

¿QUE LEJOS HEMOS VENIDO? HOW FAR HAVE WE COME?

Migrant Farm Labor in Iowa: 1975

A report of the Iowa Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Iowa Advisory Committee.

June 1976

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A report prepared by the Iowa Advisory Committee to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Iowa Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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UNITED STATES COMMISSION ON CIVIL RIGHTS

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LETTER OF TRANSMITTAL

IOWA ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS
JUNE 1976

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Sirs and Madam:

The Iowa Advisory Committee, pursuant to its responsibility to advise the Commission on civil rights problems in this State, submits the report of its investigation into the problems of migrant farmworkers in Iowa. The Advisory Committee first reported on the status of migrants in 1970. During 1975 the Advisory Committee sought to determine what changes had occurred in the migrant's opportunities and circumstances.

Migrants are necessary for harvesting the tomato crops in eastern Iowa. They are predominately of Spanish origin. But Iowa is only one stop on a journey. There is some doubt whether migrancy will continue to be economic for the migrant. Thus, the Advisory Committee also studied the efforts of migrants to leave the stream and "settle out" by finding permanent nonfarm jobs in Iowa.

The Advisory Committee found that migrants' housing conditions, although improved, remained deplorable. It recommended that the Iowa Department of Health take immediate steps to tighten inspection procedures and regulations.

The Advisory Committee found that Spanish-origin and Spanish-speaking police officers had not been hired in sufficient numbers. The Advisory Committee recommended that there be Spanish-speaking officers on all shifts. The Advisory Committee found that too little was being done to help migrants leave the stream. The Advisory Committee recommended that a single agency assume responsibilities now shared between private, local, State, and Federal agencies for the retraining and placement of migrants.

The Advisory Committee found considerable confusion about responsibility for provision of social services to migrants. The Advisory Committee recommended that local agencies make clear which agency will provide what service to migrants. The Advisory Committee also recommended that the Governor of Iowa establish a separate State commission to assume responsibility for all services to migrants.

We trust that the Advisory Committee's study of the problems of migrants in Iowa will be a useful contribution to the Commission's efforts to ensure equal opportunity for Spanish-origin migrant farmworkers.

Respectfully,

/s/

PEG ANDERSON
Chairperson

ACKNOWLEDGMENTS

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INTRODUCTION

The conditions affecting Mexican Americans in Iowa were the subject of an earlier investigation by the Iowa Advisory Committee. In September 1970 the Committee published a report on problems of the Spanish-origin and migrant population in Iowa. The hope was that the Committee's efforts would "spur action on the part of both the public and private sectors to eliminate inequities and injustice where they are found to exist."¹ The report contained 47 recommendations regarding education, employment, housing, migrant health, and police-community relations.

In February 1975 a newly rechartered Iowa Advisory Committee met for the first time. None of the current members had served on the Committee that had done the aforementioned examination. The new members decided to assess progress in Iowa regarding migrant conditions since the 1970 report. To that end, a community meeting was held in Muscatine on September 10, 1975. Local, State, and Federal officials having responsibility for migrant programs were invited, as were representatives from private agencies serving migrants. The meeting was open to the public.

The September 1975 meeting disclosed that, while numerous programs for migrants exist on paper, very little information is available regarding actual performance of services. Consequently, on that same September 10, the Advisory Committee voted unanimously to pursue the migrant question in detail. It directed the staff to develop all possible information regarding public programs both for migrant laborers and for "settled-out" migrants. The latter, also called "staygrants," are former migrants who have left the migrant stream to seek permanent employment in Iowa. Since the Muscatine area contains the largest known population of settled-out migrants, and because contacts already had been made with local officials there, it was selected as the site for "settle out" questions.

The following report represents research undertaken since September 10, 1975. It includes statements of participants at the community meeting and subsequent interviews and correspondence with government officials, community leaders, growers, and migrant advocates. It also is based on statistics and program information supplied by

these same correspondents, as well as available national data.

The findings and conclusions are those of the Advisory Committee. They are offered from a perspective somewhat different from the predecessor report of 1970. The problems of migrants are no longer unknown to the general public. Laws have been enacted and programs created to deal with the problems. The purpose here is to see what these have achieved, how they are working, and what specific corrections are still needed.

Notes to Introduction

1. Iowa Advisory Committee to the U.S. Commission on Civil Rights, Adonde Vamos Ahora? (Where are We Going Now?) (September 1970), p. 2.

CHAPTER I

PROFILE OF THE MIGRANT LABORER

Much of the credit for making Americans aware of the plight of migrant workers is given to Edward R. Murrow's "Harvest of Shame" television program in 1960. Almost 10 years before that, however, the problem was researched by the President's Commission on Migratory Labor. Its description continues to have validity 25 years later:

Migratory farm laborers move restlessly over the face of the land, but they neither belong to the land nor does the land belong to them. They pass through community after community, but they neither claim the community as home nor does the community claim them. Under the law, the domestic migrants are citizens of the United States but they are scarcely more a part of the land of their birth than the alien migrants working beside them.

The migratory workers engage in a common occupation, but their cohesion is scarcely greater than that of pebbles on the seashore. Each harvest collects and regroups them.... The public acknowledges the existence of migrants, yet declines to accept them as full members of the community. As crops ripen, farmers anxiously await their coming; as the harvest closes, the community, with anxiety, awaits their going.¹

Conventional wisdom holds that modern methods of crop harvesting--through the development of increasingly sophisticated farm implements--have diminished the size of the migrant work force. Yet, U. S. Department of Agriculture records indicate that this may not be the case. They show that in 1973 there were approximately 203,000 migrant workers nationally, an increase of 10 percent from the previous year. Population counts for migrants vary widely, a result of differing definitions of a migrant worker. Government estimates placed the 1973 migratory farmworker population, including family members, from between 974,000 to more than 3,000,000.²

In Iowa the 1974 migrant population was estimated at close to 1,600 during the peak season.³ This represents a decline of 11 percent since 1969. With respect to racial

composition, the general belief is that: "today, the bulk of the migrant workforce is made up of Mexican Americans, Puerto Ricans, West Indians and native born black Americans."⁴ In 1971 Americans of Spanish origin comprised 34 percent of the migrant work force nationally; in Iowa nearly all the migrant farmworkers are Mexican Americans who annually start out from Texas. One group coming up through Oklahoma, Kansas, and Nebraska works the western part of the State (Hamburg, Shenandoah). Eastern Iowa is harvested by a more numerous stream that has worked its way through Arkansas, Missouri, and Illinois. Muscatine County alone had 308 migrants in 1974.⁵

A recent Department of Agriculture study of the Spanish-origin farm work force was reported in August 1975.⁶ It showed that Spanish-origin farmworkers tend to be older and less educated than other farmworkers and more likely to migrate. They have a median age of 30, compared to the Anglo median of 22.⁷ The majority of Spanish-origin workers are 25-54.⁸ The median of 8.4 years of education for Spanish-origin farmworkers is significantly lower than the national average for all people, which is 12.4 years.⁹ Spanish-origin farmworkers attain half the median educational level that the Anglo farmworkers achieve.¹⁰ But among the younger generation, the gap in medians narrows to a difference of 1.9 years.¹¹ Only 11 percent of the Spanish-origin as against 55 percent of the Anglo-origin farmworkers have some high school education. Only 2 percent of the Spanish-origin farmworkers, as against 25 percent of the Anglo-origin farmworkers, have a high school diploma.

If the farm labor force seems to be dominated by the Spanish-origin workers, it may be because, as compared to 1 in 15 Anglo workers, 1 in 6 of the Spanish-origin workers migrates. Moreover, Spanish-origin workers tend to be employed longer than Anglo farmworkers, for whom the jobs are casual.¹²

The literature on migrants, written for the most part by nonmigrants, portrays the migrant, and his or her view of migrancy, in grim terms. Dorothy Nelkin, of the New York State School of Industrial and Labor Relations, compared the migrant's problems to Ralph Ellison's "Invisible Man."

The situation of migrant farmworkers provides an extreme example of what may be called "institutional invisibility." Migrants live in

labor camps as a group apart from local communities.... Where they do use the facilities of a community near their camp, every effort is made to keep them apart from local residents.... Employer contact is minimized through delegation of managerial responsibilities to crew leaders....¹³

Former migrant Olga Villa, now working as a health specialist in Chicago, told the Advisory Committee that the life of the migrant was not unremittingly harsh. "Farm work is one of the happiest things that ever happened to us," she said, referring to her family's experience.¹⁴ Life in a large, central city barrio for Hispanics should not be viewed as overly pleasant or satisfying.

As the bottom rung of the economic ladder, migrants have provided both the stoop labor machines cannot perform and the extra hands at harvest time that the local community needs.

As a temporary, ephemeral, almost surplus commodity, but occasionally vital to the farm economy, their relationships to community institutions remain clouded.

Notes To Chapter I

1. U.S., Office of the President, The President's Commission on Migratory Labor, Migratory Labor in America (1951), p. 3.
2. U.S., Congress, Library of Congress, Congressional Research Service, The Migrant Farmworker Situation in the U.S.: The Problems and Programs (Apr. 17, 1975), p. 8.
3. Computed from figures provided by the Migrant Action Program and the Muscatine Migrant Committee.
4. U.S., Congress, Senate, Subcommittee on Employment, Poverty, and Migratory Labor, Committee on Labor and Public Welfare, Farm Labor Contractor Registration Act Amendments, 1974, 93d Cong., 2d sess., Report No. 93-1295, Nov. 21, 1974.
5. Muscatine Migrant Committee, Annual Progress Report, 1974 (Muscatine, Iowa: 1975), p. 5b2.
6. Leslie W. Smith, "Socio-Economic Characteristics of Spanish Origin Hired Farm Working Force, 1973" (Paper presented to the Annual Meeting of the Rural Sociological Society, San Francisco, Calif., Aug. 22, 1975.), pp. 5-7.
7. Ibid., p. 10.
8. Ibid.
9. Ibid., pp. 10-12.
10. Ibid., p. 12.
11. Ibid.
12. Ibid., p. 16.
13. Dorothy Nelkin, On the Season: Aspects of the Migrant Labor System (Ithaca, N.Y.: New York State School of Industrial and Labor Relations, 1970), pp. 51-53.
14. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights in Muscatine, Iowa, on Sept. 10, 1975.

CHAPTER II

MIGRANTS AND THE HOST COMMUNITY

In any community minorities are affected by the dominant group's perceptions of them. The migrant must interact with growers, the community-at-large, government officials, service agencies, and advocacy agencies. The Advisory Committee sought to discover the opinions of these groups about Spanish-origin migrants and migrancy.

In many farms around Muscatine the grower has little immediate contact with the migrant.¹ The grower deals with the migrant through the crew leader, who contracts to provide migrant labor. But the close working relationship between grower and migrant makes even casual impressions important.

Terry Townsley, the wife of one grower, who spoke at the Advisory Committee's community meeting, typified the grower's paternalistic view of the labor supply:

The reason they [the migrants] are here is so that we can live in this area and so that we can farm the ground that we are on, so that we can pay our taxes, so we can furnish food for this country, and buy things to regenerate this community....They are doing honest labor and they're earning their way and they have something to give into this community.²

Speaking of the services provided to migrants, Mrs. Townsley said:

They are here for us, I think it is good for them that they get cultural services here because the more services they get here it's better for us because they are more willing to come. But if they get too many they are not willing to work.³

Speaking for farmers generally, C.H. Fields, assistant director for congressional relations, American Farm Bureau Federation, sought to justify present conditions when he told Senator Gaylord Nelson in April 1974:

Farmers and farmworkers have problems that are unique to agriculture. The problem of seasonality

is probably greater in agricultural production than any other commercial activity. The remoteness of the work areas creates a transportation problem that few other workers face.

Added to these serious considerations is the historical fact that a great many farm workers particularly those employed in the crew system have been poorly motivated, or have suffered from low educational levels and many other social and economic problems. The wages paid these workers have been increasing rapidly in recent years....⁴

The Advisory Committee did not attempt a sample survey of the community's view on migrants. Generally, there was little apparent interest in migrants. None of the chamber of commerce's literature made any mention of the role of migrants in the community. Few citizen groups and few agencies have dealt with the problems of migrants. A community meeting on migrants that had received advance radio and press notice in Muscatine attracted fewer than 15 persons.

The major source of citizens' views was provided by members of the County Supervisors' Task Force on Migrant-Grower Problems. (This was a group of citizens appointed by the chairman of the Muscatine County Board of Supervisors to investigate a controversy on migrant conditions that arose in October 1974.) These people, religious and secular leaders in the community, perceived migrant issues as causes for concern. But for some migrancy was a problem brought about by the activities of the H. J. Heinz Company. Some community leaders believe Heinz should solve the problem.⁵ They are aware that a few people in the community do have racial prejudices about the migrants. But they insist that these prejudices are less prevalent than in other towns of comparable size and structure.⁶ Notwithstanding these views, a series of hostile encounters between migrants and others in the local taverns suggests that a measure of antagonism still exists.

Attitudes of public officials toward migrants often determine the manner in which agencies respond to migrant problems. Migrants usually constitute only a small part of an agency's responsibilities. At the September 1975 community meeting, most agency heads stated that their

agencies serve migrants in exactly the same way they serve local townspeople. Some believed that the city's image and its services had been abused in this regard. But they attributed this to the work of outside agitators.⁷

Complaints of migrants focused on callous, insensitive treatment from service agencies. Several Federal agencies reviewed the performance of federally-funded local agencies in the Muscatine area but found no substantial evidence of discriminatory practice.⁸

Two organizations geared primarily to serve the migrant operate in Muscatine. The Migrant Action Program, Inc. (MAP) provides employment, day care, health, and emergency food services to migrants. Established in Mason City in 1964, it now functions throughout Iowa. Its 1974 annual report showed that its Muscatine payroll totaled \$31,464. Staff listings indicated that 29 persons worked in the Muscatine office that year--mostly as outreach workers and aides during the harvest season.⁹ The Muscatine Migrant Committee (MMC) offers health care to migrants in a five-county area, including parts of Illinois. For April 1, 1976-May 31, 1977, it will receive a \$62,000 grant from the U.S. Department of Health, Education, and Welfare to provide health services.¹⁰

Both MAP and MMC were viewed by the county supervisors' task force as "advocacy agencies." In addition to offering a limited amount of services on their own, they are frequently called on to represent the migrant to other agencies, public and private.¹¹ This role is awkward, for, as providers of services, they alternately compete with, plead before, or stand in judgment over such institutions as the employment security commission, the county relief department, the police force, and the school system. Having to push for better migrant service from agencies that believe they already are complying with the letter and spirit of the law does little to ingratiate MAP and MMC with the traditional service establishments. The latter, more experienced in managing programs, point critically to administrative deficiencies of the migrant advocates.¹²

According to MMC board chairman Father Vitolds Valainis, migrants are not in the stream by choice, but out of poverty and economic necessity. He expressed his opposition to the pervasive apathy of government officials and the general public, which seeks no solutions to migrant

problems. He emphasized the particular problem of cultural differences.

