2           third grade, that's when you get to the more  
3           difficult comprehensive skills and stuff. So  
4           we're redesigning our whole thing, so we will  
5           make sure -- we're trying to make sure that we  
6           will have adequate resources.

7                     DR. SOMMERVILLE: One more question,  
8           please.

9                     MR. HERNANDEZ: The program that  
10          handles the ESL program, do you get extra  
11          money from the state for the ESL programs?

12                    MS. JONES: That's what I was  
13          talking about was weighted money, but in  
14          comparison to what you get for special ed,  
15          it's very minute. It's like .91 percent or  
16          something like that.

17                    MR. HERNANDEZ: And the second quick  
18          question is, are all the students in the  
19          Des Moines Public Schools tested, given the --

20                    MS. JONES: Iowa Test of basic  
21          skills?

22                    MR. HERNANDEZ: Yes.

23                    MS. JONES: I forgot about that  
24          issue. In the past what has happened is our  
25          policy says you have to be at a certain level

1 in English language proficiency before  
2 we do the testing because there's no sense in  
3 testing you if you can't read or understand or  
4 comprehend what's before you, if it's in a  
5 language you don't understand. The state has  
6 got this new testing thing, so we have got to  
7 come up with some way of measuring academic  
8 progress for those kids who do not speak  
9 English. So right now as it stands -- but we  
10 have to come up with another measure for those  
11 students because those students who can read  
12 and write pretty well in English, they take  
13 the test, but the ones who know absolutely no  
14 English at all, they haven't been taking the  
15 test and there's some districts they make the  
16 kids take the test anyway, which I think it  
17 ludicrous.

18 MR. HERNANDEZ: How do you measure  
19 the progress of the new students?

20 MS. JONES: That's what we're  
21 working on right now. We're working on how  
22 are we going to assess the progress of those  
23 students. Now, when it's in Spanish and  
24 those -- but when you're dealing with you  
25 don't have anyone that speaks the language, I



1 don't know how we're going to do that. I  
2 don't have the answer to that. I could lie  
3 and say I do, but I don't.

4 MR. HERNANDEZ: Thank you.

5 MS. JONES: Thank you.

6 DR. SOMMERVILLE: Thank you. For  
7 committee record, Dinh Van lo has been a  
8 little silent and my having served as the  
9 chair with the committee, so we were a little  
10 silent.

11 MS. STASCH: We wondered. I was  
12 waiting.

13 DR. SOMMERVILLE: Okay. We know  
14 what's going on. All right. Is Dick Murphy  
15 in the house? Mr. Murphy, for the record,  
16 state your name, your business address, and  
17 occupation.

18 MR. MURPHY: My name is Dick Murphy.  
19 I'm school improvement consultant at Heartland  
20 Area Education Agency, which is located at  
21 6500 Corporate Drive in Johnston, Iowa.

22 DR. SOMMERVILLE: Proceed.

23 MR. MURPHY: Okay. I'm coming to  
24 you today as a school improvement consultant  
25 responsible for working primarily in the

1 Des Moines School District. However, my  
2 background has been that I have worked in the  
3 area of refugee and immigrant education since  
4 1975 when Southeast Asian immigrants, refugees  
5 first started coming into Iowa. I also am  
6 coming to you in the capacity of a parent with  
7 two immigrant children who are in the ESL  
8 program in Des Moines and with a wife who is  
9 also an immigrant, and so in my family, I am  
10 the only native-born -- the only citizen in my  
11 nuclear family. So I represent both of those  
12 in this presentation. I work with the folks  
13 who just presented to you from the Des Moines  
14 School District, and I meet with them once a  
15 week on intercultural programs, ESL, and so  
16 forth. I know they're very hard-working, and  
17 I -- they're overextended, they have too much  
18 to do. Now, I'm going to leave it at that.  
19 They have to much to do with the population  
20 that's coming in and the staff that they have.  
21 They're doing a fine job.

22 However, my kids are in the program,  
23 and they're in the ESL program, and as a  
24 parent, I would like to speak out in that the  
25 ESL program in Des Moines, the students who

1           come into the Des Moines School District from  
2           other countries are responsible for keeping a  
3           lot of the school buildings in Des Moines  
4           open, and I'm not sure that the Des Moines  
5           district recognizes that fact. When it's the  
6           ESL kids who are the last on the bus, and  
7           usually they're on the bus, and they're  
8           usually the last ones on the bus, bussed the  
9           farthest to a center that could be halfway  
10          across town. When my own boys were enrolled,  
11          we live in the Woodlawn area. They don't go  
12          to Woodland because there's not an ESL center  
13          there. They go on to Moore. But at that time  
14          they said, well, Moore's full. We're going to  
15          have to send them to Adams. And I said, no,  
16          they're not going to Adams. I'll take them  
17          out and send them somewhere else. I'm not  
18          going to send them halfway across town to go  
19          to school. I don't object to getting on the  
20          bus and going to somewhere nearby, but not  
21          when -- not when the white kids aren't being  
22          bussed for the same purpose. The Des Moines  
23          schools are crowded, but the only ones moving  
24          seem to be minority kids, and of the minority  
25          kids, it seems the ESL kids are last on the

1 bus. And I'm not sure, but maybe Mary Lynn  
2 Jones would disagree with me on that, but  
3 there are some ESL kids who are being  
4 transferred all over town to get services, and  
5 this is not a criticism of the intercultural  
6 program department. They are my friends.  
7 They don't know I'm saying this, though.

8 With that I want to remind all of  
9 you that the way education is funded is such  
10 that -- first of all, I also want to talk  
11 about my agency in the sense that as I said, I  
12 used to work a lot in the area of refugee  
13 programs and immigrant programs. Now I'm a  
14 school improvement consultant, and somehow I'm  
15 supposed to deal with the same issue with 60  
16 percent of my time being devoted to school  
17 improvement and 20 percent of my time being  
18 devoted to programs, which would be the ESL  
19 programs. I'm also responsible for social  
20 studies and foreign language. So in the last  
21 two years, as you have indicated, the number  
22 of ESL students is increasing which increases  
23 funding for school districts, AEAs, and the  
24 state departments, and the AEAs, the services  
25 to the local school has correspondingly

1           diminished. In other words, one-third of 20  
2           percent of my time is now allocated for, I  
3           would say, ESL programs. I don't want to say  
4           that because immigrant students oftentimes only  
5           are in ESL for three years, and then they're  
6           moved on because supposedly state funding only  
7           lasts for three years. And not in the  
8           Des Moines district, but in other several  
9           districts, students are only allowed to be in  
10          the ESL program for three years and then  
11          that's it because that's all that the state  
12          will provide funding for.

13                   The AEAs are also funded on a per  
14           pupil basis. The more students we have, the  
15           more money we get. And with the influx of ESL  
16           students, immigrant students, refugee students  
17           in the area, the AEA budgets have also  
18           increased based on that amount. But the AEAs  
19           are not, I believe -- especially in my AEA --  
20           providing an increased amount of services to  
21           the schools with that money.

22                   The State Department of Education in  
23           Iowa -- I also want to address that issue.  
24           All of the immigrants who come into Iowa --  
25           not all, most, come here to work. They're not

1           here for welfare, and they're not here for the  
2           weather. So when they're here, they're  
3           working. They're paying property taxes  
4           through rent or through property tax. They're  
5           paying income tax, and they're paying Social  
6           Security and whatever else the state and the  
7           federal government require. The state of Iowa  
8           has not seen fit yet to provide funds to hire  
9           somebody at the Department of Education to  
10          work in the area of ESL or bilingual or  
11          immigrant education.

12                        Now, you'll say well, maybe Carmen  
13          Sosa (phonetic), if you're familiar with  
14          Carmen Sosa who has just been hired or Dan  
15          Chavez (phonetic) who passed away last year  
16          who was working in that area. They're there  
17          on federal funds. The state of Iowa -- and  
18          again, since 1975 the population has  
19          dramatically increased perhaps, five, six,  
20          seven fold. In 1975 we had one person at the  
21          state department. We had one person at AEA.  
22          In 1999 we have one person in the state  
23          department on federal funds and we have a  
24          person at the AEA who is providing one-third  
25          of 20 percent of my time to provide services

1 in that area.

2 I would like to go on with a list of  
3 services that we provide, such as Des Moines  
4 listed for all the services they provide, but  
5 I can't say that because we don't. However, I  
6 think if you would ask folks in the past, we  
7 have. We have done translations, we have  
8 printed bilingual materials, we have conducted  
9 workshops all over the area, and now all of  
10 that service has basically diminished. I also  
11 want to address something when -- I think this  
12 forum is on immigrants, and oftentimes we call  
13 them ESL, but if you remember, with funding  
14 from the state, additional funding from the  
15 state for ESL services lasting only for three  
16 years, then that's what we call immigrant  
17 students. However, we have large numbers of  
18 immigrant students who are not in ESL  
19 programs, and I also believe that second  
20 generation immigrant students are providing us  
21 in the schools with some different concerns  
22 other than language concerns, and we have very  
23 few programs available to help schools address  
24 those issues.

25 With that, I came here to point out

1           some things that I thought might not be  
2           pointed out in other presentations and to  
3           criticize myself, my agency, the state  
4           department, and the local schools, but not  
5           necessarily -- when I'm criticizing the  
6           Des Moines School District, I'm not  
7           criticizing the people in the intercultural  
8           programs who are, as Mary Lynn said, working  
9           almost 24 hours a day to provide services. I  
10          am criticizing legislators, school boards, and  
11          funding and perhaps yourselves for not being  
12          too active in this area, and I hope you will  
13          be in the future. With that, I'll entertain  
14          questions.

