

ORIGINAL

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5 UNITED STATES COMMISSION ON CIVIL RIGHTS
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11 Idaho Advisory Committee
12 (Public Hearing)
13

14 Friday, November 7, 1997 1:00 P. M.
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16 Burley Inn, Best Western
17 800 North Overland Avenue
18 Burley, Idaho
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FAX 213-894-0508

ATTENTION ART:

HEARING AT THE BURLEY INN, BURLEY, IDAHO
NOVEMBER 7, 1997

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NOTE:
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THAT GOOD. I'M SURE YOU ARE AWARE OF THAT.

1 agency of the United States Government, established
2 by congress in 1957 and directed to investigate
3 complaints alleging that citizens are being
4 deprived of their rights to vote by reasons of
5 their race, color, religion, sex, age, and
6 handicap, or national origin or by reason of
7 foregoing practice.

8 Second, it's a study and collect information
9 concerning legal development constituting
10 discrimination or denial of equal protection under
11 the laws of the constitution because of race,
12 color, religion, sex, age, disability, or national
13 origin, or in the administration of justice.

14 The third is to appraise through the laws
15 policies with respect to discrimination or denial
16 of equal protection of the laws.

17 Fourth, serve as a national clearing house
18 for information about discrimination.

19 And fifth, submit reports, findings and
20 recommendations to the president and congress.

21 The Advisory Committee was established in
22 each state and the District of Columbia in
23 accordance with enabling legislation and the
24 Federal Advisory Committee Act to advise the
25 commission on matters pertaining to discrimination

1 of the denial of equal protection of the laws
2 because of race, color, religion, sex, national
3 origin, age, handicap or in the administration of
4 justice; and to aid the commission in its statutory
5 obligation to serve as a national clearing house
6 for information on these subjects.

7 Commission regulations calls for each
8 advisory committee to: One, advise the commission
9 in writing or in any information it may have
10 respecting any alleged deprivation of the citizens'
11 rights to vote and have the vote counted by reasons
12 of color, race, religion, sex, national origin and
13 age, or disability, or that citizens are being
14 accorded or denied the right to vote in Federal
15 elections as a result of patterns or practice
16 involved with discrimination.

17 Second, advise the commission concerning
18 legal development constituting discrimination or
19 denial of equal protections of the laws under the
20 constitution because of race, color, religion, sex,
21 national origin, age, or disability, or in the
22 administration of justice and as to the effect of
23 the laws and policies of the Federal Government
24 with respect to equal protection of the laws.

25 Third, advise the commission on matters of

1 equal concern in the preparation of reports of the
2 commission to the president and congress.

3 Fourth, receive reports, suggestions and
4 recommendations from individuals, public and
5 private organizations, and public officials about
6 matters pertaining to inquiries conducted the by the
7 State Advisory Committee.

8 Fifth. Initiate and forward advise to the
9 commission about matters that that the Advisory
10 Committee has studied.

11 And sixth, advise the commission in the
12 exercise of the clearing house function.

13 The purpose of the meeting today is to obtain
14 information concerning the problems facing
15 hispanics for education, housing, employment and
16 the administration of justice in the Rupert/Heyburn
17 area. Among those who invited to address the Idaho
18 Advisory Committee today are educators, lawyers,
19 sociologists, housing professionals, community
20 action and parents.

21 Based on the information collected at this
22 meeting, a summary report will be prepared for the
23 United States Commission on Civil Rights. Other
24 members of the Idaho Advisory Committee in
25 attendance during this meeting, and I'm not sure if

1 they are all are here. James Annest?
2 JAMES ANNEST: Here.
3 CHAIRPERSON WILSON: Irene Chavolla?
4 DAVID PENA: Here.
5 CHAIRPERSON WILSON: Gladys Esquibel?
6 MARILYN SHULER: Here.
7 CHAIRPERSON WILSON: And Jeanne Givens
8 is not here.
9 CHAIRPERSON WILSON: Hid Hasegawa?
10 HID HASEGAWA: Here.
11 CHAIRPERSON WILSON: Marshall Mend is
12 not here. David Pena?
13 Olivia Badger: Present.
14 CHAIRPERSON WILSON: Rudy Pena?
15 Olivia Badger: Not here.
16 CHAIRPERSON WILSON: Victoria Salinas?
17 MARILYN SHULER: Not here.
18 CHAIRPERSON WILSON: Marilyn Shuler?
19 PERRY SWISHER: Here.
20 CHAIRPERSON WILSON: Perry Swisher?
21 IRENE CHAVOLLA: Here.
22 CHAIRPERSON WILSON: Jeananne Whitmer?
23 MARILYN SHULER: Not here.
24 CHAIRPERSON WILSON: Also here today
25 is Arthur Polacias who is in the back, Civil Rights

1 Analyst with the Western Regional Office in Los
2 Angeles. The fact finding meeting is being held
3 pursuant to Federal Rules applicable to state
4 Advisory Committees and regulations promulgated by
5 the United States Commission on Civil Rights. All
6 inquires regarding these provisions should be
7 directed to commission staff. I would like to
8 emphasize that this is a fact finding meeting, and
9 not an advisory proceeding. Individuals having
10 been invited to come and share with the committee
11 information relevant to the subject on today's
12 inquiry. Each person who will participate has
13 voluntarily agreed to meet with the committee.
14 Since this is a public meeting, the press and radio
15 and television stations, as well as individuals are
16 welcome. Persons meeting with the committee
17 however may specifically request that they not be
18 televised. In this case, we will comply with their
19 wishes. We are concerned that no defamatory
20 material be presented at this meeting. And in the
21 unlikely event that this situation should develop,
22 it will be necessary for me to call this to the
23 attention of the person making these statements and
24 request that they desist in their actions. Such
25 information will be stricken from the record if

1 necessary. Every effort has been made to invite
2 persons who are knowledgeable in areas to be dealt
3 with here today. And in addition, we have
4 allocated time between 5:15 and 6:30 p.m to hear
5 from anyone who wishes to share information with
6 the committee about the specific issues under
7 consideration today. At that time, each person or
8 organization will be afforded a brief opportunity
9 to address the committee and may submit additional
10 information in writing. Those wishing to
11 participate in the opening session must contact the
12 commission staff before three p.m. this afternoon.
13 And the person you'll contact will be Mr. Arthur
14 Palacios, who I introduced before.

15 In addition, the records of this meeting will
16 remain on for a period of 30 days following it's
17 conclusion. The committee welcomes additional
18 statements and exhibits for inclusion in the
19 record. These should be submitted to the Western
20 Regional Office of the United States Commission of
21 Civil Rights, 3660 Wilshire Blvd., Suite 810, Los
22 Angeles California 90010, or faxed to 213-894-0508.

23 I thank you for joining us this afternoon.
24 So we will proceed. Doctor Richard Baker, would
25 you please take a seat? Would you give your name

1 and position and organization that you are with?

2 A My name is Dick Baker, and I'm a
3 Professor of Sociology at Boise State University.

4 CHAIRPERSON WILSON: Do you have some
5 opening remarks?

6 RICHARD BAKER

7 A Yes, I do. But I'm sorry that I'm a
8 little ill-prepared. I didn't realize that I would
9 be presenting testimony. I thought I was going to
10 be making a presentation to a group of about 30
11 people, and so I have been doing research on
12 Hispanics in Idaho in Nampa, Idaho, and have spent
13 a year and a half doing field research there. And
14 I was going to look at one little segment of that
15 because that research entailed so many aspects.
16 Since I'm giving kind of testimony, I did bring up
17 this other material with me, but I'm not quite
18 prepared to present that material because I was
19 going to give another lecture. I apologize for not
20 being as organized as I might have been. At least,
21 I want to talk about this research because I think
22 it's important to the people of Idaho. Even though
23 it's only one school, one school system, I think
24 that it may have implications for the entire State
25 of Idaho and the country even in relationship to

1 Mexican Americans. The drop out rate is 50
2 percent. So it's a nationwide problem as well. So
3 I'll talk a little bit about my research. I'm a
4 qualitative sociologist, and I did a year and a
5 half field research at that time at Nampa High
6 School and West Junior High School, and these are
7 the things that I did as a qualitative sociologist.
8 I interviewed 70 teachers in those two schools. I
9 interviewed 66 Mexican Americans who dropped out of
10 school. I interviewed another 150 Mexican
11 Americans students that were still in high school
12 or junior high school. I interviewed 40 white
13 students that were at the high school. I
14 interviewed ten administrators and counselors at
15 the two schools. I interviewed four ESL teachers
16 slash aids. And I also observed in 160 class
17 rooms. I spent a lot of time at these two
18 particular schools. I also shadowed people. By
19 shadowed, I spent a day with them observing their
20 activities. I spent a day with the principal and
21 maybe a month later another day with a principal.
22 I did that with students and all of the school
23 personnel as well as with teachers as well.

24 So the findings that I have from that year
25 and a half of field research are not very

1 encouraging for Hispanics in Idaho. And maybe I
2 would like start with a quotation here just looking
3 at an expert. I have a manuscript that is now a
4 year ago; it was 400 pages and now it's 280 pages.
5 I published one article from this material, and I
6 just submitted another article for publication, so
7 in doing a lot of writing about this, and I think
8 it sometimes helps to look at particular students
9 here, and this Manning. Quoting from my
10 manuscript.

11 Manning has a long history of school failure.
12 Manning's school performance is rather dismal. He
13 received poor grades with frequent truants and
14 frequently received suspensions for disobeying
15 teachers. The incident that led to his last
16 expulsion was leaving his English class for 30
17 minutes to go to the bathroom. When he returned,
18 he received a reprimand from the teacher, and the
19 reprimand escalated into Manning being expelled
20 from the school. Manning re-enrolled in the school
21 the spring semester because of parental pressure. I
22 met with Manning regularly to monitor his academic
23 standing and to gain his perception of school.
24 Manning was soon missing school again on a regular
25 basis. He provided me with flimsy excuses for his

1 absences, such as a friend forgot to pick him up to
2 give him a ride to school. I observed Manning
3 intermittently at several of his classes. He was
4 typically inattentive. He left classes to go to
5 the bathroom. He never worked on his assignments.
6 School has to be a pretty unpleasant experience for
7 Manning. His English class was reading "To Kill a
8 Mocking Bird." Several days in a row Manning
9 forgot to bring his book. I asked the English
10 teacher about Manning. I don't call on Manning to
11 read so as not to embarrass him. Manning has low
12 academic self-esteem. He is not doing his
13 assignments and he has problems with authority.
14 The English teacher allowed the class long periods
15 of time to read in class. Manning never opened his
16 book. The English teacher did not remedy Manning's
17 situation for several weeks, but eventually he sent
18 Manning to the teachers' aid office to listen to an
19 audio tape of the book.

20 I asked Manning about his reading. I don't
21 understand it. I don't like to read. I fall
22 asleep reading. Oh, yeah, I can read perfectly.
23 The following week Manning remarked, "I might as
24 well stop going to school. I don't like school.
25 Nothing can make me like school. I won't be around

1 here much longer. I won't last a semester. A
2 short time later the sophomore vice principal had
3 manning into his office for having 14 absences, and
4 the vice principal repeated his standard speech.
5 Do you want to flip hamburgers for five thousand
6 dollars a year or do you want to get an education
7 and earn \$35,000 a year and \$500,000 more in a
8 lifetime? It's up to you. The sophomore vice
9 principal said he had no option but to dismiss
10 Manning for another semester. The sophomore vice
11 principal was obviously unaware and did not address
12 Manning's academic deficiencies, and he didn't know
13 that Manning couldn't read.

14 I think that is an interesting place to start
15 with looking at a particular student. And I take a
16 quote from a teacher at the high school. Of the
17 teachers that I interviewed, I felt that about 80%
18 of those teachers at the two schools probably were
19 representative of the entire teaching staff, were
20 not very understanding of the problems facing
21 Hispanic students, even though when I reviewed the
22 literature, I had a tremendous amount of literature
23 to work with, teachers to work with minority
24 students. But here is what an English teacher
25 said. He said that this school is tracked and

1 segregated. The popular rich kids receive the best
2 instructions and programs, while the lower class
3 Hispanic kids are likely to become dropouts. The
4 administration gets rid of its problems with the
5 attendance policy so that before long after school
6 starts, Hispanic kids are gone. The Hispanic and
7 white students are almost completely separate.
8 Since they are not fighting, no one cares or is
9 concerned about them. No one here cares to
10 integrate the school. The principal is under
11 attack because she cannot initiate the programs for
12 Hispanic students, and the influence from parents
13 is that they don't want programs for Hispanic kids.
14 We have no programs to assist the Hispanic
15 students. We have no Hispanic teachers and none of
16 us are trained to work with Hispanic students. It
17 could get worse. We have many teachers who are
18 racists, but they don't have a clue. It is obvious
19 how the school fails, but the school ignores the
20 problems.

21 I wanted to start with those two quotes in
22 reference to people because I wanted to talk about
23 some of the issues that are involved here. I broke
24 the school down in spending my year and a half
25 there with the two schools. I broke it down into a

1 number of areas of examination. And I think the
2 most important thing is to look at the statistics
3 in relation to how these students were doing. The
4 statistics were pretty grim, and yet the school
5 kept no records by ethnicity, and all I had to do
6 is a simple amount of counting by sir names to see
7 what the differences were in reference to students.
8 When I examined that by sir name, and I also
9 recognize I made a few mistakes either way, because
10 I interviewed so many students, that there were
11 Hispanic students or that had Hispanic sir names
12 such as Hernandez, but they didn't see themselves
13 technically as being Mexican American. But I also
14 interviewed students who were ethnic students who
15 had the last name of Johnson, who were or
16 considered themselves as Mexican American, so I
17 thought those errors on that side would balance
18 themselves out pretty well. Anyway, if you look at
19 the statistics, that school doesn't monitor,
20 doesn't keep, or at least it didn't when I was
21 doing my field research--

22 PERRY SWISHER: What was that time?

23 A This was about 1994/1995 academic year
24 at the high school, and 1995 fall semester junior
25 high school. So in relationship to these

1 statistics on all things that are negative about
2 students, Mexican American Students were over,
3 tremendously over represented in those figures,
4 and in all of the aspects of positive things about
5 how students are identified, Mexican Americans were
6 very under represented in those areas. So I have
7 to look back because I wasn't prepared to do this
8 to find this little, because I have specific
9 information. I didn't realize I was presenting
10 testimony, so I wanted to look at these statistics,
11 and I don't have this in this presentation for
12 doing that. I have about 20 pages. Here we go.
13 In relationship then, looking specifically at this
14 relationship to the junior high school. For
15 in-school suspension for that fall semester, 18% of
16 the Hispanic students had been involved in
17 in-school suspensions compared to 7% of the white
18 students or Anglo students. In relationship to
19 out-of-school suspensions, 7% of the Hispanics
20 compared to 1% of the white students. In
21 relationship to truancies, 9% of the Hispanic
22 students compared to 1% of the Anglo students. I
23 went through the Iowa test of basic skills to look
24 at the differences there, and students, this is
25 differences at the junior high school again, and

1 the junior high school students as a whole had an
2 average of 20% lower score than white students had.
3 In relationship to the honor roll, 9% Hispanics
4 were on the honor roll compared to 21% of the white
5 students. If we look at the below average grade,
6 this was, I was looking at E's and F's, and I went
7 through the computer of all of the students in the
8 school, and 55% of the Hispanic students, the
9 majority of their grades were D's and F's compared
10 to 17% of the white students. So the majority of
11 the junior high school students who were Mexican
12 Americans were not passing their grades, the
13 majority of their grades in the school. One of the
14 statistics that was the most mind boggling
15 statistics that I had I got from the State
16 Department of Education, in fact, was in relation
17 to the gifted and talented program. Particularly,
18 when looking at the gifted and talented
19 intelligence, everybody agrees except people who
20 write books like the Bell Curve, in intelligences,
21 there is no differences in race or ethnicity in
22 relationship to intelligence, even though those
23 people, those rare people who think there is get a
24 lot of attention by the media, so one would expect
25 regardless of that socioeconomic background that

1 there should be proportionately the same number of
2 Mexican American students in that gifted and
3 talented program, because that is an intelligence
4 based program. So there are 21% of the student
5 body in the school district, there should be not
6 exactly, of course, but should be approximately
7 21%, and the finding of the State Department
8 reported that approximately .2%, or two-tenths of
9 one percent were in that gifted and talented
10 program.

11 DAVID PENA: That program was by
12 ethnicity?

13 A Yes.

14 PERRY SWISHER: Was your number of 20%
15 of the general student body was in that--

16 A It's 21.

17 PERRY SWISHER: Start over.

18 A It's 21% of the students in the school
19 district overall are Mexican American students.

20 PERRY SWISHER: Thank you.

21 A Only two tenths of 1%.

22 PERRY SWISHER: I've got it. You
23 don't know what percent of the general student body
24 was gifted and talented?

25 A No. So, the other thing that was

1 really interesting in relationship to the
2 accelerated classes, advanced placement classes,
3 that their informal tracking system in
4 relationship to ethnicity. So in looking at the
5 accelerated classes that there were only, this
6 would be with the junior high school now, that they
7 had English classes, and they had advanced math
8 classes, and history classes and in these classes,
9 there would only be one of two Hispanic students in
10 those classes, so they were way under represented
11 in those proportionally and in those accelerated
12 and advanced math classes at the junior high
13 school. In relationship to student of the month,
14 for example, only two of 21 for a total 21
15 students--

16 JAMES ANNEST: Did you arrive at a
17 reason for that?

18 A Of this representation, over
19 representation and under representation, I wanted
20 to look at that other side of that flip coin that
21 they have some lab courses, and these were students
22 considered to be behind and the other courses next
23 to Mexican American students where twice as many
24 students were. In relationship to junior high,
25 overall 25% of the students were Mexican American

1 in the junior high school and 50% of the schools in
2 those lab classes in reading and math were in those
3 particular sort of classes. So the interesting
4 thing in relationship to what is happening is the
5 relationship to making those sort of decisions, why
6 one ends up in those sort of classes was that, at
7 least interesting to me, was that in interviewing
8 the teachers, the teachers didn't have any
9 perception, that 80 % of the teachers of the two
10 schools didn't have the perception that there were
11 any differences between Mexican American and white
12 students in those particular classes. And yet,
13 these students were involved in having being
14 disproportionately carrying white and middle class
15 students involved in those particular sets of
16 classes.

17 PERRY SWISHER: Teachers had no such
18 perception. Isn't that a judgment on your part?

19 A I interviewed those.

20 PERRY SWISHER: Well, couldn't they
21 have lied to you possibly?

22 A I mean, that, that is an interesting
23 question, because I do struggle with that question
24 throughout writing about that is that teachers are
25 grading students all the time so they have to have

1 some perception about what is going on, and yet,
2 not saying there are any difference in what is
3 going on in relationship to these students. So I
4 pressed teachers about, you know, because I had --
5 by the time I got to the junior high school, I had
6 spent a year at the high school, and I said, wait a
7 minute. Hispanic kids are dropping out
8 disproportionately to the white students in the
9 school, and so what is happening here? They had
10 three explanations of why this was occurring, and
11 it was occurring because they thought it was in
12 relation to the culture, that Hispanic culture.
13 Mexican American culture doesn't value education,
14 and they attributed it to the parents. The parents
15 don't value education, and they give it in
16 relationship to the motivation. Students weren't
17 motivated to do this sort of thing.

18 JAMES ANNEST: Let me ask in your
19 study of dropping out, did you determine the basis
20 of the dropout... have you determined whether the
21 basis for the drop out was it because the family
22 moved, or was it, were the drop out students were
23 from those families who were permanent residents,
24 establish residents?

25 A That is good question as well. When I

1 interviewed those 66 students that I got from the
2 semester in '94, I interviewed those students. I
3 broke down those students, I believe, by into five
4 categories, four categories. And let's see if
5 could I find that little section here. Well, I
6 know the main findings in relationship to the data
7 was that I said 73% I defined as local, and that
8 they had either been born in the Nampa area, or had
9 spent most of their life there, or spent most of
10 their school there. So some of mythical things
11 that are floating around in relationship to migrant
12 workers involved in this, and I only find 9% of the
13 students that were in this drop out category were
14 migrant students. And I found out another group of
15 them 6% that were movers. These families weren't
16 migrant workers, but they had moved a lot from one
17 place to another.

18 PERRY SWISHER: Were you able to
19 quantify that, the non migrant movers?

20 A Six percent, six to nine percent. And
21 then I had another category that was kind of a
22 catchall category gets me up to 100% in that, but
23 these students were more permanent in the school.
24 They were a product of that particular school
25 system. So one of the things was... I interviewed,

1 of the 150 kids that I interviewed were still in
2 school, many of those students were, in fact, most
3 of those students were at risk students where they
4 were marginal students and they weren't doing very
5 well. Didn't like school very well. When I
6 interviewed them, I asked them about their family
7 background, and certainly there was a
8 disproportional number of those students who came
9 from lower class backgrounds. And some of them
10 came from, or a considerable number of them came
11 from unstable homes as well. So certainly the
12 social class, that kind of background and poverty
13 impacts the students ability to do well in school.
14 But I think the thing, that the major kind of
15 conclusion that I drew from my research is saying
16 that the school had to take considerable
17 responsibility, I mean, for their failure to
18 educate this particular group of students, of not
19 tracking these students by ethnicity to see where
20 they were at in particular in relationship to
21 looking at teachers. You know, I interviewed a
22 number of teachers, and observing in the
23 classrooms, I found a lot of interesting
24 information. One was that less than 5% of them had
25 any training to work with minority students. My

1 university and other universities have failed to
2 make sure that student teachers come out trained to
3 work with minority students in Idaho, particularly
4 work with Hispanic students and Mexican American
5 students.

6 GLADYS ESQUIBEL: Did they have any
7 minority teachers on staff?

8 A There were Teachers, one at the junior
9 high school, and two at the high school, but the
10 high school was interesting; that one was
11 Puertorican. She had a language similarity but not
12 the culture similarity. And the other one was that
13 the other really had a Hispanic American teacher,
14 they had him in gym class. He was teaching gym
15 classes. Both school students come on par with a
16 number of Mexican American students. Both junior
17 and high school needed to add, I think, 11 and 12
18 more Mexican American teachers so really they need,
19 one of the recommendations I have, is that they go
20 out and recruit outside the State of Idaho until
21 they can train it's own Mexican Americans teachers
22 in the school to have teachers in the school
23 district. They were really under represented
24 there. But anyway, the teachers weren't trained.
25 The other things about the teachers was that I ask

1 them about inservice training, and they said that
2 at that stage of training that they hadn't had any
3 training to work with minority students or really
4 minimal training to work, but they didn't think it
5 was very significant to working with minority
6 students. So another recommendation I have that
7 there needs to a tremendous amount of ongoing
8 inservice training to prepare teachers to work with
9 these students. So then I look at the aspect then
10 in relationship to the curriculum and pedagogy and
11 literature on minority students and working with
12 minority students on experimental programs are
13 highly successful and beginning to have a
14 considerable amount of the curriculum directed
15 towards the particular minority group that is in
16 your school. So in this case, for Mexican American
17 students-- I'll give one example but there are many
18 other examples that could be utilized, but the
19 clearest one would be reading classes. Saying,
20 wait a minute. In junior high school, all three
21 years you have to take reading classes. And I
22 observed in all of those reading classes, and I
23 also looked at all of the books that were in, and
24 students were allowed to go and read and available
25 on the racks in those classrooms, and I also went

1 through and asked if I could see what students were
2 reading independently. They could get something
3 out of the library as well. Anyway, no Mexican
4 American students were reading a book by Latino
5 authors, Mexican American authors, and it's real
6 important in the multicultural literature approach
7 to be having minority students to have access and
8 reading that sort of literature.

9 PERRY SWISHER: Before you go on, do
10 you know a Franci Pena at Boise State?

11 A Yes.

12 PERRY SWISHER: Does she have any
13 information on Mexican American training at Boise
14 State either at the extension campus or Canyon
15 County--

16 A She is no longer there.

17 PERRY SWISHER: She has left.

18 A She left there. I know that Boise
19 State has more Mexican American students than any
20 other university. I think they have about 650
21 students now that are Mexican American students,
22 and it increased this year by 7%. But it would
23 be -- well, you're asking an interesting question
24 what of those students come from the Nampa School
25 System, and how are they faring and how are they

1 doing? But it has to be still a very marginal
2 percentage.