While their Spanish language and Chicano culture add much to the growth and betterment of our communities, they also create some considerable conflicts and misunderstandings between the migrants and the local communities.... Additional source of misunderstanding can occur in understanding or accepting different value systems and judgment as influenced by culture or customs different from the community.¹³

The migrant's dilemma, and that of the community, continues. A not especially welcome stranger, the impoverished migrant is more in need of, and better entitled to, support services than most. Access to the services is frequently complicated and often blocked by interagency rivalry.

The Congressional Research Service recently concluded that "it would not appear that the migrant problem is 'going away.'"¹⁴ In light of the recent trends in migrancy, the conclusion seems valid. Accordingly, a reassessment of the migrant scene in Iowa is appropriate.

Notes To Chapter II

1. John Hoopes, interview in Muscatine, Iowa, Nov. 12, 1975. See also Henry Bierman, letter to staff, undated.
2. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights in Muscatine, Iowa, on Sept. 10, 1975.
3. Ibid.
4. U.S., Congress, Senate, Subcommittee on Employment, Poverty and Migratory Labor, Committee on Labor and Public Welfare, Farm Labor Contractor Registration Act Amendments, 1974, 93d Cong., 2d sess., Feb. 8-Apr. 9, 1974, p. 154.
5. Former members of the Muscatine County Board of Supervisors' Task Force on Migrant-Grower Problems, interview in Muscatine, Iowa, Nov. 11, 1975 (hereafter cited as Task Force Interview).
6. Ibid.
7. Kenneth L. Duncan, director of relief, Muscatine County, letter to Task Force on Migrant-Growers Problems, Dec. 4, 1974.
8. The Federal review agencies are the U.S. Department of Agriculture, the U.S. Department of Labor, and the U.S. Department of Health, Education, and Welfare.
9. Migrant Action Program, A Record of Service, 1964-1974, Annual Report, 1974 (Mason City, Iowa: MAP, nd), p. 37ff.
10. Lawrence Parrish, HEW, May 29, 1975, to Chairman, Grants Review Committee.
11. Task Force Interview.
12. Kenneth L. Duncan, interview in Muscatine, Iowa, Nov. 12, 1975.
13. Father Vitolds Valainis, "Migrants and Migrancy: Their Relationship to the Community and Advocate Agencies," an unpublished manuscript on file in the Central States Regional Office of the U.S. Commission on Civil Rights, pp. 1-2.

14. U.S., Congress, Library of Congress, Congressional Research Service, The Migrant Farmworker Situation in the U.S.: The Problems and Programs (April 17, 1975), p. 7.

CHAPTER III

SOCIAL SERVICES FOR MIGRANTS

Given the deep poverty level of migrant workers and their families, their incomes often must be supplemented by public or private assistance. The social services required by all poor people also are necessary to the migrant. The Advisory Committee sought to determine the accessibility of social service programs.

Migrants live in the community, however briefly. Local governments shape the local environment. The Advisory Committee sought to determine the impact of Muscatine city and county governments on the life of the migrant.

Social services in Muscatine are provided by the Muscatine County Department of Social Services (a branch of the State department of social services) and the Muscatine County Relief Department.

MUSCATINE COUNTY DEPARTMENT OF SOCIAL SERVICES

The Iowa Department of Social Services (DSS), Muscatine County office, reported only four referrals of Spanish-origin persons for service during 1974. Of those who received Aid to Families with Dependent Children (AFDC), 7 percent were of Spanish origin. Of those who received food stamps, 13 percent were of Spanish origin.¹

The State office administers AFDC, the only general State public assistance. To receive aid, pay stubs, rent receipts, and medical bills are required to verify eligibility. Migrants are not likely to have such material available. They are more likely to have difficulty obtaining the benefits for which they may be eligible. The local office points out that migrants are seldom eligible for AFDC.

The program provides cash payments and medical care for children and their families when one or both parents is dead, disabled, absent from the home, or if the father is unemployed for at least 30 days.²

But it is the food stamp program that has been most controversial. Food stamps are issued based on a 30-day

projected income and it is virtually impossible to estimate accurately the potential income of farmworkers.³

Migrants, their advocates, and social service workers consequently have great difficulty determining the precise entitlement of the migrant, despite clear written guidelines.

Food stamps are sold by DSS 4 days a week from an office located next to the county relief department in the county courthouse. The office closes at noon. There is no provision for evening sale or for sale at locations more convenient to the migrants.⁴

The Food and Nutrition Service of the U.S. Department of Agriculture conducted a civil rights compliance review of the Muscatine County food stamp program. It stated that:

CERTIFICATION

- a. The promptness and thoroughness of the applications and verification procedures appeared to be the same for all applicants.
- b. The manner of applying these procedures seems to be the same for all cases.

ISSUANCE

1. There is no segregation or discrimination through the use of separate lines or through the scheduling of separate issuing dates or times of the day.
2. There is no discrimination in the order of service other than special consideration for the aged or infirm.
3. There is no difference in the treatment of recipients by the issuance agents because of race or color. Three Spanish American households were interviewed and indicated they were satisfied with the treatment they have received from the certification and issuance office.⁵

Despite this positive report, distribution of food stamps does pose some problems. The State department of social services reported:

In some situations, the monthly income figure can be difficult to get accurately. I understand that it is possible that a migrant may work for several growers in the same month. I've heard that a migrant's income could be obtained from a grower and be inaccurate because the crew boss paid the worker a different figure....⁶

This has led to suspicions of fraud. The county attorney has reported two cases of fraud in application for food stamps during 1974. Both families involved made full restitution. There were no prosecutions.⁷

Kenneth Duncan, county relief officer, indicated that persons who came to him often received benefits from DSS as a consequence of his intercession. He intimated that DSS did not always correctly determine eligibility for benefits or do so in a timely fashion.⁸ But, he added, it does as much as it can.⁹

The Iowa Department of Social Services has no administrative concern with the problems of migrants. The county office has been delegated full responsibility for administration of the various Federal aid programs.

COUNTY RELIEF DEPARTMENT

The county relief department provides direct relief services from county funds. The director of the department (officially titled the County Overseer of the Poor) is in a crucial position. In a small department such as that in Muscatine, the director sets policy and makes many of the case decisions. At the community meeting Kenneth Duncan, the director, said:

I have a very small staff other than the food stamp department....I don't have any categorical programs.... My orders are that I do things for people that have no other resource. I don't think anybody has ever left my office without having attention to them from myself and my staff. Either I give them help or I refer them to somebody that can.¹⁰

In a November 1975 interview with Advisory Committee staff, Mr. Duncan indicated that his special concern is the mentally ill. He believed that such persons should be

provided maximum services. Mr. Duncan also indicated as much concern for the poor as for the mentally ill.¹¹

Unlike the overseer of the poor in Mason City,¹² Mr. Duncan operates on the premise that anyone who appears at this office should be served, irrespective of residence. The quantity and quality of services rendered depends on his personal evaluation. There are no rules governing the services to be offered.¹³ Mr. Duncan refused to establish regulations because they would be too confining. The task force members concluded that Mr. Duncan is personally a humane man willing to stretch the law to help people; his eventual successor may well be less generous. They believed that Mr. Duncan feels hurt by the advocacy agencies and, therefore, no longer trusts MAP or MMC. This has made an effective working arrangement difficult.¹⁴

Mr. Duncan emphasized that he attempted to exhaust all possible noncounty resources before granting relief to applicants. Father George Six, of the task force, commented that he and Mr. Duncan have a good working relationship; they exchange clients when appropriate.¹⁵ The advocacy agency representatives claimed that they had great difficulty in persuading Mr. Duncan to accept clients.¹⁶ As evidence of his client-oriented operating procedures, Mr. Duncan reported success in persuading DSS to accept clients, and to place the food stamp office next door to his own so he could assure rapid processing.¹⁷ But he opposed any merger of the local department of social services offices with local relief offices because DSS regulations are far too confining.¹⁸

Mr. Duncan was unable to give the Advisory Committee an ethnic breakdown on the full range of services the county provided. He felt such breakdowns were discriminatory. But he did provide a breakdown on hospital services during the summer of 1975, when migrants were present. Of 233 county referrals to hospitals, 41 were Spanish-origin persons, 18 for maternity care and 23 for nonmaternity care.¹⁹ The Advisory Committee could not determine the full extent of services, since MMC also is a provider of medical service and hospitalization to the settled-out migrant community.

Mr. Duncan maintains a special trust account of county funds for the purchase of food stamps on behalf of the indigent. As a service to the migrant action program, he maintains a similar account for their clients. He requires

MAP to keep sufficient funds in its account.²⁰ The task force reported that MAP workers had requested that Mr. Duncan purchase food stamps for their clients when they had sufficient resources of their own.²¹

The Iowa Council of Churches commented that in 1974 "strict adherence to guidelines for food stamps and other services made it difficult for the migrants to receive adequate food, housing and clothing."²² Without formal guidelines for county relief, no standard was available by which to determine whether migrants and other Spanish-origin persons received equal treatment in the provision of county welfare.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (SOCIAL SECURITY ADMINISTRATION)

The only social service provided directly by the Federal Government is social security. Social security was designed as an assurance of a minimum standard of living for the working poor. Migrant farmworkers clearly fall into this category. Yet very often they find themselves ineligible for benefits when they apply for disability or reach retirement age. This is often owing to failure by their employer to withhold social security contributions.

Harold Harstad of the Social Security Administration (SSA) told the Advisory Committee that responsibility for collection of social security taxes was assigned to the Internal Revenue Service. But without proper reporting, migrant laborers would not be able to claim benefits. He indicated that SSA would not assume a more active role. It did investigate complaints of failure to withhold social security taxes. But other than advise migrants to check their records annually, he could offer no solution to the problem.²³

LOCAL GOVERNMENTS

The city and county governments shape their community environments by law, by administrative action, and by setting an example to the general public. In Muscatine the primary governmental units are the city of Muscatine and the county of Muscatine. The city has an elected mayor and elected council. It also has a professional city administrator. The county has an elected board of supervisors, which selects a chairman from its own

membership. But the primary agencies involved are the city government, the city human relations commission, and the county government. (The role of the police is discussed in chapter VII.)

Minorities typically look first to the public sector for employment opportunities. The county employed three Spanish-origin persons out of a total work force of 130. The city employed one, a leadworker in the sanitation department.

The city has an affirmative action plan on paper only. It has no staff, no goals or timetables, and no provision for changes in hiring practices. The city was unable to document any progress towards implementation since the plan was adopted in April 1974.²⁴ The county reported no special efforts to recruit Spanish-origin persons. The three employed by the county earn close to the average salary paid by the county. However, none is employed in any professional or supervisory category.²⁵

A former mayor of Muscatine, Ronald E. Hansen, told the Advisory Committee that he had attempted to recruit Spanish-origin persons for the city service. But, he reported, they were already making more than the city was prepared to pay.²⁶ He did suggest that the city might make greater use of the migrant agencies as recruiting sources. However, the city administrator pointed out that, until hiring procedures and personnel practices are centralized and standardized, no meaningful progress is likely. City departments do not advertise job openings, so migrants have little chance to learn of available positions.²⁷

Although the county receives Federal funds for the administration of justice, neither the Iowa Crime Commission nor the U.S. Law Enforcement Assistance Administration has examined local hiring practices.²⁸ Nor were there any indications that the county attempted to comply with Federal guidelines for such practices.

HUMAN RIGHTS COMMISSION

The Muscatine Human Rights Commission was established by the city in 1969 to deal with the whole spectrum of human relations complaints. Its nine members serve without compensation. One member is of Spanish origin. Although a paid staff has been authorized, no funds have ever been made

available.²⁹ One member of the county supervisors' task force suggested that \$10,000 easily could be taken from other funds to provide support.

Since the commission does not record complaints by occupation, there was no way to determine whether it had served migrants and with what results. But the chairperson of the commission, Willie Conley, told the Advisory Committee that in 1975 it had processed only four complaints. Ms. Conley attributed the commission's inaction to minority persons' disbelief in the capacity of the commission to resolve complaints effectively.³⁰ Task force members commented that the commission lacks effective leadership and has been given no funds, no direction, and no definition of its role. One task force member commented that, "There are a few good people...but they have been sat on."³¹ Task force members concluded that the commission was no more than a token operation.³²

CONCLUSIONS

Migrants need social services they are not receiving. Policies that are apparently neutral have a discriminatory effect.

The local office of the Iowa Department of Social Services is a conduit for Federal aid programs. But the comprehensive records required as a condition of service work a disproportionate hardship on migrant families, especially applicants for Aid to Families of Dependent Children. The use of projected income as a base for calculating food stamp entitlements was administratively difficult and practically impossible.

Migrant advocacy agencies complained bitterly about the services available to migrants from the Muscatine County Relief Department. The department head, Kenneth Duncan, was equally critical of the advocacy agencies. The department's informal style and absence of fixed guidelines for providing county assistance give the appearance of arbitrary decisionmaking, however benevolent in effect. Language barriers add to misunderstanding.

Food stamp distribution has been particularly controversial. Payment of the recipient's cost by the county or the migrant advocacy agencies has been administratively difficult. Unification of services would

solve the problem in the long term. In the short term the procedures governing supplementary payments need to be clarified and simplified. Food stamps should be available during the lunch hour and at least one evening per week during the period before migrants' wages begin.

The city and county of Muscatine have not set an example for the community in their dealings with Spanish-origin migrants. Affirmative action programs were nonexistent. The city's human relations commission lack of staff made it an empty gesture to peaceful resolution of conflicts. Effective affirmative action in public employment and a human rights commission capable of resolving disputes would set the stage for improved community relations.

Migrants must not only get procedural justice; they must get substantive justice from public agencies. Administrative changes could produce substantial benefits for migrants and the community.

Notes to Chapter III

1. Elizabeth Masterson, director, Muscatine County Department of Social Services, letter to staff, Nov. 6, 1975 (hereafter cited as Masterson Letter).
2. Elizabeth Masterson, response comment, Apr. 7, 1976.
3. Masterson Letter.
4. Ibid.
5. Gerald Stankorb, Marion, Iowa, Field Office, memorandum to Richard J. Haven, Director, Food Stamp Program, Midwest Region, Apr. 14, 1975.
6. Frank R. Jordan, Division IV, income maintenance supervisor, Ottumwa Field Office, Department of Social Services, letter to Task Force on Migrant-Grower Problems, Nov. 19, 1974.
7. David Newall, Muscatine County attorney, letter to Task Force on Migrant-Grower Problems, Nov. 19, 1974.
8. Kenneth L. Duncan, interview in Muscatine, Iowa, Nov. 12, 1975 (hereafter cited as Duncan Interview).
9. Kenneth Duncan, response comment, Apr. 12, 1976.
10. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights, in Muscatine, Iowa, on Sept. 10, 1975 (hereafter cited as Notes of Community Meeting).
11. Duncan Interview. See also Kenneth Duncan, response comment, Apr. 12, 1976.
12. Velvita Thornton, overseer of the poor, Cerro Gordo County, interview in Mason City, Iowa, July 24, 1975.
13. Duncan Interview.
14. Former members of the Muscatine County Board of Supervisors' Task Force on Migrant-Grower Problems, interview in Muscatine, Iowa, Nov. 11, 1975 (hereafter cited as Task Force Interview).