15                       MR. COULTER: I appreciate your  
16          remarks. I think they're right on target. I  
17          think it's not well-known what the broader  
18          picture is. Did I understand you to say, and  
19          I will confess my own bias, that the fiscal  
20          problems in our school district -- take  
21          Des Moines as an excellent example -- and  
22          essentially a downsizing because the total  
23          public school population is actually going  
24          down as we're having this tremendous growth in  
25          our ethnic population due in large part to the



1 immigrant migration into Iowa. And that too  
2 often in looking across the school district  
3 fiscal landscape, we're not delivering what's  
4 needed to the segment that is growing; rather  
5 we're -- if not growing it, cutting back  
6 the very areas or strangling those areas that  
7 are serving a growing population in order to  
8 support the rest of the system.

9 MR. MURPHY: The -- I appreciate  
10 your question because it's a view of mine, but  
11 the immigrant population is -- if there are  
12 increases in school populations in Iowa, it's  
13 due primarily to immigrant students. Ted  
14 Stilwell, the Director of Education, makes that  
15 speech quite often, and in the Des Moines  
16 district it's gone up a little bit. Sometimes  
17 I -- depending on the influx primarily of  
18 immigrant students as well as all around. We  
19 have them in Perry, West Des Moines, Ankeny,  
20 Ames, Urbandale. Those increases are also  
21 primarily due to the fact that they're  
22 immigrant students. Those students bring with  
23 them an amount of state aid regardless of  
24 whether they're ESL students. What school  
25 districts will often do is only count the

1 amount of money which is the .19 percent per  
2 student as that that should be appropriated  
3 for the specific needs of these students.  
4 They are bringing in another amount of money  
5 which oftentimes the school district will say  
6 goes into the general fund, which it should;  
7 however, most school districts spend about 80  
8 percent of their budget on personnel; not on  
9 electricity, lights, buildings, walls, so  
10 forth. So when you consider the amount of  
11 money going into the general fund, 80 percent  
12 of that goes into staff, maybe 75 percent in  
13 some districts, then you could still consider  
14 increasing staff and taking an amount of that  
15 to pay the electricity, the lockers, and the  
16 floors, and so forth that the immigrant  
17 students, of course, are taking up. But to  
18 say that the only amount of money that they  
19 can spend on immigrants' needs is that .19  
20 percent is saying you're using something  
21 else -- doing something else with the money.  
22 A reading teacher, a math teacher, and so  
23 forth; yes, they're necessary. Immigrants  
24 need to learn that too. But those teachers  
25 then need to go through training such as

1 Project TEACH in Des Moines to learn how to  
2 teach math, history, and the other content  
3 areas to immigrant students who don't speak  
4 English very well. That's not being done  
5 except in the Des Moines School District.

6 MR. VAN LO: Are you saying that  
7 refugee and immigrant students have been  
8 cheated of their opportunity for equal  
9 education?

10 MR. MURPHY: I'd say that yes, quite  
11 a few have, yes.

12 MR. VAN LO: What can we do about it  
13 the committee person, as a community, the  
14 teachers, the parents, what can we do about  
15 it?

16 MR. MURPHY: I would suggest to you  
17 that you become more familiar with how schools  
18 are funded and how that all works and how AEAs  
19 are funded. I don't want you to forget that  
20 AEAs are involved in this whole mix and how  
21 the Department of Education seems to avoid the  
22 issue but talk about it a lot. They talk  
23 about the immigrant students coming in, and  
24 they shouldn't be a problem. If teachers are  
25 well-prepared to work with them, they are our

1 students. They are the reason why we're here,  
2 and we can't go around complaining that  
3 they're here, which sometimes is done.

4 MR. HERNANDEZ: As a school  
5 improvement consultant and you have X number  
6 of new immigrant students coming into this  
7 school district, and in Iowa they seem to be  
8 from what we heard today of Latinos, which is  
9 the best teaching method to use to help them  
10 learn?

11 MR. MURPHY: Well, I believe the  
12 best is something that we can achieve, would  
13 be a bilingual program whereby they -- this,  
14 again, depends too on what was their  
15 educational background in their native  
16 country. If they come in here with a good  
17 solid education behind them, then ESL only  
18 will probably be enough. But if they come in  
19 here in the sixth grade and have had no  
20 education or very little and they're at the  
21 sixth grade here now, they need to learn math  
22 and history and geography and so forth up to  
23 that level. How can you teach that? Well,  
24 you teach it in the native language if  
25 possible while you're teaching English as a

1 second language. But, again, when you have 20  
2 some languages and so forth, you have to be  
3 practical about it too. You asked me about  
4 the best way, and practicality doesn't always  
5 allow for it.

6 MR. VAN LO: The school is to teach  
7 all students and according to statistics is  
8 that immigrants have done well in this  
9 country. In high school they're finishing  
10 well and so on. What do you have to say about  
11 that?

12 MR. MURPHY: I don't have that data  
13 with me, but I don't see that. The data that  
14 I usually see is immigrants are dropping out.  
15 They always have, by the way. This isn't new.  
16 Some of the immigrants who are highly educated  
17 from other countries who come over here with a  
18 solid background behind them, they blow the  
19 tops of tests. However, we've got another  
20 whole group of them who come over and are  
21 dropping out, and I think if you look at it  
22 closely, my suspicion is that immigrant  
23 students drop out at a higher number than the  
24 native population. I've seen data to support  
25 that. And frankly I don't see those

1 immigrants students now. When I see the top  
2 ten list anymore, I really don't see that many  
3 immigrants in there. I did initially with the  
4 Southeast Asians. The cream of the crop came  
5 early, and then after that, less well-educated  
6 came in, and they're not blowing the tops off  
7 the tests anymore.

8 MS. WEITZ: You talked about funding  
9 too and the proximity of the Grimes Building  
10 to the State Legislature. Is there any  
11 communication between state legislators and  
12 people in the Department of Education on  
13 issues of funding?

14 MR. MURPHY: Well, the way the state  
15 department is funded is basically a -- they  
16 present a proposal to the legislature, and the  
17 legislature grants the money. It's not on a  
18 per pupil basis like the local districts and  
19 like the AEAs. But I just talked to somebody  
20 at the state department and getting familiar  
21 with this, the communications coordinator  
22 there, and she said as long as the person is  
23 there on federal money, then the legislature  
24 is complacent to believe that immigrant  
25 students are being served. One person --

1           since 1975 if you look at the increase in  
2           the population, they still have one person  
3           there, yet the population has -- I wish I knew  
4           how much it has increased since then. You  
5           probably know.

6                       MR. COULTER: Well, the Latino  
7           enrollment is over 14,000 and less than ten  
8           years ago it was 7,000. That's how much it's  
9           growing. That's across the state of Iowa,  
10          public and nonpublic.

11                      DR. SOMMERVILLE: Are there any  
12          other questions? Thank you.

13                      MR. MURPHY: I only have one copy  
14          here of my presentation.

15                      DR. SOMMERVILLE: Thank you. I  
16          think this completes the educational  
17          perspective. Might I ask Reverend Kevin  
18          Cameron, if you're in the room? Sister Karen  
19          Thein? Is Don Nickerson in the room? Is  
20          William Moulder in the room? Gerald Heinauer  
21          in the room? We will take a 15 minute break.

22                      (A recess was taken at 2:38 p.m.)

23                      DR. SOMMERVILLE: We will resume our  
24          forum. We had begun on the law enforcement  
25          perspective listening to Dr. Ed Munoz,

1 sociologist from Iowa State University. Is  
2 Don Nickerson in the room? Is William H.  
3 Moulder in the room?

4 CHIEF MOULDER: Yes.

5 DR. SOMMERVILLE: You may present,  
6 if you'd like to, at this time.

7 CHIEF MOULDER: Sure.

8 DR. SOMMERVILLE: Take the podium.  
9 For the record, state your name, could be your  
10 business address, and your occupation.

11 CHIEF MOULDER: William Moulder,  
12 Chief of Police, Des Moines Police Department.  
13 The address is 25 East First Street,  
14 Des Moines, Iowa. What I would like to do is  
15 I have an outline of the order in which I had  
16 planned to present my comments. I would like  
17 to share that with the staff, with the  
18 Commission, so that at least you have some  
19 idea where I'm going. And at the conclusion I  
20 have the comments in a written forum I'll  
21 provide to the staff and to the recorder.

22 DR. SOMMERVILLE: If you would take  
23 about 15 minutes to give us your information  
24 and then let us ask questions.

25 CHIEF MOULDER: Certainly.



1 DR. SOMMERVILLE: All right. You  
2 may proceed.

3 CHIEF MOULDER: City manager  
4 Eric Anderson had intended to join me at this,  
5 and he was unfortunately otherwise committed,  
6 and I believe his representative Amelia Morris  
7 Hamilton will join me later. The schedule had  
8 called for me to be here at 20 after, and  
9 that's the time I gave her, so if you see a  
10 confused lady come in the door -

11 DR. SOMMERVILLE: Amelia Hamilton?

12 CHIEF MOULDER: Amelia Hamilton, and  
13 she will be here, I believe, fairly shortly.  
14 Beginning with an introduction, a number of  
15 things have happened since Mr. Ascension  
16 Hernandez of the Commission's staff and I have  
17 met. That was followed by a letter from the  
18 director Melvin Jenkins inviting my attendance  
19 before the Commission today. After I received  
20 the letter, I met with City Manager Eric  
21 Anderson to discuss this invitation.  
22 Mr. Anderson felt that the issue of the major  
23 importance and the invitation was brought  
24 before the entire department director's staff  
25 for the City for their input.

1                   Mr. Anderson recognized the  
2                   importance that immigrants are a valuable  
3                   asset in our city. They grow in value not  
4                   because they increase the diversity, but also  
5                   because they provide a source of labor,  
6                   employees for our business and industry. The  
7                   city's unemployment rate has hovered around 2  
8                   percent for the past few years. Many of the  
9                   larger businesses in our community are unable  
10                  to expand because they cannot find employees.  
11                  The lack of people is a brake on our economic  
12                  health.