3 PERRY SWISHER: Is her position
4 unfilled, do you know?

5 A That I don't know. Back to the aspect
6 of having all this literature, there is a plethora
7 of literature by Mexican American authors that
8 students in junior high and high school kids can
9 read, and it's quantity literature, and also very
10 good to improving race relationships for white
11 students to read that literature. It wouldn't be
12 violating the Cannon. It would be good literature.
13 It's good for all students, and it would not be
14 catering toward minority students. These things
15 have to be inclusive, but it's simply absent. In
16 class discussion this pedagogy and strategy,
17 teachers said that they had no strategy in working
18 directly toward Mexican American students. So the
19 school system was operating on an informal system
20 of assimilation. And, in fact, I have observed
21 several teachers in different kinds of discussions
22 talk about things that would be inappropriate for
23 students to have. For example, a Latino
24 organization for the high school one year prior to
25 my being there, they had an organization called

1 True Colors, which was Mexican American students
2 organization and student club. Teachers, in fact,
3 talked about it was inappropriate because if you
4 learn to do well, you have to assimilate into the
5 school. There was an informal assimilation problem
6 that, I think, led to students having more
7 disenfranchisement, more alienation from the
8 school. I haven't begun to talk about where
9 students are at. I am talking about teachers. It
10 was surprising to me--

11 PERRY SWISHER: How do they feel about
12 the institute across the street?

13 A I don't know.

14 PERRY SWISHER: You don't know.

15 A No.

16 PERRY SWISHER: Okay.

17 A Talking about teachers, trying to make
18 some conclusionary remarks about them, it was very
19 disappointing for one to see a long-standing
20 problem of racism in American society if educators,
21 you know, we have to really change our view in
22 America that racism is a long-lasting problem. Not
23 because bigots in Americans have racist attitudes,
24 but because of everyday kinds of people. We have
25 to understand why well-trained hard-working

1 professional people maintain such inequality to the
2 academic ease of students. If the teachers are
3 doing that, we can imagine what other professionals
4 in the criminal justice system or mass media or
5 other places are doing that. It is important to
6 mention that teachers, themselves, consider
7 themselves to be over worked, you know, and they
8 were nice people and hardd working, but they had the
9 impression that my academic -- for example, they
10 gave the school, I asked them to grade the school
11 on how well they were doing with Mexican American
12 students, and 85% of them gave an A or B for
13 working with Mexican American students. In their
14 teaching view and training, whatever I'm doing here
15 making this presentation, this is the same and
16 applicable and works for everyone.

17 PERRY SWISHER: Is that a tenant of
18 your discipline in sociology in odor for me to do
19 racist thing or bigoted thing, I have to be
20 hostile? Can't I be a stupid son-of-a-bitch? I'm
21 trying to ask this question. It's relevant to
22 where we are going. The point I'm trying to make
23 with it, you are very, there are people with
24 college education who are professionals, and we
25 wouldn't classify them as being stupid.

1 A I guess I'm making an assumption that
2 what we do at the university is supposed to make a
3 transformation.

4 PERRY SWISHER: Isn't that because
5 your supposed to be part of the university.

6 A I may be bias. I admit I may be.

7 PERRY SWISHER: Okay.

8 CHAIRPERSON WILSON: Did you discover
9 whether there were any teachers or assistants to
10 them that merely because you were doing the study
11 that were over overwhelmed or were happy, and were
12 saying, I'm glad...this is easier. I need to
13 communicate, before you drew your conclusion, or
14 did they everyone seem aloof to this problem?

15 A I had this aspect of telling you that I
16 thought there was a solid 10% that said well, there
17 confident that their school had really serious
18 problems of negating the educational opportunities
19 to the Mexican American students. This solid 10%,
20 one of the recommendations I made is that the
21 administrator should be utilizing this 10% to
22 spread the word and be in leadership rolls to help
23 make the transformation. All of those had
24 pessimism and felt overwhelmed and given up that
25 they could make any change in altering the system,

1 that they made some people tend to do that. And
2 they felt like they were not supported and making
3 those particular attempts to try to make some
4 transformation. So anyway, that is just giving you
5 a little bit about the problems with the teachers.
6 The administrators were equally as lacking in
7 information about what can be done working with
8 minority students. It was really surprising to me
9 what the school board was doing in hiring new
10 personnel, because the next year when I went back
11 to junior high, I was still spending a little time
12 at the high school. High school had a new
13 principal. I went to the high school, and I said I
14 know that the administrative people are always
15 concerned of adults walking, and don't know who are
16 walking in their corridors, and I said I was a
17 professor at the university. I did research here
18 last year, and I'm going to come back and talk a
19 little bit, and I am going to be talking to people.
20 I want you to know I'm not a stranger. It's okay.
21 I have permission from the school board to be here.
22 He said, "great. I'm glad you're here because I
23 don't know anything about Mexican American
24 students." Really, the same thing happened of a
25 very similar kind thing, a very similar thing

1 happened at the junior high school principal I
2 said, what is the school board doing? What is the
3 superintendent doing hiring people who say that
4 when you ask over all in school it's 21%, the high
5 school was 17% and the junior high was 25%. We
6 have a significant minority population to be hiring
7 administrators who say they don't know anything
8 about that. I watch these administrators, the vice
9 principals and principals evaluating the teachers.
10 There was not one thing in their evaluations to
11 evaluate them on how they were working with and
12 dealing with minority students. Not once did I
13 ever see in those 160 classrooms observation of the
14 ethnicity of those students being recognized. One
15 of the comments I made--

16 PERRY SWISHER: Aren't all the
17 administrators college graduates?

18 A Yes, they are? You are going to rub
19 that in?

20 PERRY SWISHER: Yes.

21 A That is okay. I'm a big boy. I can
22 handle that. I was going to talk about--

23 JAMES ANNEST: I want to ask you a
24 question. You indicated that there was a
25 percentage of the Hispanic students that were not

1 doing well, and another percentage were not doing
2 well and that they were dropping out; is that
3 correct?

4 A I haven't mentioned that. I hadn't got
5 to talk more specifically about that. I had talked
6 about junior high school students, that 55% school
7 students from the records were failing the majority
8 of their classes.

9 JAMES ANNEST: Did you do a
10 comparative study or are any kind of comparative
11 study between the Hispanic students who were doing
12 well as compared to those that were not doing well?

13 A Yes.

14 JAMES ANNEST: Can you tell us a
15 little bit about that?

16 A I can. I feel like we are bouncing
17 around here with this testimony. And I wanted to
18 follow-up on this other point. In reference to the
19 question you're asking, I found that successful
20 students were highly assimilated, and their parents
21 came from middle class backgrounds, and the parents
22 had longer residence in the community. There were
23 exceptions to that. It wasn't 100%, but it was an
24 overwhelming majority of those students who had
25 that particular background. I did interview

1 students that were highly successful who came from
2 very problematic backgrounds, very poverty kinds of
3 conditions. But for the most part, there was an
4 indication that if your family has assimilated, if
5 you're not speaking Spanish in the home, and if you
6 don't or haven't maintained the ties with your
7 culture, then you have a much greater likelihood, I
8 think, of being successful in the school. And so,
9 I mean, that is the whole aspect that public
10 schools are geared toward working with what the
11 teachers classified as one of the -- when I made a
12 presentation, I made a presentation of my findings
13 both to the Nampa School Administrators and to that
14 junior high school, so I did give them the
15 feed-back about the information, and they weren't
16 very happy to hear my report. And at the junior
17 high school, the teachers were really fairly
18 incensed when they thought that there was lack of
19 validity of my findings. So I wanted to share
20 that, that I had made that particular effort. Do
21 you have some follow-up questions?

22 JAMES ANNEST: I am curious to know if
23 you did any kind of a study, comparative study
24 between the non Hispanic students who were not
25 doing well, as compared to those that was along the

1 same line.

2 A I would need another year to do that,
3 but I would make some inferences and some thoughts
4 that come to mind from reading the educational
5 literature in talking about problems students that,
6 I think, one of the areas that people talk about,
7 and I think is really important, that it's really
8 hard in today's public atmosphere to have race
9 specific types of programs. The public is so and
10 government officials are so opposed to those sort
11 of programs these days, even though I think that
12 they, I think, personally they have validity, but I
13 think there is a real strength there going to the
14 school for the approach, and I make it in my
15 recommendations, to say that my presumption is that
16 there are a lot of lower class white kids who are
17 at risk students and who are marginal students, and
18 who drop out of school at a significant rate. And
19 you can develop an average program that
20 incorporated, assisting both lower class whites and
21 minority students in the same kind of orientation.

22 PERRY SWISHER: Are you aware of the
23 effort on the part of Micron Dialogue and Hewlett
24 Packard, not only that, but they are insisting that
25 the pool educated labor is so small, their costs of

1 acquiring personnel so high, that it is essential
2 that our education system give all kids a shot and
3 decent education? That is a major premise of the
4 established industry in the valley. Why is there
5 no bridge, apparently, between that announced
6 perception on part of the payroll industry of the
7 Boise Valley and these people who you still refer
8 to as educators?

9 A The year that I was there, Hewlett
10 Packard was just starting a program to work with
11 specifically Hispanic students at the junior high
12 school the year that I was there, the semester I
13 was there. And I followed that a little bit, and
14 they did have a date where they took Hispanic
15 students to Hewlett Packard to give them a chance
16 to see what the jobs were, different kinds of
17 occupations were at Hewlett Packard and kinds of
18 things they needed to know, and, also, tried to
19 invite them that it was a pretty interesting type
20 of thing, and things you might think about doing
21 some day. I thought that was an excellent
22 experience for them. The second part of that is
23 that they were going to start a tutoring-type of
24 program, and that project never got off the ground
25 for that whole year. There are lots of what I

1 thought of pretty superficial kinds of excuses or
2 lack of initiative for implementing that program.
3 And I--

4 PERRY SWISHER: Implementation by the
5 school district?

6 A Specifically, at the school site
7 itself, that they never were able to coordinate;
8 there wasn't a school bus, and then no insurance,
9 and one problem after another was added onto that
10 program, and it didn't get started. And where it's
11 at today, I don't know, because I have been writing
12 for this, and I'm no longer doing it. I don't know
13 what those companies are doing at other schools,
14 but that was the only thing that I saw going on in
15 that particular school district.

16 I know. I was talking about administrators.
17 I wanted to... because I only mentioned one thing,
18 and I have spent a lot of time with the
19 administrators and have more information. One of
20 the things I thought was the most critical, looking
21 at the report, I had the school report for the
22 academic year prior to my coming there, and they
23 had to make a report. The high school had to make
24 a report to the school district or school board and
25 they also had to make a report to the State

1 Department of Education. And neither of those
2 reports was there any mention of the fact that
3 there were problems with educating Mexican American
4 students. You know, when I looked, I didn't look
5 at that report until after I spent a year there,
6 and I was pretty flabbergasted that there was no
7 observations and no comments in reference to that,
8 to that set of circumstances. There was nothing in
9 the reports about that. That was a pretty amazing
10 set of circumstances that there wasn't anything
11 there.

12 CHAIRPERSON WILSON: Doctor Baker,
13 were they required to do it? Was there anything in
14 the report that was required or was it just
15 something that was made up by them?

16 A Well, there were some things -- that is
17 a good question, because I think there was a
18 portion in there that said, what problems do you
19 face, and what are you going to do about solving
20 that problem? And when Hispanics are not mentioned
21 in the report, you have to say that that really is
22 an oversight, and they were given the opportunity
23 to address the question.

24 CHAIRPERSON WILSON: Let me ask you
25 this: You talked about teachers and there was

1 inservice and no inservice training. Did you find
2 teachers to be racially motivated, or was it
3 because of the system, or they weren't qualified?
4 In other words, they were acquiring teachers that
5 could communicate in the language. You didn't find
6 teachers who had any knowledge of the culture or
7 the rolls or how many students were in the class;
8 it was over crowded or because of this, you know.
9 What did your results show?

10 A Another thing I that had in those, I
11 just counted in a 160 classrooms. As a
12 sociologist, I'm trained to do a little looking at
13 the verbal interaction by our discussion here, we
14 have a little sociogram of questioning going back
15 and forth of who talked to who. I did that in
16 relationship to those classrooms to look at the
17 interaction of those teachers and Mexican American
18 students, and the control portion was somewhere
19 between four and eight students who were Mexican
20 Americans in those classes. Sometimes it would
21 vary a little bit. In the accelerated classes
22 there would be only one or two, or no Hispanic
23 students, and another class there might have been
24 over represented. But in any case, I had six
25 categories that I ended up with, and all of those

1 six categories the social interaction between the
2 teachers and Mexican Americans was significantly
3 under represented, or the representation of their
4 interaction of the Mexican American students
5 compared to Anglo students. So they didn't call on
6 Mexican American students to ask them to read in
7 class or respond to questions. Students initiate
8 interaction even when the teacher isn't doing that.
9 Mexican American students almost never did that,
10 and white students did that. But there was always
11 that the teacher and students, Mexican American
12 students were under represented in that
13 interaction.

14 There are different kinds of racism going on.
15 One is called institutionalized racism, and I think
16 that is the most important thing that is going on
17 here. That is only one social institution. The
18 people in the institution don't have to be racist
19 for the institution to be failing do its job in
20 relationship to giving that of group people
21 opportunities. I put together a -- I put together
22 a standard quote from my interviews with the
23 teachers. This is the response, and you make of it
24 what you will. This is a composite from the
25 interviews. Hispanic students are no different

1 than white students. I treat all students the
2 same. The Hispanic students are not academically
3 behind the Anglo students when they reach junior
4 high school. I don't see that as being any
5 different in any way from white students. No, I
6 have no teaching strategies for working with
7 Hispanic students. Many of the Hispanic students
8 belong to gangs, and gangs have a negative impact
9 on the school. I don't like to have ESL students
10 in my classes. That is English is a second
11 language. They do not have enough training in
12 English to benefit from my classes. Hispanic
13 students fail because they come from homes where
14 the parents don't value education. I don't know why
15 they drop out of school in just large numbers. No,
16 I don't know anyone from the local Hispanic
17 community. No, I would not support special
18 programs to assist Hispanic students. No, I don't
19 know that we can do any more than we are already
20 doing for our Hispanic students. You know, we have
21 Hispanic students who are excellent students. No,
22 none of my curriculum is geared toward Hispanic
23 culture, literature or history. Education is not
24 important in Hispanic culture. No, I don't have
25 any teaching techniques designed to work with them.

1 For reasons, them seem to be or angry. I don't
2 have enough time to do anything multicultural in my
3 classes. I don't see them as Hispanic. They are
4 students just like everyone else.

5 You can decide what that is all about. I
6 didn't talk about student's perceptions in
7 relationship to the circumstances that they face,
8 but I did find a general sense of resistance on the
9 part when you are not valued, and your identity is
10 not valued and your culture is not valued in the
11 school. I did find a considerable amount
12 alienation from school, of students making, and I
13 have responses here of the more typical types of
14 response that that they be made in relationship to
15 me asking them questions about -- where is that?
16 Saying that a large percentage was saying that they
17 didn't like school, and that school work was too
18 hard for them. No, they didn't like any of the
19 teachers. Just a general sense. I had like seven
20 or eight questions asking them about their
21 relationship to the school. And I also had lots of
22 or hundreds of quotes from students talking about
23 that they get blamed for the trouble in the school,
24 and not the white students. And they have some
25 recognition of that, because they say, well, the

1 school even talks about black people, and didn't
2 use the term African American, but they never talk
3 about us. They even had some recognition that they
4 were being ignored in this set of circumstances.
5 It was interesting in seeing this. And there was
6 resistance in this thing.

7 I guess I would close with talking about
8 Irene, because for me, Irene is just a made-up name
9 for this particular student, but I thought she was
10 the microcause of what went on. She was really an
11 intriguing person. And I met her, and the
12 principal had her into her office, and the
13 principal was giving her a lecture that all
14 teachers wanted to kick her out of school, and she
15 was doing terrible. She asked her what she thought
16 about it, and, of course, she just said well, yes,
17 I have to do better. She left. I thought that was
18 kind of interesting, but then an intervention team
19 met two hours later to talk about Irene, and the
20 school psychologist was there. The school
21 psychologist was talking about given her an IQ
22 test, and she had these strengths and these
23 weaknesses, and these problems, and these sort of
24 things. And no one ever asked -- I usually don't,
25 in observing, I don't usually jump in and ask

1 things, but wait a minute. What intelligence does
2 she have? Does she have average intelligence? And
3 the school psychologist said, "yes, she does have
4 average intelligence, but she does have some
5 weaknesses." So I asked some other questions, and
6 the school psychologist came and met with me
7 afterwards. You're the only one asking questions
8 and interested in Irene. I would like to talk to
9 you more about this. And the school psychologist
10 ended up by saying, "you know, it's no wonder she
11 acts out in her classes, that she is so
12 unsuccessful in the classroom. This is a way to
13 divert attention away from her problems and to get
14 some kind of affirmation of herself in these
15 particular circumstances where she is defined as a
16 failure. So this is the school psychologist saying
17 that the school is unwilling to make any
18 adaptations to work with ethnic students. So I
19 thought that odd. Teachers never made the
20 recognition that the Hispanic students were so much
21 more of a disciplinary problem than the white
22 students were, of making the connection between
23 their problems academically and their disciplinary
24 problems. But that was the resistance toward being
25 defined as a failure and not being worked with.

1 I think these are representative of all of
2 the marginal and dropout students. I'll stop there.

3 CHAIRPERSON WILSON: Very good.

4 IRENE CHAVOLLA: I was, I guess, I was
5 just going to give an update on the Hewlett Packard
6 project. They are currently doing their tutoring
7 program they had proposed to do. It isn't what
8 they originally proposed to do. It's not to the
9 magnitude that they wanted to do, but they do have
10 volunteers that are now teachers, and part of the
11 reason that they had the tutoring program was with
12 the idea that Hewlett Packard said to the school
13 district that we have this idea, here it is. And
14 the school district said that since it's your idea,
15 you help us implement it. After they ironed
16 everything out and decided what they were going to
17 do, and decided they were both going to work
18 together, it is kind of going, but not the way it
19 was proposed. I just wanted to clarify that.

20 MARILYN SHULER: I might say to those
21 of you who don't know, Irene Chavolla is director
22 of the migrant education for the State of Idaho
23 Department of Education, and in my official
24 capacity, I'm director of the Idaho Human Rights
25 Commission, and I wanted to say how much we

1 appreciate what Doctor Baker has done, because in
2 our opinion, it is the first time that an Idaho
3 researcher has done any qualitative research on
4 issues having to do with Hispanics. To the best
5 our knowledge, all of research that was relied on
6 previously had been done by the Hispanic community,
7 itself, who were doing good faith work, but not
8 doing it from the background as professors, so we
9 feel he has laid a great ground work and are very
10 indebted to him. I wanted to make a comment that
11 the Human Rights Commission had Doctor Baker come
12 in and speak about his research, and subsequent to
13 that meeting, we had a person who was the
14 superintendent of the Nampa Schools, who was not a
15 superintendent at the time the research was being
16 done, and we had a very challenging meeting with
17 him, in which after the meeting, which I guess you
18 would say, a frank expression of ideas was had, he
19 asked us to keep his feet to the fire, because he
20 really does agree with much of what Doctor Baker
21 has found. He is not happy with it, and he asked
22 us to keep the Nampa school's feet to the fire to
23 insure that they help change things.

24 PERRY SWISHER: Mr. Chairman, Doctor
25 Baker, it occurs to me -- I'm the oldest member of

1 this commission and the most disagreeable. And one
2 thing that causes me to be that way is that I once
3 work as you do on the campus 30 some years ago.
4 And, of course, like most people that are at this
5 table, went to college, and I lived through the
6 sixties when presumably almost everybody on campus
7 discovered the existence of people other than
8 themselves. And this many years later, you can
9 provide the kind of data you found in your study
10 shows that you didn't talk to one school
11 administrator who knew anything other than his own
12 ethnic group, and you were dealing with people all
13 of whom had to go through a college campus to
14 become teachers. You were dealing with
15 administrators who fill out forms all of the time
16 having to do with Federal requirements with respect
17 to equal access to an education. And those forms
18 are pretty explicit, even though they don't require
19 you to think; they do require you to read.

20 It's 1997, and we have this kind of growth in
21 the population of people who are not Nazarinnes and
22 not Anglo Mormons, and not Irish Catholics, and not
23 fourth generation Caldwell and Nampa people, and no
24 particular movement is occurring. I wonder what
25 really constitutes an education in 1997. It was

1 not possible when there were fewer of us who could
2 make it through college, before the adoption of the
3 GI Bill at the time of World War II. It was not
4 possible to go through campus and not be aware of
5 these extreme social problems. What I hope is
6 beyond your own discipline in sociology, and others
7 in this body, people who address these problems, do
8 not exempt the general population, and do not
9 exempt the school board members, or do not exempt
10 the school patrons from the requirements that we be
11 conscious of the fact that people who are unlike us
12 are not thereby inferior to us. It's that
13 elementary, and we have made so little progress
14 that it's heartbreaking. I wanted to tell you that
15 your work is extremely valuable, and we appreciate
16 you being here.

17 DAVID PENA: Mr. Pena, we would like
18 to thank for the good work that you have done, and
19 wish we could have given you a little bit more
20 time. But I want to remind you that we'll remain
21 open for 30 more days. I certainly would like to
22 see more of that information. If could you part
23 with a copy of that manuscript or what you have
24 published already, I'd certainly like to see you do
25 that as we deliberate and make our recommendations.

1 Thank you.

2 JAMES ANNEST: Thank you very much,
3 doctor.

4 HID HASEGAWA: Nothing.

5 A Thank you.

6 CHAIRPERSON WILSON: Is Mrs. Olivia
7 Badger here? Please come up.

8 State your name and organization.

9 OLIVIA BADGER

10 A My name is Olivia Badger, and I'm just
11 a parent and teacher in the Minidoka School
12 District.

13 CHAIRPERSON WILSON: All right.

14 A I'm here just to address some issues
15 that I have had since grade school through high
16 school, and it's mostly been disciplinary from
17 teachers, principals, and in junior high mainly.
18 In junior high, I have had a daughter suspended. I
19 was never aware of it. I was not notified. She
20 took the liberty of not letting me know. And when
21 I brought it up to the principal or vice principal.
22 Well, I'm gone. He was gone. We'll get to you. I
23 found out later that it was against the law to do,
24 but they should have notified me before any child
25 is suspended. They suspended her another time, and

1 during that suspension, they convinced me it was
2 better to have her be pulled out of school because
3 before -- I can't think what it is. The
4 disciplinary committee there at the school board
5 would give her a record, and instead of having a
6 record on her file, it would be better if I just
7 pulled her out for the trimester. I believed them.
8 I did, which caused her to get behind. And I did
9 talk to some attorneys after I did it. And it has
10 been a wrong, but it was too late. I have another
11 thing I can tell you, there is discrimination going
12 on in the junior high and high school, and it's
13 just verbal discrimination. My daughter was called
14 burrito, and her name was written on the
15 blackboard. Another time this kid was slapped on
16 the shoulder by the teacher, and the student asked
17 him to go tell the principal because, you know, he
18 is turned around, and stuff, and he looked up at
19 the teacher and said, "you slapped me." And he
20 said, "yes I did. And everybody said go tell the
21 principal, you know. When we do wrong, we get
22 disciplined, the students are telling, so he went
23 to the principal at Minico and told him about it,
24 what Mr. Kimett had done. And later kept asking to
25 find out what disciplinary action had been taken

1 against the teacher, and nothing was ever taken or
2 was done.

3 DAVID PENA: That was Mr. Kimett?

4 CHAIRPERSON WILSON: He is not here.
5 We have the name down. Go ahead.

6 A There are fights between kids that call
7 themselves the white supremacists, and, of course,
8 Mexican kids, and, of course, everybody always
9 feels like they are being picked on, and they were
10 not listening to their reasoning, and they are not
11 listening to why it all breaks out and happens, and
12 they just get disciplined, but no one listens to
13 what the problem is.

14 MARILYN SHULER: Could I ask a
15 question?

16 CHAIRPERSON WILSON: You may.

17 MARILYN SHULER: You said there is a
18 group of students who call themselves the white
19 supremacists.

20 A Uh-huh.

21 MARILYN SHULER: Could you tell me
22 more about this.

23 A Probably my daughter could. She is
24 here with me.

25 MARILYN SHULER: Is she going to

1 testify?

2 GLADYS ESQUIBEL: Could we have her
3 come up? What is your name?

4 A I'm Beatrice Romero.

5 CHAIRPERSON WILSON: Please come up
6 and have a seat. Your name? Please state your
7 name?

8 BEATRICE ROMERO

9 A Beatrice Romero.

10 MARILYN SHULER: You are what grade?

11 A I'm 11th grade.

12 MARILYN SHULER: And at your school
13 there are students who have identified themselves
14 as white supremacists.

15 A Yes.

16 MARILYN SHULER: Tell me about that.

17 A Well, last year when I got there, it
18 all started with SWP. That is what that stands
19 for.

20 MARILYN SHULER: Did they wear that
21 and put that on themselves?

22 A Some had swastikas and put them on
23 their notebooks.

24 MARILYN SHULER: They were allowed to
25 bring those?

1 A Yes.

2 MARILYN SHULER: Allowed to wear
3 swastikas?

4 A And write it on their binders and
5 notebooks.

6 MARILYN SHULER: Can you at school
7 wear say beer labels and cigarettes labels?

8 A No.

9 MARILYN SHULER: You can wear
10 Swastikas?

11 A Uh-huh. I have seen them. They have
12 on clothing like jackets, and that is mainly how it
13 all started, and like people ask them, why do you
14 wear that, and they would just say that they don't
15 like Mexicans.