15. Ibid.
16. Father Vitolds Valainis, interview in Muscatine, Iowa, Nov. 11, 1975.
17. Duncan Interview.
18. Ibid.
19. Ibid.
20. Ibid.
21. Task Force Interview.
22. Paul H. King, executive-secretary, Iowa Council of Churches, letter to Task Force on Migrant-Grower Problems, Nov. 22, 1974. Mr. Duncan has responded: "The Iowa Council of Churches statement was in error because there was no input from the relief department until after their statement was made." Kenneth Duncan, response comment, Apr. 12, 1976.
23. Harold Harstad, Social Security Administration, Kansas City Regional Office, interview in Kansas City, Nov. 24, 1975.
24. Charles W. Coates, city administrator, city of Muscatine, interview in Muscatine, Iowa, Nov. 12, 1975 (hereafter cited as Coates Interview). See also Charles W. Coates, letter to staff, Nov. 4, 1975 (hereafter cited as Coates Letter).
25. Coates Letter. See also Paul Satterwaite, chairman, Muscatine County Board of Supervisors, letter to staff, n.d.
26. Notes of Community Meeting.
27. Coates Interview.
28. Sheriff Richard Oppelt, interview in Muscatine, Iowa, Nov. 12, 1976.
29. City of Muscatine City Ordinances, Ch. XIV, Sec. 2-14-6.
30. Willie Conley, interview in Muscatine, Iowa, Nov. 12, 1975.

31. Task Force Interview.

32. Ibid.

CHAPTER IV

MIGRANT HOUSING

In 1970 the Advisory Committee made recommendations to deal with the problems of migrant housing, as it found them then. In 1975 it sought to discover the extent to which the problems of 1970 had been alleviated. The Advisory Committee recommended in 1970: "That decent and sanitary shelters for migrants be provided and laws enforced that will not allow growers and processors to manipulate the law to the disadvantage of the migrant workers."¹

Among the Advisory Committee's recommendations were:

1. The legislature should enact laws that specify standards for construction, sanitation, and recreational facilities at migrant labor camps.
2. The camp license system should be reviewed with the view toward tighter control.
3. Camps should not be allowed to operate on provisional permits when deficiencies are found.²

In 1971 the Iowa Legislature passed laws to revise the 1966 statutes on migrant labor camps.³ These (1) require that a permit be obtained before a camp, or any portion of a camp, is opened (138.2); (2) provide for revocation or suspension of a permit for violation (138.5) and a procedure for notice and appeals. In particular, the new law specifies: "if the objectionable condition or conditions endanger the health, safety or welfare of any inhabitants of a migrant labor camp, the commissioner shall immediately suspend or revoke such permit" (138.7). The law (3) allows the Iowa Commissioner of Health to vary the regulations where "the variation is necessary to prevent a substantial hardship or difficulty...." (138.12); (4) provides that the sites of the camp be adequate in size, safe from fire, and away from conditions that "are likely to create offensive odors, flies, noise, traffic..." (138.13b); (5) provides that "Exterior openings shall be effectively screened..."; (6) provides that a minimum of 60 square feet be provided for each inhabitant if all facilities are located in one structure (138.13(2L)) or 50 square feet if sleeping quarters only are provided (1.1(138T.XVI)); (7) requires that toilet and cleaning facilities be provided at 1 for every 15 persons (138.13(3-6)). These laws provide migrants with the same minimum housing that the United Nations recommends be afforded prison inmates.⁴ The penalties for

violation of Chapter 138 are fines of between \$50 to \$100 per offense (139.19).

In 1975 most of the camps in the Muscatine area provided no more than the minimum space or facilities required by law.⁵ Only 8 camps, out of 24 in the State, provide facilities substantially better than this minimum.⁶

On October 1, 1974, a group of six persons, under the auspices of the local chapter of the American National Red Cross, conducted an inspection of camps in the Muscatine area. It found:

The majority of the housing [had] broken and torn screens. The flies were somewhat numerous. Most of the housing had no insulation, [many] cracks and holes in the structure, and roof. [This] left them drafty, airy and certainly not rain proof. None had heating facilities and since we were experiencing very cool weather (32 degrees on Oct. 1, and 24 degrees on Oct. 2) these people were very cold.

Most had no hot or cold water in the housing and the lack of cleanliness showed definite evidence of this.... The cooking stoves were two burner gas plates that Grandma used to heat her laundry water and to do her canning. The refrigerators looked as though they had been gotten from the city dump. They not only looked unfit for human use, they were certainly a health hazard as to their dirty, filthy condition.⁷

The Muscatine County Supervisors' task force report concluded:

Having pursued this issue, the Task Force has heard or seen nothing that does not fully agree with the previous report of the American Red Cross. The State of Iowa has passed laws that set minimum standards of migrant housing. The State Health Department enforcement of these standards has not only been neglected, but when done, done in such a permissive manner that the minimum standards of the law were ignored.⁸

No permits have ever been denied, no revocation hearings have been held, and no permits have been revoked during the migrant season. In 1974 one camp in Iowa was reported to have more than five violations; one permit was revoked, after the workers had departed.⁹ Following the 1975 season R.S. Myers, the section chief in charge of migrant housing inspections, commented that they wanted improvements but "don't want to drive the grower out of business."¹⁰

Regulations and legislation are only as good as their enforcement. The Advisory Committee attempted to determine how effectively the rules and procedures were being enforced by the Iowa Department of Health.

IOWA DEPARTMENT OF HEALTH

The Iowa Department of Health inspects migrant labor camps. Migrant inspection:

is one of twelve programs carried on by eight persons from the Engineering Section. During peak work load periods of the programs, personnel may be assigned temporary duties in any program in which help is needed....

This section spent 7.9 percent of total time on migrant labor.¹¹

The department had no Spanish-origin staff in the engineering section but commented that this was "no handicap" as "one member of the staff has been able to communicate with the migrants with a 'survival' level of the Spanish language."¹² The department felt that its resources were adequate to the task.

The department reported its principal successes are the improvement and upgrading of migrant housing, provision of safe water, hot and cold showers in all camps, greater grower responsibility to the migrant, and improved migrant-grower-agency relations.¹³

The health department stated that "Camps are not opened without permit of occupancy."¹⁴ Since permits are issued for a period of 1 year, this rule is unenforceable. There is nothing to prevent a camp operator from opening a camp at any time. If the camp is opened prior to the start of normal arrivals, the inspector may not learn of the opening for several days.¹⁵ When a camp was opened without a permit

in Muscatine County, the county attorney refused to take action.¹⁶ No camp has ever been closed during the growing season by department order.¹⁷

The procedure for evaluation of the camp requires several steps. Sixty days prior to the intended opening, the camp operator must apply for a permit. Within that period an inspection will be made. Violations noted at that time must be corrected before the operator receives a permit. The commissioner has never exercised his power to close a camp immediately because of code violations.¹⁸ Periodically throughout the season camps are reinspected. During 1975, 12 camps received a first notice of deficiency and 1 camp, two first notices as a consequence of such inspections. Six violations were reported in Muscatine in 1975.

Within 5 to 7 days of the first notice a reinspection occurs.¹⁹ Usually the camp is repaired by the operator prior to this inspection.²⁰ Should this not be done, within 9 days after the first notice, a notice of intent to revoke the permit is sent. Final inspection occurs 2 to 5 days after that. Revocation notice might be issued 2 days later. None ever has been issued. The appeals procedure has never been tested. There is no evidence as to the time this might delay final closure.²¹

Growers complained that each year they are subjected to a new set of regulations. They claimed the standards varied. While the department of health denied this was the case in normal years, it was true in 1975. A new section chief at the Iowa Department of Health proposed that migrant housing be subjected to exactly the same standards as all-year housing. Staff of the section persuaded him to limit the requirements to improvements that would make dwellings easier to keep clean. Even these rules, section staff reported, exceeded the legal requirements.²²

The health department staff believed that growers did keep housing at an appropriate level. They had Polaroid pictures to show the condition of camps prior to occupancy. R.S. Myers, the sanitation engineer who inspected migrant camps for the State department of health, estimated that about 10 percent of the migrants kept their accommodations in a filthy state.²³ But, he emphasized, responsibility for the camp and its physical condition remained with the grower.²⁴ He believed that most of the bad press coverage

growers received from the Red Cross report was owing to the time of inspection--after most of the migrants had left.²⁵

The department has a flexible policy on enforcement. It demands quick action on major violations, such as dangerous water, but is more tolerant on minor violations such as defective screens. The standard test employed, Mr. Myers reported, is whether the violation would materially affect the migrant.²⁶

The department proposed to revise its regulations further by adopting the format and procedures it already uses for inspection of nursing homes, as reported in Senate File 525, pp. 15ff. However, some of the staff believed that this would cause additional work and require the addition of a staff attorney--provision for which was reviewed as unlikely.²⁷

Another alternative is the resignation of responsibility for housing to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. But after several months of hearings, OSHA is still unable to decide whether to adopt its draft regulations for migrant housing camps. These have been criticized because the draft regulations are weaker than many other States' regulations.²⁸ Furthermore, there is an escape clause in the draft regulations that will exempt camps from inspection if the farmer claims that migrants do not have to live in the camp as a condition of employment (irrespective of the location and convenience of alternate housing.)²⁹ Officials of the AFL-CIO, American Public Health Association, and Migrant Legal Services have protested this clause.³⁰ The State bureau of labor has assumed all responsibilities for OSHA regulations in Iowa.³¹

At a hearing before the House Subcommittee on Agricultural Labor, one witness summed up the situation: "...the literature is filled with claims that even when adequate such [housing] laws are not enforced and that the condition of migrant housing, particularly in labor camps, is very bad indeed."³² Five years after the Iowa Advisory Committee's first study, clearly much remains to be done to implement the recommended improvements in migrants' housing.

CONCLUSION

Revision of migrant housing laws and regulations has led to improved housing. But conditions remain deplorable. The Iowa Department of Health has not used all the powers available to it. The entry of the bureau of labor camp inspection will complicate the administrative process.

The Iowa Commissioner of Health has the power to close camps prior to completion of the legal and administrative process for revocation of camp permits. Use of this power would prevent the continued operation of camps that are in deplorable condition. The Muscatine task force report indicates that conditions in Muscatine warranted use of such powers.

The department has commented:

We do not feel the section of the report dealing with migrant housing accurately reflects the department's concern for improving the housing conditions of migrant families. Admittedly, the housing units continue to need upgrading, but the department has made definite progress in this effort. As evidence of this effort, we ...[cite] that more than 10 percent of all migrant housing facilities in the State were condemned during the 1975 season. This possibly is the basis of the complaint from growers--that our regulations change from year to year. The regulations did not change, but housing which met the standards one year did not the next year.

We wish to call to the attention of the Committee that our responsibility for controlling personal cleanliness by the migrants in their living quarters is limited. We have no authority to enter a migrant home and require the occupants to improve the cleanliness of themselves and the living quarters. Our responsibility under the Migrant Labor Camp Law (Chapter 138, Code of Iowa) is to assure the safe and cleanable living quarters and to require the owners to provide and maintain clean and safe common facilities, such as privies, water supplies, showers, etc.

We concur with the Committee that legislative changes in the Migrant Labor Camp Law are needed....An additional legislative change we feel would be desirable would require written contracts between the grower and the migrants, specifying responsibility with respect to housing, wages, etc. Responsibilities of both parties with respect to housing and cleanliness and maintenance of common facilities would be clearly spelled out in such contracts.³³

Growers and migrant advocacy agencies complained that the housing rules were loose or variable. The department has indicated that strict and precise codes are possible, but it has not implemented such codes.

The bureau of labor has acquired jurisdiction over camps as a consequence of its role as State Occupational Health and Safety Act administrator. While it has not attempted to regulate camps, so far, in the future it may be required to exercise a competing jurisdiction. Before the State bureau of labor acts, the U.S. Department of Labor needs to provide effective regulations.

At present the Iowa Department of Health has an obligation to ensure that migrant housing and camp environs are safe for migrants and their families. The regulations made and their enforcement to date has not achieved these goals.

Notes to Chapter IV

1. Iowa Advisory Committee to the U.S. Commission on Civil Rights, Adonde Vamos Ahora? (Where Are We Going Now), (September 1970) p. 37.
2. Ibid., p. 36.
3. Iowa Code §§ 138 (1966).
4. United Nations, Minimum Standard Rules for Treatment of Prisoners.
5. R.S. Myers, sanitation engineer, Iowa State Department of Health, letter to staff, Nov. 4, 1975 (hereafter cited as Myers Letters).
6. Ibid.
7. Muscatine County Chapter, American National Red Cross, Survey of Migrant Camps (Muscatine, Iowa: American Red Cross, October 1974).
8. Task Force on Migrant-Grower Problems, Report to the Muscatine County Board of Supervisors (Muscatine, Iowa, Apr. 3, 1975), p. 11.
9. Norman L. Pawlewski, commissioner of health, State of Iowa, letter to staff, June 27, 1975 (hereafter cited as Pawlewski Letter).
10. R.S. Myers, interview in Des Moines, Iowa, Nov. 13, 1975 (hereafter cited as Myers Interview).
11. Myers Letter.
12. Ibid.
13. Myers Interview.
14. Myers Letter.
15. Myers Interview.
16. Ibid.
17. Pawlewski Letter.

18. Ibid.
19. Myers Letter.
20. Myers Interview.
21. Myers Letter.
22. Myers Interview.
23. Ibid.
24. Myers Letter.
25. Myers Interview.
26. Ibid.
27. Ibid.
28. New York Times, June 26, 1975.
29. New York Times, Feb. 6, 1975.
30. New York Times, June 26, 1975.
31. J.A. Reidinger, Assistant Regional Director for OSHA, Region VII, letter to staff, Oct. 14, 1975.
32. U.S., Congress, House of Representatives, Subcommittee on Agricultural Labor of the Committee on Education and Labor, Seminar on Farm Labor Problems, 92d Congress, 1st sess., June 2-10, 1971, p. 23.
33. Norman L. Pawlewski, response comment, Apr. 7, 1976.