13                  But beyond the need for people to  
14                  fill jobs in Des Moines businesses, immigrants  
15                  provide a connection to world markets. They  
16                  can shape the products that are needed in  
17                  their home country. They can enhance the  
18                  connections needed by commerce, and the  
19                  diversity they bring to our community makes  
20                  our community more attractive.

21                  When the city manager's staff met to  
22                  provide advice on this presentation, we began  
23                  to take an inventory. We searched for the  
24                  resources that are in place to address the  
25                  needs of immigrants in Des Moines. The bulk

1 of this presentation will focus on the product  
2 of that initial inventory.

3 Each of you have had this  
4 experience. You travel a familiar road on  
5 your way to work, on your way to church, some  
6 place you go regularly and there are subtle  
7 changes that take place along that route.  
8 They're small, they're incremental, they're  
9 hard to distinguish as you travel that. The  
10 aggregate change may be significant, but you  
11 have hardly noticed what was going on. It's  
12 not until someone points out the change -- let  
13 me introduce Miss Morris. She is here  
14 representing City Manager Eric Anderson. And  
15 if you give me just a second, I'll let her  
16 know what I'm doing. We started early. You  
17 aren't late, Amelia. We started early.

18 It's not until someone points out  
19 these changes that make you look for these  
20 changes that you realize this route is -- this  
21 place is different. It's been changing and  
22 you have not noticed, but you have adapted  
23 without any real appreciation of the process.

24 In preparation for this  
25 presentation, many of the city departments

1           looked about and we found changes. The  
2           presence of immigrants has precipitated  
3           adaptations that many of us had not noticed.  
4           When we took notice of how the city has  
5           changed, we found reason to be pleased.

6                         Now, we also found there is no  
7           central source of information on services for  
8           immigrants. Each city department has made  
9           individual adaptations. Des Moines Public  
10          Schools have made adaptations. County and  
11          city government agencies have made  
12          adaptations. We have all altered the  
13          landscape in subtle ways. And I hope when the  
14          Commission files its report, those changes are  
15          cataloged and the efforts recognized.

16                        I'll turn to the community history.  
17          This will not be an attempt to go back to the  
18          settlers who built the first camp at the  
19          junction of the Des Moines and Raccoon Rivers.  
20          My purpose here will be to present a more  
21          contemporary accounting. I realize that the  
22          Commission members are Iowa residents and  
23          familiar with this history, but it's my  
24          understanding that this Commission's report  
25          will find a wider audience than is assembled

1 here. It is for the perspective of that  
2 audience that this brief history is presented.

3 I take you back to Governor Ray's  
4 administration and the Asian immigration that  
5 took place. In 1975 when the Laotian,  
6 Cambodian, and Vietnamese governments  
7 were overthrown, many people were displaced.  
8 United States President Gerald Ford wrote to  
9 all of the state governors calling for  
10 assistance in meeting the responsibility to  
11 assist these people. Federal funding was  
12 provided to governors that would seek a place  
13 for these immigrants in their communities.  
14 Governor Ray received a request from a group  
15 of refugees seeking to be located as a group.  
16 They are families of farmers, doctors, and  
17 other occupations well-suited for Iowa.  
18 Governor Ray respond to President Ford's  
19 request and asked for these refugees as well  
20 as those from other countries.

21 The number of refugees has leveled  
22 off in the last few years according to the  
23 Iowa Bureau of Refugee Services. They  
24 estimate the total Asian population in greater  
25 Des Moines to be about 8,000, about 2 percent

1 of the total population, and this is supported  
2 by the 1997 U.S. Census estimate. The  
3 presence of Asian grocery stores, restaurants,  
4 and other small businesses catering to the  
5 Asian population confirms these estimates.

6 The Bosnian population the Iowa  
7 Refugee Services estimates to be about 4,000.  
8 They're located in Des Moines, Ankeny, and  
9 Indianola. Many of these people are choosing  
10 to locate in the northeastern part of Polk  
11 County.

12 The Sudanese population. Mayor  
13 Preston Daniels has observed that Des Moines  
14 has the largest Sudanese population in the  
15 country. Two years ago that number was  
16 estimated to be nearly a thousand people.  
17 They are still moving about and  
18 relocating in Omaha, Nebraska; Sioux Falls,  
19 Iowa; and the Twin Cities. The Iowa Bureau of  
20 Refugee Services notes that the Sudanese  
21 culture's single men tend to move around a lot.

22 The Hispanic population predates and  
23 outnumbers all other immigrant groups.  
24 Des Moines has long had a population of people  
25 of Hispanic origin. The preponderance of this

1 population are natural-born citizens. In 1997  
2 Iowa Estimate Census estimated the percentage  
3 of residents of Hispanic origin at 53,092.  
4 The group has shown to be the largest increase  
5 in both number -- 20,400 -- and percent --  
6 62.6 percent -- between 1990 and 1997, the  
7 largest increase of any minority group in the  
8 state. Nearly half of these Hispanic  
9 residents were found in -- nearly half of the  
10 Hispanic residents were found to live in  
11 Muscatine, Polk, Scott, or Woodbury Counties  
12 in 1997.

13 Let's speak a little bit to the  
14 services that Des Moines provides. The city  
15 has a long history of international  
16 connections. Sister city relationships exist  
17 between our city and Naucalpan, Mexico; Saint  
18 Etienne, France; Stavropol, Russia; Kofu,  
19 Japan; and Shijiazhuang, China. The  
20 Sister Cities Commission serves the City as a  
21 part of the city manager's staff. The  
22 commission members serve as volunteers and are  
23 appointed by the City Council. They seek  
24 cultural, educational, and economic exchanges  
25 between the cities and serve as a conduit for

1 government and private business connections.  
2 That relationship is manifested in exchange  
3 visits between citizens of these cities and  
4 City of Des Moines staff as well as council  
5 members and residents of Des Moines.  
6 Presently the Des Moines Police Department is  
7 in the final steps of arranging an exchange  
8 visit with police representatives of Kofu,  
9 Japan. They are expected to be here this  
10 spring, and officers from this department will  
11 visit Kofu later this year.

12 I've had the good fortune to visit  
13 Naucalpan, Mexico and Stavropol, Russia. On  
14 both exchanges I met with various law  
15 enforcement managers, toured the training  
16 facilities, and compared the law enforcement  
17 operations. I've also visited Tokyo, Japan in  
18 a law enforcement cultural exchange.

19 City Manager Eric Anderson has  
20 visited the Ukraine, as have various members  
21 of his staff, building a basis for economic  
22 relations with Des Moines.

23 In the police department, the  
24 connections between the police and the various  
25 immigrant populations are numerous. The



1 listing that I have illustrates the aggressive  
2 efforts to connect and serve these  
3 populations. In language, we have local  
4 professional interpreters available at all  
5 hours to respond in person to police requests.  
6 We have the international language telephone  
7 line that provides for live translations of  
8 120 different languages 24 hours a day. Those  
9 telephone conversations are all recorded.

10 Officers from this department have  
11 volunteered to participate in learning basic  
12 Spanish speaking skills to improve their  
13 ability to communicate on the street with  
14 non-English speaking people. The department  
15 offers incentive pay to any officer that can  
16 demonstrate proficiency in effectively  
17 speaking in a foreign language. Currently  
18 Spanish is the only language represented in  
19 this program, but any other language would  
20 qualify.

21 In the services area, immigrants are  
22 required to submit fingerprints for various  
23 purposes. Until last year, the Des Moines  
24 Police Department was the only agency  
25 providing this service. The Immigration and

1 Naturalization Service has taken that  
2 responsibility, and the need is being met by  
3 that agency at the present time. Officers  
4 from this department have long worked with the  
5 United Mexican American Community Center on  
6 issues involving security and law enforcement  
7 related matters. The work was of sufficient  
8 value, and these non-Hispanic officers have  
9 been elected to the Center's board. Asian and  
10 Hispanic organizations regularly invite the  
11 department to participate in various cultural  
12 celebrations marking special days.

13 In an effort to reach more minority  
14 employees, police officer recruiting efforts  
15 have become more focused. During the most  
16 recent effort, the police booth at the Job  
17 Fair was staffed by Ms. Mary Campos, who  
18 appeared before you today and is in the  
19 audience at this time, and Ms. Sylvia  
20 Tijernia, State Latino Affairs Administrator.  
21 Black, Hispanic, and Asian police officers and  
22 cadets also participated in the fair. Twelve  
23 Hispanics and three Asians are currently  
24 employed by the Des Moines Police Department.

25 The academy and annual in-service

1 training programs contain segments on cultural  
2 diversity. The objective is to train not just  
3 officers but all department employees that  
4 will be in contact with the various cultural  
5 groups to improve the ability to serve the  
6 citizens properly.

7 Turning to the Des Moines Public  
8 Library. The library provides the following  
9 services for immigrant populations: They  
10 provide a meeting space for English as a  
11 second language at the Forest Avenue Library;  
12 tours of the library and introduction to  
13 library services for students in ESL classes;  
14 multilingual story hours for children age 2 to  
15 5; collection of materials in native language  
16 of various immigrant groups in Russian,  
17 Spanish, Croatian, Vietnamese, Hungarian,  
18 Polish, French, and German. The library  
19 received a Junior League grant of \$1,000 in  
20 1997 to purchase Spanish language materials  
21 for the South Side Library.

22 The Public Works Department of the  
23 City works to maintain a list of interpreters  
24 to assist to responding to non-English  
25 speaking residents. In addition to

1           constructing and maintaining city  
2           streets, sewers, and sidewalks, the Public  
3           Works provide solid waste collection services  
4           which frequently involves a discussion of  
5           rules and regulations. When needed,  
6           interpreters are used to ensure that all  
7           residents benefit from the services provided.