16 MARILYN SHULER: Tell me about how
17 many students?

18 A There wasn't that many, probably ten at
19 the most.

20 MARILYN SHULER: How many students are
21 in school about?

22 A Two thousand or right between 1,000 and
23 2,000.

24 CHAIRPERSON WILSON: This is a high
25 school or junior high?

1 A High school.

2 CHAIRPERSON WILSON: In Heyburn?

3 A In Minidoka, Rupert.

4 JAMES ANNEST: Are there very many of
5 these people who wear stickers?

6 Olivia Badger: They decreased.

7 Beatrice Romero: They decreased,
8 because what happened last year a big fight broke
9 out over the testing. A lot of us went and told.
10 We went to the vice principal, and everything. We
11 went a lot of times go tell them, you know,
12 students were wearing these things like that, and
13 nothing was ever done to them. So finally one day,
14 it happened they all got in a fight. And a lot of
15 them got kicked out school and went to Burley, and
16 a lot of them are just out of school. The ones
17 used to come; they don't no more. But like
18 yesterday, there was a fight that happened at
19 school, and there was these white boys walking
20 around, and it was between two white girls and some
21 other girls, and he goes like I thought it was a
22 bunch of dump Mexicans again.

23 GLADYS ESQUIBEL: The principal said
24 this?

25 A No the students did. At this time,

1 it's still around, but they don't claim that stuff
2 no more.

3 MARILYN SHULER: May I ask a question?
4 When you went to the school authority and told them
5 that these students call themselves SWP's, I assume
6 you were telling them that they were being racist
7 toward Mexicans.

8 A Yes.

9 MARILYN SHULER: How did the school
10 officials react? Were they trying to help protect
11 you?

12 A No, not at all. It was just like oh,
13 when I told them, they said that they tried to get
14 those kids in a conference, or something, because
15 it was most likely between the guys, and he said he
16 try to get a conference between the guys, the
17 Hispanic guys and the white, but they haven't.
18 Nobody really did nothing.

19 Olivia Badger: Another issue that the
20 girls experience meant in junior high about
21 Mexicans being categorized in gangs, was she wears
22 her hair like this, and had blue bandanna on it,
23 and she was repeatedly told to remove it. And she
24 got detention for not removing it.

25 Beatrice Romero: I did, and asked her

1 friend which was a white girl to do the same thing
2 to wear it, and she wasn't told anything. So
3 they, themselves, the students themselves, say
4 okay... let's... you know, see how much of the
5 discrimination is going on. And there is quite a
6 bit.

7 PERRY SWISHER: Would you say that
8 this causes some students to think, am I going to
9 have my rights?

10 Olivia Badger: When your rights are
11 violated, or not violated, more just like--

12 PERRY SWISHER: Pushed around.

13 Olivia Badger: Pushed aside. You
14 feel like you're not important, and don't belong,
15 and what's the sense of being there.

16 CHAIRPERSON WILSON: Let me ask this
17 question. When the instruction is given in the
18 classroom, students that need some or there is an
19 indication that students may need some help.

20 Olivia Badger: Yes.

21 CHAIRPERSON WILSON: Do you find or do
22 you see where maybe white students are getting
23 attention and Mexican Americans, minority students
24 are not?

25 Beatrice Romero: Yes.

1 CHAIRPERSON WILSON: You're saying,
2 yes?

3 Beatrice Romero: Yes. Another thing,
4 well, at the beginning of the year and my English
5 class we were talking about McCarthyism, and
6 Mrs. Osterhout called me aside, and we are going to
7 place a trick in class. And I said, okay. Well
8 just by looking at you, you know, people will
9 really think you did this. Okay. And she said
10 were going act like you stole the test. And, you
11 know, take the test, and I stole the test. And she
12 said see how many people fall for it. And all my
13 friends, you know, she pulled that stunt on the
14 class, and like, Monday after she told me that,
15 and, all my friends would say, you didn't get that
16 test. They know how I am. And other people in the
17 class they went up there, and said that they seen
18 me took the test, and the test wasn't even made up
19 yet.

20 Olivia Badger: That is an experiment
21 that she did.

22 CHAIRPERSON WILSON: How many students
23 in your class?

24 Beatrice Romero: Oh, my English
25 class, about 30.

1 CHAIRPERSON WILSON: 30?

2 Beatrice Romero: Yes.

3 CHAIRPERSON WILSON: And how many are
4 Mexican-Americans?

5 Beatrice Romero: About five or six.

6 CHAIRPERSON WILSON: Okay. Do any of
7 the five or six -- what is the highest grade they
8 get? Anybody get A's?

9 Beatrice Romero: Huh-uh.

10 Q B's?

11 Beatrice Romero: Huh-uh.

12 CHAIRPERSON WILSON: C's?

13 Beatrice Romero: C's.

14 CHAIRPERSON WILSON: C's?

15 Beatrice Romero: Yes.

16 CHAIRPERSON WILSON: Okay. Any other
17 questions. All right.

18 DAVID PENA: What grade are you in?

19 Beatrice Romero: The 11th.

20 DAVID PENA: Have you seen a lot of
21 your friends...have you seen any of your friends
22 drop out as you have gone through school over the
23 years?

24 Beatrice Romero: Uh-huh.

25 DAVID PENA: Does that concern you?

1 Beatrice Romero: Yes.

2 MARILYN SHULER: Did you have any
3 heart-to-heart with them or talk with them and ask
4 them about any reasons why they were dropping out
5 of school?

6 Beatrice Romero: Yes.

7 DAVID PENA: What comments, or did he
8 say anything that stands out in your mind that
9 may be a lot of what they said or what they felt?

10 Beatrice Romero: Well, a lot of the
11 guys dropped out that I know, they dropped out
12 because of problems with school, not getting along
13 with teachers, and not pulling grades, and not
14 having, you know, and stuff. The girls a number of
15 things, not just one.

16 DAVID PENA: The guys were in a
17 hopeless position, it sounds like?

18 Beatrice Romero: Yes.

19 DAVID PENA: Did you notice that
20 happening at a particular time? Seemed like what
21 you're telling me is their grades, getting in
22 trouble, and they're behind, and hopelessness of
23 not being able to catch, up and lack of credits,
24 seemed like that stuff snowballs. Did you see that
25 happening... at what point in their academic career

1 did you see that happening? Did it start from the
2 third grade on up, or second grade? Did you just
3 see people struggling or earlier than that?

4 Beatrice Romero: Uh- Huh.

5 DAVID PENA: If you can make that type
6 generalization?

7 Beatrice Romero: Where I remember
8 people struggling?

9 DAVID PENA: Or starting to struggle
10 and then the snowball effect?

11 Beatrice Romero: Six grade.

12 DAVID PENA: The transition between
13 sixth grade and junior high?

14 Beatrice Romero: Yes.

15 DAVID PENA: Did you see them doing
16 better in grade school, being more comfortable in
17 grade school?

18 Beatrice Romero: Uh-huh.

19 JAMES ANNEST: I have a question of
20 follow-up. You indicated that students, some of
21 these students, Hispanic students do not get A's or
22 B's. I'm curious about whether or not these
23 students apply themselves to try to get... try to
24 get A's and B's grades, or do they just give up and
25 not even try?

1 Beatrice Romero: Some do and some
2 don't. They do try.

3 JAMES ANNEST: Do you know of any
4 specific instances where students have or Hispanic
5 students have applied themselves and dedicated
6 themselves to getting good grades and were denied
7 that because of some discriminatory practice?

8 Beatrice Romero: Uh-huh.

9 JAMES ANNEST: Can you tell us a
10 little about that?

11 Beatrice Romero: Last year when I
12 first got into Minico, I was in Algebra, and I
13 tried really really hard in Algebra to pass, and I
14 had all my assignments in, and stuff like that. I
15 pulled okay grades in that and I still flunked.
16 And then I did not get along with my teacher.

17 JAMES ANNEST: Does that happen
18 frequently or just on one instance?

19 Beatrice Romero: No, that happens
20 frequently.

21 PERRY SWISHER: Is there a perception
22 on the part of Mexican American students that they
23 really do start to make say in Algebra and
24 chemistry, that I am being pulled out of the group?
25 The cut, you get cut out of the group where you

1 have the kind discrimination that has been
2 described here today, you have a situation that
3 Doctor Baker describes in Nampa? Let's get away
4 from your school for a second. And say you're
5 going to Nampa, and you start to achieve. You
6 heard him say that there are Mexican Americans kids
7 in that community that come from middle class
8 families, that assimilated their relationship with
9 teachers, and their grades are higher. What
10 happens to you? What happens to Beatrice and your
11 friends, your buddies, your pals if you start
12 knocking down an A and the other kids are getting
13 C's and E's, what happens to you in your group?

14 Beatrice Romero: In my group?

15 PERRY SWISHER: What happens to you,
16 do think you, if you start pulling ahead?

17 Beatrice Romero: No response.

18 PERRY SWISHER: Have you seen that?

19 Beatrice Romero: Yes.

20 PERRY SWISHER: What happens?

21 Beatrice Romero: For me, if I get
22 better grades, high grades, would be possible proud
23 of me, and some like they think she is too good.
24 She is smart.

25 GLADYS ESQUIBEL: As a junior, have

1 you thought about continuing your education? Have
2 you visited the counselors, and the counselors
3 followed through with Hispanics to prepare them for
4 continuing education? Do they look to college or
5 look scholarships?

6 Beatrice Romero: No.

7 MARILYN SHULER: You heard Doctor
8 Baker, the gentleman that spoke just before you
9 were here?

10 Beatrice Romero: Yes.

11 MARILYN SHULER: Do you feel that what
12 he said about Nampa Junior High and Nampa High,
13 West Junior High and Nampa High School are similar
14 things that you find, or do you find this situation
15 different at.

16 Beatrice Romero: Minico?

17 MARILYN SHULER: You heard what he
18 said.

19 Beatrice Romero: Similar.

20 MARILYN SHULER: Similar?

21 Beatrice Romero: Yes.

22 MARILYN SHULER: So if you hadn't
23 known where the research had been done, you
24 wouldn't have been surprised he said this was done
25 at Minico?

1 Beatrice Romero: No.

2 MARILYN SHULER: Okay.

3 Olivia Badger: Another thing I wanted
4 to mention was that the vice principal at West
5 Minico when she was in the ninth grade told me that
6 his job there...well, he is not there no more. Was
7 to weed out the bad kids. That was his job
8 description. That was one of his job descriptions.
9 And I have never herd of a vice principal that that
10 was their job description. His example to me was
11 if somebody is bothering your child, wouldn't you
12 want that child removed from the school? To me,
13 the children that need the most help are the ones
14 that they are trying suspend and get rid of because
15 the ones that are doing C's and above, they don't
16 need that extra help. It's the ones that, you
17 know, lower grades, they are the ones that need the
18 extra help.

19 CHAIRPERSON WILSON: Let me ask this
20 question. Do parents... I know you are supposed to
21 go. You have this time that you go over and talk
22 to teachers and interview whatever.

23 Olivia Badger: Teacher's conference.

24 CHAIRPERSON WILSON: Do you tell the
25 teacher this, you know, what the situations is?

1 Olivia Badger: No. All we do is go
2 and listen, and go listen how your kids are doing
3 and how good or bad, and you move on to the next
4 one, because you have like 15 or 20 teachers. I
5 have three daughters and each one has five
6 teachers.

7 CHAIRPERSON WILSON: They don't have
8 time or they don't give you time to talk to the
9 teachers about concerns.

10 Olivia Badger: Oh, yes. You can call
11 personally at home or something.

12 CHAIRPERSON WILSON: You can call them
13 at home?

14 Olivia Badger: Yes.

15 CHAIRPERSON WILSON: You can call them
16 at home?

17 Olivia Badger: Right.

18 CHAIRPERSON WILSON: Have you ever had
19 that experience?

20 Olivia Badger: Mostly just grades.

21 PERRY SWISHER: Just grades?

22 Olivia Badger: Yes.

23 JAMES ANNEST: Have you ever had the
24 experience of feeling like you were floundering in
25 the class and needed the help of a teacher who was

1 not Hispanic, and going to the teacher and being
2 denied help by the teacher?

3 Beatrice Romero: Uh-huh.

4 JAMES ANNEST: You have had that
5 happen. How about the other alternative, have you
6 gone to some teachers that you had where you felt
7 that you needed help and gotten the help that, or
8 received the help that you felt you needed?

9 Beatrice Romero: Yes.

10 JAMES ANNEST: Is it a situation where
11 it's pretty much a selective-type of
12 discrimination, or is it general?

13 Beatrice Romero: Selective.

14 JAMES ANNEST: There are some teachers
15 who are discriminatory and some who are not?

16 Beatrice Romero: Yup.

17 JAMES ANNEST: Okay.

18 CHAIRPERSON WILSON: Anyone else?

19 IRENE CHAVOLLA: Is there like a club
20 true colors club, or any club of Hispanic students
21 that attend Minico High School.

22 Beatrice Romero: There is.

23 IRENE CHAVOLLA: How many students are
24 there in that.

25 Beatrice Romero: Twenty, 30.

1 IRENE CHAVOLLA: You were involved in
2 say homecoming and all those activities?

3 Beatrice Romero: Yes.

4 IRENE CHAVOLLA: What kind of
5 activities do you have?

6 Beatrice Romero: Homecoming and
7 floats, stuff like that.

8 IRENE CHAVOLLA: And who is your
9 advisor?

10 Beatrice Romero: Ms. Baker.

11 GLADYS ESQUIBEL: Do you have any
12 Hispanic students who are in the student body or
13 cheerleaders and that kind of thing.

14 Beatrice Romero: Huh-uh.

15 PERRY SWISHER: How about athletes,
16 particulars thing like basketball, track?

17 Beatrice Romero: Football, there are
18 some. Basketball, no.

19 PERRY SWISHER: Track, no.

20 Beatrice Romero: Yeah.

21 CHAIRPERSON WILSON: Let me ask one
22 last question. The language, have you experienced
23 or seen any other students that have a language
24 problem, and how did they overcome this?

25 Beatrice Romero: By taking class.

1 CHAIRPERSON WILSON: Taking classes?

2 Beatrice Romero: You mean the
3 children that had a problem?

4 CHAIRPERSON WILSON: Don't understand
5 English?

6 Beatrice Romero: See, that was
7 offered at East Minico, but that was never offered
8 at west, so a lot of students that came to Minico
9 still do not know English.

10 CHAIRPERSON WILSON: They didn't know
11 English, but the were expected to perform? Is
12 there any teachers there that speak Spanish?

13 Beatrice Romero: One, Ms. Baker.

14 CHAIRPERSON WILSON: Just one. So if
15 you're not in her class, or that person's class,
16 then you have a hard time communicating?

17 MARILYN SHULER: Could I ask her a
18 question? The migrant counsel about 20 years ago
19 filed a lawsuit on behalf of the parents. They did
20 that through the Idaho Migrant Council that had
21 children that did not understand English well. And
22 that lawsuit went all the way up to the Ninth
23 Circuit. There was a decree that settled that, and
24 that decree binds Idaho educators. My
25 understanding of it is that all children in school

1 districts are to be surveyed to see if they are
2 ethnically isolated. If they find students who do
3 not speak or understand English, there is to be a
4 program for them to assist in that. Are you saying
5 that, you know, in your experience that really
6 didn't happen.

7 Beatrice Romero: They do not have it
8 at West Minico. Minico, they do have. I didn't
9 know it last year. I know they had ID, but they
10 didn't have it at west.

11 PERRY SWISHER: What is west.

12 Beatrice Romero: West Minico.

13 PERRY SWISHER: There is Minico and
14 west?

15 Beatrice Romero: One is Minico and
16 one is west.

17 CHAIRPERSON WILSON: Okay. Anybody
18 else?

19 Olivia Badger: That program, I was a
20 migrant aid for that program for the two years.

21 CHAIRPERSON WILSON: Any other words
22 you would like to say?

23 Olivia Badger: No, I believe that is
24 it. She did it all for me.

25 CHAIRPERSON WILSON: We want to thank

1 you all for being here and we appreciate it. Thank
2 you. Let's take a break for ten minutes.

3

4 (Recess. 2:50 P.M.)

5

6 CHAIRPERSON WILSON: Let's come to
7 order. Mrs. Julia Frazier. Please give your name
8 and position and all that.

9

JULIA FRAZIER

10 A My name is Julia Frazier. I am Vice
11 President of Branch Operations for the Idaho
12 Housing and Finance Association.

13 CHAIRPERSON WILSON: Will everyone
14 take a seat in here, please? Maybe we need...it's
15 going to be a little warm, but tell them to hold it
16 down back there, would you please?

17 Do you have any opening remarks you would
18 like to state?

19 A I would. Thank you. I would just like
20 to tell the panel a little bit about the
21 organization to set background for those who might
22 not be familiar with us. We are not an agency of
23 state government, although our title would lead you
24 believe that. We are a non-profit organization
25 created by the legislature of the State of Idaho,

1 and governed by a board of commissioners appointed
2 by the Governor of the State of Idaho. But we are
3 technically a non-profit organization that both
4 administers Federal funds for affordable housing
5 programs and administer tax credits for the State
6 of Idaho and is able to issue, and utilize board
7 revenues bonds for the issuance of first time home
8 buyer mortgages. All of our programs are
9 associated with mid-income levels and low-income
10 levels, and very low income levels throughout the
11 state. The particular division that I'm
12 responsible for is a position that handles Section
13 Eight rental assistance programs. State wide, we
14 administer 34 of Idaho's 44 counties. Those which
15 we do not service have local housing authorities
16 funded directly by HUD for these programs. We also
17 administer a small low rent public housing program
18 which is a program whereby our organization,
19 actually the landlord of 29 individual single
20 family units in Idaho Falls and an elderly housing
21 complex in Kellogg, Idaho. We also administer the
22 home program, which is another HUD program. It's a
23 block grant funding program. We receive
24 approximately three million dollars a year in block
25 grant funds. We have the responsibility of

1 maintaining an administrative plan, which
2 determines use for those funds. Those funds are
3 determined by annual housing needs assessment
4 process, looks at availabilities of housing in a
5 variety of categories, and gathers comments and
6 data from all over the state where those funds
7 should be directed, whether construction,
8 multifamily units, whether to rehabilitate, et
9 cetera. So this is the type of Federal funding
10 allocation process that we go through.

11 In terms of this particular meeting in the
12 request for our organization to make comments, my
13 understanding was that your target was the Rupert
14 and Minidoka areas in terms of solicitation for
15 information. That area is covered by the Twin
16 Falls branch office, and in this area, we
17 administer only Section Eight rental assistance,
18 which is rental subsidy payments to private
19 landlords, for landlords who rent to low income
20 families that qualify for our program. I'll take
21 just a moment to explain the qualifications steps
22 to you, because it will help you understand our
23 roll in this particular area. We maintain a
24 waiting list of low income families who wish to
25 receive this type of rental aid from our program.

1 When a family comes to the top of the waiting list,
2 we brief them on how to go out and look for a
3 rental unit, what type of assistance they would
4 receive based on their income, and we give them
5 certificate documents, and ask them to go into your
6 local community; find a unit that meets their
7 needs, and let the landlord know they would be
8 receiving rental assistance paid by HUD. The
9 landlord receives the assistance directly. The
10 family does not receive this cash benefit. It is
11 then up to the landlord whether or not they wish to
12 rent to this family, as landlord, based on whatever
13 their criteria is...tenant worthiness. Some
14 landlords choose not to participate with our
15 program because we also have rental quality
16 standards. We inspect the units at least annually.
17 We require certain types of repairs on an annual
18 basis. We'll not subsidize a unit that is not
19 maintained according to HUD's housing quality
20 standards criteria, and some landlords object to
21 the cost associated with that.

22 Our program also presently is rent restricted
23 by HUD by counties throughout the state. HUD sets
24 what is called fair market rents. Those are in
25 effect maximum rents which can be charged by a

1 landlord per bedroom size, and every county in our
2 state. And in some counties, those rents are
3 difficult for the landlord to tolerate, because
4 they feel the market would allow them to charge
5 more for units.

6 So those are the general criteria of the
7 program. Our roll is to evaluate the income level
8 of the family, verify their income, and determine
9 if they are eligible according to the income
10 guidelines for the program; and once the landlord
11 has accepted them as a tenant, inspect and approve
12 the property, allow them to move in and begin
13 making monthly payments to the landlord on their
14 behalf. Because that is our primary roll, we
15 gather data associated with that process in an
16 application format. The application offered to the
17 applicant, the opportunity to indicate their racial
18 ethnicity, but does not require it. Our data in
19 collecting information on racial issues is somewhat
20 qualified, and we find some instances that families
21 choose not to indicate their racial origin for any
22 number of reasons. I gathered some limited
23 information for your purposes, and I am more than
24 happy to try and get anything you would like
25 from our computer system. If there is something

1 you would like us to seek, I'll be happy to try to
2 do that. In this area over the last two years, I
3 chose that timeframe because in the fall of 1995
4 our waiting list was mandated by HUD to be selected
5 on a first-come first-serve basis. Prior to that
6 time, it was mandated by Federal preferences
7 categories and eligibility. But since October of
8 '95, the program has been more straightforward,
9 thanks to that waiting list wearing out. Since
10 that time there have 224 applicants to the waiting
11 list just for this area. The Twin Falls waiting
12 list out that branch.

13 PERRY SWISHER: This is October of
14 '95?

15 A Right. And our overall wait is 650
16 families on the Twin Falls branch waiting list.
17 But just in these counties, there have been 224
18 families apply for assistance. Of that amount, 111
19 are indicated to be Hispanic origin and/or have
20 Hispanic sir names. Six of those families
21 indicated that they were not Hispanic, but had
22 Hispanic sir names when they were pulled from the
23 records. You know, we were assuming 50%
24 application factor for families in this area
25 applying for low income housing. There are any

1 number of reasons that a family may not reach the
2 top of the waiting list. They may move; they may
3 find other housing prior to their availability for
4 certificate. So it's difficult for us to tell you
5 what factors might cause any dropoff in the waiting
6 list or any lack of lease up. When we issue a
7 certificate, a family has 30 days to utilize that
8 certificate identified and then move in. If they
9 are unable to find a unit or to be accepted by a
10 landlord, we can extend that certificate for an
11 additional 30 days, which we do regularly. If they
12 are unable to find a unit in that final 30 days, we
13 are mandated by Federal regulation not to extend
14 the certificate any longer. We have no control
15 over circumstances that might cause them not to be
16 able to find a unit. Sometimes that occurs, and we
17 don't maintain statistics as to why or how that
18 occurs. We have some informal records, but we
19 don't computerize those statistics.

20 Other than our computer generated data, the
21 comments that I would offer this panel about our
22 observation of the Hispanic issue in this area
23 would be that the number one cause of concern that
24 we see in this greater branch administration area
25 is the reluctant of landlords to rent to a large

1 family, and that is the comments we here. We do
2 not hear a particular family or particularly
3 Hispanic families coming back to us and saying they
4 wouldn't rent to us because we are Hispanic. Since
5 we are not an enforcement agency, if we heard such
6 a comment, we would refer the information to the
7 fair housing counsel, and we do refer any
8 complaints regarding difficulties in these to the
9 fair housing counsel. We see and hear that
10 landlords are concerned about low income families.
11 They feel that they are willing to categorize that
12 group of persons as being poor renters without
13 checking references or having personal experience
14 in that regard. We find that the landlord that
15 work with us, stay with our program and find that
16 the renters are acceptable and maintain the units
17 within acceptable margins, but there are those who
18 don't wish to try the program because they know
19 it's restricted to low income families, and they
20 feel they don't want to rent to persons in that
21 economic level.

22 I asked our branch office to check and find
23 if they had any records of actual discrimination
24 complaints by applicants. They had none. They had
25 no records reported to them, but I can't tell you

1 that it has never occurred. It was never referred
2 to discrimination complaints to the fair housing
3 council. We don't have records about that. Those
4 are the notes that I brought with me. Do you have
5 any questions?

6 CHAIRPERSON WILSON: Any questions?

7 MARILYN SHULER: I had a question. Do
8 you have staff who are able to speak to Hispanics.

9 A We have bilingual staff persons at the
10 Twin Falls branch, and we also at any time a family
11 indicates they have a language barrier problem --
12 by the way, it was reported to us in the Twin Falls
13 county area there are over 57 languages spoken in
14 residences in that area, so there are a number of
15 language concerns that we see over and over again.
16 We are more than happy to hire an interpreter to
17 come in so that the family understands their
18 obligations under the program, and we can make
19 certain of this.

20 PERRY SWISHER: What's happening with
21 respect to relatively low income jobs in resort
22 areas, Soldier Mountain up to Ketchum/Sun Valley
23 and Hailey? What is happening with respect to the
24 transportation or availability of affordable
25 housing.

1 A What we observe is a lot of pressure is
2 being placed on the intermediate community in
3 between the Mountain Resort communities and Twin
4 Falls. In terms of developing applications, the
5 community of Gooding and community of Jerome and
6 Shoshone they are starting to address funding ways
7 of developing low income housing. They feel
8 pressure coming into the area for all resource
9 workers in the Hailey/Ketchum corridor, as well as
10 Soldier Mountain.

11 PERRY SWISHER: In the criteria of
12 your agency or definition of low income housing,
13 are factors like access taken? In other words,
14 transportation could cost \$10 or \$8 a day to get in
15 out of a job in Hailey; that is not a factor?

16 A Federal Government sets the categories
17 of expense which can be used to reduce annual
18 income in order create the eligibility level, and
19 that is not one of those. Medical expenses are,
20 but not travel.