CHAPTER V

MIGRANT HEALTH

In its study of migrant manpower programs, the House Subcommittee on Migrant Labor heard that:

The health predicaments of a migrant read like a medical journal. A migrant's problems in this regard, started well before he was born, inherited from a deficient pair of parents. Prenatal care and nourishment needed by a pregnant migrant woman are luxuries that migrants cannot afford, leaving nature to take its toll. Infant and child care in the migrant population is another area in which the migrant's family suffers, again the question of having the proper food stuffs and having enough left for a visit to the doctor is a very real and sad one. Compare a migrant family with any other grouping and you will come up with a comparison that should put to shame our American concern for the health of its citizens.¹

In 1970 the Advisory Committee recommended "That the State government implement a program that will provide and guarantee decent health services to migrants."² The Advisory Committee sought to determine the extent to which that goal has been achieved.

In 1975 responsibility for the health care of migrants was shared by the Federal Government through the Muscatine Migrant Committee, the county relief department, the State department of social services, and the area's doctors and hospitals. (Outside of the Muscatine area the services furnished by MMC are provided by MAP.)

STATE DEPARTMENT OF HEALTH

Over the past several years, the State department of health has supplemented U.S. Public Health Service grants in the following ways:

1. The State department of health provides funds to both of the above agencies to enable them to employ an additional Public Health Nurse for the 3 months during the growing season when the migrant population is at its peak.

2. The State department of health has provided salary and support for residents from the College of Medicine, University of Iowa, to provide medical services in the Muscatine area during the summer months.

3. The State department of health has provided equipment and funds to assist the College of Dentistry, University of Iowa, in providing dental services for migrants in the Muscatine area.

4. On several occasions, the State department of health has provided funds to assist both agencies when unexpected health care expenses were incurred.

5. Staff from the State department of health has provided consultative services to the staff of both agencies in many areas of health services.³

THE MUSCATINE MIGRANT COMMITTEE

Primary responsibility for the health of migrants rests with the Muscatine Migrant Committee's health services, funded under grants from the Public Health Service, and with MAP outside of MMC's service area. In 1974 the program provided nine migrant family health clinics, held in the evenings at weekly intervals. The clinics emphasized preventive health care and services for migrants. The program also served nonmigrant Title I children from the Muscatine area. The clinics provided a broad range of services. In addition, three bilingual registered nurses and medical students provided by the University of Iowa visited the camps.

By arrangement with MMC, the Muscatine Health Center and Muscatine Family Planning Clinic offer the same services given to local residents. Referrals are made to the University of Iowa and other major hospitals in the region for major laboratory tests or medical difficulties. More routine work is referred to Muscatine General Hospital.⁴ During the 1975 harvesting season MMC referred 25 persons to hospitals.⁵

The county of Muscatine, MMC reported, will assume responsibility for indigent persons who have not resided for 1 year in the county. In its annual report, MMC thanked the

county relief department for servicing its clients.⁶ Such assistance actually is required now that residency requirements for the provision of such services have been ruled unconstitutional. The county provided hospitalization for 18 maternity cases and 23 nonmaternity cases involving person of Spanish origin during the summer of 1975. Spanish-origin persons constituted 17 percent of the county's hospital referrals.⁷ Some of these referrals were initiated by MMC but processed by the county relief department.

The department of social services provides Title XIX medical assistance to recipients of Supplemental Security Income (SSI). In addition, medical assistance is provided without further application to any who are eligible for public assistance. Approximately 7 percent of the AFDC cases handled by the Muscatine office are with persons of Spanish origin.⁸

In addition to hospitalization, the migrant is provided outpatient medical services. These are provided by MMC, which in 1974 served 511 patients in its own clinic, and on a fee-for-service basis by local physicians who attended 734 migrants.⁹ Dental hygienists from the State department of health were assigned to MMC during the summer to visit camps, screen patients, and show educational films. A local pharmacist "contributed invaluable time to the clinic."¹⁰

A total of 2,765 migrants were in the Muscatine and Rock Island area serviced by Muscatine Migrant Committee during 1974. In table 5.1 the range of diseases reported by MMC gives some indication of the vast scope of the problem. Of course, many migrants will have been treated for more than one ailment. But an average of one ailment per two migrants is still indicative of significant health problems among migrants.

The Public Health Service and the Iowa Health Planning Council concurred in refunding the Muscatine Migrant Committee programs. They agreed that the project had "done a good job of coordinating activities and filling in the gaps of medical care."¹¹ The primary controls placed on the program were requirements for quarterly reports, prior approval of proposed contracts, and accountability for grant-related income.¹²

TABLE 5.1

DISEASES OF MIGRANTS IN MUSCATINE COUNTY

Infective and Parasitic Diseases	113
Neoplasms	1
Endocrine, Nutritional and Metabolic Diseases	39
Diseases of Blood and Blood Forming Organs	11
Mental Disorders	23
Diseases of the Nervous System and Sense Organs	216
Diseases of the Circulatory System	42
Diseases of the Respiratory System	209
Diseases of the Digestive System	243
Diseases of the Genitourinary System	76
Complications of Pregnancy, Childbirth and the Puerperium	38
Diseases of the Skin and Subcutaneous Tissue	110
Diseases of the Muscaloskeletal System and Connective Tissue	16
Congenital Anomalies	1
Symptoms and Ill-Defined Conditions	82
Accidents, Poisonings and Violence	80
	1300

Source: Muscatine Migrant Committee

There were some complaints about delays by MMC in processing claims from hospitals and doctors. These delays were caused by (1) normal delays characteristic of any health insurance group, (2) delays in receipt of Federal funds,¹³ and (3) basic misunderstandings between MMC and providers. At least one hospital was under the impression that MMC would pay 100 percent of expenses up to a limit of \$300.¹⁴ In fact, MMC agreed to provide 54 percent of a hospital bill, up to the \$300 limit. MMC did not send periodic notices to remind hospital management of this policy. Nor had it developed an effective policy to verify which patients it would cover. MMC relied upon oral contacts with the hospital rather than certificates of entitlement to service. The Advisory Committee was told that MMC did intend to correct these problems.¹⁵

DHEW, PUBLIC HEALTH SERVICE

The U.S. Public Health Service provides grants to fund migrant health care facilities, both from its own funds and from special health care program funds. The Service provides regular reviews of the program administered by the Muscatine Migrant Committee and MAP. The comments of Lawrence Parrish at the Advisory Committee's community meeting suggested that the Service is actively involved and concerned to assure the provision of the best possible health care with the funds available.¹⁶

Congress reviewed programs funded under the Migrant Health Act during 1974. (MMC and MAP are funded directly by PHS under the Public Health Service Act.) The importance of these programs is indicated by the speed with which Congress overrode a Presidential veto of continued funding (the first time in the 1975 session it had done so).¹⁷

Notes to Chapter V

1. U.S., Congress, House of Representatives, Subcommittee on Agricultural Labor, Committee on Education and Labor, Migrant Manpower Programs, 92d Cong., 2d sess. June 30, 1971, and Apr. 24, 1972, p. 46.
2. Iowa Advisory Committee to the U.S. Commission on Civil Rights, Adonde Vamos Ahora? Where Are We Going Now? (September 1970), p. 37.
3. Norman L. Pawlewski, response comment, Apr. 7, 1976.
4. Muscatine Migrant Committee, Annual Progress Report, 1974, pp. 21ff.
5. Comment by Sister Irene Munoz.
6. Muscatine Migrant Committee, Annual Progress Report, 1974, p. 35.
7. Data supplied by county relief department; on file in the Central States Regional Office.
8. Elizabeth Masterson, director, Muscatine County Department of Social Services, letter to staff, Nov. 6, 1975 (hereafter cited as Masterson Letter).
9. Muscatine Migrant Committee, Annual Progress Report, 1974, p. 10.
10. Ibid., pp. 23-24.
11. J. Ted Herbelin, chief, Professional Standards Review Organization Branch, letter to Lawrence Parrish, DHEW, May 9, 1975.
12. Lawrence H. Parrish, regional program consultant for migrant health, to chairman, Grants Review Committee, May 29, 1975.
13. Father Vitolds Valainis, interview in Muscatine, Iowa, Nov. 11, 1975 (hereafter cited as Valainis Interview).
14. William D. Stoddard, director, Patient Fiscal and Admitting Services, University of Iowa Hospitals and

Clinics, letter to taskforce member Norbert F. Beckley, Dec., 20, 1974.

15. Valainis Interview.

16. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights in Muscatine, Iowa, on Sept. 10, 1975.

17. New York Times, July 27, 1975, and July 30, 1975.

CHAPTER VI

MIGRANT EDUCATION

There is considerable dispute about migrant education, especially when the migrant children are Spanish speaking. Some contend that the programs in each location are of such short duration that not much progress can be expected. Others contend that the best programs are conducted in the child's language, in this case Spanish. Others believe that the goal of education for the Spanish-speaking migrant is assimilation. To this end, teaching English as a Second Language and quick integration of Spanish-speaking children into classes conducted in English is preferred. Some experts have suggested that the best solution is bilingual-bicultural education, involving both Spanish-speaking and non-Spanish-speaking pupils.

The Advisory Committee sought to determine the extent to which there had been improvements in migrant education since its 1970 report. It sought to assess the roles of the Federal and State governments and local education authorities. In 1970 the Advisory Committee recommended that:

1. A series of bilingual pre-schools be established to aid the Spanish speaking in acquiring the English language before being faced with the demands of formal schooling.
2. Teachers be recruited from Spanish-origin groups who have an understanding of the emotional, cultural, and educational needs of Spanish surnamed pupils.
3. A curriculum on Mexican American studies be instituted at both the elementary and secondary level.¹

Principal supporter of migrant education is the Federal Government through grants to the Iowa Department of Public Instruction. The Advisory Committee attempted to determine the role of the U.S. Office of Education and the Iowa Department of Public Instruction in improving migrant education.

DHEW, U.S. OFFICE OF EDUCATION

The U.S. Office of Education (USOE) provides funds under Title I of the Elementary and Secondary Education Act to provide special services for the educationally deprived. But a subsection also provides special funds to be targeted towards the children of migrant laborers. Title VII ESEA funds are also available for bilingual education. Direct supervision is provided from Title I offices at both the national and regional levels. USOE provides funds to States to support migrant education and supervises programs. In 1974 the Title I office in Washington conducted a review of the Iowa program. It concluded:

A stated purpose of the migrant education program is to compensate for interrupted schooling. A bilingual/bicultural effort...is a laudable criterion; it should, however, be carefully considered in its proper perspective as it relates to all of the basic education components that are available to the migrant child.²

Since, as indicated below, whatever else the State and local programs may be they are not bilingual-bicultural, there is some doubt of the quality of Title I (migrant) program administration at the national level. Indeed, despite the clear guidelines provided by the Department of Health, Education, and Welfare, its officials in Title I apparently are ill-acquainted with the concept and its implications. The "praise" from the national office described the Muscatine program as one with:

a strong bilingual/bicultural emphasis which permits the rapid identification and placement of the migrant child and the formation of a positive self-concept. This has generated a strong rapport with migrant parents and has the cooperation and support of agencies which are concerned with migrant workers and their families.³

The contradiction between this and the claims of local and State officials, not to mention migrant agencies, is disturbing. The USOE regional office in Kansas City has chosen to accept the national explanation of the Muscatine program as bilingual-bicultural. Its rationale is not mere ignorance. John Dupree, Title I administrator in Region VII, pointed out that were he to enforce the rules for

TABLE 6.1

PROGRAMS FUNDED UNDER TITLE I (MIGRANT EDUCATION FY 1974 and 1975)

<u>Program Sponsor & Title</u>	<u>#Pupils</u>	<u>Funding</u>
MUSCATINE COMMUNITY SCHOOL DISTRICT		
Language Development & Training (1975)	45	\$25,000
Title I (Migrant Summer Program) (1974)	150	40,000
MUSCATINE MIGRANT COMMITTEE		
Dental Services to Migrant Children (1974)	150	2,500
REINBECK COMMUNITY SCHOOLS		
Migrant Education (1974)	30	6,000
Migrant Education (1975)	20	7,000
WEST LIBERTY COMMUNITY SCHOOLS		
Migrant Education Handbook (1975)		8,086
Transitional Language Arts Program for Migrant Children (1975)	50	5,000
MISSISSIPPI BEND A.E.A. (formerly Muscatine Scott County School System)		
Itinerant Teacher Project (1974)	87	17,500
Tutorial Language Arts (1974)	30	3,880
MIGRANT ACTION PROGRAM		
Migrant Action Program Title I Summer School (1975)	10-15	4,000

Source: Data supplied by Title I Office, Iowa Department of Public Instruction.

migrant education grants, there would be no programs at all. Under the circumstances, he believed, honest efforts were better than nothing at all.⁴ Since only one-fifth of the regional Title I staff time is devoted to migrant education, such an attitude is unavoidable if any support is to be provided to migrant children.⁵ Mr. Dupree said that the absence of any Spanish-speaking person on his staff made administration of such programs more difficult.⁶

Recognition of the limits of migrant education in the region is evident from the recommendation by Mr. Dupree that a meeting of the four coordinators be held to discuss inservice training, performance objectives, fiscal management, and program operation.⁷ There was no indication that sufficient pressure and resources necessary for change will develop.

In 1972 the General Accounting Office recommended that USOE take steps to assure the quality of migrant programs and design measures to test their accomplishments.⁸ As of October 1975 no such efforts were visible.

IOWA DEPARTMENT OF PUBLIC INSTRUCTION

The Iowa Department of Public Instruction (DPI) is responsible for migrant education activities in the State, both as provider of funds and as administrator of Title I (remedial education) and Title I (migrant education) ESEA funds for the Federal Government.

The programs actually available in the State of Iowa are indicated in table 6.1. The number of migrant children served is relatively small. Only 0.4 percent of Iowa's school aged pupils in 1970 were of Spanish origin.⁹ This was half the proportion of several neighboring States, and significantly lower than the 7.8 percent in New York.¹⁰

In its 1973 annual report, the Title I (migrant) section of the department explained its role:

In Iowa the educational program for migrant children is funded by Federal and State monies. The ESEA, Title I section has the responsibility of coordinating the two sources of funding into one educational program which is operational the year round. The summer school program is financed by Title I and Migrant Title I funds....Settled-

out migrant children who meet the five-year Federal regulations are also permitted to participate in the summer school educational programs. During the regular school year, State funds supplemented by the LEA regular Title I funding plus approximately fifteen percent of the Federal Migrant funds available, were utilized to underwrite the educational program activities for the migrant children who traditionally enroll for the fall term and then move on. In addition, the children whose parents are in the process of settling out of the migrant stream...are included....¹¹

Out of 450 school districts in Iowa, 6 received Title I (migrant) funding in FY 1975.¹² The program was administered in the Title I office by one staff person, James Bottenfield, who had additional program duties. Mr. Bottenfield estimated that 10 to 15 percent of the Title I staff's time is devoted to migrant education. This time includes handling the many budget functions associated with Title I administration.¹³

The department believed that migrant education programs receive staff services proportionate to the level of their funding. However, the department did contend that staff funding is insufficient, since only 1 percent of the budget can go toward administering the program. The administrator is a former school teacher with long experience, but lacks expertise in either English as a Second language or bilingual-bicultural education. He reported:

There are no Spanish surnamed personnel on the Title I, ESEA staff. Neither are there any Vietnamese or Tai Dam surnamed personnel on the Title I, ESEA staff.