8                         In the area of community  
9           development, immigrants have a different  
10          standard. They have different standards of  
11          building, housekeeping, and yard care. The  
12          Permit and Development Center and Zoning  
13          Enforcement Division of Community Development  
14          work quickly and resourcefully to find  
15          interpreters for persons coming in to obtain a  
16          building permit or for those persons with a  
17          complaint against them. Sometimes we work  
18          with the police interpreters. Currently we  
19          have an inspector on staff that speaks a few  
20          Southeast Asian dialects, which helps a great  
21          deal. Finding the interpreter is the easy  
22          part. For the Building and Development Center  
23          the more difficult part is explaining the  
24          regulations needed for building. An example  
25          is a Bosnian family that wanted to build a

1 smokehouse. As a building division, the City  
2 regulates open fires within buildings very  
3 strictly. It also enforces the Department of  
4 Natural Resources' regulations on smoke  
5 emissions within the city. Explaining those  
6 issues is difficult, and it is unclear if the  
7 immigrants grasp the true reason why a request  
8 for a smokehouse cannot be approved. Within  
9 each minority group, the inspectors struggle  
10 to explain the need for requirements for  
11 building in this country ranging from decks to  
12 Buddhist temples.

13 The Zoning Enforcement Division is  
14 attempting to show heightened sensitivity to  
15 immigrants while at the same time working with  
16 neighborhood groups to beautify the  
17 neighborhoods. The first contact for the  
18 inspector is usually because someone has  
19 complained about the conditions of the yard or  
20 the house where the immigrant family lives.  
21 There is further dilemma because there is so  
22 much distrust of inspectors among immigrant  
23 groups. It is hard for the inspectors to  
24 explain the different standards midwest  
25 Americans set on caring for the yards and

1 homes when the inspectors are perceived as not  
2 to be trusted. The division inspectors are  
3 taking on more coaching to teach individuals  
4 isolated by culture or language how to adapt  
5 to American ways. It is hoped trust will be  
6 built as programs to assist immigrants to find  
7 help with yard care and home repair are  
8 developed. Brochures in a variety of  
9 languages are being developed to explain the  
10 regulations of home and yard care.

11 In human resources department, the  
12 City of Des Moines is a major employer of the  
13 region. New employees are acquired by  
14 advertising in the newspaper and by posting  
15 employment notices throughout the city. A  
16 partial listing is enclosed in this, and just  
17 briefly, it recognizes such places as Proteus,  
18 Asian grocery stores, churches, and a variety  
19 of places where immigrant populations are  
20 likely to have the opportunity to observe  
21 them.

22 The Des Moines International  
23 Airport. Since 1995, the Des Moines  
24 International Airport advisory board has  
25 sought to provide services to assist

1 international shipping and passenger travel.  
2 They were successful with congressional  
3 support in getting an Immigration and  
4 Naturalization Service office located at the  
5 airport.

6 Prior to the establishment of the  
7 airport, the large population of foreign  
8 nationals residing in central and eastern Iowa  
9 were forced to travel to Omaha, Nebraska for  
10 employment authorization, interviews, and  
11 other administrative actions. Iowa has a  
12 large and diverse student population in its  
13 major universities including the University of  
14 Iowa, Iowa State University, University of  
15 Northern Iowa, and Drake University. These  
16 are located in Iowa City, Ames, Cedar Falls,  
17 and Des Moines. Respectively these schools  
18 support a sizeable number of foreign students  
19 who had to travel the better part of a day to  
20 reach an INS facility. If for any reason they  
21 could not complete their business that day,  
22 they had to spend the night in Omaha or make  
23 the same trip again. This trip can become  
24 expensive and time-consuming, not to mention  
25 hazardous in certain weather conditions.

1           Other foreign nationals residing in Iowa face  
2           identical situations.

3                       We learned from a discussion that we  
4           had with INS personnel that a large amount of  
5           the workload that was being done in Omaha  
6           originates in Iowa. Rather than make the  
7           customers travel such distances to reach INS  
8           services, why not locate an office nearer to  
9           them. There was precedent for such  
10          arrangement. Years ago an INS officer at the  
11          St. Louis Airport adjudicated all student  
12          applications. Also INS officers at the  
13          Minneapolis/St. Paul airport provide  
14          adjudication and liaison services for foreign  
15          students when not checking international  
16          passengers. Because clearing the passengers  
17          would not be a large part of the job at the  
18          Des Moines International Airport, at least  
19          initially, the INS officer would be in a  
20          position to issue EADs, conduct interviews, or  
21          provide adjudication services. With  
22          Des Moines' proximity to O'Hare International  
23          Airport and Minneapolis/St. Paul Airport,  
24          diverted international flights could be routed  
25          to           Des Moines with an INS presence.



1           Currently customs and agricultural officials  
2           are present on the field. The only element  
3           missing for a full-time federal inspection  
4           station was the INS. With the recently  
5           concluded open skies aviation agreement  
6           between the U.S. and Canada, there will be  
7           more opportunities for international arrivals.

8                       Perhaps the most compelling reason  
9           to station INS personnel in Des Moines is  
10          economics. In planning the future, the  
11          airport constructed a new federal inspection  
12          facility in 1994. Currently U.S. Customs and  
13          Department of Agricultural personnel are  
14          maintaining offices in this new facility.  
15          During its design, the needs of the INS were  
16          considered and built into the plan. There is  
17          no rental cost for the office space in this  
18          facility. With every government agency under  
19          pressure today to reduce operating costs,  
20          rent-free office space and inspection services  
21          in an area of heavy user demand is attractive  
22          to the INS.

23                       We are aware that there's not  
24          sufficient international arrivals at the  
25          Des Moines International Airport to justify an

1           INS presence based on airline activity alone.  
2           This request is based upon the need of a large  
3           foreign population in the state of Iowa who  
4           would be better served by a local INS officer  
5           and our desire to better serve the growing  
6           demands for international flights to the  
7           airport. The fact that the airport can  
8           provide a rent-free facility to the INS should  
9           only help to justify the economics of this  
10          important decision. The office was initially  
11          established at the airport. In 1997 it was  
12          relocated to the downtown Federal Office  
13          Building. Most recently the airport has been  
14          approached to re-establish the INS presence at  
15          the airport as the number of INS employees  
16          grows to meet the needs of immigrants in  
17          greater Des Moines.

18                         In the Parks and Recreation  
19          Department. In the summer of 1996, members of  
20          the board of directors of the Islamic Center  
21          of Des Moines approached the staff of the  
22          Parks and Recreation Department to request  
23          that a portion of Glendale Cemetery be set  
24          aside for the exclusive burial of members of  
25          the religion of Islam. After much discussion

1 and negotiation, rules and a one-time exclusive  
2 fee were agreed upon. An area about the size  
3 of a half acre, 522 burial spaces, was set  
4 aside in which only followers of the  
5 Muslim/Islamic faith could be buried. All  
6 spaces and burial services would need to be  
7 purchased and would be the same as for any  
8 other burial in the cemetery. On January 6 of  
9 '97, the City Council by a license agreement  
10 approved the proposed contract. Since that  
11 time, the agreement has been amended twice to  
12 allow for the elimination of the requirement  
13 for burial vaults or liners and a modification  
14 in the manner in which graves are prepared for  
15 Bosnian and non-Bosnian deceased.

16 Members of the Islamic Center board  
17 of directors are now comprised of African-  
18 American, Middle Eastern, and Eastern European  
19 members. They have worked very harmoniously  
20 with the City, and the staff, in turn, have  
21 successfully accommodated their traditional  
22 burial needs. It's been a learning experience  
23 for both the followers of Islam and the city  
24 staff. Since the implementation of this  
25 ordinance and this policy, Des Moines has been

1 identified as a national model for Muslim  
2 burial policies.

3 As you can see, our environment has  
4 altered. As a result of this view,  
5 Mr. Anderson plans on future conversations at  
6 the department director level on issues  
7 involving immigrants. Thank you for your time  
8 and your attention.

9 DR. SOMMERVILLE: Thank you, Chief  
10 Moulder. Are there questions?

11 MS. WEITZ: The question I'd like to  
12 ask is according to an article in  
13 The Des Moines Register, in the 1950s there  
14 was 10 African-American officers on the police  
15 force and today that is only 11. Do you have  
16 any thoughts on why there is such a low  
17 representation of minorities on the police  
18 force in Des Moines?

19 CHIEF MOULDER: I can speak to that.  
20 I understood we were talking about immigrants,  
21 but I did not bring the data, the specific  
22 data that you were asking for, however --

23 MS. WEITZ: Just in reference to  
24 immigrants, it might be a help in encounters  
25 with the immigrant population group if there

1           were minority police officers making those  
2           connections. That would be the connection to  
3           immigration. I'm sorry.

4                       CHIEF MOULDER: The department is  
5           very concerned about the representation. We  
6           want the department to look like the  
7           population. We want it to resemble it both in  
8           racial makeup and in sex. We have not and  
9           probably never will find 50 percent of our  
10          department to be female officers. However, we  
11          strive very diligently in increasing the  
12          number of minority officers on the department.  
13          But most of this process is not within the  
14          control of the police department. The process  
15          is in the control of the Civil Service  
16          Commission and the human resources department.  
17          We have been very aggressively taking issue  
18          with some of the things that exclude people  
19          that we think ought to progress through the  
20          selection process. In the past we had a  
21          greater ability to control that, and the time  
22          you're talking about, Des Moines established a  
23          model program in the 1970s of getting  
24          minorities into the police department. We  
25          lost control of that program. We are

1           wrestling to get control of it back. I have  
2           every confidence that we can be more  
3           attractive to minorities, but I have to tell  
4           you, I am operating in handcuffs.

5                       MR. VAN LO: You have said that the  
6           impact of immigrants and refugees is very  
7           beneficial to our community. What has the  
8           police department done to make up a  
9           requirement to take sensitive -- to take in  
10          the police force to be a police officer?