21 PERRY SWISHER: Congress no longer
22 pays itself mileage then?

23 IRENE CHAVOLLA: Does your office work
24 closely with the Idaho Legal Aid Council?

25 A We do work with Idaho Legal Aid in

1 terms of any inquiries on the part of landlords and
2 tenants regarding legal advice in their situation.
3 We frequently refer the information with the
4 question to Idaho Legal Aid, particularly if a
5 tenant family comes to us and complains about how a
6 landlord is or is not responding to their concerns;
7 perhaps the property is not being maintained, or
8 appliances are a major concern, because we are
9 responsible for insuring the landlords repairs the
10 structure, itself. But perhaps a stove or
11 refrigerator is not functioning well. The family
12 tells us that the landlord wouldn't repair it. We
13 will refer them to Idaho Legal Aid, and we would
14 also talk to the landlord about anything that falls
15 under our purview as the health and safety of
16 tenants in a unit, so we do work with them on a
17 frequent basis.

18 I do have one other comment I would like to
19 read to you. Our Twin Falls supervisor spoke with
20 Mr. Rudy Rodriguez in Twin Falls. And they
21 subsidize El Milagro. E-l-m-i-l-a-g-r-o. It's a
22 special housing project owned by the Idaho Migrant
23 Council. Two words. It's subsidizes single only
24 occupant projects, and most of families living in
25 it are receiving assistance through Idaho Housing.

1 And the comments that we shared with her were that
2 his feelings on the subject of issues for Hispanics
3 in the targeted area focused on two issues: That
4 there is a great fear of almost everything in terms
5 of making waves. Secondly, there is a need for
6 decent housing for migrant families. He felt that
7 most Hispanics are housed without participation in
8 our program because the landlords that work with
9 them do not want to rent their units at affordable
10 rents for the families, and they can find lower
11 rents from landlords who do not participate in our
12 program, and, therefore, are not required to
13 maintain their properties according to housing
14 quality standards that we enforce.

15 PERRY SWISHER: Is that still common
16 in south side Twin Falls? Do you have rental
17 problems, to your knowledge, in the old income part
18 of Twin Falls that is rented out where the landlord
19 says don't deal with Frazier. We don't want to go
20 through red tape?

21 A Yes. Yes. He also said language is
22 always a barrier, and most Hispanics have some
23 extended-type of families in the area, so they tend
24 to depend on their family; do what the rest of the
25 family is doing in terms of finding a landlord or

1 housing. Many, many cases they double up, and they
2 have a high number of people occupying a living
3 unit, not meant for a family that size, because in
4 a large family, there are landlords who will refuse
5 to rent. He also says in closing that in his
6 opinion many times Hispanic families try to avoid
7 situations that might intimidate them or make them
8 feel inadequate in terms of paperwork,
9 understanding the program, responsibility for
10 fulfilled requirements, and sometimes they avoid
11 assistance all the way around for that reason. And
12 I would certainly say that that is not comments
13 that applies just to the Hispanic category of
14 persons. It affects low income persons in general
15 in terms of their self esteem and there insecurity
16 with dealing with the technical complex of Federal
17 programs, but certainly affects other groups of
18 persons that fall into that category.

19 PERRY SWISHER: Is there an equivalent
20 in the housing as a coyote-like in migrant work?
21 That is to say, are there people who with the
22 Hispanic culture who specialize in providing these
23 services of dealing with the paperwork and the
24 bureaucracy in term of income? Is there such a
25 layer in your side of the population?

1 A Not that I'm aware of that offer
2 services in that regards, if that is what you mean?
3 We work with the migrant council in providing
4 translations services for us.

5 PERRY SWISHER: The migrant council
6 tends to provide that kind of service?

7 A Yes. I'm not aware of any other
8 services that were provided along those lines. I'm
9 not aware that there is an outreach. I
10 participated in the Governor's task force on
11 Spanish issues on the housing sub committee
12 representing our programs, and we talked a great
13 deal about the need for some type of filtrating
14 outreach for the Hispanic community to address the
15 fear of intimidating circumstances and a lack of
16 familiarity with how to address these types of
17 challenging.

18 PERRY SWISHER: Lack of familiarity.
19 It's a cultural hostility. Nothing unhealthy about
20 that?

21 A That is part of it, lack of training
22 and education in households where as other families
23 grow up understanding they're like graduating from
24 high school and are not afraid of loan
25 applications; not afraid of loan officers; not

1 afraid of credit cards, because they have never
2 been mistreated in the process of trying to utilize
3 one and they have seen it used in their family. We
4 address this issue as being a real intimidation
5 issue.

6 CHAIRPERSON WILSON: On the same line,
7 would you say that once that they finish high
8 school, you know, they are gone from high school,
9 and they have, you know, they become familiar with
10 the community; but the problem, I would think, is
11 dealing with those new families that are just
12 coming into this country?

13 A Yes.

14 CHAIRPERSON WILSON: So here is a
15 person that comes into the country and they have
16 all these different administrative procedures to go
17 through, and speak the language, and all of that.
18 They may know a few words, but there is no
19 provisions for your department to give assistance
20 legally, I would imagine?

21 A That is correct.

22 CHAIRPERSON WILSON: And you said that
23 you worked very closely with the migrant council.
24 Has this issue that has been brought up...they
25 should be aware of this. It looks like if anyone

1 from your department said to them, that, you know,
2 there is a need for assistance here in this
3 particular area?

4 A Well, I think it has been more of
5 waiting until we asked for assistance. It has been
6 provided in terms of helping us communicate with
7 our clients or tenants. I think you have
8 individuals from the Migrant Council on your agenda
9 today. I would hesitate to speak on behalf of
10 them.

11 CHAIRPERSON WILSON: I will ask them
12 this question, to be sure, I will. But I'm just
13 wondering, had your department gone to them and
14 said, hey--

15 A In terms of outreach and education?

16 CHAIRPERSON WILSON: Yes.

17 A No. We haven't addressed it on that
18 basis.

19 CHAIRPERSON WILSON: The reason I
20 bring that up is because you were with the governor
21 and these things have been discussed.

22 A I believe the task force addressed it.

23 CHAIRPERSON WILSON: That is a grass
24 roots thing. Doesn't have to get into a
25 bureaucracy of that. I have some other questions,

1 that I want to go through. Does anyone else have
2 any questions? Do you have any anything else?
3 Anyone else? I want to...when you talk about
4 landlords not wanting people with large families.
5 Well, I'm going to phrase this, this way: We
6 Catholics, we have large families. You know, I'm a
7 Catholic, okay? And we have large families. So
8 you can expect that people that are in this area
9 having families. What happens to them? You know,
10 if a landlord said they don't want to rent to them,
11 are they allowed to continue to stay on your list
12 in being eligible for Section Eight housing?

13 A With large families?

14 CHAIRPERSON WILSON: The landlord?

15 A The landlords, the landlord becomes a
16 participant of the program by virtue of renting a
17 unit to a family with a certificate. So if the
18 landlord chooses not to rent to a family, they are
19 not participating in our program. So we have those
20 landlords on the program who refused to rent to
21 families that come to them for rental assistance.
22 And there are many many private landlords which
23 choose to administer their own rental. In other
24 words, it's not a preferred list. Not an eligible
25 landlord list to become a participant. To become a

1 participant, they are willing to lease to the
2 tenant and contract with us.

3 CHAIRPERSON WILSON: In other words,
4 in Section Eight housing, a person has to come and
5 apply to you? You don't go out and inspect the
6 place to see that it meets your requirements. And
7 the ones that meet your requirements, then they
8 will stay on your list, because you put them on a
9 list, right, once they have met your requirements?

10 A Well, the unit is then leased to the
11 family that has a certificate.

12 CHAIRPERSON WILSON: In the beginning,
13 there is no lease. Say I come to you.

14 A You don't come to me unless you have a
15 lease as a landlord. The only reason we inspect
16 your premises is because a tenant comes to us
17 requesting a lease approve signed by you, as the
18 leasing landlord, and your unit is one, two, three
19 Ash Street is the unit that that tenant is going to
20 lease. The only piece left to complete is our
21 successful inspection of that unit.

22 DAVID PENA: I wouldn't come to you
23 and say I have a place for a tenant?

24 A No, we are not a tenant relocation
25 service at all. We are not a property management

1 service.

2 CHAIRPERSON WILSON: Once that person
3 comes there and sometimes you sent somebody out and
4 they turned them down. Now, for another person to
5 go there, they would have to come back and reapply
6 again to you. You have to go back and reinspect
7 the place within a 12-month period?

8 A If the landlord chose not to lease to
9 them, we'll have no knowledge.

10 CHAIRPERSON WILSON: You have no
11 knowledge?

12 A Correct, unless the applicant came to
13 us and said I was mistreated. I was treated in a
14 discriminatory manner. In which case, we would
15 refer them to legal aid or the Fair Housing
16 Council.

17 CHAIRPERSON WILSON: Approximately how
18 many people do you have, and probably you only go
19 by names. How many people would be Spanish, be
20 names that you would say that you have been able to
21 serve that you still have on the list
22 approximately? What would you think?

23 A In this county we have 39 families who
24 either identified themselves as Hispanic or have
25 Hispanic sir names with a lease up in the last two

1 years. They are tenants on the program, and of the
2 remainder who are still on the waiting list, we
3 have 73 out of 99 families who have Hispanic surnames
4 or indicate they are Hispanic.

5 CHAIRPERSON WILSON: Would you say
6 that is a large number?

7 A Well, it's approximately 70% of the
8 remaining waiting list is Hispanic. We have not
9 done research to compare it with other areas of the
10 state. It's 70% of the waiting list. That is all
11 I can say.

12 CHAIRPERSON WILSON: Do you think --
13 excuse me. Do you think that there is from your
14 professional position, do you think that there is a
15 discrimination of some degree within the geographic
16 area that you are serving?

17 A I have no data to support making a
18 statement. Given the verbal comments that are
19 reported to me by the staff in the branch,
20 community, and conversational comments of families
21 when they are leasing up, I would have to say I
22 think there is.

23 CHAIRPERSON WILSON: Go ahead.

24 GLADYS ESQUIBEL: Of the landlords you
25 work with, how many are Spanish names?

1 A I don't have a computer program which
2 sort of tracks that down. That is something I
3 could certainly request a computer report by name
4 and address, and we could report to you of those
5 which have Spanish sir names. I'm happy to do
6 that.

7 MARILYN SHULER: Julia, if I got this
8 right, I don't know all about banking lawsuits, but
9 private banks have some obligation to give some
10 loans to low income people; are there some Federal
11 requirements that they offer some?

12 A It has been a while since I have been
13 in the banking industry, and we not governed by
14 banking laws, but they have scrutiny of the
15 redevelopment act which governs the amount of
16 funding that they contribute to community
17 redevelopment activities, and that would include
18 making loans for home purchase in designated areas.
19 It includes low income businesses, and it includes
20 low income development, and so the answer is to
21 some degree there is something they are tracking
22 their lending records against.

23 MARILYN SHULER: I wanted to get kind
24 of a big picture of this. If I was a moderately
25 low income person, I might be able to get a loan

1 consideration for housing from a private bank for
2 community development, but your agency, one would
3 be there to serve people of higher risk, people
4 without that, that subsidy, they couldn't find
5 affordable housing. But if I heard you correct,
6 the poorest of the poor, the very most desperately
7 poor people can't use your services many times
8 because they can get housing which perhaps is not
9 safe and sanitary, but it's housing, cheaper than
10 they can pay for housing which you approve. Did I
11 hear you accurately?

12 A Let me clarify what I said, because
13 it's a difficult distinction. We house persons
14 with zero income. We house persons who have no
15 form of income who are on welfare. If they come to
16 the top of the waiting list and have relatively no
17 income, that does not disqualify them to be
18 eligible to receive assistance from our program.
19 They then must go into the community and identify a
20 rental unit and successfully negotiate a lease with
21 the landlord, so that is where it leaves our
22 control. If the landlord chooses to rent to them,
23 fine. If the landlord chooses not to participate
24 in our program and rent to them, we have no control
25 over that situation, and sometimes those families

1 have difficulty renting. I can't tell you what
2 percentage. Sometimes any poor family have
3 difficulty renting. The group that we cover are
4 those whose family income is 50% of the area median
5 income or less, all the way down to zero, so they
6 certainly are eligible to receive rental assistance
7 on their behalf.

8 MARILYN SHULER: Could you clarify,
9 because I misunderstood what you said. You
10 indicated that, I understand that some landlords
11 refuse to repair their homes.

12 A Yes.

13 Q But I thought then you said that some
14 persons who have your qualifications have not
15 stayed with you and get safe and sound housing, and
16 that is the question I have. Why is that?

17 A There are two reasons. The waiting
18 list is a primary waiting list. When a family
19 joins on the waiting list and there are 500
20 families in front of them, we typically lease up
21 between 10 and 20 certificates a month. A new
22 family is looking at a two and a half year wait for
23 rental assistance. In the interim, they are going
24 to try to find the least expensive rent that they
25 can in the community, and that is where they became

1 involved with the landlord maybe renting
2 substandard units, because that is the only thing
3 the family can afford to rent.

4 MARYLYN SHULER: They don't have a
5 slip? They are on the waiting list?

6 IRENE CHAVOLLA: So they can still be
7 on the waiting list and they can rent elsewhere and
8 then come back.

9 A They can.

10 IRENE CHAVOLLA: Okay.

11 A Your income qualifies them for the
12 entire time. The entire time they were on the
13 waiting list, we not verifying what is on their
14 application. At that point we verify their income
15 eligibility and how they can be housed in other
16 circumstances while they're waiting. Typically
17 it's doubling up. There is a great deal of that in
18 this area.

19 CHAIRPERSON WILSON: Any other
20 questions? Thank you.

21 Is Cynthia Wren here? Would you give your
22 name and position and organization that you work
23 with?

24 CYNTHIA WREN

25 A My name is Cynthia Wren. I work for

1 the Mini-Cassia Juvenile detention center in
2 Burley...In Rupert, Idaho. Excuse me. I live in
3 Burley.

4 CHAIRPERSON WILSON: Do you have any
5 opening remarks you would like to make?

6 A No. Good afternoon, ladies and
7 gentlemen. I would like to thank you for inviting
8 me. As a juvenile detention officer and shift
9 supervisor at the Mini-Cassia Juvenile Detention
10 Center, I work with many Hispanic and non Hispanic
11 youths between the age of 10 and 17 years old.
12 These youths have been Court ordered to be
13 detained, or awaiting sentencing, or to insure
14 Court appearance. They are also admitted for the
15 protection of the community or protection of the
16 juvenile. My job is to make their stay as safe and
17 secure as possible. We provide them clothes, food,
18 education, exercise and rest and other basic
19 necessities. There is A very structured daily
20 program which they must follow. Due to the large
21 recidivism rate, we have added a program for those
22 individuals who have returned to detention five or
23 more times. It is somewhat restricted. However,
24 if they have returned five or more times, it would
25 appear that detention is not much of a deterrence

1 to their illegal behavior.

2 Our facility opened in August of 1992, and
3 how ironic for today's topic our first resident
4 happened to be Hispanic youth, Hispanic male youth.
5 The facility is located in the old jail in Rupert,
6 which was remodeled and added onto to accommodate
7 the needs of a juvenile detention center. We are
8 licensed for 16 residence. We have eleven rooms,
9 three of the rooms have two to three beds. We have
10 a day room which is located in the middle of the
11 facility, surrounded by the juvenile rooms and the
12 control room which is off limits to the juveniles.
13 We have electric locks on the east side of the
14 facility that can be opened by pushing a button in
15 the control room. This is the newest part of the
16 detention. These six rooms can also be opened by a
17 key. The east side of the facility used to be the
18 old jail, and consists of five rooms that are
19 opened by a key only. Each room has a combination
20 of toilet, sink, glass mirror and a bed. We have
21 an indoor/outdoor rec area. And we have a school
22 room, small library. All these areas I have
23 mentioned are on what we call a secured unit. The
24 other half of the detention center has a
25 secretary's office, a director's office, a

1 conference room, a small kitchen, where our food is
2 brought in and catered by the Thompson Management,
3 through the Thompson Management out of Boise
4 through the Minidoka Memorial Hospital. It is
5 placed in a steam table and brought on unit, and
6 served to the residents by the staff. The other
7 half of detention has a -- oh, excuse me. We are
8 not... we also have an admitting area where the
9 juveniles are brought in and oriented on their
10 rights in detention and what is expected of them.
11 We will not tolerate anyone hurting themselves or
12 others, nor doing anything to prevent others from
13 learning from this experience. They are expected
14 to conduct themselves in a courteous and respectful
15 manner in which their peers are expected... with
16 their peers in detention with other visitors who
17 come to detention. They are given responsibilities
18 while they are here. And by performing these
19 responsibilities, they can earn privileges. Also
20 they are told if they are involved in any illegal
21 activities while in detention, an incident report
22 will be written and forwarded to the Minidoka
23 County Prosecutor for possible charges to be filed.
24 Examples of illegal activities an include, but are
25 not limited to fighting, battery, indecent

1 exposure, destruction of property, drug and alcohol
2 violations, and violating laws.

3 As of October 23 of this year, since opening,
4 approximately 977 Mini-Cassia individuals juveniles
5 have been admitted. Our count is much higher than
6 this when you include repeat offenders. Out of
7 these nine approximated 977 individual juveniles,
8 approximately 318 are Hispanic; approximately 62 of
9 these 318 juveniles were females.

10 PERRY SWISHER: The female number
11 again.

12 A This is 62. This is approximate. The
13 problem I have seen with Hispanic juveniles is the
14 recidivism rate. Out of approximately 318
15 mentioned, approximately 139 are repeat offenders,
16 coming back to detention up to 12 times or less.
17 These 139 repeat offenders have returned
18 approximately 640 individual times, ranging from
19 anywhere from two days to 180 days in detention.
20 But the total days spent in detention, the figure
21 is high. Total days, meaning that they come in
22 detention ten times and out of those ten times they
23 might spend 220 days total.

24 A lot of staff was shocked when... I made
25 this study on my own, this individual study. I

1 took the records from juvenile detention and
2 counted every Hispanic that had been there from day
3 one until October, but I could -- these are all
4 approximations. Well, my staff were all shocked
5 when they heard there was only 318, because they
6 thought we would see Hispanic there all the time.
7 And that is only because they are coming back and
8 coming back as repeat offenders. Many of the
9 repeat offenders are charged with probation
10 violations, burglary, malicious destruction of
11 property, petit theft, run away, liquor violations,
12 driving while suspended, driving without a license,
13 and many more violations.

14 What I'm seeing in detention is a lot of the
15 juveniles are not in school. They come in and they
16 have been... they are repeat offenders, meaning
17 that they are in trouble a lot, so they were not...
18 they are kicked out of school and/or expelled. Out
19 of the 318 individuals on survey was that more than
20 70% are gang affiliated. In detention, I have
21 asked almost all of them since I have worked if
22 they are gang affiliated, and I have gotten more
23 than half of the kids tell me yes, they are.

24 Another thing I would like to mention is that in
25 detention at any given time any Hispanic talking

1 Spanish can be asked to speak English for security
2 reasons. Are there any questions?

3 MARILYN SHULER: As a follow-up with
4 the last comments, does that mean your staff... do
5 you speak Spanish?

6 A Yes, I do.

7 MARILYN SHULER: If a--

8 A While I'm on duty, they can speak
9 Spanish. I tell them, as shift supervisor, I have
10 had many times comments made to me. I have heard
11 staff tell Hispanics to speak English, and then
12 I'll tell the staff if I'm on unit, no, let them
13 go. I can understand what they are saying. But if
14 I am not on unit or not on duty, if there is not a
15 Spanish speaking member, then they are told to
16 speak English.

17 MARILYN SHULER: One more follow-up.
18 You talked about recidivism rates of Hispanic
19 students. Given the fact that I think probably the
20 goal of the program is to keep students out of the
21 criminal justice system, do you have any opinion as
22 to why whatever is in place here? If I heard you
23 right, that is working less well with Hispanics
24 than for non Hispanics. I assume if you don't keep
25 coming back is because you were diverted out of the

1 criminal justice system, and somehow you're making
2 it; is that a correct assumption? If you keep
3 coming back, you are continuously having problems?

4 A I have not taken a survey on non
5 Hispanic residents that have come in. I can only
6 talk on what I surveyed. But if I understand you
7 right, my opinion is that Hispanics that are repeat
8 offenders are not benefiting from detention. They
9 are not in school. They have nothing to do with
10 their time, and they are gang oriented, and gang
11 affiliated, so they drink, and they do drugs, which
12 is a normal thing in gang affiliation.

13 PERRY SWISHER: If I walk into that
14 facility today, how many Spanish American or
15 Mexican American, whatever, guys would there be
16 today?

17 A Right now this is one of our lowest
18 times I have seen since I have been there. Four.

19 PERRY SWISHER: Only four?

20 A We have nine residents, and when I
21 left, if I recall right, we have six.

22 PERRY SWISHER: Then are there six to
23 eight, would you say?

24 A Not all the time.

25 PERRY SWISHER: Not that many. You're

1 saying that on duty you're the only Spanish
2 speaking person that they can be sure would be
3 there. When You're not there, there is nobody?

4 A Our director is bilingual, also. Our
5 nurse is bilingual. Our nurse has taken a
6 part-time position now as a staff member also, so
7 when she is on duty, I think. I believe, there
8 wouldn't be a problem. She would allow them to.
9 We have also hired Hispanic male part-time.

10 PERRY SWISHER: Why is something not
11 happening then, something on the premises that
12 Hispanic kids will identify with that they get some
13 good out of it to help them out to help with
14 recidivism. What do you think needs to be done?

15 A We are a detainment center only. We
16 are not counselors. We do... we can talk to them on
17 an individual basis, but we are not a counseling
18 facility.

19 PERRY SWISHER: Thank you.

20 DAVID PENA: Is that available,
21 counseling services while in the facility?

22 A The Court can order it, or parents can
23 make an appointment with counselors.

24 DAVID PENA: Is that under your
25 purview at all?

1 A We have--

2 DAVID PENA: Do you make referrals
3 even?

4 A Yes, we do make referrals. We tell the
5 probation officer that this person has asked for
6 counseling services and the probation officer makes
7 those available to the residents.

8 DAVID PENA: One other question.
9 Certainly you have had people in there that speak
10 Spanish only?

11 A Yes.

12 DAVID PENA: Are there times that
13 there is no one there?

14 A In my experience, I have had individual
15 residents come to me personally and complain that
16 while I was gone, he was treated... I can't say
17 really... he was treated differently, because they
18 could not understand him, so he didn't speak. He
19 was told to speak English. He can speak broken
20 English, but he couldn't make himself clear on what
21 he really wanted, so he will wait until I came on
22 duty.

23 GLADYS ESQUIBEL: On the staff that
24 you have that are bilingual, are they bicultural?

25 A Three of us are.

1 GLADYS ESQUIBEL: Do you have any self
2 esteem classes or anything to work with students to
3 try to make them feel better?

4 A No, we don't.

5 GLADYS ESQUIBEL: Do you have any
6 culture awareness training for either the juveniles
7 and staff that would help you learn more about each
8 other, and kind of meeting with respect to each
9 other's cultures?

10 A No, we don't. As a matter of fact, the
11 only time that this has happened is when, I,
12 myself, brought in you to talk to them on this
13 subject, because we have a lack of communication.
14 I would try to inform the staff about Hispanic
15 culture, or explain to them maybe why an individual
16 Hispanic is acting a certain way, and staff would
17 not comprehend. They would say well, I had an
18 individual tell me oh, well, why don't they go back
19 to Mexico then.

20 JAMES ANNEST: Cynthia, you said that
21 you didn't think that repeat offenders were
22 benefiting from detention. Do you have an opinion
23 on what could be done to solve that problem for
24 repeat offenders?

25 A I'm not saying that all repeat

1 offenders do not benefit. I'm saying a certain
2 percent that I see, detention does not benefit
3 them, only because they are already street-wise.
4 They are already detention-wise. They know the
5 rules, and they know how to push buttons on staff,
6 and know how to push kid's buttons, also. And what
7 I would suggest is, I see in bigger towns... I just
8 mentioned that... I mean, they have St. Anthony
9 where they send these kids and they have programs
10 for them to learn how to control anger management
11 and drug and alcohol, or other kinds of problems
12 that these kids have. And these kids do have many
13 problems when they do come to detention, but they
14 have not been addressed or helped with.

15 JAMES ANNEST: They cannot be
16 addressed at the level you are at?

17 A At the detention center, no.

18 PERRY SWISHER: Mr. Chairman, I was
19 told by Gladys Esquibel that housing at the
20 detention center has a waiting list.

21 A Yes, we do. We are having a problem
22 with that.

23 PERRY SWISHER: You guys have to break
24 into jail here?

25 A They do not have to break into jail;

1 it's just that it that there are times we are over
2 populated. Since we can only hold 16 residents,
3 there are times when the court system has more than
4 we can hold.

5 PERRY SWISHER: You can accommodate?

6 A Yes.

7 IRENE CHAVOLLA: You said that part of
8 your program you have an educational program?

9 A Yes.

10 IRENE CHAVOLLA: If you have students
11 that don't speak English, do you have someone
12 provide services for them for training and delivery
13 of training.

14 A No, we don't. I have held many. The
15 ones that do come into detention, I have helped
16 them on an individual basis, but then at times that
17 I'm not there, I really can't speak how they do. I
18 know a teacher does have some bilingual schools. I
19 am speaking... he does speak a little Spanish. As
20 far as any bilingual person who comes in, no, we
21 don't have that.