Educational programming, to be good, does not depend upon a person's ethnic surname. The Title I, ESEA section has not found itself handicapped by not having a Spanish surnamed person included on the staff.¹⁴

The Title I division has no intention of encouraging bilingual-bicultural education. Oliver Himley, the division chief, viewed ESL as in harmony with national practice. He did not wish to deviate from what he perceived as the

national pattern. His office sought to encourage ESL by providing technology and monitoring programs.¹⁵

There is some confusion in the department about the nature of bilingual education. In response to a staff question, Mr. Bottenfield replied:

Before an answer to this question can be given, you will have to define bilingual education in very specific terminology. The word bilingual education means many things to many people. The ambiguity that can be read into or out of this word is of a nature that an endless series of correspondence could be initiated and not concluded for a long time.

Also, you are asking what the State Department of Public Instruction believes, and any attempt on my part to respond would be beyond the scope of my authority.¹⁶

There is a contradiction between these assertions and the needs perceived by the U.S. Commission on Civil Rights as summarized below.

A principal concern of the General Accounting Office (GAO) in administration of migrant education funds was the absence of clear review criteria.¹⁷ Mr. Himley told the Advisory Committee that the division relies on three types of information: reports from the traveling consultant of the State of Texas, the regional and national U.S. Office of Education onsite reviews, and its own onsite reviews. If all of these were critical of a program, changes might be required. But poor reports would not be automatic cause for termination. If the reports were positive and the program appeared to be in harmony with the national effort, then the program would be viewed as satisfactory.¹⁸ In short, there appear to be no clear-cut review criteria.

The General Accounting Office also was concerned about the need for pretests and posttests to show the extent of progress made by pupils, since attendance at migrant education facilities and achievement of appropriate skill levels were uncorrelated.¹⁹ Mr. Himley stated that it is hard to measure true growth from these tests, given the short duration of the program. Since program effectiveness is hard to measure, his primary concern was to conform with

the national effort.²⁰ Although the department has proposed a 1.1 growth rate, the division has no intention of moving beyond its current evaluation and monitoring procedures. "There are ongoing national studies getting at or attempting to get at the effectiveness of program efforts." It would be impossible, Mr. Himley believed, for Iowa to attempt to pass judgment separately on its own programs.²¹

A common problem in migrant education programs is noncompliance with HEW guidelines. The Indiana Advisory Committee has reported serious violations. Mr. Bottenfield stated that in Iowa:

Any noncompliance in the total program has been of a minor nature dealing more with the technical aspects of the law rather than the spirit of the law. Program-wise the LEA's have complied with their approved applications.²²

Mr. Himley believed that fungibility of resources was not an issue. He remarked that one should expect programs to fund replaceable materials. He believed it is appropriate to use equipment purchased with Title I State and local monies in migrant programs. He did not, however, believe that migrant funds provide equipment for the regular school year.²³ The State's proposal implies that basic core education is to be provided by the local education authority and lunches by the State's school lunch program division.²⁴ In fact, lunches and most equipment that districts would normally provide have been paid for by Title I (migrant education) fund allocations approved by the DPI.

In its grant proposal, the department proposed to act as an "umbrella or frame" for the migrant education programs. It perceived itself as performing this function when it held meetings with officials in the department's own urban education division, the Governor's Spanish Speaking Task Force, the Migrant Action Program, the Muscatine Migrant Committee, the department's school lunch program division, and the Iowa Department of Social Services.²⁵ Inservice training is provided primarily from the department's own urban education division, with limited funds devoted to outside visits from the migrant student record transfer system and attendance at the Illinois migrant inservice meetings. No evidence on the substance of this training was received by the Advisory Committee.

The last annual self-evaluation was conducted in FY 1973. At that time, full reliance appeared to be placed on local education authority reports. At that time no overall framework or direction was apparent.²⁶ For 1974 the division prepared no report. It relied upon a three-page onsite review report prepared by USOE in Washington, D.C.²⁷ The primary change was the adoption of a handbook of State practices for migrant education.²⁸

The Advisory Committee could not ascertain that the Iowa Department of Public Instruction has taken any leadership in the organization or administration of the Title I (migrant education) program, either in its programmatic or fiscal components.

The Iowa Department of Public Instruction has not exercised its option by taking control of the programs. Nor has it made use of appropriate specialists or developed useful materials.

MUSCATINE COMMUNITY SCHOOLS BOARD OF DIRECTORS

Reporting on equal educational opportunity, the U.S. Commission on Civil Rights has said:

The curriculum decisionmaking process at the district level, as at the State level, is typified by a lack of Chicano participation. Chicano membership on school boards is of critical importance if the needs of Chicano students are to be given priority attention in all aspects of the curriculum.... Of equal importance is minority representation on district administrative staffs. In most cases community participation in curriculum is informal or on an advisory basis.... Chicano parental input into the curriculum is further discouraged due to exclusive use of English in many school board and PTA meetings. Exclusive use of English not only discourages Spanish speaking parents from attending such meetings but also limits understanding and active participation in the proceedings.²⁹

Out of 10 elected members of the Muscatine Community Schools Board of Directors, none is of Spanish origin.

Anne Hart, a member of the board, believed that despite this fact, effective representation had been achieved for Spanish-origin persons through their participation on a joint committee that included members of the board and administrative staff. But she viewed the activities of some community people as senseless, since they protested about programs that were not yet established.³⁰

The school board views government spending as an undesirable burden on the taxpayer. Thus, the board was initially hostile to the migrant education programs. They eventually decided to accept the program when they were persuaded that somebody else would get the money if they chose not to participate.³¹ At no time was the board asked to put up special funds for migrant programs.

That the current program survives at all is a tribute to the onsite director, Jerry Lange. He is a native of the town who rose through the school system to become an elementary school principal. He waged a campaign to persuade the board to retain the program when it was threatened. However, he reportedly was forced to consolidate the Title I (remedial) and Title I (migrant education) programs into a single package. This has resulted in a technical violation of rules that require special and distinctive services for the Spanish-surnamed migrant. Had such a compromise not been made, the board of directors might have refused to continue the program. After the change the program was accepted.³² The superintendent claims that the migrant education program benefits financially from this arrangement.³³ This was not the experience in other programs analyzed by other State Advisory Committees.³⁴

Ms. Hart was described as the primary opponent on the board to an independent migrant education program. Ms. Hart, a teacher, stated that her chief concern is that people who remain in the town should be primary beneficiaries of school programs. She agreed to a pilot bilingual education program because it would provide a vehicle for offering a second foreign language (only French is now offered) to Anglo children. She would object to a bicultural program because it would exclude other cultures-- such as Vietnamese.³⁵

Ms. Hart said the school board gives the superintendent a free hand except on budget.³⁶ She stated that, if the

superintendent came to the board and asked for a program, he would get it.³⁷ This did not happen with the migrant education program. Here the board immersed itself in educational programing.

Superintendent Arthur Sensor said that he fosters close cooperation with the board by honoring predominant community opinion whenever possible. His experience in an earlier assignment had persuaded him that fighting community opinion was unwise.³⁸ However, his interest in migrant problems led him to tour migrant camps prior to the official start of his job.³⁹

The superintendent objected to comments from the Chicano community that his and Mr. Lange's work has achieved little for children of Spanish origin. He believed that he could not go beyond the limits set by community opinion. Juan Cadena and others, he believed, were making unreasonable demands.

Demands for a Chicano administrator and more bilingual-bicultural education have arisen at school board meetings. The superintendent did not view those demands as representative of the Spanish-origin community, and believed their demands impolitic. He believed that MMC had made things politically more difficult for him through its complaints on the problems of migrants in the fall of 1974. Since attendance figures suggested that migrants had already left the community, the school board now is less willing to help the migrant community. The superintendent reported that it is difficult to identify community leaders.⁴⁰

Educational policymaking in Muscatine is similar to that elsewhere. Faced with a conservative board and a once-seared superintendent, the program director makes compromises. An outsider from a minority group could not have preserved the program. But there is no evidence that minorities have had effective representation or involvement through the required advisory processes. One observer suggested the need for minority leader school board candidates.⁴¹

The General Accounting Office pointed out that:

Our analysis of test results and school records of migrant children...showed generally that 1) in reading, mathematics and language skills, they

were not achieving at the grade levels in which they were enrolled and that in these skills they were below those of other students in their classes and 2) educational deficiencies became greater as the students moved into higher grades.⁴²

Migrant educational problems in the Muscatine area are affected by the social status and mother language of the migrant children. Some of the migrant educational problems are the consequences of their low socioeconomic status. These affect other children of lower socioeconomic status as well. The remaining problems are linguistic and peculiar to the migrants and other non-English-speaking persons.

Low-income students generally have undue problems in an educational system addressed to the needs of middle-class children. In Muscatine the dropout rate between kindergarten through 12th grade is 25 percent. This is not abnormally high, but it does reflect the great extent to which education in Muscatine is college preparatory.⁴³

The extent of difficulties for the migrants and other Spanish-origin pupils in Muscatine can be seen from their high dropout rate.⁴⁴

Muscatine has two programs addressed to migrants. The summer program is designed primarily for instream migrants. But settled-out migrants and educationally-deprived Anglo children are also served. Migrant and settled-out (5 years or less) children are served by Title I (migrant education) funds. The other children are covered by Title I (educationally disadvantaged) funding. But the programs are effectively one. Four-fifths of the programs for Spanish-speaking migrants is paid by the Federal Title I program. The remaining fifth is paid for by the Iowa Department of Public Instruction.⁴⁵

The school superintendent and the program director have indicated a preference for the English as a Second Language approach. They contend that the prime need is to assist Spanish-dominant people to cope in an English-speaking world such as Muscatine.⁴⁶ Moreover, there is considerable opposition from the school board to anything other than a bilingual program on a voluntary basis.

Staff of the Commission's regional office and a member of the Advisory Committee had an opportunity to visit the winter language development program. On the whole, the visitors were favorably impressed. The teachers' accents were, understandably, typical of an American university-trained person. But the teachers and director brought considerable enthusiasm to their work. Within the limits imposed, they appeared to be providing a valuable service.⁴⁷

The room visited was relatively small, but it was bright and well decorated by the teacher. The equipment available appeared complete, more so than that available in the regular kindergarten class that the Advisory Committee group also visited. The programs appeared to be attractive to the pupils and kept their interest despite the distraction of visitors. The group saw the kindergarten from which Spanish-origin children were withdrawn for language instruction. The apparent integration of Spanish-origin pupils into a predominantly Anglo kindergarten class indicated a successful program.

Staffing for English as a Second Language programs is an ongoing problem. The school system has had to rely on teachers who were bilingual but not bicultural. The school administration asserted that it had recruited as many bilingual-bicultural teachers as it could find and was constantly searching for more. It resisted the notion, proposed by one Spanish-origin resident, that a Spanish-origin director be recruited.⁴⁸

As of summer 1975, the Muscatine schools had been unable to find any tests validated for Spanish language-dominant pupils in subject areas.⁴⁹ They have relied upon the various available resources.

One member of the school board was concerned that junior high school pupils who had been through the summer program were failing because they still did not understand English.⁵⁰ But the self-evaluation by the district indicates that there had been considerable improvement in reading. The scores in mathematics were reported as satisfactory.⁵¹

The Iowa Department of Public Instruction commented that it is extremely difficult to assess progress based on a few weeks of instruction.⁵² In 1973 the U.S. Office of Education indicated that it was contemplating further methods of evaluation, but none had been introduced by

October 1975.⁵³ The Muscatine system's most immediate problem was the decision whether to introduce a bilingual-bicultural program.

The U.S. Commission on Civil Rights has reported:

The major problems with ESL for Spanish speaking students... are the theory underlying the program and its limited purposes. ESL is designed strictly as a transitional language program and contains no culture content relating to the Mexican American community or heritage....Not only does this method fail to build on the Chicano child's language ability in Spanish, but it requires that the child learn a new language well enough to function in that language immediately and for the majority of the day.⁵⁴

Discussing remedial reading as a component, the Commission has pointed out that, "Remedial reading focuses on achievement which, in a real sense is not the problem, but rather a symptom of the broader problem of language exclusion in the schools."⁵⁵ These problems may be overcome by bilingual-bicultural programs. Such programs, usually funded under Title VII of the Elementary and Secondary Education Act, have been defined by HEW:

Bilingual education is the use of two languages, one of which is English, as mediums of instruction for the same pupil population in a well organized program which encompasses part or all of the curriculum and includes the study of the history and culture associated with the mother tongue. A complete program develops and maintains the children's self-esteem and a legitimate pride in both cultures.⁵⁶

Grants under Title VII require a minimum of 5 percent of the pupil population to be other than English language dominant. This is not the case in Muscatine. However, a grant proposal was being prepared in fall 1975 to establish a bilingual education program on a pilot basis.⁵⁷

CONCLUSION

Muscatine community schools do provide migrants with some educational opportunities. The English as a Second

Language procedures conform with State preferences. The local program administrators are attempting to develop a bilingual-bicultural program. They are doing so without the active support from Federal, State, and local officials that should be forthcoming.

The General Accounting Office reported in 1972 that the migrant education programs were poorly administered by the U.S. Office of Education. In particular, there was an absence of testing to ensure program effectiveness. These problems had not been dealt with, at least as far as the Office of Education's relations with Iowa were concerned.

The Office of Education did not appear to understand the problems of migrant education. Nor did the division that supervised migrant education have a clear understanding of the alternate educational strategies that might be used with Spanish language-dominant pupils. The regional office administrator was caught between ignorance in Washington and hostility in the region he served. He had little opportunity to provide leadership.

The Iowa Department of Public Instruction offered little support. Its primary role was to clear grant proposals. Few State resources were available, but the State did provide partial support of migrant education programs out of its own funds.

The Muscatine school system did make an effort to provide a good program, despite opposition from the school board. While the Advisory Committee's perspective on the utility of English as a Second Language differed from that of the school administrators, the system's efforts to add bilingual-bicultural programs were noteworthy. The school administrators perceived that school community relations needed improvement. The effect of their efforts was unclear.

Migrant education needs support at the Federal, State, and local levels. That support was not always available in sufficient measure to produce effective programs.