11                      CHIEF MOULDER: I'm sorry. I missed  
12          part of it.

13                      MR. VAN LO: What kind of class does  
14          it take to be a police officer to be  
15          sensitized to this immigration?

16                      CHIEF MOULDER: It's an ongoing  
17          thing. The training is ongoing. There is no  
18          single event, no single shot, if you will, to  
19          make people sensitive. We do that as a  
20          regular part of our business. We look at how  
21          we treat people, not just immigrants, not just  
22          minorities, but the people who we do business  
23          with on a constant basis. How do we handle  
24          this particular event; could we have handled  
25          it better. Each year all of the officers of

1 the department and many of the nonsworn  
2 people -- and you understand police  
3 departments have people who are not  
4 badge-carrying police officers. They are  
5 involved in other forms of delivery of  
6 service, meter checkers, cadets that are  
7 basically used for less severe things, traffic  
8 management, parking management, abandoned  
9 cars. Dispatchers who take the telephone  
10 calls when anyone calls 911, front desk people  
11 who deal with people who have had their car  
12 stolen or disappear and want to get accident  
13 reports, all these are not police officers.  
14 All of them undergo training annually.  
15 Sometimes it's a couple of hours; sometimes  
16 it's longer. We call upon a number of  
17 resources in the city. Sylvia Tijernia last  
18 year conducted that for us, and it's a  
19 tremendous thing to ask anyone to do because  
20 it is four months long every week that they  
21 participate in that training program. We  
22 don't pay very well. In fact, we get people  
23 to do it for free. We've been very successful  
24 because of a number of people in our community  
25 that are willing to step up and it's part of

1           their belief that it's part of their civic  
2           responsibilities. We've had a variety of  
3           organizations. I just point to that one  
4           specifically. We have had the use of packaged  
5           professional programs that we use using  
6           in-house trainers to address the issues of  
7           dealing with people who have a different  
8           cultural perspective than midwest United  
9           States.

10                   MS. STASCH: I have a question. You  
11           were talking about translators, and one of the  
12           things you mentioned was a telephone system.  
13           Could you just expound on that a little bit,  
14           and one of the questions to me is why is the  
15           conversation being recorded?

16                   CHIEF MOULDER: The conversations  
17           are recorded because it may be necessary for  
18           use in some court action. When you call the  
19           police, for example, you're going to tell us  
20           that somebody stole something, something is  
21           wrong, that may ultimately lead into some  
22           criminal prosecution. The way the process  
23           works, we subscribe to an international  
24           language translation service. If you came up  
25           to me and you spoke only Somalian language, we



1 would with hand gestures and various ways of  
2 trying to get it across, we would both get on  
3 a telephone and I would call our police  
4 dispatch office and say I need someone to  
5 translate a language. They call a central  
6 number. They don't have to go through a list  
7 to try and figure it out. The central number  
8 then connects to an on-duty professional  
9 interpreter, and ideally it's a three-way  
10 conversation because we will all have the  
11 phone at the same time. But if we only have  
12 one phone, I will say in English what it is I  
13 need for you to hear and hand it to you, you  
14 will hear it in your language, make your  
15 response, I will hear your response. It can  
16 be that primitive.

17 MS. STASCH: The only reason I say  
18 that is because you have an immigrant who  
19 doesn't understand the language and he is in a  
20 situation that is very frightening to him and  
21 he probably doesn't know what's going on,  
22 maybe he does. I don't know. And he's  
23 talking to someone who speaks his language and  
24 oftentimes it is, you know, whatever he says  
25 could be held against him. Could that kind of

1           thing happen to him if he was saying something  
2           to this translator as if it was a lawyer? In  
3           other words, when does a privileged  
4           conversation ever come in there or does it  
5           ever?

6                        CHIEF MOULDER: I understand the  
7           thrust of your question. Let me give you a  
8           little constitutional law. In order for me to  
9           use information against you that you give me,  
10          if you spontaneously told me that I went out  
11          here and killed somebody in the parking lot,  
12          that I could use against you, but if I asked you  
13          did you kill somebody out in the parking  
14          lot and did not tell you you have the right to  
15          remain silent, you've all heard of that on  
16          NYPD Blue. I can't use that information.

17                        In the case of a person who is  
18          talking with a police officer, if they are  
19          suspected of the crime, we have the obligation  
20          of telling them in their language before we  
21          get to that, you have the right to remain  
22          silent.

23                        MS. STASCH: So that interpreter  
24          would be saying that?

25                        CHIEF MOULDER: We would tell the

1           interpreter this is a suspect in a crime.  
2           More than likely if you're a suspect in a  
3           crime, we're not going to use this phone line.  
4           That's not nearly as effective as having a  
5           real live person here in front of us, and I  
6           think, Mary, you've provided that service I  
7           know on some occasions. Most of the time  
8           we're dealing with people who are the victims  
9           of crime, not the suspects of crime. Suspects  
10          of crime, we have a lot more time to deal with  
11          the suspect of the crime. It's the victim of  
12          the crime that has some urgency, where you  
13          have been injured, something has been stolen,  
14          something is wrong, and you're really upset,  
15          and by God somebody better do something now.  
16          That's when the language line becomes more  
17          valuable.

18                       MS. STASCH: One of the things that  
19           I remember that sparked our forum here on race  
20           relations was what I thought was a horror  
21           story. I cannot tell you if it was Sudanese  
22           or what language it was, but a gentleman was  
23           arrested and he spent a great deal of time in  
24           your jails because no one could figure out  
25           what language he was speaking. He was accused

1 of, I think, spousal abuse by his wife. And  
2 it took many, many, many days, more days than  
3 he should have been in there, before someone  
4 realized where he was and were able to get to  
5 him because, as I understood it, and it was a  
6 while ago, someone asked him if he spoke  
7 Spanish, but he said yes, which, of course, he  
8 didn't, but he was used to saying yes. And my  
9 question would be, you have had a lot of  
10 things in place. How would you handle that  
11 differently today as when it was handled  
12 before, and I have to tell you, I don't know  
13 the whole story. I just know part of it.

14 CHIEF MOULDER: I can tell from the  
15 recounting of the story there were many gaps.  
16 In order for him to have been arrested for  
17 spousal abuse, the officer would have had to  
18 have reason to believe that the abuse  
19 occurred, some injured person in front of him  
20 and that he did it, and however he acquired  
21 that information, we don't know. It would  
22 only be speculative at this point. Those two  
23 things have to be there. There has to be  
24 demonstrated that there is a victim and that a  
25 crime occurred. Now, assuming that he was not

1           able to converse in any language that we were  
2           able to communicate, which I am skeptical  
3           simply because of the language line and  
4           because of our intense effort to make sure  
5           that people understand what's happening to  
6           them, but given that that did happen, he would  
7           have remained in the Des Moines custody for  
8           less than 24 hours.

9                       MS. STASCH: He didn't.

10                      CHIEF MOULDER: He did. He was not  
11           in the police department custody more than 24  
12           hours. It is unlawful. I can get sued if  
13           you're there more than 24 hours. Now, within  
14           a 24-hour period he must come before a judge.  
15           A magistrate must hear the charge that is  
16           being levied. He must knowingly respond to  
17           that charge. Now, if he's not hearing what's  
18           going on, the judge is not going to retain  
19           confinement. The prosecution -- not the  
20           police department -- the prosecution has the  
21           obligation and responsibility if you're going  
22           before that judge that someone can speak in  
23           your language and tell you what's going on.  
24           That's their absolute obligation. Assuming  
25           that he was confined for an additional period

1 of time, I can't speak to that. That moves  
2 beyond the realm of the Des Moines Police  
3 Department.

4 MS. STASCH: But what you're saying  
5 is they don't stay any longer than 24 hours  
6 before they go before a judge?

7 CHIEF MOULDER: Every morning at 8  
8 o'clock we have what's called an arraignment,  
9 and everybody in jail goes to an  
10 arraignment. And it happens every, every  
11 morning at 8 o'clock. It happens on  
12 Christmas; it happens on Easter. It happens  
13 on Monday through Friday, and it happens on  
14 any day of this year. It is an absolute -- I  
15 will stake my life that we do not have anybody  
16 in jail beyond 24 hours because of the  
17 responsibility that is placed on the police  
18 department. They will not be there beyond  
19 that time. It must come before a judge.  
20 That's their constitutional right.

21 MR. HERNANDEZ: I just want to  
22 change it a little bit. Earlier this morning  
23 we heard a story, but more than that, on a  
24 national level, there's been the issue of race  
25 profile, and today we heard one of the

1 immigrant applicants talk about the police  
2 stopped an immigrant, a Latino immigrant  
3 because he was having difficulty with his car  
4 and because he was -- and also because it was  
5 dark and he was a Latino. Has that been a  
6 concern, has that complaint come up before you  
7 in the Des Moines Police Department?

8 CHIEF MOULDER: Not in ten years.  
9 Ten years ago I did have that complaint. I  
10 have not heard it in ten years, and I would  
11 say to you, I have no doubt what the  
12 individual believed that to be true. I'm not  
13 suggesting he was making anything up. He was  
14 probably stopped and I would not question that  
15 that occurred. We stop people based on their  
16 conduct. We do not stop people based on the  
17 car they drive, the way they cut their hair,  
18 the color of their skin, the way they dress.  
19 If they can -- if the officer cannot  
20 articulate conduct that is unlawful or  
21 suspicious, the evidence they gain -- get from  
22 that arrest is not admissible. It is  
23 pointless to stop someone unless you have a  
24 lawful reason to execute that stop.

25 MS. WEITZ: Before I asked, you

1 know, about recruiting minority police  
2 officers and it was the Civil Service  
3 Commission you said that was tying your hands?

4 CHIEF MOULDER: No. I said the  
5 process is not under my control.

6 MS. WEITZ: What can be done to get  
7 the process back -- give you more control so  
8 that then you can hire more minority officers?  
9 What can be done to bring that about?