22 IRENE CHAVOLLA: Do you work -- does
23 your educational department work say from Minidoka
24 County schools or Cassia County schools?

25 A Our teacher is from Minidoka County

1 for... what is it called? It's called the... I'm
2 not sure exactly. I know he is involved in the
3 school district. He is hired from the school
4 district.

5 IRENE CHAVOLLA: Like a home.

6 A No, he is more for the challenged or
7 what is that called handicapped? Special
8 education, that is what it is.

9 IRENE CHAVOLLA: Can I ask another
10 question?

11 CHAIRPERSON WILSON: Go ahead, please.

12 IRENE CHAVOLLA: If they don't
13 understand the educational program, they are not
14 having success, educationally, do you think that
15 adds to the reason why they keep coming back to the
16 detention center?

17 A Yes. I feel they have fallen behind in
18 school, so that they get bored, and they don't
19 understand. They are, how do you put it, as
20 experienced. As a parent who went through this, I
21 can testify that my son who was never in detention,
22 but he was a high risk kid. He was always in
23 trouble. The good thing about it was that the
24 detention center wasn't open then, or otherwise, he
25 would have been in there. I was talking to my son

1 on this subject. He told me... he is going to
2 college right now, and he is in Texas. But he told
3 me that his one regret was that he did not graduate
4 from the Burley High School. And I asked him, and
5 he said, mom, he goes, even though I was a high
6 risk kid in trouble, the lack of bonding between me
7 and the teachers. If one teacher would have at
8 least came to me and tried to bond with me, I would
9 have graduated. But he went to... he got his
10 G.E.D, and now he is going to college.

11 IRENE CHAVOLLA: I guess my question
12 was, if the kids experience success in the
13 detention center if you speak English, there is a
14 possibility that you would. And so, therefore,
15 they are successful, and they are able to go out
16 into the regular school system because they can go
17 back and feel a little successful in regular
18 school. But the child that does not speak English
19 is not experiencing any kind of success in school
20 or the detention center, and so, therefore, when
21 they get out of the detention center, they haven't
22 had any success. My question is, do the kids who
23 come back, do you think the kids that come back is
24 because they are not experiencing any kind of
25 success at the detention center because of

1 language?

2 A If it's language, we have had very few
3 that cannot speak both languages. But the few we
4 have had, yes, I do feel that he have come back
5 because of not having a feeling of self esteem,
6 because they can't read Spanish, or they can't read
7 their own language either. As a matter of fact, I
8 was authorized to buy Spanish speaking books in
9 Spanish, and I thought this would help Hispanic
10 population, but come to find out, half of the
11 Hispanic people that I thought it would help the
12 residents, they couldn't read the books. They
13 couldn't read Spanish.

14 PERRY SWISHER: That is because you
15 turned those question marks upside down.

16 CHAIRPERSON WILSON: Let me... what do
17 you think that in your area, your detention, what
18 do you think that could be done to include the
19 welfare of the Spanish participation in the
20 program, just your department could do?

21 A Before they come into detention?

22 CHAIRPERSON WILSON: While they are in
23 there?

24 A I feel that if we had maybe on-unit
25 counselors that come and counsel these kids on an

1 individual basis that, that would help. I also
2 feel that if they could be... another thing I need
3 to mention, while they are in detention, if they
4 are going to our school, if they are registered on
5 the school on the outside, then school at our
6 facility counts. They are not, these days they do
7 not miss. They are counted. But the thing that I
8 notice is that we do not teach the same stuff that
9 they are learning in school, so even though they
10 are in our school, they go out and good back to
11 school and they are behind. But another thing that
12 an individual can do is they can have their school
13 work brought into them. That is a great benefit to
14 them. But to help them individually while they are
15 in detention, I think we need more counseling and
16 more therapy classes. Like I say, we are a
17 detainment place only.

18 JAMES ANNEST: If your education is
19 not the same, who plans or structures your
20 programs?

21 A The school program?

22 JAMES ANNEST: The school program?

23 A The school program, we do have a school
24 teacher, but he has his own structured program that
25 he uses, so he doesn't--

1 JAMES ANNEST: He doesn't take the
2 students and try to keep them going at the level at
3 which they were in school?

4 A What he does is, we have a packet that
5 they fill out we call it an academic assessment.
6 And we have them do this packet, and then he
7 evaluates that on an individual basis, and then
8 puts them at the level that they have finished.
9 And the problem I see is that these packages are
10 used, and used, and reused, so that if they are
11 repeat offender, you might do these same packets
12 three or four times, and maybe ten times that you
13 come back in.

14 CHAIRPERSON WILSON: Any other
15 questions or any one? Thank you, Mrs. Wren.

16 Is Mr. Daniel Ramirez present?

17 DANIEL RAMIREZ

18 A I am present.

19 CHAIRPERSON WILSON: All right.
20 Mr. Ramirez, have a seat and give us your name?

21 A I'll get comfortable.

22 CHAIRPERSON WILSON: Tell us what
23 organization you are representing.

24 A Mr. chairman, members of the
25 committee--

1 CHAIRPERSON WILSON: Tell us your name
2 and things you are participating in.

3 A My name is Daniel Ramirez. I'm the
4 Executive Director for the Idaho Commission on
5 Hispanic Affairs. Again, I would like to thank you
6 for inviting me to participate in your inquiry on
7 the ethnicity in Minidoka and Cassia counties. I'm
8 currently the Executive Director on the Idaho
9 Commission on Hispanic Affairs, which is a state
10 agency in the state of Idaho. Some of you are
11 aware that I grew up in this community and my
12 family still live in Rupert, Idaho. And I also
13 graduated from Minidoka High school in 1988, and I
14 visit my family in Rupert. Therefore, I'm not a
15 stranger to the community and problems confronting
16 Hispanics in this area. Today I would like to
17 brief you on the issue of my education. I would
18 like to let you know that I'm no expert on
19 education. I think there a lot of people in here
20 that are very qualified.

21 PERRY SWISHER: We are all experts.

22 A I wanted to express my views from the
23 Hispanic community who have contacted me on this
24 issue. Before I begin, I believe that it's
25 important to give you some information about the

1 Hispanic community in Minidoka and Cassia counties.
2 Minidoka and Cassia counties are the fastest
3 growing counties of Hispanics in the State of
4 Idaho. In 1989 and '90 U.S. census figures
5 indicate that Minidoka County had a Hispanic
6 population of 3,735 out of a total population of
7 19,361. Cassia County had 2,623 Hispanics out of a
8 total 19,532. By 1994, the Hispanic population of
9 Minidoka County was up to 4,503, out of 23,744 of
10 total population. Cassia County population of
11 Hispanics had increased to 3,060, out of 20,811 out
12 of the total population. Hispanics are the fastest
13 growing minority in the nation. It is no different
14 in our state and Minidoka and Cassia Counties. In
15 some cases the growth of Hispanics is up over 30%.
16 The growth also reflects in the Minidoka and Cassia
17 County school districts. In Cassia school
18 district, there were about 18.22% increase of
19 Hispanic students to the total of 5,397 Hispanics--

20 PERRY SWISHER: This is 1990?

21 A This is 1995 and 1996.

22 PERRY SWISHER: You say 30% increase.
23 From when to when?

24 A The 30% increase was based between 1990
25 and it was now 1994. This 1994 figures I'm giving

1 you are based on the U.S. projection. They are
2 estimates.

3 PERRY SWISHER: Okay.

4 A In Minidoka County there was 27.84
5 increase for a total of 5,295 Hispanic students.
6 This figure is based on the 1995 and 1996 studies
7 that I obtained from the department of education.
8 I believe the growth is causing problems in schools
9 and the community for Hispanics. There are people
10 who are not cultural sensitive and tolerant of
11 other's values and differences. There is also fear
12 of losing control, such as public places. For
13 example, after the 1986 Immigration Reform Act,
14 there were more Hispanic individuals in the Rupert
15 community, especially in public places such as,
16 parks. The city responded in placing law
17 enforcement officer on Sundays, which happened to
18 be when Hispanics were utilizing the parks. To
19 date, not much has changed. The community is still
20 dealing with how to handle the growth of Hispanics.
21 In some communities, crime and gang violence has
22 been blamed on Hispanics. Last year I was
23 contacted by concerned parents that expressed to me
24 that a number of students had been expelled from
25 East Minico Junior High School. I read from the

1 South Idaho Press and the Times News who reported
2 that over 100 students had been expelled from East
3 Minico Junior High School, most of them Hispanics.
4 I visited the school and learned that 37% of the
5 student body were Hispanics. I also was astonished
6 of the changes of the increase of Hispanic students
7 since I attended there. Based on my observation, I
8 believe the growth was a factor for what was
9 happening at East Minico Junior High with the
10 expulsion of students. I have spoke to Hispanic
11 parents who expressed their frustrations with the
12 school by expelling their children and not going to
13 the Anglo's parents. On the other hand, the
14 Hispanics students felt they were discriminated
15 because they were Hispanics. I also learned that
16 there were a lot of conflicts between Hispanics and
17 Anglo students at the school. The principal
18 pointed out to me that there were trouble makers
19 and gang members who were causing the problems.
20 This was the students, and they were disciplined
21 against, because they just happened to be
22 Hispanics. In general, I believe there is a
23 problem in the school system when the teachers have
24 a lack of cultural awareness and lack of
25 sensitivity the needs of Hispanic students. As a

1 result, the students felt they are not understood
2 and disruptive ended up being disciplined, as is
3 the cases at Minico Junior High School. Another
4 problem that I learned is that the teachers have a
5 tendency to special classes to get rid of them.
6 They become frustrated because of their lack of
7 culture sensitivity. They also assume the students
8 who have been in the education for about three
9 years, they should know English when it takes
10 approximately seven years to comprehend the
11 language. I also learned that this community is a
12 very conservative one, and that there are Anglo
13 parents who do not want their non Hispanic children
14 to be in the same classrooms with LEP students.
15 They believe this will cause the children to slow
16 down their learning ability, when, in fact, both
17 cultures could benefit from each other by being in
18 the same classrooms. The solution to break down
19 some of these problems that could help in issues of
20 discrimination is to hire more bilingual teachers,
21 aids and translators to restore a lot of what is
22 happening there. Another is to provide training
23 and culture awareness to teachers to help
24 understood the Hispanic students better.

25 This morning, I visited west Minico Junior

1 High School, just again to speak to some of the
2 students and some of the faculty. I learned that
3 at West Minico Junior High School there are four
4 individuals who speak bilingual. And I learned
5 that East Minico Junior High School has one
6 individual who is a Hispanic person there. And I
7 could be wrong. I'm not exact, but this was the
8 information, secondhand information, and this is a
9 concern of mine because we have seen an increase of
10 Hispanics throughout the state but specifically
11 also a higher increase in the school system where
12 more is needed to be done about hiring more
13 bilingual teachers. I thought I would give you
14 that perspective on what I have witnessed in this
15 community. But I would like to add that another
16 issue that is a very serious one that is affecting
17 a lot of members in the Hispanic community in this
18 area and throughout the state is, I think, is the
19 issue of immigration. That is also a big concern
20 and big problem for Hispanics. We have people in
21 our community who are looking for some form of
22 assistance in filling out their papers and trying
23 to get legalized. In some cases there are people
24 who come out of town and defraud them, charge high
25 amount of fees, and walk away with a lot of money.

1 And that is always a problem in this community that
2 I have gotten a lot of reports over the last couple
3 of months. And one case... this individual came in
4 and promised to provide employment opportunities or
5 employment cards and walked away with close to 30
6 or 40 thousand dollars. This is related to
7 immigration. It is a problem that is effecting the
8 community. In relationship to education, we have a
9 lot of students who are undocumented as well, and
10 that also costs in opinion some form of
11 discrimination within the school system when people
12 learned that you are not here legal. You are
13 illegal. You seem to be treated differently
14 as well. That concludes my presentation.

15 CHAIRPERSON WILSON: Thank you.

16 HID HASEGAWA: The Idaho Commission on
17 Hispanic affairs, what does that... what does that
18 entail? What is its duty?

19 A Sure. The Idaho Commission of
20 Hispanic, we do not provide any services. We were
21 established in 1988 for the purpose of being more
22 of an advisory roll and informational center for
23 the citizens of the State of Idaho with emphasis on
24 the Hispanic Community. We advise the governor and
25 sit on the govenor's cabinet and advise him on

1 issues of Hispanics state wide, and also work with
2 the state legislature. In many cases we also
3 assist -- people participated, and we also assisted
4 issues of workman's comp during that time as well.

5 PERRY SWISHER: The obvious need
6 especially for males -- we have very strong
7 Hispanic women in this community we are hearing
8 from, but, you know, I don't want to over simplify.
9 I'm going to say this kind of hands-on stuff is not
10 male tradition. It's going into the community and
11 making the school thing work and that sort of
12 thing. That is not what my father's generation of
13 Anglos did either. Preferably, single female
14 teachers did all that, okay? Now it's 1997 and
15 you're reporting about West Minico. For instance,
16 one Hispanic in the whole place, you know, teaching
17 that you observed, right? But to get from here to
18 some where better than that, how is this going
19 to...is your group going to say, we need people...
20 they don't have their certification from the
21 teachers, you know what I mean? Call it getting a
22 teacher's certificate. Parenthood does not include
23 getting an education, but they have not gone
24 through the process. How are we going to get
25 people who speak Spanish, people who are from the

1 community, people with kids identified with them,
2 people who just give that kid detention, how do we
3 get them inside the school system working? It has
4 to be part of the school formulation. And can you
5 cope with, for instance, the idea with respect to
6 what is done with salary? Can you cope with the
7 administrators with respect to how they hire? Can
8 you cope with educational establishment who says
9 that if you don't have a degree in education, that
10 you can't even use the lavatory? Can you do
11 something about this? Is there some way people
12 like us that can help in our advisory roll to get
13 those doors open and get some Hispanic help into
14 these places, and I mean soon, not that we get a
15 bunch of Bachelor of education degrees five years
16 from now.

17 A Like I stated, I'm no expert in the
18 education arena. A lot of people here will give
19 you lot of great ideas. Based on my perspective, I
20 think that we need to start breaking down a lot of
21 barriers locally in the junior high and high
22 school. I speak also from my own personal
23 experience. When I went through the education
24 system in Minidoka County, I can bet you now that
25 there are people in our community who would ever

1 bet where I'm at today as the executive director of
2 the Hispanic Commission. In fact, there were
3 people, teachers from my school who encouraged me
4 to become a janitor and find me a job as a janitor.

5 PERRY SWISHER: Work with your hands.

6 A In order to get from point A to point
7 B, we need to start working at that level to
8 encourage more students to participate in the
9 educational system. We would always encourage
10 people to go from our perspective from our
11 organization. We always encourage education, and
12 people go to school and try help people with what
13 we can. But also it is very valuable to have the
14 people, have the administrators, have the teachers,
15 have the counselors all involved and all on board.
16 When I was with in the system, no one approached me
17 and said, do you want to go to college? Is that
18 something you want to do? It was more like, well
19 you are going to end up working at the sugar
20 factory with my dad or working back at the fields.
21 So you asked the question earlier about one of the
22 speakers regarding whether they discriminate in
23 terms of who they select. It was a great example
24 that happened to me, because the kid who was
25 brilliant, I mean, he was a straight A student. My

1 GPA load was 1.8. The student next to me went to
2 BYU and graduated a year earlier than I did,
3 because he was that brilliant. But the teacher
4 said to me, I got to concentrate my time on this
5 student because this student is going to college,
6 and you're not. We need to start educating
7 teachers. We need to start working with counselors
8 and give them that when you're in a classroom,
9 you're all equal, no matter whether you have 1.8
10 GPA or 4. GPA:

11 DAVID PENA: I went to that school
12 system as well. What I noticed that was different
13 then, or let me know if this observation is
14 correct. But back then, I think mostly second
15 generation students. We didn't have at least that
16 diverse bilingual problem unless everybody dropped
17 out of the school system, but that seems to be a
18 problem that there are actually enough children in
19 junior high. My peers, I remember, we all hung out
20 together, but we all spoke English very well. It
21 was pretty much our first language, first language
22 at home. Is that a problem now? And you made some
23 reference to what I thought maybe that might
24 attribute to it? And the second question I would
25 have is, do you advocate or have you advocated to

1 the governor for approval for the problem that we
2 don't have enough Hispanics by being role models or
3 active participants in teaching children? Have you
4 had advocated to the governor's office to actively
5 and affirmatively recruiting for the state board to
6 take on that type of policy?

7 A Of course, through the Governor's
8 Hispanic initiative, one of our recommendations is,
9 I believe, Irene sits in our panel. But the person
10 really leading this charge is Sam Byrd. I was very
11 interested today while in West Minico Junior High,
12 I know that the Hispanic students are segregating
13 themselves. I don't know. The non Hispanic
14 students are in their own circles. It's very...
15 you would have to go see it yourself to believe
16 that even today. We still seem to be in that type
17 of position.

18 MARILYN SHULER: I wondered, if you
19 could, the records here will be open for a month,
20 and we talk about some of your duties on the
21 Hispanic Commission you were quite modest because
22 you failed to say you were an executive of some
23 responsibility to see that Governor's Hispanic
24 initiative is implemented, so I wondered if you
25 could put into the record some information about

1 that?

2 A Sure.

3 MARILYN SHULER: Any kind of
4 information that has been collected to date that
5 might relate to these counties? I don't know if
6 that is too much to ask.

7 A Not at all. There was some topic of
8 discussion earlier about providing some of the
9 services, such as assisting people with translation
10 and those type of things. There is in the works
11 right now, through the Governor's Hispanic
12 initiative to establish in three communities, in
13 fact, state wide, and Magic Valley area is one of
14 those that we are focusing on. This community
15 center, we are going to call them, will be an area
16 where the community can come in and get that type
17 of assistance, including citizenship classes, and
18 anything from English, learning how to speak
19 English, learning how to read English. And that is
20 part of the Governor's Hispanic initiative. We'll
21 write recommendations to the Governor of some of the
22 problems that we believe are the top issues for
23 Hispanics state wide. This recommendation will be
24 submitted, hopefully by the end of December. And
25 some of our topics that we will be looking into

1 together, including issues of substance abuse and
2 gangs, education, housing and employment. I have
3 also got assistance and very strong support from
4 all of the state directors for the State of Idaho
5 and they have assigned a liaison to my office, and
6 we are working with those people in terms of having
7 this particular office assist us in giving
8 recommendations to the governor.

9 GLADYS ESQUIBEL: Would you also
10 include part of that information a copy of this
11 survey done within the state on employment with
12 Hispanics and where we are at?

13 A Sure. We did, the Hispanic Commission
14 did a survey on the Hispanics in the state
15 employment. To my -- I also suspect that the
16 Hispanics working for state government were very
17 low. And we did a survey and found out that
18 approximately 526 Hispanics were working for state
19 government right now. That makes about 2.2% of the
20 total population that are working for state
21 government. We found out that in terms of
22 equality, male versus female, it's almost equal,
23 50/50, but we found out that females are getting
24 paid less than the male counterpart:

25 IRENE CHAVOLLA: Of those five

1 hundred...

2 A And 26.

3 IRENE CHAVOLLA: How many of those
4 Hispanics are serving in a high position as
5 directors?

6 A Right now, I believe I am the only
7 Hispanic state wide in a high level position. In
8 fact, I'm the only Hispanic in the governor's
9 cabinet. There are very few in management
10 positions, and a lot more in the secretarial
11 positions, janitors and making basically very low
12 salaries. I believe that we also found there is
13 one Asian American. So there are very few
14 minorities that are having that type of a position.
15 So we are looking in terms of increasing that
16 number in the coming years, and that is part of our
17 recommendations in terms of recruiting Hispanics in
18 state government.

19 CHAIRPERSON WILSON: Anyone else? At
20 the beginning of your presentation, you said
21 something about you had some LEP, what was that?

22 GLADYS ESQUIBEL: Limited English
23 proficient.

24 CHAIRPERSON WILSON: I didn't get
25 that.

1 A I should have said that.

2 CHAIRPERSON WILSON: No other
3 questions? Thank you. We'll take a break.

4 (Recess 4:25 p.m.)

5
6 CHAIRPERSON WILSON: We are going to
7 reconvene. Will you all please take your seats?
8 Before I probably just I want to introduce the
9 ladies that are here doing the signing. And I
10 would like for them...are both of them here? Is
11 the other lady here? She is out. Would you give
12 your name, and give your name and position, if you
13 would?

14 A I'm Catherine Montoya. And I'm signing
15 here.

16 CHAIRPERSON WILSON: And the other
17 lady?

18 A Carol Anderson.

19 GLADYS ESQUIBEL: Go ahead and give
20 your name and position.

21 ALEX CASTENEDA

22 A My name is Alex Casteneda
23 C-a-s-t-e-n-e-d-a. I'm with the Idaho Migrant
24 Council. I'm the regional manager for the
25 eight-county area that works in Burley and Twin

1 Falls area. And we are an employment training
2 component that is in the State of Idaho. Our
3 office covers Burley and Twin Falls. Our goal is
4 to provide employment and training services and
5 education to migrant and assist farmers workers,
6 Hispanics and Idaho's poor by providing training
7 support and with employment and training programs
8 that helps them obtain the training that they need.
9 We also have supporting services, emergency support
10 services that help families, that help families
11 that are in need. The Idaho Migrant Council as a
12 whole provides employment and training services,
13 migrant head start services to migrant children
14 throughout State of Idaho, Montana and Wyoming. We
15 have employment training. The employment training
16 programs are based out of Idaho. And housing
17 services are provided also within the State of
18 Idaho. And we also have a mental health employment
19 out of Canyon County area and that service is with
20 counseling, drug alcohol counseling, and counsel
21 services that are needed. Our employment and
22 training component have also a parent involvement
23 specialist, which provides parents with services
24 such as helping them understand how the school
25 system works, and getting more involved within the

1 school system by providing training and helping
2 them understand the curriculum that the schools
3 have. That is a pilot program based out of Burley,
4 Cassia County. It comes from the Migrant Education
5 Program of the State of Idaho Department of
6 Education, and we are a pilot program for the
7 state. We also have scholarships to give out to
8 Hispanic students. And, I guess, that is more or
9 less what we cover. Is there any questions that
10 you have?

11 GLADYS ESQUIBEL: I am not familiar
12 with a pilot program in Cassia County. Could you
13 elaborate about that?

14 A Yes. Basically, Idaho Migrant Council
15 through the Cassia County School District and
16 Department of Education, Migrant Education, we are
17 working together on maybe developing some type of
18 program that can help bring the parents, the
19 Hispanic parents into the school system by
20 providing services such as maybe ESO classes,
21 citizenship classes, just general education on the
22 school curriculum.

23 GLADYS ESQUIBEL: Is there a person
24 that is home-based?

25 A Uh-huh.

1 GLADYS ESQUIBEL: Could you give us
2 the--

3 A Irene McClain. She works out of our
4 Burley office. And basically, she is working with
5 parents who have students enrolled within the
6 Cassia County School District. And, basically,
7 what she does for this, for instance, she goes out
8 to the community and asks where some of the needs
9 and some areas that keep you from becoming more
10 involved in the school system; and what way can we
11 help you, and identify problems, well, how can we
12 help this family, so at the end they can help their
13 students. That is the program.

14 CHAIRPERSON WILSON: Anybody else?

15 MARILYN SHULER: Well, Mr. Chairman, I
16 would just like your impressions on what you think,
17 anything that should be brought to our attention.
18 I know you're very concerned about certain issues,
19 your agency is. Are there any particular lack of
20 service or problems that are not currently being
21 addressed that you feel for the Hispanics in this
22 county area?

23 A I think there are many issues, but, I
24 guess, a lot of those folks have addressed those
25 things and covered that. And so, if there is

1 anything else? I am concerned with the people and
2 if there is anything, I can turn that in a later
3 day, but as to what, basically, what has been
4 addressed here, that pretty much covers what our's
5 covers.

6 JAMES ANNEST: Have you identified any
7 discriminatory practices through your work?

8 A There has been yes, within our offices,
9 and it's not on a daily basis, but yes, that will
10 be a lot of them have brought to the attention of
11 local, state or city agencies, and as to what
12 actually come out of it, we still don't know.

13 JAMES ANNEST: Can you give us an
14 illustration?

15 A An illustration of that is employment.
16 There is a lot of companies against employers and
17 farmers, and that, for example, have Hispanic
18 workers and Anglo workers that is working with
19 them, and they are putting one person more than the
20 other one when maybe the Hispanic has been there
21 for ten years, and the Anglo been there only maybe
22 six months. That has been employment issues that
23 has been a major concern.

24 JAMES ANNEST: What form does the
25 discrimination take place, in wages or in actual

1 employment?

2 A Wages and actual employment. Wages, as
3 far as a person being there for ten years making
4 less than somebody who just barely been there for
5 six months. As far as positions, when you have
6 somebody that has been there the longest time that
7 knows the whole operation, and that particular
8 employer, not giving the opportunity maybe to take
9 that foreman position.

10 JAMES ANNEST: To advance?

11 A To advance.

12 CHAIRPERSON WILSON: Anymore else? I
13 would like to ask you this. Are you aware that
14 there are people who are having housing problems,
15 filling out forms, that need assistance? Are you
16 aware of this problem existing in this area, that
17 there are families that are getting involved in
18 various ways of life with administrative procedures
19 that need help? Has this been brought to your
20 attention?