Notes to Chapter VI

1. Iowa Advisory Committee to the U.S. Commission on Civil Rights, Adonde Vamos Ahora? (Where Are We Going Now?) (September 1970), p. 34.
2. Richard L. Fairley, Director, Division of Education for the Disadvantaged, U.S. Office of Education, letter to James Bottenfield, Sept. 27, 1974.
3. Ibid.
4. John Dupree, interview in Kansas City, Missouri, Nov. 24, 1975 (hereafter cited as Dupree Interview).
5. John Dupree, Title I, ESEA, Region VII office, letter to staff, Nov. 19, 1975 (hereafter cited as Dupree Letter).
6. Ibid.
7. Ibid.
8. Comptroller-General of the United States, Impact of Federal Programs to Improve the Living Conditions of Migrants and Other Seasonal Farmworkers (General Accounting Office, Feb. 6, 1973), p. 29 (hereafter cited as GAO Report).
9. U.S., Commission on Civil Rights, Mexican-American study, Report I: Ethnic Isolation of Mexican Americans in Public Schools in the Southwest (April 1971), p. 16.
10. Ibid.
11. State of Iowa, Department of Public Instruction, Annual Evaluation Report for Migrant Programs, Fiscal Year 1973 (Des Moines, November 1973), pp. 1ff. (hereafter cited as Iowa Evaluation, 1973).
12. James Bottenfield, migrant education specialist, telephone interview, Dec. 9, 1975.
13. James Bottenfield, letter to staff, Nov. 5, 1975 (hereafter cited as Bottenfield Letter).
14. Ibid.

15. Olivier T. Himley, chief, Title I, State of Iowa, Department of Public Instruction, interview in Des Moines, Nov. 13, 1975 (hereafter cited as Himley Interview).

16. Bottenfield Letter. Mr. Himley stated that: "Considerable emphasis is given in the report relative to the need for bilingual/bicultural education. Certainly it is no secret that there is no common agreement as to whether or not this is 'the' correct approach, but here is no clear definition as to what the United States Commission on Civil Rights considers to be bilingual/bicultural education. For example, does such a program require this education approach in only the communication skill areas of instruction or does it apply to all curriculum areas such as science, social sciences, etc.? Does it apply to all grade levels which would include the instructional programs of a rather diverse nature when one considers all of the course offerings available at the secondary school level. This writer can make assumptions as to what the United States Commission on Civil Rights position on the matter would be, but in fairness to everyone concerned, one should not have to rely on assumption.

"Another point to consider in the realm of defining and/or clarifying a position with respect to bilingual/bicultural education would be in the realm of nationalities. The draft report is really restricted to the Spanish surnamed population. Should it be? A bulletin published by the National Indochinese Clearinghouse, dated October, 1975, states that 1,494 refugees had at that time been resettled in Iowa. Another bulletin from the same source dated February, 1976 lists Indochinese Refugee Education Guides. English as a Second Language appears to be the major emphasis. Are we as a nation being consistent with the various minority groups in terms of what is being advocated?" Oliver Himley, response comment, Apr. 12, 1976.

17. GAO Report, p. 28.

18. Himley Interview.

19. GAO Report, pp. 28-29.

20. Himley Interview.

21. Ibid.

22. Bottenfield Letter.
23. Himley Interview.
24. Proposal, Migrant Education Program (September 1974).
25. James Bottenfield, letter to staff, Dec. 8, 1975.
26. Iowa Evaluation, 1973.
27. James Bottenfield, telephone interview, Dec. 9, 1975.
28. Richard Fairley, letter to James Bottenfield, Sept. 27, 1974. See also James Bottenfield, telephone interview, Dec. 9, 1975.
29. U.S., Commission on Civil Rights, Mexican American Study, Report VI: Toward Quality Education for Mexican Americans (February 1974) (hereafter cited as Report VI), pp. 15-16.
30. Ann Hart, member of Muscatine Community Schools Board of Directors, interview in Muscatine, Iowa, Nov. 12, 1975 (hereafter cited as Hart Interview).
31. Ibid.
32. Dorothy Bishop, Mississippi Bend Area Education Agency #9, interview in Muscatine, Iowa, Nov. 11, 1975 (hereafter cited as Bishop Interview).
33. Arthur Sensor, superintendent of schools, Muscatine Community Schools, interview in Muscatine, Iowa, Nov. 11, 1975 (hereafter cited as Sensor Interview).
34. Indiana Advisory Committee to the U.S. Commission on Civil Rights, Indiana Migrants: Blighted Hopes, Slighted Rights (March 1974).
35. Hart Interview.
36. Ibid.
37. Ibid.
38. Sensor Interview.

39. Bishop Interview.
40. Sensor Interview.
41. Bishop Interview.
42. GAO Report, p. 238.
43. Sensor Interview.
44. Bishop Interview.
45. Muscatine Community School District, questionnaire response, Nov. 11, 1975.
46. Sensor Interview.
47. Notes of staff visit to Jefferson School, Nov. 11-12, 1975.
48. Sensor Interview.
49. Ibid.
50. Hart Interview.
51. Muscatine Community School District, Muscatine Title I Remedial and Language Development Summer Program Evaluation Report (Muscatine, Iowa: Muscatine Community School District, October 1975), pp. 18-19.
52. Himley Interview.
53. GAO Report, pp. 30-31.
54. Report VI, p. 5.
55. U.S., Commission on Civil Rights, The Mexican American Study, Report III: Educational Practices Affecting Mexican Americans in the Southwest, The Excluded Student (May 1972), p. 28.
56. U.S., Department of Health, Education, and Welfare, Office of Education, Bilingual Education Act Title VII, ESEA Manual for Project Applications and Grantees (Washington, D.C.: Office of Education, 1971), p. 1.

57. Sensor Interview.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

CHAPTER VII

MIGRANTS AND THE CRIMINAL JUSTICE SYSTEM

In 1970 the Iowa Advisory Committee recommended:

1. That all law enforcement agencies in Iowa begin an immediate recruitment program to attract Spanish-origin citizens to their staffs with particular focus on the State Department of Public Safety and on local governments that have a concentration of Spanish surnamed residents.
2. That criminal code revisions of the State be vigorously pursued.
3. That information pertinent to law enforcement and safety be printed in Spanish.
4. That human relations training programs be implemented with corresponding internal efforts to deal with attitudes in relationship to behavior for top level police to rank-and-file officers.
5. That Safe Streets Act (LEAA) funds be used for police-community relations rather than dead-end control oriented programs.¹

Professor Gary Bellow of the University of Southern California Law School reported that: "The farm laborer, like others who are poor, is arrested more often, convicted more often, the subject of police misconduct more often than other groups."² T. Michael Foster, assistant director of the S-W Florida Migrant Legal Services Program, explained:

Endemic to this lack of legal protection of the farmworker is his isolation from the legal process. He is without advocates to plead his case before legislative committees or city councils. He is without legal assistance to utilize the benefits of what programs do exist....

There are three closely related categories into which the legal problems of seasonal and migratory farm laborers most easily fall....First would be those problems caused by private individuals, law enforcement agencies, or other governmental bodies. These problems usually result from either community hostility toward farmworkers, overzealous law enforcement against farmworkers,

or lack of enforcement intended to benefit farm laborers.³

In the Muscatine area, police jurisdiction is divided between the Muscatine city police department within the city limits and the Muscatine sheriff's department in the outlying areas. Sheriff Richard Oppelt stated that over the last 2 years there have not been any problems with the migrants. When there is trouble at a migrant camp, the crew leader usually handles the problem. The sheriff said that the Muscatine area is getting a "better migrant," one who does not create problems.⁴ Officer Glenn Axel of the Muscatine city police department said much the same thing.⁵

Officer Axel told the Advisory Committee that the principal offenses involving Spanish-origin people in the city are "intoxication, no driver's license, [and] disturbing the peace by fighting." Approximately 5 percent of those who violated State or local laws during harvest time in 1975 were of Spanish origin. Sheriff Oppelt reported that approximately 8 percent of those arrested in the county were of Spanish origin.⁶ These proportions are approximately the same as the proportions of Spanish-origin people in the entire county population.

Officer Axel believed that some of the migrant's encounters with the law are due to misunderstanding.

Here again one of the biggest problems I think was that some of these people were probably immigrants and a lot of them are from the Texas area and here again the lack of communication and some education, some of these gentlemen did not speak English; Chicanos did not read it. This was the problem. They went to a tavern and asked for a drink and were asked for an ID which is the tavern operator's job.... They would get mad and cause problems....⁷

It was unclear whether all patrons were asked for identification. Despite linguistic misunderstandings, no member of either police force speaks Spanish.⁸ When problems of communication arise, both police forces call upon the voluntary services of members of the Migrant Action Program or Muscatine Migrant Committee. Neither force has Miranda warning cards printed in Spanish for such occasions.⁹

Five years ago the Advisory Committee made recommendations to change these patterns. What has been done?

The Advisory Committee recommended that local forces recruit Spanish-origin officers. The city police do have one officer of Spanish origin, but he does not speak Spanish. Captain Ronald Martin of the Muscatine police department told the Advisory Committee that the department did have one opening and was seeking a Spanish-speaking candidate.¹⁰ Two Chicanos had applied in the past but failed the written examination.¹¹ Chief Jack Rollie stated that the "usual" efforts were made to recruit someone of Spanish origin.¹²

Sheriff Oppelt reported that no special efforts have been made to recruit minorities. His department does advertise as an "equal opportunity employer." There have been two or three minority applicants over the last several years, but all decided to take other jobs. Candidates have to take a civil service examination. The sheriff did not know if it been validated for cultural bias. There are no Spanish-origin persons on his force, but Sheriff Oppelt stated that he has been sheriff for 15 years and has always been an equal opportunity employer.¹³ Sheriff Oppelt felt he could make a more positive effort to recruit minorities by contacting advocacy organizations, but had not done so.

Neither jurisdiction has an officer who speaks Spanish. Mr. Axel reported that some of his men have tried to learn, but had not succeeded.¹⁴ Nor have officers received any cultural training, despite the admission that many of the police-community problems relate to cultural or linguistic misunderstanding.¹⁵

The city has not applied for, or received, any LEAA funds. Although the sheriff has used LEAA funds to hire three officers and purchase three new cars and communications equipment, he has not attempted to use this source to fund cultural training. He does not provide any human relations training to his staff. He does not know whether he should apply for LEAA funds to do so. Mr. Axel of the city police insisted that his men deal with Spanish-origin persons exactly as they do with others. But Spanish-origin persons have complained to the Advisory Committee that, while both police jurisdictions are quick to protect property and other rights of people of Anglo population,

they appear less quick to protect the rights of people of Spanish origin.¹⁶

Although it has been suggested that some ordinances be translated into Spanish, and thus at least nominally be available to Spanish-speaking-dominant persons, this has not been done. Mr. Axel contended the burden for such efforts should not fall on the police department.¹⁷

Neither jurisdiction has any formal procedure independent of the police to review complaints. In both, final authority rests with the commanding officer.¹⁸

Neither jurisdiction has modified local ordinances, especially those regarding loitering, to take account of the cultural differences in behavior of migrants. Adjustment could occur, as Sheriff Oppelt pointed out, only by benign neglect.¹⁹

Five years after the Advisory Committee's first report, no significant changes had occurred regarding the administration of justice, with the exception of a Spanish translation for driver's licensing. None of its recommendations had been adopted nor were there any plans to implement effective change.

CONCLUSION

Much remains to be done to implement the recommendations made by the Advisory Committee in 1970. Police-minority relations are still fragile. Recruitment of minority officers has been ineffective. Resources for change have not been exploited.

Many of the encounters between migrants and the police are the consequence of misunderstandings. These are frequently linguistic in origin. Yet neither city nor county police have a Spanish-speaking police officer. No officer on either force has significant multicultural training. Efforts to hire officers who speak Spanish or who are of Spanish origin have not been successful or effective.

No effort has been made to adjust city and county ordinances to the cultural patterns of migrants. Nor have translations been made of local ordinances so that the migrant can learn the local laws. Indeed, not even Miranda warning cards were available in Spanish.

Law Enforcement Assistance Administration funding is available to help local authorities make changes. Yet these funds have not been sought for this purpose.

Until changes are made, law enforcement will be a source of tension for migrants and other Spanish-speaking persons.

Notes to Chapter VII

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2. U.S., Congress, Senate, Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, Migrant and Seasonal Farmworker Powerlessness, 91st Cong., 2d sess., June 1969-July 1970, p. 1186.
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5. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights in Muscatine, Iowa, on Sept. 10, 1975 (hereafter cited as Notes of Community Meeting).
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11. Ibid.
12. Rollie Letter.
13. Oppelt Interview.
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16. Sister Irene Munoz, comment to staff.

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CHAPTER VIII

SETTLING OUT: OBTAINING NONFARM EMPLOYMENT

The Advisory Committee reviewed a range of economic literature which suggested the economic necessity for settling out. It sought to determine the availability of jobs in Muscatine and the effectiveness of private and public agency efforts to assist migrants who wished to settle out.

The Congressional Research Service has indicated the dimensions of the problem:

Two of the everyday uncertainties that the seasonal farmworker experiences in seeking employment are adverse weather that causes crop damage or retards crop growth, and production cutbacks because of low prices. Of more serious consequence is another adversity that he has to face--mechanization. Technology applied to cultivation and harvesting practices is tending to convert agriculture from an enterprise noted for intensive labor activities to an industry that can plant, cultivate, and harvest almost entirely by machine. From 1960 to 1970, seasonal farm labor requirements diminished approximately 30 percent, and further erosion of jobs due to mechanization will continue in the future. The outlook for employment in this type of labor is for a continuation of the trend of recent years. The labor demands will again diminish for various reasons, aggravating the surplus labor supply problem inherited from the preceding year.¹

C.E. Bishop explained that the consequence of this decline was the need for farmworkers to choose between large scale underemployment and movement from farm to nonfarm employment.² Theodore Schultz commented that "...the supply of labor in agriculture is excessive."³ But farm laborers have been unable to exercise options. Mr. Schultz, summarizing the data available, reported that the migrant farmworker is attempting to settle out, but the migrant is blocked by a depressed labor market that demands skills far in excess of those the migrant possesses. This results in racial discrimination.

Mr. Schultz felt "sure that a slack in the national demand for labor not only reduces the incentives to mobility from our farms but also enlarges the practice of discrimination."⁴ He observed that only in times of full employment is retraining likely to be profitable for the migrant. Otherwise, the necessary incentive of available jobs is lacking.⁵ Others have pointed out that in times of full employment, the migrant has least incentive to settle out, since pay and conditions for the farmworker improve. Thus, at times when the migrant has the maximum opportunity to settle out, there are no incentives. When the migrant has the maximum incentives to settle out, it is not economically feasible to do so.