10 CHIEF MOULDER: You have to  
11 recognize the environment of Iowa. Iowa is  
12 very distrustful of government. So we have a  
13 whole lot of citizen groups to make sure that  
14 government functions properly. The city  
15 manager just within the last two or three  
16 years increased the number of people that  
17 serve on the Civil Service Commission.  
18 Ms. Campos is one of the commission members  
19 and one of the voices of sanity that have been  
20 brought to the commission. Others have been  
21 brought as well. We're in the process of  
22 negotiating with the commission to give us a  
23 little more ability to tell you what we need  
24 to do. I think we're going to get there, but  
25 you asked me about historically, and



1           historically, that has not been there.  
2           Historically the commission has not trusted  
3           the police department on any matter that came  
4           before it. They wanted to see for themselves.  
5           Historically they have given me the people  
6           that I can hire.

7                       MS. WEITZ: Do they listen to input  
8           from the community as far as a need for  
9           increased representation on the police  
10          department?

11                      CHIEF MOULDER: I would not speak  
12          for the commission. They have constituents  
13          that you could speak to them. They have the  
14          city management, the department directors that  
15          speak to them and say we need people that are  
16          qualified to do the job, we want to do a  
17          quality job of hiring, and then they do --  
18          they're an independent body. They do not  
19          answer to me, and they should not answer to  
20          me. But the point I want to try and emphasize  
21          here is that process is -- has substantially  
22          improved and is changing because the  
23          recognition that it is a joint process, it is  
24          not something where the commission -- and the  
25          commission's been accused -- and let me make

1           sure we understand the difference between the  
2           current commission and the one that existed  
3           prior to the expansion -- the commission was  
4           accused of politics, the very thing a Civil  
5           Service Commission is created to guard  
6           against. That if I wanted the job in the city  
7           of Des Moines, I went to see a commissioner to  
8           get that job. I don't know whether that  
9           happened or not. They were accused of that.  
10          We were always -- and we probably always will  
11          be at some degree of tension. I want certain  
12          things, they have the community standard that  
13          they're trying to address, and sometimes those  
14          don't always meet up. But I do believe that  
15          we have commissioners in the staff in the  
16          human resources department that are very  
17          sensitive to those matters, and I am more  
18          confident in the results of the future  
19          employment process.

20                           DR. SOMMERVILLE: Chief Moulder, we  
21                           thank you for your remarks, and off the  
22                           record.

23                           (An off-the-record discussion  
24                           was held.)

25                           DR. SOMMERVILLE: Is Gerald Heinauer

1 in the room?

2 MR. HEINAUER: Yes.

3 DR. SOMMERVILLE: Is there another  
4 person in the room who was scheduled to make a  
5 presentation and is here? Mr. Heinauer, for  
6 the sake of our records, would you please  
7 state your name, your employment address, and  
8 your occupation.

9 MR. HEINAUER: My name is Jerry  
10 Heinauer. I'm the district director for the  
11 Immigration and Naturalization Service, and  
12 our office address is 3736 South 132nd Street,  
13 Omaha, Nebraska 68144.

14 DR. SOMMERVILLE: You may proceed.

15 MR. HEINAUER: Thanks. What I'd  
16 like to do is to hand out a couple brochures  
17 here. This is English and Spanish.

18 DR. SOMMERVILLE: If you could  
19 provide about 15 minutes of information for us  
20 and then we would feel free to have questions.

21 MR. HEINAUER: Okay, good. Okay.  
22 I'm an informal kind of a guy, so what I'd  
23 like to do is throw some things out here  
24 thinking that if I were you, this is what  
25 maybe I would want to hear from me. I did

1 understand that I was supposed to provide  
2 you with some basic information about INS and  
3 that is what this document talks about  
4 (indicating). So I'll just take a couple  
5 minutes if it's okay to talk about that, but I  
6 think things that are probably the most  
7 important to the community would be this  
8 initiative we have called Operation Vanguard  
9 which I just passed out some information and  
10 also to address a couple issues the service  
11 has, quick response teams, which I think might  
12 address the issues that you were just speaking  
13 with the Chief as well as the potential of  
14 delegation of authorities to the state and  
15 local law enforcement.

16 Okay. INS is -- I'll go through  
17 this document quickly. INS is part of the  
18 Department of Justice. We're charged with  
19 enforcing our nation's immigration laws and  
20 providing immigration benefits to those  
21 people who are entitled to the same. In terms  
22 of enforcement, very briefly, we're  
23 responsible for preventing and deterring and  
24 arresting those people that are in the United  
25 States illegally. In terms of benefits, we

1 process people for naturalization, for  
2 permanent residence are the biggest things  
3 that most people are familiar with. I should  
4 probably have said our office is a district  
5 office, and we have jurisdiction for the small  
6 offices that we have here in Iowa. In Iowa we  
7 have an office in Des Moines that consists of  
8 seven people, two are what we call  
9 adjudicators. That means they process people  
10 who are applying to become a permanent  
11 resident or an actualized citizen. We take  
12 people's fingerprints who are asking for some  
13 sort of an INS benefit. We have two special  
14 agents who are officers who do the gamut of  
15 enforcement activities for us. We have a  
16 five-man office in Cedar Rapids, which is  
17 strictly enforcement, and we have a two-man  
18 office in Sioux City.

19 As far as the work that we do, we  
20 work -- I see representatives from the Iowa  
21 Commission for Latino Affairs is here. We've  
22 worked with their office in the past with  
23 respect to doing what we call outreach, and  
24 that is like maybe where we go out to the  
25 community and are in a process where we help

1 people, tell them how to process their  
2 applications. Probably the greatest benefit,  
3 though, is that we have a lot of people that  
4 are here illegally that want some questions to  
5 the answers that they have.

6 Very briefly, there's only four ways  
7 in which people can become lawful, permanent  
8 residents. One is through a family- sponsored  
9 petition, one is through an employment-based  
10 petition, one is through adversity visa, a  
11 lottery, and the other way is through refugee  
12 status or asylum. To be considered a refugee,  
13 as Mr. Johnson here knows, I think it's next  
14 week that we're working with his office with  
15 regards to processing maybe 6- or 700 people  
16 who are here as refugees that are adjusting  
17 their status.

18 Now, I'm not saying that because it  
19 makes us look like we're real good because  
20 we're not. I'm the first one to be honest  
21 with you. We don't have enough resources and  
22 the only reason we have 600 people here or 700  
23 that we're going to process is because they're  
24 two years waiting for it. To me that is  
25 unacceptable. Our processing times for

1 people to become permanent residents or  
2 natural citizens is unacceptable. To me the  
3 small staff that we have in Des Moines is  
4 unacceptable. I would say that I think the  
5 state of Iowa is well-served in their  
6 congressional offices that they have because  
7 it's my impression that they really care and  
8 they want to make a balanced approach in terms  
9 of giving us the resources that we need to  
10 enforce the nation's immigration laws, but at  
11 the same time giving us the resources that  
12 would help people get their applications  
13 process more expeditiously.

14 To give you some time examples,  
15 right now -- and our office is probably a  
16 little better than most on a national basis,  
17 and I'm sure that all of you will say it's  
18 not good enough, and I agree with you. Right  
19 now it takes us about close to two years to  
20 process somebody that's here as a permanent  
21 resident. For instance, if you're eligible to  
22 apply for permanent residence, let's say your  
23 spouse is a citizen and you're here on some  
24 other status whether it be legally or  
25 illegally and you want to become a lawful,

1 permanent residence, we have a about a two-  
2 year backlog. Our application for  
3 naturalization runs probably 12 to 15 months,  
4 and I always try to, you know, reconcile it as  
5 myself going in for service that somebody else  
6 offers. I recently got a U.S. passport and it  
7 took probably about three weeks to get it, and  
8 that's what we expect to have, that kind of  
9 service. You know, I'm at a loss to be able  
10 to justify it. I could not possibly justify  
11 why that takes us that long except for we have  
12 X number of cases, and, you know, we're human  
13 beings. It takes so long to process an  
14 application.

15 I don't know if, you know, your  
16 commission hears those kinds of complaints,  
17 but I think it's on a national basis, and it's  
18 unfortunate and especially in light of the  
19 fact that the service has raised fees to  
20 become a naturalized citizen from \$95 to 225.  
21 You know, that's a tough pill to swallow.  
22 We're committed to trying to reduce the  
23 backlog to six months in naturalization, and  
24 we hope to probably do that within the next  
25 year, but the truth is unless we can somehow



1 get some additional positions, that's going to  
2 be difficult for us to obtain. And again it's  
3 really just a matter that we have X amount of  
4 work to do, you know, we have so many people.  
5 Unless you get more people -- we want to do  
6 our job better. We go out to the  
7 community and have ways in which we try to do  
8 that. Try to use forced multipliers, that  
9 kind of thing, but that only goes so far. I  
10 think the service looked at automation as an  
11 end-all kind of answer, and it isn't. You  
12 still need people to do all sorts of manual  
13 clerical work.