21 A There was a case that there was person
22 a week ago, I guess, apparently he had been injured
23 on the job, and there was no income for the family.
24 He went to actually Idaho Housing and he was told
25 that he had to wait a year, and he waited, in which

1 it definitely was a practice or how they usually
2 work. As far as...he had the application, but he
3 didn't even fill it out. He thought for a year, I
4 need assistance now and I can't wait for a year.

5 CHAIRPERSON WILSON: Is your
6 organization in a position to give assistance to
7 people going with him when they are going out to
8 look for a house, someone who is not familiar with
9 the American Idaho way to give them a hand in
10 discussing in English with potential landlords or
11 job seeker?

12 A We do.

13 CHAIRPERSON WILSON: You do this?

14 A That is a lot of our programs offered.
15 There are particular things we have to do with
16 current programs that we have, and, again, those
17 are things that we do. For example, if somebody
18 goes to the office and they are looking for a house
19 to live, then we make calls for them if, you know,
20 if the English language is a barrier for them, we
21 make calls for them. If they know what is
22 available to them, but they need somebody to
23 translate for them, then we provide that. One of
24 ours staff persons would go out with them, and help
25 them out that way.

1 CHAIRPERSON WILSON: Are you familiar
2 with a lady name Julie Frazier? She is
3 vice-president of branch operations of Idaho
4 Housing and Finance Association? She was here.

5 A Uh-huh.

6 CHAIRPERSON WILSON: Do you know her?
7 Do you know of her? Have you seen her before?

8 A No. But our housing has to deal with
9 them on a daily basis.

10 CHAIRPERSON WILSON: I asked a
11 question to her, you know, what is the Idaho
12 Migrant Council doing to assist people, and, of
13 course, she could not answer for you, for the
14 Migrant Council. And I said, that I would
15 definitely ask. And so I'm asking you, and you are
16 telling me that you only give assistance, but I
17 think something is at a loss here, because my
18 understanding from her, and this is my
19 understanding, is that there is a need for people
20 having assistance in her area of expertise that she
21 is working in. And so I'm saying to you, that
22 there is numerous things that need to be done, but
23 then there are some things that can be done right
24 now, you know. If no one from your organization
25 has been to the housing people, then I think maybe

1 you ought to go, instead of waiting for them to
2 call you, you ought to go and let them know that
3 hey, look. We are here.

4 A Uh-huh.

5 CHAIRPERSON WILSON: We provide this
6 service. Because it would just be a shame that
7 tomorrow that there would be somebody that would
8 come up and be mistreated.

9 A Uh-huh. That is just some, you know, I
10 think that some needs that can be done now, you
11 know.

12 GLADYS ESQUIBEL: A point of
13 clarification that may be Alex can give us is the
14 target population you serve.

15 A Okay. The target population of is
16 migrant assistance to farm workers.

17 DAVID PENA: Farm workers in general,
18 rather than that narrower target.

19 CHAIRPERSON WILSON: Wouldn't they be
20 involved, too?

21 A Let me tell you one thing. There is
22 programs that we have run that specifically tell us
23 what we need to do as far as serving the migrants.
24 What we do in translating as far as representing
25 some of these folks when they need some of these

1 services, basically, on their own personal basis.
2 Yes, we are the Migrant Council, but at the same
3 time, the staff, the resources that we have, does
4 not allow us to do any of these services at all. I
5 mean, we have volunteers. We have staff a lot of
6 times do these kinds of things on their own, just
7 simply because we want to help our people, of
8 course, and yes, that is the Hispanic community.

9 PERRY SWISHER: Mr. Chairman, when the
10 Migrant Council was born, it was born within the
11 confines of about six inches wide, and that was to
12 avoid stepping on toes, all kinds of existing
13 agencies, and it was right after the time that all
14 of the great society programs were put in place.
15 The Migrant Council had to fit into a very narrow
16 place and still walked on tippey toes, right?

17 A Yes.

18 CHAIRPERSON WILSON: Thank you. Any
19 other questions? All right. Thank you. Do you
20 have anything else you would like to say?

21 A No. Basically, just for the group,
22 there are some services that we have at the State
23 of Idaho, and we have in office at Payette and some
24 northern area and there is an office in Caldwell,
25 and that is a field office, and, of course, the

1 headquarters office is there, also. And there is
2 the office here in Burley, and Twin Falls, and also
3 two offices in Eastern Idaho; one is based at
4 Blackfoot and the other one is based at Idaho
5 Falls.

6 CHAIRPERSON WILSON: Well, you cover
7 the whole state?

8 A Yes.

9 PERRY SWISHER: You do work in
10 Washington and Montana?

11 A That is the migrant head start program.

12 CHAIRPERSON WILSON: Okay, then.
13 Thank you. Mr. Raymundo Pena. Give us your name
14 and position for the record.

15 RAYMUNDO PENA

16 A My name is Raymundo Pena, and I am an
17 attorney in private practice in Rupert. And I am
18 here having been invited. I thank the commission
19 for having invited me to come down here and share a
20 few remarks with you. Probably to start off with,
21 when I first started practicing law in the
22 Mini-Cassia area in 1983 and I got a clerk for a
23 local attorney here in town. I thought he hired me
24 for my legal abilities, and the first day I was at
25 work he gave me a big hug, and said, thank God

1 you're here. And I said, why? He said, "with you
2 here, the Greeks are no longer at the bottom of the
3 totem pole."

4 Having said that, he did manage to serve as a
5 mentor for me, and hopefully taught me something
6 about the practice of law. My comments today, I
7 think, are sort of...I made an outline for myself,
8 and the topic I'm going to try to address and
9 hopefully be able to answer some of your questions.
10 As I understood it, we were suppose to be coming in
11 and just share information with you, and I have
12 been watching this, this has been more of a
13 soliciting testimony. I came in a little bit
14 early, and left and went and got some statistical
15 information, I had not planned on giving. I think
16 it would be relevant to your fact finding purpose
17 here. During between one o'clock and three-thirty,
18 I went over to Magistrate Division of the District
19 Court in Minidoka County and also Cassia County,
20 and I asked for a printout of all of the case
21 filings just for a two-month period, June and July
22 of this year. And in Cassia County there was 412
23 cases that were filed in June of 1997 and July of
24 1997. Of those, 148 were names that I was able to
25 identify as being of Hispanic origin. Obviously,

1 there is going to be a few names there of someone
2 that is not Hispanic that happens to have the name.
3 But I think probably the numbers are going to be
4 pretty close. Sometimes -- Mr. Sam Byrd that was
5 mentioned earlier, who is probably more Mexican
6 than any of us, yet has a name of Samuel Byrd. In
7 the felony filings in Cassia County in the same
8 two-month period, there was 28 felonies that were
9 filed. Of those, 13% or 46% of the total filing
10 were Hispanic. In Minidoka County there was 283
11 filings within the same period. And there was 102
12 of those Hispanic. That makes it approximately
13 35%. And the felonies in Minidoka County were 11
14 filed during the two-month period, three of those
15 were Hispanic for 25%. Now, those numbers by
16 themselves really don't mean anything, I think,
17 unless you compare them to the total overall
18 population. And Mr. Ramirez that testified earlier
19 had some numbers. I also contacted the... I got
20 some population projections by race and ethnic
21 groups from the department of employment, and these
22 are good as of the fiscal year of 1995. I believe
23 the numbers that Mr. Ramirez gave were for 1996,
24 but the numbers seem to be pretty close. Cassia
25 County had a Hispanic population of 9.9 %, and

1 Minidoka County Hispanic population of 14.57%. If
2 we compare the numbers, just the sheer numbers, and
3 we drew a percentage breakout on those, your three
4 times more likely to have criminal charges filed
5 against you in Magistrate Court, and about four
6 times more likely that there would be felony
7 charges if you are Hispanic in Minidoka County.
8 And, excuse me, Cassia County and in Minidoka
9 County it is slightly smaller. Now, those numbers
10 in and of themselves don't mean anything. What I
11 think we need to do is we need to expand the scope
12 of why it is that those are happening and what
13 those numbers actually represent. In fairness to
14 the prosecution, I put a phone call to Mr. Bollar,
15 who is the prosecutor in Minidoka County, and he
16 was nice enough to talk to me, and share some of
17 the ideas that he had. He said, well, what you
18 really need to do if you want to be fair is break
19 those down into socioeconomic analysis. And I
20 think by that what he is trying to find out is who
21 exactly is being charged with these crimes and what
22 type of crimes are they. In looking at the
23 printouts, and I'm happy to give the printouts to
24 the commission, Cassia County actually certified
25 that it is true and correct copies in case they are

1 offered into evidence; that you have something that
2 is verifiable. So I'll leave those here for the
3 commission to look at if you desire. One of the
4 items that I think we sort of glossed over and we
5 really never discussed is that if you look at the
6 term Hispanic population and how that relates to
7 the Judicial system, there is sort of a misnomer.
8 What we are really dealing with in these two
9 communities is probably 99.9% Mexican Americans.
10 Hispanic is sort of a catchall that became popular;
11 that includes Puertoricans, Dominicans and growing
12 South Americans. We like it because it gives us
13 bigger numbers, and that includes everyone. If we
14 are going to look at this area, I think we are
15 talking about Mexican Americans. We are not a
16 homogenous group in this area. Our family has been
17 in the area approximately 35 to 40 years now. And
18 we were one of the first families to settle into
19 this area. My children are now third generation
20 Americans. They are probably as American as you
21 get, except for the name and color of their skin.
22 A lot of the cases that I was looking at in these
23 filings probably relate more to first generation
24 people that have arrived here within the last
25 couple of years. And one of the things that I

1 find, and this is my personal observation is that
2 people that are becoming involved in the Judicial
3 system, at least in the criminal aspects of it, are
4 people that come here to work, and they work like
5 animals Monday through Sunday, and anyone that has
6 ever done any farming know that that is difficult
7 work. They are single. They are young, and they
8 are in a foreign country. On Saturday night they
9 go into town and let their hair down and drink a
10 little bit. And like Dodge City in the old west,
11 they end up in jail, most of these are alcohol
12 related offenses. If you were to do a comparison
13 of the people who are first and second generation
14 residents of Minidoka County and Cassia County, you
15 would find that the population being effected in
16 the criminal process is probably equal to the
17 numbers as they relate to the population, probably
18 close to 10% of the total filings would be local
19 residents, compared to the majority population. So
20 I think that if we are going to look at this as a
21 problem, you need to look at the problem of
22 education. We need to address the concerns of
23 those criminal defendants, not so much from a term
24 at looking at them and saying we need to put these
25 people in jail or prison. Obviously, with only 11

1 felony filings, we were not having a significant
2 felony problem, but we have a lot of people going
3 through the system. And there used to be some
4 education geared toward the younger group that get
5 in trouble so that they don't become repeat
6 offenders. Obviously, in any group, we are going
7 to have a certain aspect of society that are a
8 criminal element, and those need to be dealt with
9 differently. By in large, these are offenses of
10 driving without licenses, no insurance, driving
11 without privileges, and driving while under the
12 influence of alcohol. People need to understand we
13 have rules and laws that are going to be enforced,
14 and if they are going to live here and be
15 productive members of our society, and they want to
16 keep their money and not give it to defense
17 lawyers, such as myself or other people in this
18 area, they just need to follow the rules. And it's
19 not something that is unique to the Mexican
20 community. One of the things that I have noticed
21 in at least Minidoka County, and I would give them
22 credit for this, and I know that Cassia County has
23 quite a few now, we have a lot more or higher rate
24 of police officers that are Hispanic or Mexican
25 American. You go to the sheriff's office in

1 Minidoka County, at the driver's window I think
2 they have three women there that are Hispanic, and
3 the Chief Deputy that is Mexican American, and the
4 same is true in Cassia County. So the problems
5 still exist, and they are being addressed, and I
6 think that Billy Crystal and Sheriff Fries need to
7 be recognized for the fact that they know that they
8 are dealing with a changing community, and they are
9 doing something about it. If you look at raw
10 numbers, I think that we could come to the
11 conclusion that there is a problem, but we need to
12 decide exactly what is the problem and how do we
13 address it. That is probably what most people
14 would like to look at with regard to Hispanics and
15 their access to the justice in our Judicial system.
16 But I also practice in the civil arena. I believe,
17 I think that there is a problem that exists for
18 Hispanics in the civil arena that is probably
19 greater than they are in the criminal setting. In
20 the criminal setting, you tend to go through within
21 30 to 90 days. You are in the system, and you are
22 out, and you're done with. You have spent a couple
23 days in jail, and you pay a fine, and get put on
24 probation, and more likely than not we are not
25 going to see you again. On the civil side,

1 however, I think the last time I looked, we had ten
2 Hispanic lawyers in the State of Idaho, seven of
3 those work for the government. One of them works
4 for, I believe, he is an engineer and attorney for
5 INEL as a consultant, and we have the other six who
6 work either as public defenders in working for the
7 government, or they work for some agency within the
8 State of Idaho. That is three of us to do actual
9 litigation throughout the state. I don't mind
10 because I get to pick and choose the cases that I
11 like. My brother and I go and do cases from Idaho
12 Falls to Nampa-Caldwell, and we have even tried
13 some in Northern Nevada up as far as Moscow.
14 However, that severely restricts access to people
15 who have legitimate claims in the civil arena. A
16 lot of people will come to us who speak English
17 well, who normally wouldn't think of having
18 problems with discrimination, but they say that we
19 like the fact that you know the way we think.
20 Culturally we are different than the majority
21 population. And some people that come to us speak
22 absolutely no English at all and are afraid of our
23 system. In order to alleviate those problems and
24 the tensions that those situations cause, I think
25 that we need to address some underlying problems

1 that we have. Number one, we don't have enough
2 Hispanic lawyers in the State of Idaho. Three
3 people for this population is not enough, which
4 means that we have to look at our local law schools
5 and maybe doing some recruiting from outside this
6 area, and I think that is incumbent on the Judicial
7 system, and if they need a nudge from you folks,
8 then I would appreciate that you give it to them.
9 Maybe we can get some more people to go into the
10 system, or to go through the school process and
11 come back and actually practice law in this area.
12 Another problem that I see for folks is access to
13 the courts. We are lucky in this area and
14 Nampa-Caldwell, the judges got together and they
15 have a pretty good staff of interpreters that they
16 can draw upon. However, we don't have any set
17 standards for interpreters. A lot of people assume
18 that if you have a Mexican name, you have brown
19 skin and spoke Spanish at home, that you can go in
20 and do what this lady is doing and doing
21 interpreting. She didn't learn this overnight, and
22 she didn't learn it by learning to sign. She
23 learned it by actually going through the process
24 and having people tell me wait a second. I don't
25 understand you. The ability to listen and take

1 whatever you heard and translate it to another
2 language, take a response and give it back verbatim
3 is important. I have been in hearings where
4 sometimes I haven't objected because the
5 interpreter had it wrong, but it's to my benefit.
6 When we get it wrong, it's not to my benefit, I
7 object and say that is not what he said. But I
8 want people in the state to be able to do that.
9 That is equal justice to the litigants who are in
10 our system.

11 I have covered a large area, and I know you
12 only gave me 15 minutes. For a lawyer, that is
13 very frustrating trying to decide what to say. But
14 I'll be happy to answer any questions you may have.

15 DAVID PENA: I have a question. You
16 mentioned some people go through the Magistrate
17 system, and then by enlarge we are not talking
18 about felony crimes but more or less status crimes.
19 You don't have a driver's license. So now what can
20 happen to you? Could you inform the commission a
21 little bit of how the various agencies, various
22 jurisdictions with regard to all the Sheriff's
23 determine, how it is you get a driver's license and
24 what kind of documentation you need and is there a
25 problem there, because if you have people arrested

1 for not having a driver's license, are they having
2 the opportunity to have them? Do you have to be
3 citizens? What are the requirements?

4 A That is a problem in that with what we
5 have done, we have tended to criminalize activities
6 that by themselves that are not criminal
7 activities. For example, not having a driver's
8 license. The problem with having done that, and
9 the other one falls into not having insurance is
10 that we have an infraction penalty for no insurance
11 ticket, which gets you a \$107 fine. No jail. The
12 problem is that administratively we now suspend
13 your license for a period of three years, unless
14 you can show that you have insurance. And on top
15 of that, what we have to show that is you have to
16 have SR 22 insurance, which is a requirement that
17 your insurance company notify the State Department
18 of Transportation on a monthly basis that your
19 insurance is still in full force. The cost is
20 approximately \$1500 over a three-year period. Now,
21 if a person didn't have insurance and was driving,
22 most of the people getting picked up are driving
23 for legitimate purposes. They are going to work,
24 and getting groceries and taking care of family
25 needs. A certain percentage is going to drive and

1 do whatever, and not going to see anybody.
2 Unfortunately, those people have prejudiced the
3 rest of the population. Once you get involved in
4 the system for no insurance ticket and you have
5 that have SR 22, it becomes a spiraling nightmare,
6 because then if you get, for what ever reason, you
7 get pulled over again and you don't have insurance,
8 or it doesn't say you have insurance, then you are
9 guilty of driving without privileges, which carries
10 a mandatory jail sentence.

11 PERRY SWISHER: That's justified, of
12 course, to the Hispanic population. If I tell
13 you... if you were to write a treatise on that,
14 that I did my best to get it in every kind of media
15 that you represents kids in the state, would you
16 find the time of unbillable moments to--

17 A I actually could tell you how to solve
18 the problem.

19 PERRY SWISHER: What?

20 A We could do it the same way that we did
21 it with workers compensation. What we did, we just
22 say if you are going to have employees, you are
23 going to have workers compensation to cover them.
24 We made the requirement of having insurance, and
25 then we made it available. We created the state

1 insurance fund and said if every ones else in the
2 private sector won't sell you insurance, you come
3 to the State of Idaho and we'll sell it to you.
4 Now, what you do, to the uninsured driver, we say
5 we now have a mandatory requirement that you have
6 insurance. We are going to give it to you for an
7 affordable cost. Now, you don't have an excuse not
8 to have insurance while you're driving.

9 PERRY SWISHER: I repeat. If we do a
10 treatise on this you are going to rely on
11 professional work in some measure for or with or
12 along side of or even in spite of the insurance
13 industry will not address this friendly, since
14 you're a lawyer, would you do that so I could take
15 it to the media and say, here is this guy, Pena,
16 who will tell you how it suckes.

17 A I would be willing to, willing to
18 collaborate. My business is slowing down a little
19 bit they days.

20 JAMES ANNEST: I was just wondering,
21 Mr. Pena, if you are suggesting that those of us in
22 the profession who are not Hispanics are not
23 representing Hispanic people to the best of their
24 interest as much as we are able?

25 A You know, it may sound like that. In

1 some cases that happens to be true. I think most
2 attorneys of regardless of who their client is are
3 going to try to do the best job possible. The
4 problems that--

5 JAMES ANNEST: Are you trying to sit
6 there and tell me now, that just because you're
7 Mexican and I'm Greek that I might not be able to
8 represent a Mexican client as well as you can?

9 A That is exactly what I'm telling you.

10 JAMES ANNEST: Well, that is
11 ridiculous. That is the most absurd thing I have
12 ever heard yet, Mr. Pena.

13 A I don't think it is for lack of trying,
14 Mr. Annest. I think a lot of times... I have
15 people come to my office that speak English
16 perfectly.

17 JAMES ANNEST: I want to tell you one
18 more thing. In my office, we don't discriminate
19 against Mexicans, Catholics, Mormons, Greeks,
20 Italians or anybody else. And we do the best dam
21 job we can to represent them all if we can. And I
22 don't think that it depends on how many Mexican
23 lawyers you have, or how many...the important thing
24 is to have competent lawyers willing to take the
25 cases, isn't it?

1 A I think that is the crucial
2 requirement, but you also need to have someone that
3 is culturally familiar with the client. I think I
4 watched the clientele, and look at the clientele of
5 different attorneys in this area, and people tend
6 to congregate to people who either think like them
7 or are culturally the same, or they are religiously
8 the same as they are because they feel more
9 comfortable with that. That doesn't always
10 necessarily insure you the best attorney to
11 represent you. But a lot of times the client will
12 feel more comfortable in being able to express the
13 nuances and details of their case to you because
14 they trust the way you look at them. Now, simply
15 because you are Mexican doesn't make you a better
16 lawyer. Preparation, I think is what makes you a
17 good lawyer. But if you are able to get
18 information, solicit information from your client
19 without having to use an interpreter, then I think
20 you are about 50% there as far as being able to be
21 prepared.

22 PERRY SWISHER: Can't we stipulate
23 that the Greeks and Romans got here first? If they
24 think they can represent all of us, we'll stipulate
25 to that.

1 A I'll do that.

2 MARILYN SHULER: David Pena asked a
3 question I'm not sure was answered and it is my
4 question as well. We heard criticism from
5 time-to-time that certain jurisdictions are issuing
6 driver's licenses readily to persons who are
7 Hispanic. Are there problems in this area with
8 that where the sheriff's office was acting on
9 behalf of the department of transportation to issue
10 a license but is putting some barrier?

11 A I think that we have encountered that
12 problem in the past. We had to file an action
13 against one of the sheriff's offices for exactly
14 that. I think the problem is one of personnel who
15 were issuing the license having some confusion with
16 regard to what the requirements were, and what we
17 need to do is from the Department of Transportation
18 have good statement of what we need. These are the
19 things we need to get a driver's license, period.
20 You don't have a discretionary function of saying
21 well, we are requiring a photo ID of some type.
22 If you come in with a military card from Mexico and
23 it has a photo ID and it describes you, then you
24 accept that. We don't say, well, now I want a
25 letter from the Mexican Consulate verifying that

1 document. You don't require that of anyone else.
2 And there are some problems, and, you know, my
3 mother used to go get her driver's license every
4 four years like every ones else. She had her
5 favorite people. She would like to go to...she
6 would wait a week if someone was on vacation so she
7 got the lady that was nicest to her, simply to
8 accommodate someone of the language problems that
9 she had. By enlarge I think most of the civil
10 service-type jobs is that we don't have a set
11 standard that has been given to them to say these
12 are the things to look for, and if they are there,
13 you just do your ministerial function and give them
14 the license.

15 CHAIRPERSON WILSON: Is that all?

16 JAMES ANNEST: It says that you are a
17 criminal lawyer here, Mr. Pena. What crimes have
18 you committed?

19 A I'm an attorney. I don't have to
20 answer the question.

21 DAVID PENA: One question. If you get
22 pulled over and don't have a driver license, does
23 that mean you get arrested, or get a ticket?

24 A Depends on who you are. My experience
25 has been that sometimes the officer has the

1 discretion whether to arrest you or to cite you,
2 and give you a summons to appear right at the
3 bottom of the ticket. I actually have had
4 situations where people have been almost all
5 Hispanics would be arrested where some of the non
6 Hispanics would be given a citation and told to
7 appear in Court. It doesn't happen all the time,
8 and I would say this: That, and I know we have
9 three or four officers here in the room. Nine out
10 of the ten police officers in Minidoka County and
11 Cassia County would be welcome to my house to eat
12 at any time, and I have actually had them there.
13 And I represent a lot of police officers in their
14 civil matters. It only takes one bad apple to get
15 everyone having a black eye, and not come across as
16 being discriminatory. I think that we have in this
17 area, like I said earlier, good sheriffs that are
18 doing a good job to weed out those type of people
19 and hopefully the next time you meet that no long
20 would be a concern.

21 JAMES ANNEST: Ray, in early times
22 before you were practicing, I used to encounter
23 situations where police officers would have a
24 accident of some kind, and there would be a non
25 Hispanic person and Hispanic person involved in it.

1 Invariably the Spanish speaking person would get a
2 ticket or citation. I think that that has changed,
3 though, in recent times; don't you think?

4 A I do. You know, if I didn't believe
5 that this was a good community to live in, I
6 wouldn't be raising my children here. I think we
7 have good police officers. I wouldn't do it for
8 the money that they get paid. I hope that my
9 testimony before this commission is looked at in a
10 positive note. I have never thought that it was
11 constructive to point fingers and say, I'm being
12 discriminated by against you, and it's all your
13 fault, and I have nothing to do with it. I think
14 if we are going to have constructive dialogue and
15 results out of these types of meetings, you point
16 the finger at the person doing that, if he is
17 really doing that. If you have some doubts, go
18 ahead and give them the benefit of the doubt. And
19 I think that this community is good at doing that.
20 We have problems here, and we have racial problems.
21 They are not all the fault of Hispanics, and not
22 all the fault of the non Hispanics. I think if we
23 work together and talk about these problems, we
24 have some folks in some fairly influential
25 positions that are sensitive to those needs, and if

1 we approach them correctly, those problems would
2 get solved. I guarantee you that in both of these
3 police departments here on the county level, if I
4 have a concern and go to Bob Vasquez or Paul Fries
5 or Billy Crystal or Mr. Bingham, they listen. And
6 they know who votes them in and out. And they also
7 know that every one of us are members of this
8 community. Thank you.