A former migrant, Juan Cadena, pointed out that the costs of settling out are high. Muscatine offers a range of jobs at levels appropriate to the migrants' present skills or at levels to which the migrant could quickly be trained. Salaries of \$600 per month are mentioned. Yet when the migrant takes account of the increased costs of providing for a nuclear family with fewer wage earners than the extended family, the cost becomes greater than the wages available.⁶

The Muscatine Chamber of Commerce believed that there were jobs for all who wanted to work. For the unskilled migrant, access depends both upon the success of the Migrant Action Program's retraining classes and the placement services of the Iowa Employment Security Commission.

The chamber of commerce believed that Muscatine offers many job opportunities. The area employment developments survey indicated that there was an unemployment rate of only 3.7 percent in September 1975 while the national rate was 8.3 percent.⁷ While industrial production had lost 270 workers in the preceding year, food and kindred products, other nondurable goods, and retail trade and services had increased their demand for labor by 510 persons.⁸ Moreover, Muscatine is in competition for labor with the equally prosperous Davenport market.⁹ The chamber concluded that any migrant who wishes to settle out has opportunities to do so. It reported many new industries with new labor demands setting up plants or expanding old ones.¹⁰ But migrants need assistance from the local employment security office or others to get jobs in these new or expanding industries. There was no evidence that such help is provided.

The Iowa Employment Security Commission, its local office, and the migrant advocacy agencies have primary responsibility for retraining and placing migrants. But policies and practices of the U.S. Department of Labor determine the parameters within which the local agencies work.

U.S. DEPARTMENT OF LABOR

The management of migrant farmworker programs by the U.S. Department of Labor (DOL) has attracted much criticism. Karen Tobin of Program Funding, Inc. commented:

The Federal agency taking national responsibility for migrant programs must be a willing advocate for farm workers and farmworkers programs at the Federal level.... The Federal agency must not make decisions based on political concerns but must be willing to support, openly and publicly, the needs of farmworker programs and needs.¹¹

She also stated:

To date, USDOL has violated some of these most basic concerns. Farmworker programs are suffering a serious setback; yet harvest conditions, under and unemployment problems, food emergencies, political harassment and legal and other civil rights violations continue to be a serious problem for the nation's farmworkers.

To date farmworker programs have had two sponsors: OEO and USDOL. OEO was a competent and sensitive sponsor--needing some administrative overhauling, but genuinely committed to farmworker programs. USDOL struggles with its responsibility to improve accountability of programs but their commitment to program content and structure can and should be challenged. It is most probable that only a separate agency ...[with] specific legislative responsibility to operate and maintain farmworker programs could do justice to the tremendous need.¹²

DOL is involved with migrants in many ways: 1) the regulation of minimum wage standards; 2) matters regarding the State employment services, which have merged with the

Rural Manpower and Farm Labor Services; 3) the Comprehensive Employment and Training Act (CETA), one component of which provides retraining of migrant farmworkers for nonfarm jobs; and 4) author of executive branch policies on manpower in general and farm labor in particular. How has it used these powers?

The Manpower Division of DOL has been subject to considerable criticism for its handling of migrant problems, both on policy and administration. This criticism has been directed at operations of employment services and retraining efforts and failures to enforce civil rights requirements in these programs.

The Wagner-Peyser Act requires that before an interstate order for domestic agricultural workers be accepted the employment service verify that:

1. Local and State workers are unavailable.
2. There is a need for agricultural workers and the minimum number needed.
3. Wages offered are not less than prevailing wages in the area.
4. Housing and facilities complying with Federal standards are available.
5. The employer has offered to provide or pay for transportation for agricultural workers at terms not less favorable than those prevailing among agricultural workers in the area.
6. Other terms and conditions of employment are not less favorable than those prevailing in the area for agricultural workers.¹³

This act is inoperable in Muscatine since farmers never make use of the employment service facilities. But alleged discriminatory practices by the Rural Manpower Service (RMS) and its successors clearly inhibit the chances for migrants to obtain better-paid employment.¹⁴

....the services [and] the facilities of local Employment Service Offices are utilized in registering the farm labor contractors and their full-time or regular employees but the registration and enforcement responsibility under the Farm Labor Contractors Registration Act of 1963 as amended rests with the Wage-Hour Division of the Employment Standards Administration.

This responsibility was delegated to the Office of the Assistant Secretary for Employment Standards effective October 1, 1972. By reason of the fact that there is a limited number of farm labor contractors and/or full-time employees in Iowa subject to the requirements of the Act, there has been as indicated in the report, limited registration activity.¹⁵

Few crew leaders have been prosecuted for failure to register.¹⁶ The refusal of the RMS to police crew leaders who use its services allows a whole range of malpractices, such as housing violations, to persist.¹⁷

Groups who protested and eventually forced an investigation have reported:

Notwithstanding clear notice of these charges, the Department of Labor has tried to ignore the problems of racial discrimination within the Farm Labor Service.... Only after several months of prodding and threats of legal action did the Department finally agree to add one experienced equal opportunity investigator to its special review staff. During the course of the investigation, the Department, did in fact, investigate charges of racial discrimination but only by indirection.¹⁸

The General Accounting Office criticized the failure of the Department to deal with the need for retraining. It commented:

Systematic and coordinated plans had not been established, however, at either the Federal, State or local levels for retraining farmworkers and providing jobs through economic development efforts.¹⁹

GAO recommended that:

...the Secretary of Labor work closely with the Secretary of Commerce to develop a comprehensive and coordinated plan to involve all levels of government and private industry in providing expanded non-agricultural employment opportunities in rural areas.²⁰

The Department reported its intent "To overcome past inadequacies in providing services to rural residents...."²¹

In a program entitled "The Last Yellow Bus," Department of Labor staff laid out a draft framework for change.²² Opponents remarked that its principal effect would be to "bolster the outdated system."²³ The National Migrant Worker Program Handbook represented the Department's attempt to deal with earlier criticism.²⁴ But critics pointed out that this continued to pay mere lip service to civil rights complaints and problems. Opponents argued that funding was not conditional on Title VI compliance and that there was little meaningful consumer evaluation.²⁵ Continuing failure by the Department to enforce compliance was reported by the U.S. Commission on Civil Rights in its study, The Federal Civil Rights Enforcement Effort--1974: To Extend Federal Financial Assistance.²⁶ Only 2.14 percent of Title III grants are awarded on the basis of assistance to migrants.²⁷

The Department also is responsible for issuing regulations under the Occupational Health and Safety Act. Its first draft was greeted by protests from a wide range of labor and concerned organizations.²⁸ Workers in several States discovered that the draft regulations were weaker than existing weak State regulations.²⁹ The revised regulations would allow a loophole that would virtually exempt most farm labor camps.³⁰ As of June 1975 the Department still was unable to agree on a set of regulations. Assistant Secretary of Labor John H. Stender indicated that the Department might withdraw the proposed standards because of widespread criticism that they were too weak.³¹ As of May 1976, no regulations had been adopted.

Despite extensive regulations that specify performance levels and standards of accomplishment, there appears to have been no evaluation of MAP's CETA program in 2 years.³² Thus, the Department is disbursing funds without verifying that the terms of its contract and the requisite levels of service are being provided.

In short, neither local evidence from Iowa nor national reports suggested any immediate plans by DOL to become actively involved in the quest for justice for migrant farmworkers, whether in Muscatine or elsewhere.

In 1973 in NAACP (Western Region) v. Brennan, Judge Charles Richey held that the Department of Labor was not

taking effective measures to ensure equality of service for migrant laborers. DOL was instructed to take corrective measures and to report regularly on progress in selected offices.³³ The Advisory Committee sought to determine the changes which resulted from this order.

IOWA EMPLOYMENT SECURITY COMMISSION

The activities of the Employment Security Commission (ESC) on behalf of migrants result from authority delegated by the U.S. Department of Labor. The ESC is a subcontractor for job placement of migrants under the CETA Title III program as a consequence of its contract with the Migrant Action Program.

During 1975 the local Muscatine office was unable to reach the goal for placements it had set up in conjunction with the State commission.³⁴ Only about half of the migrants referred to the office under its contract with MAP (MAP referrals to the office were half of the total number of Spanish-origin clients) were placed.³⁵ During the Muscatine harvest period, July-September 1975, 668 (77 percent) out of 865 individuals who applied were placed; only 14 or 48 percent of the 29 Spanish-origin applicants were placed. While the office did 13 percent better than the State average in placing all its clients, it did 10 percent worse than the State average in placing migrants.³⁶ The office's record in placing all minorities including migrants was 3 percent poorer than the State average.

Placements provided by the Muscatine office to migrants who wished to settle out did not appear to be permanent (in excess of 90 days) or at high pay (more than \$10,000 per year). Out of 377 Spanish-origin persons placed in nonfarm jobs between July 1974 and October 1975, only 27 percent were placed in jobs that lasted more than 3 months. Only 5 percent were placed in jobs that lasted more than a year.³⁷ By contrast, in one reporting period half of the placements of the office were for more than 150 days.³⁸ Only about one-seventh of all placements received more than \$3.40 per hour. More than half of all placements were at wages of under \$2.40 per hour.³⁹

The Iowa Employment Security Commission did an onsite review of the Muscatine office in August 1975. The commission reported:

...rural applicants received less total service than urban applicants in the job development area. It is recommended that rural applicants should receive service within five percent of that given to urban applicants.⁴⁰

Little effort to call these people in to offer services is recorded. This applies to both migrants and nonmigrants.... Most of these are committed to a crew leader or grower, and are assumed to be not seeking nonagricultural employment.

All in-house operations appear adequate to assure full service to migrants desiring nonagricultural employment, or wishing to settle out of the migrant stream....

The team suggests that the migrants in the active "4" DOT file be followed up on to determine, if in fact, they are doing field work and do not wish full-time nonagricultural employment. This can be done either in person, or by confirming status with the Migrant Action Program....⁴¹

MIGRANT ACTION PROGRAM

The Migrant Action Program has a CETA contract to assist migrants who wish to settle out. Since there has been no formal evaluation by the Labor Department's Manpower Division in 2 years, the Advisory Committee was forced to rely upon less adequate data in appraising the recent performance of MAP's Muscatine program. MAP furnished the Advisory Committee with copies of student evaluations of teacher performance and teacher evaluations of student performance. The Advisory Committee sought to obtain a current picture from these.

The contract between MAP and the Iowa Employment Security Commission included an appendix of MAP's description of the range of services it proposed to offer in Muscatine. The program had outreach, assessment, intake, orientation, counseling, job placement, socialization, and followup components, but no provision for either classroom or on-the-job training.⁴² However, MAP supplied data on its inschool component.

During October 1975, 22 students were enrolled in the MAP retraining program. Under the most ideal circumstances, adult compensatory education is difficult for both student and staff. For the adult student it means returning to a discipline abandoned long ago and designed for younger age groups. The instructor must adjust performance demands and expectations, as well as the instructional environment, to the particular needs of the group. While instruction may well be at grade or high school levels, the pupils are older. Staff tend to treat them either with condescension as incompetents, or with anger as lazy. Students often are frustrated by this treatment. Student and faculty evaluations of each other indicated that the Muscatine program is in difficulty.

The students display the same range of educational problems as other migrants. Many, especially women, have difficulty in communicating orally in a formal, public setting. Serious deficiencies in reading, writing, and mathematical skills place many at primary school level. Many appear to be frustrated by the low level of skills they must acquire before beginning to make progress in more practical subjects. Most believe that the faculty treat them with considerable condescension. Students report that some faculty come ill-prepared and are unwilling to help pupils with learning problems. Faculty report that students are unable to adjust to the new environment and some appear reluctant to make significant efforts.⁴³

The faculty clearly are not equipped to deal with the problems of adult education. While some faculty appear sensitive to adjustment problems, they do not appear to offer any remedies. The comments on adult migrant students do not show pedagogical sophistication; the staff report writing is at a level only slightly above that of the students. Performance comments and narratives do not agree.⁴⁴

CONCLUSION

Migrancy will not be economic for the migrant in the future. But the U.S. Department of Labor and the Iowa Employment Security Commission are not taking effective measures to encourage settling out. Judge Richey is not being given appropriate data on services to instream migrant farmworkers in Iowa. The retraining programs are not providing an appropriate level of services.

The Advisory Committee was told that there were many job vacancies in Muscatine. But the Spanish-origin migrants do not appear to be filling these slots. Migrants apparently do not have access to available jobs or the necessary skills. The local office of the Iowa Employment Security Commission and the Migrant Action Program had the task of eliminating these barriers. Both operated under the overall supervision of the Manpower Division of the U.S. Department of Labor.

Employment services exist to provide applicants for jobs. The Muscatine office was hampered by the lack of sufficient bilingual staff to service Spanish-speaking applicants. Moreover, it failed to make substantial efforts to recruit labor from the instream migrant farmworker population.

In NAACP (Western Region) v. Brennan, Judge Charles Richey noted that the employment services were not providing sufficient services to migrants. He ordered the Department of Labor to submit regular reports on the activity of local employment service offices to correct past deficiencies. However, DOL did not ask Iowa to report on the work of the Muscatine office. Instead, Judge Richey is receiving reports on offices where few instream migrants are potential clients.

Retraining is the responsibility of the Migrant Action Program under a Comprehensive Employment Training Act contract. But the programs that the Advisory Committee heard about did not seem likely to lead to upwardly-mobile occupations. Nor did there appear to be any coordination between training and subsequent employment. The training that was available did not appear to help the less qualified migrant worker.

Notes to Chapter VIII

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34. Colleen Shearer, vice-chairman, Iowa Employment Security Commission, letter to staff with attachment, Dec. 2, 1975 (hereafter cited as Shearer Letter).
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CHAPTER IX

SETTLING OUT: PHYSICAL AND SOCIAL OBSTACLES

Finding employment is only part of the settling-out process. The migrant must also obtain housing and adapt to a new social system. The Advisory Committee received evidence of substantial obstacles, physical and social.

Juan Cadena pointed to the increased cost of housing as a major obstacle to settling out. Muscatine's housing shortage resulted in a high cost, discriminatory market for rental accommodations. A report prepared by Knutson Mortgage and Financial Corporation for the chamber of commerce indicated the scope of the problem. The report concluded that "...it is our opinion that Muscatine's housing growth has been artificially depressed...."¹

The market study indicated that population had increased in Muscatine at a much faster rate than houses had become available. By contrast, nearby Davenport's housing supply had kept up with demand.

The report concluded that rents between \$215 and \$275 a month were economic for a developer and obtainable from potential tenants. But such units would be far beyond the reach of migrants, and far smaller than the migrant family's minimum needs.²

The chamber of commerce believed that construction, while not dealing with the migrant problem directly, would provide for a trickle-down effect. The Advisory Committee's investigation in Waterloo, a town with similar housing problems, did not find evidence that the trickle-down effect has any significant impact.³

Thus, the migrant who wishes to settle out in Muscatine must enter a high cost housing market. If the migrant lacks the capital for a down payment on a house, the migrant is forced into an artificially inflated rental market. Despite job opportunities, there is little evidence that this constraint will soon be lifted.