14 To sort of move on and talk about  
15 a couple things that I think are probably a  
16 great concern to your panel would be what we  
17 call Operation Vanguard, and this is an  
18 addition that we implemented recently in state  
19 of Nebraska and Iowa. It's a new way for us  
20 to do business with respect to meat packing  
21 industry. Historically what INS has done is  
22 spend a lot of time, a lot of money going to  
23 meat packing plants to arrest people that are  
24 in the United States illegally. In fact,  
25 that's probably close to 25 percent of

1 the workers in any one plant are in the United  
2 States illegally. Well, what we would do is  
3 we only have the resources to go to one or two  
4 or three or a half dozen plants each year, and  
5 I think that the businesses look at that as  
6 maybe as a cost of doing business. There's a  
7 hundred and some plants in Iowa, and, you  
8 know, if they're going to get paid a visit to  
9 by INS every three or four years, you know,  
10 maybe that's a cost that they could absorb.  
11 So what we wanted to do is this program is  
12 aimed at being a deterrence as opposed to  
13 making large-scale arrests of people. The way  
14 it works for us is simply we do an  
15 administrative subpoena to all the businesses,  
16 which we've done in the state of Iowa  
17 recently, and ask them to provide us a list of  
18 all of their personnel and the supporting  
19 documents. We then conduct checks on our  
20 indices as well as indices of the Social  
21 Security Administration and some other federal  
22 databases, and then because of inconsistencies  
23 or errors, we're able to identify the people  
24 that are likely to be in the United States  
25 illegally. And then what we would do is we

1           would give that list to the employer along  
2           with a letter for the employer to give to the  
3           employee that says very specifically, very  
4           clearly you're not to terminate this person  
5           based on the results of our record. Make he  
6           or she available for an interview at some  
7           point down the road. What will probably  
8           happen is those people that are in here in the  
9           United States illegally will on their own  
10          volition terminate their employment, which is  
11          okay for us. And I don't think it's an  
12          inconsistency because the idea here is to give  
13          the employer the tool that they need so that  
14          they can ensure that they have a stable, legal  
15          work force, and there is a program called the  
16          basic pilot that gives an employer the ability  
17          to access INS's databases and Social Security  
18          databases so that if the person in front of  
19          you is presenting a Social Security card that  
20          is nonexistent, the system will say unable to  
21          verify. So we hope to get more voluntary  
22          compliance with the employer.

23                        The second and the last thing that I  
24                        will mention is that -- well, no I'll mention  
25                        two more things. One is a quick response

1 team. Iowa and Nebraska are two states of a  
2 handful of which we're going to get additional  
3 people to help us respond to state and local  
4 authorities. To give you a real quick  
5 example, since April 1st, we've probably taken  
6 into custody 200 people that have been stopped  
7 by the State Patrol in Nebraska and in Iowa  
8 for traffic infractions, but they're in the  
9 United States illegally. I mean, that is --  
10 that's just an incredible number of people.

11 DR. SOMMERVILLE: Since this April  
12 1?

13 MR. HEINAUER: Yes, since this April  
14 1, within the last three weeks. We've  
15 actually seized in the last three weeks, three  
16 1999 vans, people that are, you know, -- we're  
17 working this case. It's an obvious smuggling  
18 case, you know. A higher sort of a profile  
19 case, but so what you will see probably is  
20 that INS will be making more arrests in the  
21 state of Iowa.

22 Prior to 1997, we didn't have an  
23 office -- we didn't have any offices in Iowa.  
24 Because of the initiatives of Senator Harkin  
25 and Senator Grassley, we got offices

1 established, and we went from arresting less  
2 than a hundred people in 1996 in Iowa to over  
3 800 last year.

4 And the last thing I'll mention is  
5 in March we had meetings in Sioux City  
6 concerning delegation of authority. Senator  
7 Grassley had proposed legislation in 1996 that  
8 sort of directed INS to check to see if any  
9 state or local law enforcement agencies were  
10 interested in performing INS work to a very  
11 limited degree. Whoever -- any agency that  
12 wanted to participate in this was going to  
13 have to go to our academy for probably 16  
14 weeks and go under a very specific rigorous  
15 training program. We had this meeting. A lot  
16 of the community in Iowa -- this raised a lot  
17 of red flags too because as you were talking  
18 to the Chief, the perception is that people  
19 are being stopped because of their appearance,  
20 and this raised a lot of alarms and bells and  
21 whistles, and it ended up that today I spoke  
22 to somebody in headquarters who is more or  
23 less in charge of this program, and they told  
24 me that we haven't had any state or locals  
25 tell us that they're interested in this issue,

1           which would have given state and local police  
2           authorities a limited ability to enforce some  
3           of INS's work. My office was never in favor  
4           of that for a number of reasons, and one is it  
5           would still be labor-intensive for us, and the  
6           second would be the civil rights problem of  
7           although you can tell somebody you can't stop,  
8           you can't profile vehicles, that would be a  
9           concern. I think that would be a concern of  
10          any reasonable person.

11                         But so I threw out a few things  
12          here, and tell me what you would like me to  
13          elaborate on, please.

14                         MS. FRIAUF: When you first started,  
15          you mentioned four ways of becoming a  
16          resident. I really missed the four ways, but  
17          I was interested in hearing the employment  
18          waiver or did you say --

19                         MR. HEINAUER: Employment based.  
20          It's family-sponsored, employment-based,  
21          refugee or asylee, or diversity visa. Real  
22          quickly, diversity visa is a lottery system of  
23          55,000 numbers thrown out each year.  
24          Depending on what country you're from, you can  
25          participate or you can't participate. If

1           you're from a country that sends a lot of  
2           immigrants like Mexico, which sends about  
3           70,000 permanent residents each year, you're  
4           not eligible to participate. It's to give  
5           those countries that most recently have not  
6           sent immigrants to the United States an  
7           opportunity.

8                       Employment based, 140,000 visas a  
9           year, most of them going to the members of the  
10          professions, doctors, scientists,  
11          university professors, nurses, engineers.  
12          People that are in the United States that are  
13          simply hard workers, like a lot of these  
14          people that we get from Mexico that are here,  
15          and I'm one that believes that the reason they  
16          come here is for jobs and jobs only, although  
17          we have increased confirmations of  
18          methamphetamine traffic and other things, but  
19          far and a way, a far majority come simply to  
20          work. There is no way for that to happen. I  
21          mean that's more or less the reality. If  
22          you're going to do manual-type labor, there  
23          are no provisions. Because you fit into one  
24          of those categories, all employers have to  
25          demonstrate to the United States Department of

1 Labor that there's a shortage of willing,  
2 qualified, and able people to do that job.  
3 You can't show that there's a short -- maybe  
4 there's a shortage of people who want to work  
5 in a meat packaging plant for 5.50 or 6.50 an  
6 hour, but there's a long waiting period  
7 because we have so many visas to issue each  
8 year, 140,000 for employment-based, but you  
9 have a million people in line. So for the  
10 lesser skilled, you've got a ten-year wait  
11 more or less before a visa would be available.

12 MR. VAN LO: And for those people  
13 who, again, have been here, like you said,  
14 they come and work as manual work but still be  
15 in the line waiting but in the meantime they  
16 have kids that are born here and become  
17 citizen, what way can they get this?

18 MR. HEINAUER: Yes. The answer to  
19 that is, and a lot of people disagree with  
20 this, is what about how fair that is to the  
21 people in India and China and Hong Kong where  
22 we also have backlogs of ten years? How fair  
23 is that to those people who we say, well,  
24 you've got to wait 10 years. And I have a  
25 visa bulletin in front of me, and that's not



1 an exaggeration. If you're a brother or  
2 sister of a citizen and you're from the  
3 Philippines, it's backed up to 1978. It  
4 doesn't mean -- it doesn't mean that it takes  
5 us 20 years to process your application. It  
6 means out of those numbers that are available,  
7 of siblings of citizens who were from the  
8 Philippines, how fair is that to tell those  
9 people, well, you've got another ten years to  
10 wait but if you enter the United States  
11 knowingly illegally in violation of law but  
12 you get a spouse and you have some children,  
13 you can stay here. That's not how it works.

14 MR. VAN LO: Do they keep working  
15 here until it's over?

16 MR. HEINAUER: They can work here,  
17 but unless they have -- if you're citizen, you  
18 can only petition for a parent if you're age 21  
19 or older. So those people would be  
20 here in the United States illegally and  
21 subject to removal.

22 MR. VAN LO: Even if they have job  
23 and they asking the immigration, you will give  
24 them an extension for a period of time?

25 MR. HEINAUER: Well, the only way we

1 give people extensions are if they're eligible  
2 to apply for permanent residence. Let's say  
3 if you're married to a citizen. Then they  
4 would be able to stay here in a lot of  
5 circumstances, not all circumstances.

6 MR. VAN LO: Another question I have  
7 is it's a privilege and a great privilege to  
8 be a citizen of this country, and I know you  
9 said earlier that the price for being  
10 naturalized was raised from 95 to 225. Is  
11 there any justification for that, why we do  
12 that?

13 MR. HEINAUER: Yeah. I used to work  
14 in headquarters and I note from a couple  
15 times I've done this that you actually take  
16 the application from the date that somebody  
17 sends it into us from the mail office, and  
18 somebody else does this, somebody else does  
19 this, somebody else does this, and if it's  
20 approved, somebody does this, somebody does  
21 that if it's denied, so it's really the cost  
22 of processing the application. The concern I  
23 would have if I were the community is okay,  
24 that's a lot of money to pay. We'll pay it,  
25 but give us better customer service.

1                   MR. COULTER: We've heard reports  
2                   today that the great feeling of intimidation  
3                   by the Immigration and Naturalization Service  
4                   not only of illegal aliens, but of just the  
5                   community generally. You've thrown out a  
6                   couple of statistics that I think contribute  
7                   to what some would call stereotyping or  
8                   characterization of those communities. One  
9                   was that the 20, 25 percent or more of those  
10                  persons -- and I don't know quite what persons  
11                  you're referring to, but I presume Latinos or  
12                  Mexicans -- in the meat packing plants were  
13                  illegal. You also mentioned that there had  
14                  been an increase in methamphetamine within  
15                  that.

16                 MR. HEINAUER: Right.

17                 MR. COULTER: Where are you getting  
18                  those data, and if you don't have solid data  
19                  on that, I really wish this would not be  
20                  characterized this way.