9 CHAIRPERSON WILSON: Thank you.
10 Mr. Michael McCarthy.

11 A Yes.

12 CHAIRPERSON WILSON: I didn't know
13 you were here. You must have come in late.

14 MICHAEL McCARTHY

15 A My wife is not going to come here. She
16 is on a later panel, I think. We have a sick
17 child. My name is Michael McCarthy. I'm an
18 attorney in Twin Falls. I have worked at the Twin
19 Falls Legal Aid Office now for eleven years, or so.
20 And I know Dave Pena. We have had experience.
21 Anyway, at this time I'm the managing attorney of
22 that office, but I did just act as an attorney in
23 that office. I think our experience has been that
24 the Hispanic community legal aid office depends a
25 lot on what kind of cases we are handling. I think

1 our experience varies a lot from what it was maybe
2 four years ago to what it is now. We have been cut
3 back to the point where at this point, there is
4 only myself and one full-time attorney, and my wife
5 is a half-time attorney, and then full-time
6 secretary, and that is essentially our office. We
7 cover the Fifth Judicial District, which is the
8 whole region. In the past, we have had as many as
9 five attorneys, one attorney who did exclusively
10 farm workers' issues, and that attorney would have
11 one or two paralegals who would go out and beat the
12 bushes and two folks on the panel are really
13 familiar with that, with that experience, going out
14 and labor camps and different cases, and things
15 like that. And at that time we had paralegals out
16 beating bushes, and things like that. The main
17 types of claims that we handle for Hispanic folks
18 were mainly employment related problems and farm
19 workers related issues, mainly wage claims and
20 enforcement of the Agricultural Workers Protection
21 Act and the Fair Labor Standards Act, and things
22 like that. That was the big emphasis. We did lots
23 of cases at that time. That was a big part of our
24 practice. These days we have no paralegals. We
25 don't go out and look for folks, and things like

1 that.

2 If someone happens to come into the office in
3 Twin or someone actually calls, then we'll still
4 handle those cases, but the numbers have dropped
5 dramatically. We have less than five to ten of
6 those cases open at this time, compared to probably
7 50 to 100 in the past. There is a legal need.
8 It's... I don't think that the cases are not out
9 there. I think it is because of our problems in
10 finding those folks. Those folks can't generally
11 come to the office. Subsequently, they can't get
12 away from work enough to where it's convenient for
13 them. They just don't make it to the office. And
14 so these days our practice is focused primarily in
15 the areas of housing which involves both public and
16 private housing, landlord-tenants issues. We deal
17 a lot with the Idaho Housing Agency, and I heard
18 some testimony earlier about that. We recently
19 have handled a case in which a person didn't speak
20 English, received a notice in English and didn't
21 appeal it, and lost their right to appeal that
22 decision. We deal quite a bit in public benefits,
23 primarily social security disability and
24 supplemental social security income in some cases.
25 I think that probably right now, the greatest

1 proportional Hispanic folks in that area, because
2 those are the folks who tend to not have the type
3 of cases that the private bar is going to pick up.
4 They generally haven't been in good paying jobs
5 over a long period of time, and, therefore, the
6 private attorneys, there is not enough back
7 benefits for a private attorney to take the case
8 like that on a contingency fee, and we end up with
9 those cases. A real problem for someone
10 representing those folks in those cases, generally
11 they don't have health insurance and subsequently
12 they don't have a lot of medical evidence to
13 support their claims. And so as an attorney, they
14 come to you, and they have no money. They are
15 disabled, and they have no way of paying, yet they
16 don't have enough medical evidence to support their
17 claim. It's a real difficult problem for us to try
18 to figure out how we can get them in to see some
19 doctors so we can support whatever claims it is
20 that they have. That is an issue that I deal with
21 quite a bit in this population. I deal with a lot
22 of, lot of folks in the fifties and late forties
23 and fifties who have been either farm workers or
24 farm related-type work, and just some way one or
25 another kind of disability, and suddenly leaves

1 them unable to continue working, and that is a big
2 part of my practice these days.

3 I don't have anything else that I could say
4 in terms of overt kinds of discrimination problems.
5 Over the years, there was 10 or 11 years I probably
6 had three or four instances where somebody said
7 there was a really specific act that somebody said
8 that I was discriminated against. Usually it's
9 just more of a more subtle thing. I would say. I
10 observed in my dealings that folks still, I don't
11 think, are fully integrated into the community. We
12 used to have really close contact with this part of
13 the region. We used to come to this part of the
14 country once a week. We worked out of the Migrant
15 Council in Burley. We just don't have time to do
16 that anymore, so we kind of lost our touch with
17 this part of the region, but I think that we suffer
18 as a result. I think folks over here don't get
19 assistance that they need.

20 But other than that, I really don't have much
21 else I want to talk about. If you have any
22 questions, I would glad to answer them.

23 MARILYN SHULER: Could you tell me how
24 the private bar has taken up any slack on the pro
25 bono program?

1 A Well, I don't know. I don't know. I
2 guess Carol Creyfield was here recently and trying
3 to drum up some assistance with the private bar. I
4 don't know. I honestly I don't see any difference
5 personally, I would say, in terms of more serious
6 effort from the private bar. If you don't, they
7 can make any comments.

8 DAVID PENA: I do a lot of pro bono
9 work. I just don't know it's pro bono until I get
10 done with the work.

11 JAMES ANNEST: It starts out not being
12 pro bono and ends up being pro bono?

13 A As far as the organized pro bono
14 program, I don't know what the answer is to that
15 program. I don't know if that... as far as I know,
16 their numbers aren't much different. There is not
17 a big change. The pro bono program, if you don't
18 know, I can explain it?

19 CHAIRPERSON WILSON: Thank you for
20 explaining it.

21 A The pro bono program is set up for like
22 a referral place where a poor person can contact
23 this agency that is headquartered in Boise, and
24 that is headquartered in the bar association
25 office. But a lot of money that funds the program

1 comes from legal aid's budget, \$100,000 of it. The
2 rest comes from the bar association. But what they
3 do, they try to match a poor person with a private
4 attorney. Every private attorney is supposed to
5 donate so much time per year. They do pretty real
6 in the KASA-type situations in the Fourth District
7 in Boise. You ask people around the state and they
8 will say that do pretty well in lining up people
9 like KASA is like kids child abuse-type situations
10 and guardianship-type cases. They seem to do well
11 in placing attorneys in the Fourth District in
12 Boise, but the rest of the state, their numbers
13 seem to be pretty bad. I just think the private
14 bar just doesn't have the time really to do it.

15 PERRY SWISHER: Mr. Chairman. Could I
16 ask Mr. McCarthy a question?

17 CHAIRPERSON WILSON: Please.

18 PERRY SWISHER: With respect to the
19 problem with the medical people, are you aware that
20 the Ada County Commission recently disallowed the
21 not for profit status of the biggest medical center
22 in the state, St. Luke's? And did it on the basis
23 that they were not doing equivalent on that side of
24 the hall, pro bono. And that's being closely
25 watched by all of the health profession groups.

1 A That would help.

2 PERRY SWISHER: Is it possible in
3 order to improve the level in altruism of the
4 medical profession and it's really just selfish
5 lawyers, is it possible that that club can be put
6 to work? I'm talking about the clinical side of
7 the hospital, not the doctor in the private office,
8 but is it possible in order to get some of your
9 clients some of the medical attention they need, to
10 use that club to cause people who are forgiven by
11 the tax payers because they are presumably doing
12 all this for the great good of humanity, to make
13 the bastards actually do it. We are not supposed
14 to use profanity.

15 A I think anything you can figure out is
16 going to help get... we have a category medically
17 that either you are disabled and got a medical card
18 or you don't.

19 PERRY SWISHER: I don't even want to
20 talk about that.

21 A I'm talking about this in between world
22 where they think they are disabled, but they
23 haven't been given the seal of approval from the
24 government yet. So where do they go to get their
25 assistance, or anything like that? It's a grey

1 area. We tend to rely on the agency of Family
2 Health Services, and the agency here is what it's
3 called, and we try to load people up on them. They
4 can only take so many people.

5 PERRY SWISHER: There is a thought.

6 CHAIRPERSON WILSON: Anyone else?
7 Thank you. Mrs. Marta Hernandez. Would you come
8 forward and give your name and position and that?

9 MARTA HERNANDEZ

10 A My name is Marta Hernandez. I'm an
11 elementary educator. Let me give you background
12 about myself. I am a child of a mother with first
13 grade education and father with second grade
14 education. I was fortunate to be born and raised
15 in Texas, and taught in bilingual schools. Spanish
16 and English was taught simultaneously and I learned
17 them simultaneously so it is easy for me to speak
18 English and Spanish and read and write it or
19 translate it and interpret. I was a migrant
20 seasonal farm worker. That is how I came to be in
21 Idaho. My husband and I married at the age of 16
22 and 15 respectively. We have a daughter and son in
23 the Cassia County School District, which doesn't
24 seem to have the many problems for Hispanic
25 students of those mentioned in Minidoka County. I,

1 of course, have my own bias because I teach for the
2 Cassia County School District. When we speak about
3 education, education does not stand alone. The
4 issue of employment, housing and health and right
5 now the issue of teen pregnancies goes hand and
6 hand with it. We have talked about having
7 bilingual staff bicultural staff. The staff is
8 representative of school population. I teach at an
9 intermediate school. I teach fifth grade. I have
10 taught sixth grade the previous two years. And we
11 have on hand approximately 775 students in
12 intermediate. Intermediate means we have fourth,
13 fifth and sixth grades at our school. There are
14 two Hispanic bilingual teachers certified teachers.
15 Myself, I teach fifth grade and another who teaches
16 sixth grade. We have two bilingual bicultural
17 education assistants, and one Hispanic custodian
18 who is also bilingual.

19 DAVID PENA: Who is the other teacher?
20 Sally Young is the other teacher. We talked about
21 recruiting more bilingual or bicultural educators
22 into our system, and we have talked about funding
23 to send people to school for four or five years.
24 Five years is a more reasonable time to attend
25 school and obtain a bachelors in order to be

1 certified to teach elementary education. We have
2 had programs in the past at Cassia County who have
3 trained educators. A lot of them stayed in our
4 district. We have a Hispanic administrator, school
5 principals. There have also been programs for
6 counselors. Unfortunately in our district, we do
7 not have any bilingual or bicultural counselors.
8 Seems with the students, and now I'm going to not
9 speak as an educator but as a Hispanic parent, it
10 seems that if our children make it to junior high
11 and if they make it through junior high, they have
12 succeeded. Once they are at high school they seem
13 to stay. A lot of our students are not applying
14 for the college track once they enter high school.
15 A lot of them attended junior high and are not
16 taking courses that are preparing them for high
17 school or a higher education. The secretary of
18 education, Richard Wiley on October 20 put out a
19 letter that said students in the eighth and ninth
20 grade who do take algebra one or geometry courses
21 are less likely to succeed in mathematics in high
22 school, are less likely to attend college, and if
23 they do attend college, are less likely to complete
24 it. That is a 1996 study showed that only 25% of
25 U.S. eighth graders enrolled in algebra and those

1 minority students were less likely to take algebra
2 in the eighth grade.

3 That leads me to my next topic with reference
4 to counselors not having counselors bilingual or
5 bicultural, not counseling rather, but not
6 scheduling classes for students. Those students
7 that are succeeding, and I have to give myself
8 credit that my daughter is, is only because we are
9 involved parents, very involved. Not only because
10 I teach in the school district, but because
11 education is the number one priority. My daughter
12 is currently a junior at the Burley High School.
13 Gladys earlier asked Minidoka County how many
14 students are actually involved in student body
15 activities, cheerleader. We are fortunate in
16 Cassia County we have several in Burley. My
17 daughter is junior class president, and we have
18 senior senators, and we have cheerleaders, and we
19 have homecoming attendants that are Hispanic. And
20 we need to look at these students not as Hispanic
21 or non Hispanic, but rather as citizens of
22 tomorrow. Our counselors need to start letting not
23 only the non Hispanics but Hispanics students and
24 make them aware that school scholarships to Boise
25 State University are not the only options they have

1 available. There are other scholarships. We have
2 a technology center that will be built here in
3 Cassia County. That is too far down the line for
4 students that we are losing right now. The
5 statistics have already been given to you as
6 percentages as far as Hispanic students in Cassia
7 County. We need to reach them now. Tomorrow
8 may be too late. We need to involve parents, not
9 only Hispanic, but non Hispanic parents. Hispanic
10 parents do not feel that when they entered the
11 school doors that staff is receptive to them, to
12 their dilemmas; able to communicate with them in
13 their own language; translators are usually
14 provided. Many times as Mr. Pena mentioned that
15 items were missed in the translation because that
16 is not their profession. The translators or
17 interpreters for parents, a lot of times if you
18 have an educational assistant translating. A lot
19 is missed. If I went in to translate for an
20 attorney, I do not know the terminology, and so
21 that becomes a big problem. We talk about
22 recreation and after school activities, and games.
23 Currently, we do not have any recreational
24 facilities for students or children or for Hispanic
25 children to be involved in. We have private clubs

1 who that only the elite or those with money are
2 able to afford to attend. The prices that are
3 charged if you don't have a membership are
4 outrageous. They have nothing else to do but hang
5 out on the streets, for example, at Circle K on
6 Normal and 16th. And then they are asked to leave
7 the premises because they are there, so more after
8 school activities. We talk about not having enough
9 staff or enough teachers. Once again, funding just
10 isn't there. And so it is hard as educators to
11 have second language learners, rather than ESL
12 students that they referred to. The new term is
13 SLL, second language learners in your classroom,
14 because we don't have money to provide the
15 curriculum in a language that they are fluent in.
16 It's hard for us after the end of a day, I am
17 tongue-tied because I am always with second
18 language learners in English, so that my entire day
19 I am speaking English and Spanish, and going back
20 and forth. So I give not only instruction in
21 English, I turn around and give it in Spanish. The
22 materials are so specialized I buy paperback books
23 for my students in English and it will cost me
24 \$3.25. And I turn around and have to order one
25 from San Diego Publishing for \$12.30.

1 I think that is about it, unless you have
2 some questions.

3 MARILYN SHULER: I'm interested in
4 telling us more about why you think as a person of
5 first generation to go to college.

6 A Yes.

7 Q And what do you think made the
8 difference for you?

9 A I decided I was one of those Idaho
10 statistics, not only was I a migrant seasonal farm
11 worker, I was married at the age 15 and teen mother
12 at age 16. I decided that I would not put myself
13 in the position of having to depend on welfare or
14 anyone else, husband or anyone else for that
15 matter, for having to support myself and my child.

16 PERRY SWISHER: That worked for you.

17 A It worked for me. As a matter of fact,
18 going back to teen pregnancy, one of the items on
19 the news was teen pregnancy and how Cassia County
20 and Minidoka County ranked so high in our state,
21 and it talked about it cost our tax payers 64
22 billion dollars. Statements were made by Terry
23 Pendleton from South Central Health District in
24 Twin Falls that culturally different minorities
25 seem to have a higher pregnancy rate and Caucasians

1 about 13% or 13 out of the 1,000 became pregnant,
2 but 30 Hispanics, 30 out of 1,000 became pregnant.
3 It made comments that it was more socially
4 acceptable in the Hispanic community, and that teen
5 mothers were less likely to finish school. That is
6 also another one of our major barriers here in
7 Cassia County High School.

8 GLADYS ESQUIBEL: Do you think that
9 teen pregnancy is more acceptable in the Hispanic
10 culture?

11 A No.

12 DAVID PENA: Do you have any
13 suggestions or recommendations of what this
14 commission might be able to do to combat some
15 problems you set out for us?

16 A I think we need to involve the parents
17 more. I think we need to make parents aware that
18 we need their help. We can't do it alone as
19 educators or as a particular school system. We
20 need everyone's help. As a community we need to
21 pull together. We need more funding, not only for
22 salaries, but to encourage others to take
23 credentials such as in counseling where we lack.

24 DAVID PENA: Funding through the
25 school district or perhaps within the universities

1 themselves as we have had in the past.

2 PERRY SWISHER: You say, "we need."
3 Can you give us some advice. How? I'm not asking
4 you to do it here on the record. The sun is going
5 down and we are running out of time. You should
6 think about explicit things that from your
7 knowledge of your own culture and own background
8 that tell you how to get a parent out of that home
9 and into the school room. It ain't easy, but you
10 must have some ideas.

11 A It's not easy to have parents come in
12 regardless of what they are. It isn't easy to have
13 them come in and work with you. Frankly, it's a
14 hard question for me to answer, even in 15 minutes.

15 PERRY SWISHER: Would you give it some
16 thought?

17 DAVID PENA: We are open for 30 days.

18 PERRY SWISHER: It is people like us
19 that are the problem, as you know. If we find a
20 way to translate that and get it working, you need
21 the advice from people who have been there, and you
22 have been there.

23 GLADYS ESQUIBEL: Are you working
24 within the individual terms of home visits and
25 that?

1 A No, I have never had any.

2 JAMES ANNEST: When you decided to
3 change your status from the field worker, and so
4 on, to what you are, what happened in your mental
5 processes? How did you feel about yourself, and so
6 on.

7 A I don't think that I have ever changed.
8 To this day, I still go out and hoe beets and still
9 drive trucks for my father. It's just a reminder
10 that I never want to have to rely on that.
11 Nowadays, the agricultural industry is diminishing,
12 so farm work for farm workers or farmers is more
13 technology based. I just keep going back, and I
14 just thought I would never want to do that for 165
15 days a year.

16 JAMES ANNEST: When you made up your
17 mind to change that status, did you let anything
18 stand in your way?

19 A Obviously not. I was married at 15,
20 still married to the same husband, by the way, for
21 17 years. I have a daughter who is now -- I guess,
22 can reveal my age. I just turned 33. My daughter
23 will be 17 in March. I have a son who is 12, also
24 attending school which I teach. So nothing could
25 stand in my way. Whether living in Boise on my own

1 and traveling home to see my family for one whole
2 year, because I attended Boise State my third year
3 of college, or attending Idaho State in the evening
4 while I was an educational assistant for Cassia
5 County School District, and the summer of eight
6 weeks having to live in Lewiston, Utah with my
7 husband's grandfather to do my student teaching at
8 Preston, Idaho.

9 JAMES ANNEST: If you were to advise
10 the young Hispanic student who was maybe having a
11 little trouble, if you were advising them as a
12 teacher, what would you say to them about how to
13 move forward?

14 A Always to just dream. Always to have
15 that goal, no matter how unattainable it may seem.
16 Where there is a will, there is a way.

17 JAMES ANNEST: Did you have teachers
18 who did that for you?

19 A I did in junior high. Once again, I
20 went to school up north in the northwestern states.
21 It was a hodge-podge of schools and did attend
22 Minidoka County High School after the ninth grade,
23 but I was fortunate enough to have attended schools
24 in South Texas where most of our educators were
25 Hispanic and bilingual from kindergarten through

1 ninth grade.

2 JAMES ANNEST: It made a difference on
3 the type of teachers or the background of teachers
4 that you had?

5 A Yes.

6 CHAIRPERSON WILSON: Let me ask you a
7 question. I'm from California and Los Angeles in
8 the school system, and they have a program there
9 where they started teaching children English in
10 kindergarten?

11 A Yes.

12 CHAIRPERSON WILSON: They found that
13 those students who advanced, you know, they go
14 through the system much smoother than those who
15 come in and have language training that early age.
16 The early age is a better time. Would you agree
17 with that?

18 A Well, I would have to say that the more
19 experience you have, the easier it comes. But when
20 you have transferred from a school from Mexico and
21 you don't have 12 years of English underneath you,
22 yes, it's hard.

23 CHAIRPERSON WILSON: Yes, it is.

24 A It's hard in the fifth grade to be
25 expected to learn English over night.

1 CHAIRPERSON WILSON: Yes. Go ahead.

2 GLADYS ESQUIBEL: My son is actually
3 extremely involved in community work, okay? Not
4 only does he go to school and worked way, but holds
5 a full-time job, and holds two jobs now, and is
6 representative of the Hispanic community
7 wonderfully. I think we need to recognize that.
8 They need a good role model.

9 CHAIRPERSON WILSON: Thank you.

10 LON McDONALD AND PAT PETERSON

11 CHAIRPERSON WILSON: Would you give
12 your name and position?

13 LON McDONALD: I'm Lon McDonald, area
14 Labor Market Analyst, Department of Labor, State of
15 Idaho.

16 PAT PETERSON: Burley Job Service
17 Manager, and I have worked for the department in
18 this office 20 plus years.

19 CHAIRPERSON WILSON: So let's start
20 with you, sir. Do you have some opening remarks?

21 LON McDONALD: A few. I thought I
22 would kind of talk briefly about south central
23 Idaho's economy and economic place Hispanics find
24 themselves in this region. That region is eight
25 counties you heard alluded to in the past. The

1 area's primary industry is food processing, and
2 farming, and the Mini-Cassia area they have got
3 themselves in a situation where basically there is
4 some softness economically in both of those
5 industries. In fact, the unemployment rate today
6 came out, and I noticed that Cassia County for the
7 month of October had an unemployment rate of 7.4%.
8 And Minidoka County had an unemployment rate of
9 amazingly enough 9 1/2%. Looking at statistics
10 which we generate at the Department of Labor, this
11 particular one is the Idaho Affirmative Action
12 statistics 1996. I took a look at it for this
13 region and for the Mini-Cassia area, and I thought
14 I would just share with you in a general way a
15 couple of things that I saw.

16 CHAIRPERSON WILSON: Before you do
17 that, will you just for the record, would you share
18 in the state the eight counties?

19 LON McDONALD: Sure. Blaine County,
20 Camas County, Cassia County, Gooding, Jerome,
21 Lincoln, and Minidoka and Twin Falls. It really
22 encompasses the south central part of the state.

23 CHAIRPERSON WILSON: Thank you.

24 LON McDONALD: When I looked at
25 occupational information, which is broken out not

1 only for the population as a whole, but also the
2 Hispanic population, I found that at the upper
3 ladder income, ladder of occupations, that
4 Hispanics were having generalizing maybe half as
5 much success than the general population. These
6 sort of occupations would include, if I can find it
7 here, technical, professional, official managers
8 and this sort of thing. They were having
9 unemployment rates of having approximately half as
10 many as folks in those occupations, and in a
11 general way, the unemployment rate for Hispanics
12 was running in, I would say, two to two and a half
13 times higher than the general population. In the
14 areas of operatives, which would be like plant
15 operators, and that sort of thing, and laborers,
16 the unemployment rate of Hispanic or the numbers of
17 folks in those categories in the Hispanic category
18 were running 20 to 30 percent of their population,
19 so it was just disproportionately high. I might
20 say, however, that in this area, because of
21 primarily local food processing plants, wage levels
22 in potato processing plants are relatively good,
23 six and a half an hour and maybe nine dollars an
24 hour. I might say 10% of the population in south
25 central Idaho is Hispanic. In the Mini-Cassia

1 area, those two counties have the highest incidents
2 of Hispanic in eight counties. I think Hispanics
3 are under employed as is our population as a whole
4 in the region. We tend to live here because this
5 is a nice area to live, but jobs just are not quite
6 as sophisticated as maybe they are in Boise or a
7 more Metropolitan area. I think that there is
8 quite a lot of emphasize right now on economic
9 development. I happen to see that this area has
10 because of this serious layoff of workers at the
11 Simplot plant; that one reason they have gone ahead
12 and employed an economic development specialist,
13 and Twin Falls and Jerome have been quite
14 successful with their recruitment businesses. I
15 think that is going to help the population and all
16 of these folks that are living here. One bright
17 spot I think to the Hispanic population, we have in
18 the last six or seven years had a couple of large
19 cheese processing plants which have come in, which
20 generated a real significant increase in dairy
21 operations. Gooding and Jerome counties are the
22 number one and number two dairy producing areas in
23 the state, and Mini-Cassia has a significant
24 number. What happens is, there is an awful lot of
25 Hispanic folks that are working in these dairies

1 and making really good money. I think that is kind
2 of a unique thing that is probably going have some
3 very positive things happen for the Hispanic
4 population. Wages of 16 and 1,800 dollars a month
5 are not at all unusual. And so that is meaning,
6 you know, better quality of life and more of the
7 amenities that other folks are realizing in the
8 area.

9 PERRY SWISHER: How about the
10 recreation resort-tourist, all that jazz, from the
11 Stanley Basin to Sun Valley, all that area, are
12 there any of the Hispanics moving into that
13 employment?

14 LON McDONALD: They have. Of course,
15 that is a terrifically difficult area from a
16 housing point of view. They just, they fight that
17 problem all the time. We have not been successful
18 in figuring out that. There has been significant
19 increase in Hispanic population up there, and I
20 think that the one occupation that comes to mind is
21 really taking hold is landscaping. Blaine County
22 has as much construction total dollars construction
23 in a year as does the other seven counties in the
24 area of eighty to 100 million dollars a year.
25 There is really a serious amount of need for that,

1 and then, of course, because Blaine County has the
2 highest per capita income in the state, there is a
3 need for a lot of services for some of these
4 wealthy people, and I think the Hispanic population
5 has participated in some of that, and actually
6 quite often do have good wages. But they are up
7 there, and I don't know specifically how the
8 housing is being handled. But they seem to be
9 getting along fine.