While the economic choices the migrant must make are complex, the social choices are not easier. The host community can impose significant barriers against efforts to

change. The move into a new and somewhat alien world can be frightening.

Speaking of the host community's attitude toward settling out, Richard Bella told the House Subcommittee on Migrants:

Once the season is over, it is sometimes just as difficult to dispose of the labor force as it was to recruit and retrain it. Housing, whether in camps or on grower's property, is below standard; it is accepted by the local community and the State labor departments as a necessary but temporary evil during the harvest season. They reason that no grower can afford to provide standard housing which will only be used for a few weeks or at most one month of the year. However, if families cannot afford to go back to their home base or wish to try their luck in the community, the situation changes, and by and large they are discouraged from staying. Many factors are involved. First they would compete with the domestic farm labor force in the more lucrative job markets in the sheds or in the food processing. Second, and not without importance, are the factors of prejudice toward a poor minority group. Consequently, labor camps are closed tight and migrant housing vacated by growers and local government officials to lie vacant and to be made ready for the next season.⁴

The alternate views of migrancy have been presented in Chapter II. Whatever the view, settling out requires changes in lifestyle that cannot be easy. In exchange, the migrants may benefit from the sense of permanency and better services, both social and educational, for their families.

Mr. Cadena pointed out that "The migrant might be more free wandering around" than settling out. "The barrio," he said, "is almost as bad or worse" than the migrant's own environment.⁵ Mr. Cadena urged service agencies to recognize, and accept, that settling out is a multiyear, multistage process.

Most migrants to Iowa come from warm climates and have been surrounded by a Hispanic culture. If they settle out in Muscatine, they will encounter cold winters and an Anglo-dominated culture. During the first winter, it is natural

that migrants forget the problems of their base area and remember the comforts, both physical and social. Very often, Mr. Cadena said, the migrant who has attempted to settle out will leave Iowa to return to Texas. But once there, the lack of opportunities and services again becomes salient. At the end of the next picking season, or the season thereafter, the migrant is more willing to accept the trade-offs that settling out requires.⁶

The former migrant in Iowa will always be in a small minority. But as more migrants settle out, the absolute size of that minority group will increase. Mr. Cadena pointed out that the more migrants who settle out in one place, the easier it is for other migrants to follow. Isolation is then reduced.⁷

The migrant who attempts to settle out in Muscatine or in West Liberty benefits from a network of ties established by earlier settlers. Most of the settled-out migrants in Muscatine come from Hidalgo County, Texas. Most of those in West Liberty originate from Acuna, Mexico. Thus, the new settled-out migrant can easily find people with whom ties of kinship or friendship exist.

Major cities attract farm and nonfarm migrants alike. Cities are perceived as places of opportunity. A study of migration into Des Moines reported that the "principal reason for moving to Des Moines for both migrant groups was to find a better job." Once there, the costs became apparent. "Unfriendliness of neighbors, interrupted contact with former friends, dissatisfaction with recreational facilities, and the high cost of housing and taxes were important costs...." Farm migrants were more likely than others to complain about urban congestion, dirt, noise, and the rapid pace of urban life.⁸

The migrant fears that the children may suffer in their new environment. The Des Moines study found "there was no evidence, however, that the children of farm migrants had more difficulty than did the children of urban migrants in adjusting to changes in school and friends."⁹

It is the public policy of the United States to encourage the settling-out process.¹⁰ In Muscatine this effort is primarily the responsibility of the Migrant Action Program and the Muscatine Migrant Committee.

The Migrant Action Program provides job training to settled-out migrants, arranges for placement, and provides some day care, health facilities, and general assistance when these are not provided by other agencies. Initially there were difficulties in providing suitable job training.¹¹ In recent years, however, the local community college, through a contract from MAP, has provided training in "carpentry, auto mechanics, welding, clerical studies, cosmetology, etc."¹² A.B.E. and G.E.D. training also is provided. According to MAP's annual report in 1974, 43 migrants were involved in the MAP-sponsored Muscatine Community College vocational education classes. These were conducted primarily in Spanish.¹³

Those who are retrained and others who arrive with qualifications need job placement and related services. These are provided by the local office of the Iowa State Employment Security Commission under a MAP contract. During 1974 MAP placed 163 persons. MAP provided or arranged for the provision of household items, cooking utensils, transportation to work, food problems, and emergency situations.¹⁴ The average wage received by these workers was \$3.50 per hour, "a substantial increase over field wages."¹⁵ MAP provided followup services for 1 year.¹⁶

Mr. Cadena emphasized that assisting migrants to settle out is very frustrating. The per-family cost is high, he said, since migrants make an attempt, sometimes abandon the effort, and then try again. Mr. Cadena was convinced that repeated support might produce results, but wondered whether the agencies really add to the number of migrants who attempt to settle out. He noted that many migrants settle out without assistance.¹⁷

CONCLUSION

Migrants who wish to settle out face frightening obstacles. The advocacy agencies (Migrant Action Program, Muscatine Migrant Committee) are best equipped to help overcome these barriers. Housing is the single greatest physical problem facing the migrant who wishes to settle out in Muscatine. The measures taken in the past or contemplated for the future seem unlikely to assure that settled-out migrants can obtain good housing at reasonable cost. The administration of advocacy agencies is weak. A general improvement in the opportunities and assistance

available to migrants who wish to settle out appeared necessary.

There is a general shortage of housing in Muscatine. This works to the particular disadvantage of low-income families by inflating the market value of housing. Consequently, migrants who wish to settle out find it difficult to obtain suitable decent accommodation at prices within their means. Present community plans do not provide a solution to this problem. It is futile to expect a significant trickle-down effect whereby the rich go to better housing and the poor acquire older but decent accommodation.

The Advisory Committee was told that assisting migrants to settle out can be frustrating for a service agency. Migrants may make two or three attempts before becoming permanent nonfarm workers. Migrants require more assistance than is now available. The resources of two agencies, each operating separately, are insufficient. A joint agency might result in better management practices and capacity to administer the range of services migrants require to assist them in the settling out process.

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CHAPTER IX

UNIFICATION OF PROGRAMS AND AGENCIES THAT SERVE MIGRANTS

Proposals have been made to unify the provision of services for migrants at the Federal, State, and local levels. The Advisory Committee sought to assess the merits of such efforts.

The evidence presented so far on the operation of services to migrants has indicated that responsibility is widely dispersed, not merely by function but also by client. The migrant advocacy agencies (MAP and MMC), local offices of the Iowa Department of Social Services and the Iowa Employment Security Commission, and the Muscatine County Relief Department share responsibility for the provision of social services and assistance. The advocacy agencies and the Iowa Employment Security Commission share responsibility with the Manpower Division of the U.S. Department of Labor for the provision of retraining and nonfarm job opportunities. The Wage and Hour Division of the Department of Labor and the Iowa Bureau of Labor share responsibility for employment terms. The Iowa Department of Health shares with both of these the responsibility for migrant camp conditions. The police and local governments have peripheral and ill-defined roles in shaping the migrant's daily existence and future opportunities. Federal, State, and local education authorities share responsibility for the education of migrant children.

Raul Yzaguirre, director of the National Council of La Raza, has pointed out that:

Under a National Office for Migrant and Seasonal Farmworkers the administration of [migrant programs] should achieve a greater degree of coordination....Even though [migrant education programs] ...are currently operating within one department, administratively and physically they are not integrated....

What is true at the national level becomes even more evident at the local level, where it is not uncommon to find local service delivery operators who have not heard of other federally financed programs for migrants operating in their own geographical area.¹

For none of the Federal, State, or local governments is service to migrants a significant function. For none were migrants a significant proportion of the agency's clientele. Only one local agency devoted as much as 25 percent of its staff time to migrants. Most of the State and Federal agencies devoted much less. Migrant problems tended to be insignificant to these agencies. Indeed, the intervention of the Federal courts was required to ensure adequate attention by the U.S. Department of Labor and the State employment security commission and its local offices.

In 1972 the General Accounting Office recommended the creation of a migrant and other seasonal farmworker council to coordinate policies and priorities, design programs, and speed benefits.² The Office of Management and Budget reported that this was the responsibility of the Undersecretaries Group. The Departments of Labor and Agriculture contemplated a broadly responsive coordinating agency.³ But by 1974 no further action had been taken. In that year the House Subcommittee on Agricultural Labor, held hearings on a national office. The principal recommendation to that subcommittee was that the new agency assume an advocacy role on behalf of migrants.⁴ As of October 1975 no such agency had emerged.

The confusion has also been recognized in Iowa. At the community meeting, State Senator Richard Drake, of the local growers' organization, commented that many legislators thought the dispersal of responsibility among several State agencies was inefficient. He believed that the solution was the unification of camp inspections by combining the relevant functions of the State departments of labor and health. This would result in a single inspector who would have total responsibility for labor and camp conditions.⁵ The health department believed this would be less effective in policing housing and sanitation problems than the current arrangement.⁶ The State bureau of labor offered no comment. A bill has been introduced in the legislature to achieve this goal. But the roles of the State departments of education and social services have not yet been addressed.

CONCLUSIONS

Agencies serving migrants were often diverted by the multitude of their other responsibilities. Only the migrant advocacy agencies at the local level were single purpose. The consequence was that too little attention was paid to

the needs of migrants and the particular problems of providing them with services, especially when they were predominantly of Spanish origin.

Despite a 3-year-old recommendation from the General Accounting Office, little has been done to coordinate service to migrants at the Federal level. Congress has discussed the establishment of a single independent Federal agency with responsibility for migrants. This would have administrative control over all migrant aid programs and all regulations about migrants should be the new agency's responsibility.

At the State level, authority also is widely dispersed. The State of Iowa does not have a single agency which represents the migrants effectively or protects their interests. State legislators have discussed establishment of a single agency to serve and represent the migrants in its midst--both in stream and settled out. This should be an independent body. It should assume the functions now exercised by the State departments of public instruction, health, and labor and the employment security commission. The agency could be established as a commission. The majority of the members of the commission could be migrants or former migrants. Senior staff could be drawn from the State's migrant advocacy agencies. The consequence would be greater efficiency and sensitivity to migrant's problems.

In Muscatine, responsibility also is dispersed. There is a great need for centralized control of all services to migrants. The task force has proposed unification of the advocacy agencies. The consequence would be greater efficiency in the provision of services and more meaningful minority involvement in the decisions that affect them.

Notes to Chapter X

1. U.S., Congress, House of Representatives, Subcommittee on Agricultural Labor, Committee on Education and Labor, National Office for Migrant and Seasonal Farmworkers, 93d Cong., 2d sess., Sept. 26, 1974, pp. 48-9 (hereafter cited as National Office).
2. Comptroller-General of the United States, Impact of Federal Programs to Improve the Living Conditions of Migrants and Other Seasonal Farmworkers (General Accounting Office, Feb. 6, 1973), p. 41.
3. Ibid., pp. 41-42.
4. National Office, pp. 35-37.
5. Staff summary of the community meeting held by the Iowa Advisory Committee to the U.S. Commission on Civil Rights in Muscatine, Iowa, on Sept. 10, 1975.
6. R.S. Myers, sanitation engineer, Iowa State Department of Health, letter to staff, Nov. 4, 1975.

FINDINGS AND RECOMMENDATIONS

FINDING 1:

There is considerable confusion about responsibility for provision of services to migrants. This is most apparent at the local level, where there has been controversy about the obligations of official and private agencies to migrants. But confusion is equally apparent at the State level, as the Governor's Spanish-Speaking Task Force report notes, and at the Federal level, as the Comptroller-General has noted. Attempts to remedy this confusion have not been successful.

Recommendation 1a:

The county department of social services and the county relief department should ensure that there are clear rules which specify eligibility for categorical aid programs to be provided by the county department of social services. This entitlement should be distinguished from the emergency aid provided by the county relief department. The chief officers of both departments should ensure that their employees and clients are aware of the precise obligations and responsibilities of each agency. Eligibility requirements for grants from each agency should be printed on handouts in Spanish and English for distribution to migrant agencies and camps.

Recommendation 1b:

The Governor of Iowa should ensure better coordination between the various State agencies serving migrants. The recommendation of the Governor's Spanish-Speaking Task Force should be implemented for the creation of a Commission for Spanish Speaking to assume administrative responsibility for all services now provided by the departments of public instruction, health, social services, the bureau of labor, and the employment security commission so far as they pertain to migrants and other Spanish-origin persons.

FINDING 2:

Five years after the Advisory Committee's first study on migrant problems, migrant housing conditions remain deplorable.

Recommendation 2a:

The Iowa Department of Health should take immediate steps to tighten inspection procedures and strengthen regulations.

Recommendation 2b:

OSHA regulations on housing should not be used to replace the Iowa code until those regulations are substantially more demanding than current Iowa laws and regulations.

FINDING 3:

Migrants will be forced to leave migratory farmwork by economic and technological changes. Too little is being done to assist an easy transition.

Recommendation 3:

A single local service agency should assume the responsibility now shared between MAP, MMC, the local education authority, and the employment security commission for retraining and job placement of migrants who wish to settle out.

FINDING 4:

Neither city nor county made significant efforts to recruit Spanish-origin persons. While the proportion of Spanish-origin persons in the community is small, the proportion of city or county employees is even smaller. The county does not have an affirmative action plan. The city's plan exists on paper only.

Recommendation 4:

City and county governments should expand their efforts to recruit Spanish-origin persons. Particular efforts should be made to recruit migrants seeking to settle out.

FINDING 5:

The Muscatine Human Relations Commission does not function effectively. It seldom performs any of the functions

anticipated in the city's statutory authorization. Nor has the commission taken leadership in the efforts to solve the problems of the Spanish-origin community in Muscatine. Many of these failings can be attributed to the lack of support staff.

Recommendation 5a:

The city of Muscatine should appropriate sufficient funds to provide the human relations commissions with a director and other support staff. These persons should be granted authority to carry out the work of the commission.

Recommendation 5b:

The Human Relations Commission should take leadership in seeking solutions to the problems of migrants as outlined in this report and the county board of supervisors' taskforce report. To that end the commission should seek to establish workshops at which growers and migrants, as well as majority and minority people, could discuss their differing perspectives. These discussions should be led by commission staff to make recommendations for changes in formal and informal rules that now cause friction.

FINDING 6:

In 1970 the Advisory Committee recommended that Spanish-origin and Spanish-speaking persons be hired by the Iowa local police departments that serve Spanish-speaking communities. The efforts by the city police and county sheriff to hire Spanish-speaking officers have been minimal.

Recommendation 6:

Both city and county law enforcement bodies should ensure that they have Spanish-origin persons for each shift.

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