21                 MR. HEINAUER: I appreciate your  
22                  comments, and I do have specific data. Over  
23                  the last four years -- I've been the district  
24                  director here since 1995 -- we've probably  
25                  done 20 enforcement operations at meat packing

1 plants. The fact is that 25 percent of the  
2 people in those plants that we've gone to are  
3 in the United States illegally. We recently  
4 did this Operation Vanguard for Nebraska, and  
5 plants ranged from 3 percent which were family  
6 businesses to some plants that employ over 150  
7 people having over 60 percent of their  
8 workers in the United States illegally. So  
9 that's the fact. The fact is that given  
10 historical data, 25 percent of the people in  
11 any one plant are likely to be in the United  
12 States illegally.

13 MR. COULTER: That raises another  
14 question and the characterization of  
15 methamphetamine in these population.

16 MR. HEINAUER: First let me address  
17 the Mexican nationals, because I can  
18 understand the sensitivities there. The fact  
19 is that the overwhelming majority of people we  
20 arrest are from Mexico, and a lot of people  
21 in the community will say well, it's  
22 discriminatory and you target Mexicans.  
23 That's why you arrest Mexicans. The fact is  
24 we go to places because of information  
25 presented to us by police, by employers, by

1 employees themselves. We had an operation in  
2 Clarion, Iowa in which we arrested 44 or  
3 something like that persons, I think one of  
4 whom was a Mexican -- no, it was higher than  
5 that, maybe 53. One was a Mexican national,  
6 and 41 were from the Czech Republic. You  
7 know, go figure, something like that. But we  
8 don't target nationalities. We target  
9 industries that employ people that are in the  
10 United States illegally. The fact that our  
11 methamphetamine arrests are up again is a  
12 fact. Last year we probably arrested and  
13 removed 125 to 150 people that were convicted  
14 drug traffickers. You know, that's an  
15 increase. I can't say that it isn't.

16 MR. COULTER: Those apparently  
17 aren't widely available because we have had  
18 several academics and people in this area  
19 saying that these statistics simply aren't  
20 available to them.

21 MR. HEINAUER: I would agree with  
22 you. As you can tell from what I've said, I  
23 don't think we're perfect, and we're not  
24 perfect. I own up to that. We're willing to  
25 go anywhere and talk to anybody about

1 anything, and so, I mean, I would make those  
2 statistics available. That's not a concern of  
3 mine.

4 MR. COULTER: That would be good.  
5 The other side is that with regard to things  
6 like Operation Vanguard and the employment,  
7 there are civil and criminal penalties for the  
8 employers of these.

9 MR. HEINAUER: Right.

10 MR. COULTER: How many employers have  
11 had any civil or criminal penalties?

12 MR. HEINAUER: Again, that's a very  
13 good question. The test is to an employer  
14 does this document that this person in front  
15 of you is presenting, does it look, does it  
16 appear to be genuine on its face. If it does,  
17 the employer cannot go beyond that, and as we  
18 have meetings with Vanguard, we had the Office  
19 of Special Counsel from the Department of  
20 Justice come out and make it very clear  
21 because we want it made very clear. If the  
22 person in front of you maybe doesn't look like  
23 he was born here, whatever that means,  
24 whatever you think that means, you can't go  
25 and do anything further than that. You have

1 to accept the document that he or she is  
2 presenting to you, otherwise you're subject to  
3 discrimination. So the test, again, is would a  
4 reasonable person looking at that document  
5 think that it's valid. If it is, you can't go  
6 after the employer for hiring people that  
7 are here illegally. I'm not going to be able  
8 to relieve the fears that you or the community  
9 have with respect to that maybe being  
10 complicity or collusion because I know a lot  
11 of people think that, but the fact is that the  
12 U.S. attorney in our office works long and  
13 hard trying to make investigations, and we  
14 have several that are pending against  
15 employers at various levels of management who  
16 we believe are knowingly hiring, transporting,  
17 harboring, or hiring people that are in the  
18 United States illegally. But that's what the  
19 public wants to see, and that's what we want  
20 to deliver. It's just tough to do that.

21 MS. WEITZ: And that would make the  
22 point, don't you think, that because it is so  
23 much easier to deport Mexicans than fine the  
24 businesses themselves, doesn't that speak  
25 volumes to you?

1 MR. HEINAUER: No. We actually  
2 now have the ability to seize assets. We would  
3 like nothing better than to seize a big meat  
4 packing plant.

5 MS. WEITZ: Have you?

6 MR. HEINAUER: No.

7 MS. WEITZ: But that's my point. I  
8 bet you have deported a lot of people. The  
9 mere fact that it's easier to punish the  
10 people who are there because they have an  
11 economic need, it's much easier to take care  
12 of them and punish them rather than the real  
13 cause behind it, which is the employer, and  
14 that speaks volumes, don't you agree?

15 MR. HEINAUER: I understand your  
16 point, but the reason I would differ is that  
17 Operation Vanguard isn't about apprehending  
18 people. The number of people that we  
19 apprehend will be very low. The number of  
20 people that we apprehend because there are  
21 going to be those false claims that they have  
22 been here for years, that think they're going  
23 to beat the system. It's just more difficult  
24 because you've got to be able to prove to a  
25 judge that they are knowingly hiring,



1 harboring, or transporting, so you've got to  
2 have people wired, and we're doing that; it's  
3 just tough to do.

4 MR. COULTER: We must recognize that  
5 tremendous intimidation and stereotyping in  
6 the environment of people who have been here  
7 for generations are here legally in every  
8 other way, and that it's our concern to try to  
9 safeguard their civil rights, and we have  
10 problems with your office in the way it does  
11 business and the effect that it has on those  
12 communities that are quite law-abiding and  
13 which, I think, for the sake of Iowa, we're  
14 going to be very much dependent upon making a  
15 good home for these people here.

16 MR. HEINAUER: Yeah. Let me answer  
17 it. The reason that we work so closely, like  
18 I said, with the Iowa Commission For Latino  
19 Affairs and do outreaches is because we don't  
20 want that stereotype. We go out, and the  
21 people that we talk to in those outreaches are  
22 here illegally. It doesn't matter to us.  
23 What we want to do is to help them become  
24 permanent residents, if we can.

25 In my job I also have the benefit of

1           having people become a naturalized citizen,  
2           and I can tell you from the bottom of my heart  
3           that it means as much to me to have people  
4           become naturalized citizens where it's  
5           meaningful to than any enforcement operation  
6           that we do.

7                         MR. HERNANDEZ: In your presentation  
8           you mentioned that there was a backlog of  
9           processing citizenship papers, and then you  
10          also mentioned, for instance, that in Cedar  
11          Rapids you have five persons that are there  
12          for enforcement only. Under your jurisdiction  
13          in your district of Omaha, what percentage of  
14          your staff is doing enforcement and what  
15          percentage is processing or whatever you  
16          call --

17                        MR. HEINAUER: Sure. I'll give you  
18          a guess because I don't have it off the top  
19          of my head. We have what we call six  
20          adjudicators whose job solely is to help  
21          people with their benefits. We have  
22          information officers, we have -- I would guess  
23          that we have probably 15 -- just a guess -- 15  
24          people that are involved with helping people  
25          become citizens or permanent residents and

1           probably three times that number involved in  
2           arresting them and removing them.

3                   MR. HERNANDEZ:   And why the -- what  
4           drives the policy of three times the number in  
5           enforcing?

6                   MR. HEINAUER:   Sure.   In terms of  
7           what we call the quick response teams, we're  
8           going to get 40 new positions in the Omaha  
9           district, 43, 20 of whom will go to Iowa.  
10          That was a legislation by congress.   In terms  
11          of the ten per state, that was our initiative,  
12          and we actually divided them half and half.  
13          So I don't have the say in terms of if  
14          somebody that's in an enforcement position  
15          leaves that I can say I want to convert that  
16          to service.   My budget is given to me by INS  
17          which is by congress.

18                   MR. VAN LO:   I have only one  
19          question.   It's a personal level.   As a  
20          citizen of this country, and I have a  
21          certificate of citizenship and so on, many go  
22          to Canada or Mexico.   What did I do -- how do  
23          I do to cross the border and it's okay?

24                   MR. HEINAUER:   If you're a citizen  
25          and you're going to other territories, you

1 don't need anything.

2 MR. VAN LO: But they ask you for  
3 it.

4 MR. HEINAUER: They don't ask you  
5 for a certificate or passport --

6 MR. VAN LO: They do.

7 MR. HEINAUER: They're not  
8 supposed to. They ask of what country are you  
9 a citizen.

10 MR. VAN LO: Because I look  
11 different, I talk different, I have an accent,  
12 they ask me to. They have a habit.

13 MR. HEINAUER: All they would do for  
14 you, sir, is like anybody else they say what  
15 country are you a citizen. All you have to is  
16 say is I'm a citizen of the United States.

17 MR. VAN LO: They ask me. Doesn't  
18 mean anything.

19 MR. HEINAUER: Then what I would do,  
20 if I were you, I would ask for their badge  
21 number and write a letter.

22 MR. VAN LO: They might not let me  
23 cross back, and I end up staying in Canada.

24 DR. SOMMERVILLE: Mr. Heinauer,  
25 thank you very much.

1 MR. VAN LO: Thank you very much.

2 DR. SOMMERVILLE: Committee, we have  
3 gone through the agenda of invited speakers.  
4 There were four speakers not present; Sonia  
5 Parras, Reverend Kevin Cameron, Sister Karen  
6 Thein, and Don Nickerson. In my opening  
7 statement I indicated that if there was  
8 someone who wanted to make a statement and  
9 they were an uninvited speaker, they would  
10 contact Ascension Hernandez. Were there any  
11 individuals?

12 MR. HERNANDEZ: No one signed up.

13 DR. SOMMERVILLE: I also indicated  
14 written statements could be submitted to  
15 committee members or staff. Have any  
16 statements been submitted to either of us? It  
17 was supposed to have been submitted in writing  
18 to him. If there's nothing else to come  
19 before the house committee members, I declare  
20 our forum which began at 9 o'clock a.m. over.

21 (Forum concluded at 4:13 p.m.)

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23

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25