10 CHAIRPERSON WILSON: Mrs. Peterson,
11 would you go ahead?

12 PAT PETERSON

13 PAT PETERSON: What I would like to do
14 is briefly give an overview of what our office
15 does. We have 24 different offices throughout the
16 State of Idaho. My office serves Minidoka County
17 and Cassia County. We are a rural community and
18 the majority of the folks that come in Burley and
19 Minidoka counties are friends and neighbors and
20 co-workers, so what impacts them, impacts us. The
21 Burley Job Service has been a significant office
22 for the migrant scene. We are charged with
23 providing equitable, equal to or equitable
24 services. We have Federal reviews, and we do state
25 reviews to see that our performance measures are

1 set in place. We provide corrective action. I did
2 bring some figures with our MSFW's that we have had
3 service last year, and non MSFW applicants--

4 MARILYN SHULER: I don't think some of
5 us know what that means.

6 PAT PETERSON: Migrant seasonal farm
7 worker. That is where we are a significant office.
8 We are part of the migrant stream, so we are
9 charged to help and assist those migrants find
10 work. With the way we have got our system set in
11 place, we are fully electronic. We can track a
12 migrant worker whether they start in this
13 southwestern part and continue on up north, and
14 electronically we have a system where we can make
15 record of any situation or incidents like a wage
16 claim or whatever, so we can assure and assist
17 wages be paid if they are owed. So we are really
18 quite dedicated in our office in helping alleviate
19 some circumstances. We are not an enforcing agency
20 as much as we are a referral agency. We have a
21 complaint system that has been set into place that
22 is not only for our migrant workers, but part of
23 statewide delivery system, where we actually take
24 and receive complaints, that can be either with an
25 apparent violation that has been given anonymously,

1 or given to us in writing that they signed for. So
2 we actually have a resolution system. If they are
3 MSFW or migrants, if we cannot resolve that issue
4 locally, we elevate it up to our monitor advocate
5 unit. We are very proactive in assisting our
6 migrants when it comes to pay issues. If it has
7 anything to do with safety, vehicles or that type
8 of thing, we refer it directly to the organization
9 charged with that. We have so many things we offer
10 as a menu of services through our office. We have
11 all of our services under our labor exchange
12 system, that involves receiving the job order, and
13 referring off from the job order, but because we
14 are getting so electronic right now, we are doing
15 what we call electronic lobbies. Our staff, our
16 consultants are being trained to identify barriers
17 of employment. Part of those barriers meet the
18 needs, try to meet the needs of our Spanish and our
19 Migrant workers. We'll refer 97% of unsupported
20 services, which means that if my staff cannot refer
21 you to a job, then what is your barrier, and how
22 can I help you alleviate that through case
23 management or vocational guidance. We have career
24 information tests. If they are not sure what they
25 would like to do, we look to seek terms other than

1 non ag employment. We have staff sit with them one
2 on one through interest tests, what it takes to get
3 there, and we really start with step one and then
4 move forward on a plan. We have and do what we
5 call a joint plan, that we sit down to the table
6 with other agencies that proved services to our
7 migrants and Hispanic issues. We invite Gladys
8 from voc rehab legal aid, Migrant Council and
9 as well as ourselves and we strategize how we are
10 going to serve that calculation once we put it in
11 writing, so we, you know, we have some bench marks
12 that we try to meet in compliance with our numbers.
13 But along with other than just the job referral and
14 job placement, we also have our director being as
15 very dedicated as he is to mainstreaming migrants
16 into non Ag positions. We have what we call new
17 direction. We actually have gotten a grant that we
18 work with, and we have prepared a video that we can
19 take to employers. It shows how these workers can
20 actually transfer their skills that they used in
21 the field, and take them into the market place.
22 And we have workshops that we provide and ongoing
23 have Spanish people come into the office and help
24 coach them how to look for work, and how to do a
25 resume, and assist them with any other barriers of

1 employment that they may have or feel that they
2 might have.

3 We have outreach workers that go out into the
4 field that visit. I'm trying to think of all of
5 the things we do. At the labor camps, we give farm
6 labor contracts which means, we try to just be
7 a one stop shop for information or referral. We
8 also have in our office labor market information
9 that is statistically gathered, that Lon has given
10 you information on, and also at our fingertips
11 touch spring computers in our office. We have an
12 unemployment insurance unit that is charged with
13 delivery of the insurance process, and as well as
14 the job training partnership act, and part of that
15 this year our community has been really involved
16 with downsizing of J R Simplot. We have identified
17 over 270 workers that have come to our office to
18 look at training, and I don't have the exact
19 numbers of Hispanics that that deals with. But we
20 have and serve a broad range of demographics in
21 both counties. I'm not sure what else I can tell
22 you what our office provides, because, again, its
23 such a broad spectrum of services, other than to
24 open it up for questions.

25 DAVID PENA: Would you give us some

1 information of the youth program?

2 PAT PETERSON: We have an adult
3 program and youth program and we have a summer
4 youth program, but through Federal cuts and funding
5 cuts, those programs have gone to -- we had enough
6 to service 10 kids last year, and it was in
7 Minidoka County. We work with the private industry
8 council, and they are identified by county which
9 towns, or whatever, are served, so that was a
10 project that we specifically developed in Minidoka
11 County. We had a teacher and we had kids that were
12 at risk, and the goal was to bring in people from
13 the hospital so that they could learn CPR and be
14 certified when they left. These kids were not high
15 school graduates. These kids were at risk, and
16 teenage parents, and we gave them the skills or
17 tried to give them the skills so that after they
18 finish after nine weeks, they could actually offer
19 an employer, because we are such an Ag base, offer
20 our plant processing... they were actually an
21 asset, and they had these credentials and could
22 take them. We placed 17 out of the 26.

23 GLADYS ESQUIBEL: My question is, do
24 you have any idea of the percentage of the total
25 wage claims that come in are Hispanic?

1 PAT PETERSON: What we have found and
2 I don't have those particular numbers, but through
3 our complaint process we have seen seven out of 10
4 are primarily wage issues, and they primarily
5 Hispanic. Now that the Idaho Department of Labor,
6 Idaho wage and hours is part of our division.
7 Normally, we are just a referral agency, but there
8 is one part our agency now that has what we call
9 teeth, and so we assist people that come in with
10 processing wage claims.

11 GLADYS ESQUIBEL: Second part of that
12 question would be, what did you do to that farmer
13 that employs an individual and for whatever reason
14 did not pay those wages, do you still refer to them
15 the following year?

16 PAT PETERSON: What we do is we look
17 for patterns, and what we try to do is do a local
18 resolution and if there are some real issues that
19 are set out in place, our director will basically
20 remove services.

21 HID HASEGAWA: Is this part of Idaho
22 Employment Service?

23 PAT PETERSON: Yes. We had a name
24 change most recently, and we were Job Service. It
25 was Idaho Department of Employment, and now we are

1 the Idaho Department of Labor.

2 HID HASEGAWA: I see. Now every once
3 in awhile twice a month I receive job application
4 forms, and so forth, printed on those amber-colored
5 sheets looking for different types of personnel?

6 PAT PETERSON: On the state
7 applications of the personnel commission?

8 HID HASEGAWA: From the Idaho
9 Employment Service, I think.

10 PAT PETERSON: Those announcements
11 that come out that show openings for the state?

12 HID HASEGAWA: Right.

13 PAT PETERSON: That is basically
14 generated by the personnel commission and not from
15 the Idaho Department of Labor.

16 HID HASEGAWA: I see.

17 PAT PETERSON: Even though it seems
18 most logical, it is actually a whole commission
19 that takes care of hiring for any and all state
20 agencies?

21 HID HASEGAWA: Most of the
22 applications call for bilingual personnel with a
23 specialty in Spanish speaking personnel?

24 PAT PETERSON: Right. In my office I
25 have 12 people that work in my office and 50% or

1 more speak Spanish.

2 CHAIRPERSON WILSON: What is the
3 unemployment rate for Hispanics in this area.

4 LON McDONALD: For 1996 Cassia County,
5 it was about 18%.

6 CHAIRPERSON WILSON: It's 18%. You
7 were mentioning about this assistance that you give
8 people, and you talk about a test. You give them a
9 test. This test, what kind of test is it? Is it
10 in English, Spanish, or what kind of test is it?

11 PAT PETERSON: The testing that we
12 have is available in English. We have a person
13 that would administer it, but what it is, is a
14 career information. It's an interest test. We
15 don't really provide any per se testing unless it's
16 a requirement of certain cases for a job. But on
17 the whole, we don't test.

18 CHAIRPERSON WILSON: In other words, a
19 person would have to have some form of education.
20 You don't do any oral? This test is not given in
21 oral form?

22 PAT PETERSON: If it needed to be
23 oral, we would do it. I might say on the
24 employment side, too, a large percentage of the
25 Hispanic population work in agriculture, and since

1 it's a very seasonal economy here, during the
2 summer months the unemployment rate would be quite
3 low. When jobs stop, then we have problems.

4 CHAIRPERSON WILSON: We hear about the
5 gangs, and I am sure that, you know, young people
6 going into juvenile detention, and all of that,
7 lots of instances could be because they don't have
8 anything else to do. Somebody came here and kind
9 of indicated that. They just hang out. You would
10 think that you could place 17 youths in jobs, but
11 is this type of... do you take this into
12 consideration. You have some kind of counselor you
13 alluded to once a year, that you select people that
14 come in, and you discuss, and you write out plans,
15 and all this beautiful stuff on paper, but in real
16 reality, do you try to address the real hard core
17 problems of unemployed youth and people?

18 PAT PETERSON: The comments that I
19 made about placing 17 youths?

20 CHAIRPERSON WILSON: Yes.

21 PAT PETERSON: That was a specific
22 program eligibility guide lines and the private
23 industry council oversees the expenditure, and this
24 is an RSP, so that's an award of dollar amount.
25 But on the whole, we do. We are looking at, we are

1 trying to figure out what the Department of Labor
2 can do out there better than any one else, because
3 there is a lot of temporary agencies. Employers
4 wouldn't die if the Job Service wasn't there, so we
5 are looking at our customers and our resources are
6 the people that we refer. So with our counselors
7 looking at how we can help these people alleviate
8 barriers, that would be any and all applicants that
9 come into our office.

10 CHAIRPERSON WILSON: Private business,
11 you get, do you solicit from them for openings that
12 they may have from private companies or private
13 business where you can place people?

14 PAT PETERSON: Our employers will call
15 us with what we call a job order. We recruit...
16 they use us and we start recruiting for their
17 position, and they could use a menu of services to
18 do that. They can use the Department of Labor as
19 well as temporary agencies as well as sometimes
20 we'll have a person setting at our desk, and if we
21 feel that, you know, we may know of an opening and
22 that employer hasn't called us about it, we will
23 make a phone call and say hey, I have this
24 applicant here that may be might fit into your
25 organization and see if we can do what is called

1 job development.

2 CHAIRPERSON WILSON: Have you had
3 anyone go to answer one of these calls and they
4 were turned down, or have you ever had anyone who
5 wants to put their job on your list and they tell
6 you outright we don't want any minorities? Have
7 you ever had that happen?

8 PAT PETERSON: I can't say that we
9 haven't had it, but just through the nature of our
10 department, we could not accept a job order that
11 had that type of criteria attached to it.

12 CHAIRPERSON WILSON: What about being
13 denied after they looked at them and they said
14 well, they turned them down?

15 PAT PETERSON: If they come back into
16 our office, this is the only way we would know, and
17 we would talk to our customers. If they feel that
18 they are having an issue of discrimination, or
19 whatever, they come back and talk to us because
20 that is the only way we can refer them to proper
21 agency. If that happens to be with discrimination,
22 we elevate it directly to the Human Rights
23 Commission.

24 LON McDONALD: I may say one quick
25 thing. Our agency is fairly involved in school

1 work, as it relates to the Hispanic population
2 as well as the student population as a whole. The
3 Mini-Cassia area particularly has really been a
4 leader in trying to get the business community and
5 these kids connected which is a pretty basic thing.
6 And I found that the cooperation of the Hispanic
7 community and the schools as a whole thing to be
8 really excellent, and I think it's pretty exciting
9 area because we are finally getting the schools
10 listening to the businesses on their needs, and
11 back and forth, and I think it's helping all of our
12 kids.

13 CHAIRPERSON WILSON: Anybody else have
14 anything questions? Thank you all for coming. At
15 this time we have some people that have signed up
16 to make some statements and some remarks, and I'm
17 going to ask that they limit to five minutes for
18 your presentations. The first person that I'm
19 going to call is Mary Gonzales. Five minutes. If
20 any of you need more time to discuss this, Dave
21 Pena, his office is here, and Gladys's office is
22 here, and you Mr. Anest's office is here and you
23 can meet with them, all right? Let's get started.

24 MARY GONZALES

25 A My name is Mary Gonzales. I have some

1 issues for Minico High School in Rupert. My
2 daughter will be graduating this year. She is a
3 paraplegic. She is in a wheelchair. She has been
4 in a wheelchair since fifth grade. We are having
5 problems with accommodations, modifications for her
6 for the school. And ever since she was in the
7 first grade, we have fought the schools for ramps,
8 and bathroom assessable for our handicapped kids.
9 It was a very hard issue. Going up and downstairs,
10 we had a hard time. And I fought last year for a
11 lift. We finally got the lift put in at Minico
12 High School, and got a bathroom for the handicapped
13 children, but it's to be used for both girls and
14 boys. We sometimes have to wait 10 or 15 minutes
15 before we can get into the bathroom sometimes. If
16 we get there before the others or while the others
17 are trying to do whatever they have to do, other
18 students, the aids, they stop what they are doing
19 to them so that we can get in and get out. But to
20 me, that is not fair. It's not fair at all. I
21 pushed for issues for opening the doors for the
22 kids because some of the aids have used the kids in
23 the wheelchairs to push the doors open, and the
24 door flops open. I fought for remote control doors
25 in there, and I pushed for push plates and they put

1 them in. And sometimes they work and sometimes
2 they don't. We have got the home ec room; it's
3 upstairs on the second floor. Nobody has been
4 upstairs of the handicapped kids since 1974. Since
5 1974, last year was the first year that some of the
6 students have got to go up, because we put the lift
7 in. I am having problems still with the bathroom.
8 My daughter knows how to do her own necessary
9 things, but the issue is that the hall is right
10 here, and the door is right here. And anybody with
11 a key can go open it and she is in a position that
12 nobody wants to see her, and she wouldn't want to
13 be seen either. So I complained about that. What
14 they did is remove the key hole. Now, we have to
15 go through another door where the students in all
16 wheel chairs are in. Sometime that door is locked.
17 We can go in through other doors that comes into
18 the bathroom. If that door is locked, nobody has a
19 key to that room to go in there, not the janitor,
20 not nobody. What they do, they showed me they have
21 a coat hanger there and we use that. If I know
22 that and nobody else knows, what happens? Two
23 weeks ago they had a fire. Somebody said that
24 there was a bomb. They had the cops and fire
25 trucks there, and everything. All the kids, the

1 students that were in wheelchairs, they were still
2 in their rooms. Everybody else that could walk,
3 teachers and everybody else, were outside. Those
4 students were still in the building. I asked them
5 to put a little door tack on the door where it says
6 you can use the bathroom, if they are not going to
7 put the key hole back in so my daughter can do
8 whatever she can on her own without me assisting
9 her twice a day. For 18 years I have been doing
10 it. I haven't been able to work ever since. Two
11 days ago we had a problem. My daughter has a
12 boyfriend now. She is in a wheelchair. He gets
13 down and hugs her from here. They are saying that
14 he is touching her breasts, and touching her right
15 here, just to say goodbye to go to class. They
16 made a big issue about that, and they wanted to
17 video tape her so they could proof to me that she
18 is doing it. I said, sure you have my permission
19 to do it if you do it to all other students that
20 are doing what they do. I see things going on
21 there that shouldn't be going on there. When I
22 complained about it, you worry about your child and
23 that is all you have to worry about. I mean, there
24 are issues that I see handicapped children--

25 PERRY SWISHER: They have their

1 priorities?

2 A Yes. And I have been fighting the
3 schools. I have got papers here. I have got
4 recordings where they say that these items will be
5 done and that would be done, and things like that.
6 It's all in here, you know, but it won't be done.
7 When I complained, we are doing the best we can,
8 you know, but still they do a little just to shut
9 me up for a little while.

10 DAVID PENA: You can bring those to my
11 office or to Mr. Annest.

12 A I talked to you once last year about
13 this.

14 JAMES ANNEST: You were represented by
15 someone else?

16 A Nobody wants to represent me. I don't
17 know.

18 JAMES ANNEST: You didn't come in and
19 do anything about it.

20 A Everything that they said they will do,
21 they haven't. And they called my child the
22 \$100,000 kid because that is how much an elevator
23 would cost. And that is one of the school board
24 members. And they kept telling me, quit beating us
25 on the head. We know we made mistakes.

1 JAMES ANNEST: I think I asked you to
2 come in and see me didn't I?

3 A I can't remember.

4 DAVID PENA: Provide those to us.

5 CHAIRPERSON WILSON: Why don't you do
6 this. Come and see of these three people. Don't
7 call them on the phone. Go in and sit down in
8 their office and talk to them.

9 A They also told me three days ago, the
10 vice principal, she was really upset with me. She
11 said, a lot of teachers do not want to deal with
12 your child because they don't know how to deal with
13 her because she is in the wheelchair. Another
14 thing you're an advocate. You speak out for your
15 child. That is why a lot of teachers do not want
16 to come to you and tell you what is going on with
17 your child. They don't want to tell me, you know,
18 if they catch her say, giving a peck on the cheek
19 to her boyfriend. The teacher, if it's a male, do
20 not want to approach her because they are
21 embarrassed to approach her. Well, where do they
22 go? Who do you go to. The teacher is supposed to
23 tell them if you're not, you know, if your doing
24 kissing or hugging, whatever.

25 JAMES ANNEST: How is your daughter

1 doing in school?

2 A Right now I received a letter from the
3 vice principal, saying she has lost a lot of
4 credits, like almost four subjects, because she has
5 missed a lot of school. She is was born with
6 spinal bifida, the open spine, and she has a shunt
7 in her head. She has something with her eyes where
8 she can't focus on the board. I have asked them to
9 record the notes, whatever, and nothing has been
10 done. I asked them, you know, get copies of your
11 notes, and give them to her, and that has not been
12 done, you know.

13 JAMES ANNEST: Have they done anything
14 to accommodate her.

15 A Well, like I said, the lift, the home
16 ec room was modified so they can do that.

17 JAMES ANNEST: As far as the vision
18 problem?

19 A I asked them to modify her grading, and
20 I asked the resource teachers to do this. I don't
21 know what to tell them. I don't know. I thought
22 it was up to the teachers or just vice principal or
23 principal to do it, but they won't do it.

24 CHAIRPERSON WILSON: Anybody else?
25 Any other questions? Well, thank you,

1 Mrs. Gonzales. Now, you get a hold of these
2 people. It's left up to you. All right? Thank
3 you.

4 Is Chet Bartlett here? Would you give your
5 name and tell us what organization you are with?

6 CHET BARTLETT

7 A I'm Chet Bartlett. I'm here bascially
8 to advise you of something that Mary Dayley would
9 have reported if she was present. But I'm working
10 with her in the Mini-Cassia area to attempt to
11 develop a counsel on human relations. We are in
12 the process of trying to recruit people for a
13 steering committee. And the northwest collision
14 through Mary gave me a list of 12 people that they
15 felt like would be responsive. Gladys was the
16 first one to respond. At this point, I have only
17 had responses from three of the 12, but we are
18 going to be moving along and try to do something in
19 this area. One of the things I wanted to bring to
20 your attention, United Way out of the Twin Falls
21 surveyed five, no. Excuse me. They surveyed 3,000
22 people and received 525 responses, asking what
23 they felt were the needs of those which were most
24 important as far as the community goes and those
25 which was less. Cultural diversity programs had

1 411 responses for being the least important. And
2 there were only 83 that saw it most important. I
3 think that gives you a picture of what we are up
4 against. I just recently moved back here from
5 Northern Idaho, and I was part of the human rights
6 group up there. And as you know, we have a strong
7 Ayrian Nations group that we need to work to try to
8 counter. Here there is no major visible problem
9 that the community sees, so what I envision we are
10 going to have to do is through a major effort in
11 terms of education of the community and of the
12 community resources. A little earlier one of the
13 needs that was mentioned was for more parents and
14 the communities to get involved. One of the
15 questions, I would like to have asked if we had a
16 full group here is how many Hispanics are we aware
17 of that are involved in service clubs in our
18 communities? Have access to those types of groups
19 to try to get more community involvement. By the
20 same token, to what extent are the churches
21 involved in trying to help meet the needs of
22 educating our community. One other thing I'll
23 mention is that there is a nationally recognized
24 program called Teaching Tolerance. One of the
25 questions that I hope to be able to answer is as to

1 what extent is that being utilized in the
2 Mini-Cassia area and throughout the region. But
3 those are the kinds of things we are going to be
4 looking at and trying to work with. One of the
5 significant things that happened through my
6 experience in the northern part of the state was
7 the response we got from young people. And we
8 ended up putting some young people on the board,
9 and the kind of input that we got from them as to
10 what they were experiencing in high school and
11 junior high level, was something that almost turned
12 our program around. We began to put more emphasis
13 into community education than into countering
14 Ayrian Nations. I think that where the future of
15 this kind of effort lies that if we can work with
16 our youth, and the places where they are involved.
17 We have a college here that has a unit over in this
18 area. They certainly should be involved in helping
19 us do some of the things we need to do.

20 CHAIRPERSON WILSON: Very good.

21 Anyone have any questions? Thank you.

22 Mr. Bartlett.

23 A Thank you.

24 MARILYN SHULER: I'd like to say for
25 the record to Mr. Bartlett that there is a copy of

1 the human rights for the community, a guide for
2 working with human rights issues in the community.
3 You will notice that there are over 100 community
4 organizations. There are 25 cities that have some
5 sort of human rights committees. None at all in
6 this area of the state. There was -- we did have
7 one that was the Cassia area human rights. The
8 last time we contacted them they said that they
9 were inactive; please take them out of the book.

10 CHAIRPERSON WILSON: Is Pamela Heward
11 here? Don't forget that we have five minutes.

12 PAMALA HEWARD

13 A I will try to summarize this. My name
14 is Pamala Heward, and I live Heyburn, Idaho. I
15 have been kind at a disability. I am a consumer
16 with a disability as well as a human activist,
17 working with civil rights and human rights issues
18 with individuals in this community for several
19 years. I do consultant work with access for Idaho,
20 which is an independent living center to work with
21 consumers that either have a mental or physical
22 disability, and I also do consultant work with the
23 Idaho fair housing council as it relates to housing
24 issues. Art Palacios contacted me and asked me to
25 come and make a presentation for the committee, and

1 specifically talking on some of things we have
2 addressed in the community in relation to medical,
3 as to medical care, and also would just highlight
4 on a couple of other things that we do. In the
5 Mini-Cassia area what we have seen with Hispanics
6 and others, with consumer disabilities a lot of the
7 issues seem to parallel. If you survey physicians
8 in the area and ask them are they taking new
9 patients, do you accept medicaid, medicare, or
10 somebody with private insurance or private pay, and
11 seasonal workers, you get different responses
12 depending on how the person pays their bills. And
13 if you have happen to have medicare and medicaid,
14 most physicians are not taking new patients. Many
15 of them have written letters saying you have 30
16 days to find a physician. And unless there is a
17 new physician coming in, no one is taking new
18 patients. So the only way people have access to
19 care is sometimes is through the most expensive way
20 which is through the emergency room. We have
21 circumstances in the community where people
22 have gone to the emergency room for care, and one
23 individual Hispanic had gone to the emergency room
24 because family members have recognized that a
25 person has some inappropriate behaviors and they

1 are seeking help. And they got there and try to
2 get help for an individual, and sent them back home
3 and said there is nothing we can do. If you want
4 to, take the individual to Canyon View. Well, that
5 did not happen. And following that date within
6 just a day or so, I think, he killed his wife. Had
7 there been something in place in that emergency
8 room where they would have had a safe room for
9 someone with chronic mental illness to be able to
10 have them there, to get help, willing to sign on
11 the line, and then be able to get that individual
12 into the appropriate treatment, that spouse would
13 probably still be alive today. We have had
14 situations where we have seen individuals that have
15 gone in -- we have a new hospital in the community,
16 and there is a new hospital, and they should have
17 been ADA accessible and we have another issues with
18 that. We have other groups we are working with in
19 the community that have been doing some dispute
20 resolution with the hospital, trying to get them to
21 come into compliance, including communication
22 access, qualified interpreters where necessary, and
23 getting TCD, telecommunication devices for the
24 deaf. But I think part of it, you know, is
25 education. We do have a good community. We do

1 have medical care available. I'm not saying that
2 there is no medical care, but there are some
3 barriers out there that people are facing with
4 medical care.

5 People going into doctors' offices have
6 reported that depending on how they pay their bill,
7 or color of their skin, depends on how long they
8 wait in the doctor's office. If they are on
9 medicaid, some offices put them to the last. I had
10 consumer just the other day who had gone into a
11 physician's office, the physician's office, and had
12 ordered a shot for an individual at home, but
13 because the individual was on medicaid, the people
14 at the desk said or made issue, publicly telling
15 everybody in office that was there well, we are
16 paying for your bill. You're on medicaid, so
17 everybody in the room now knew what their payer
18 source was. They didn't do that to ever other
19 person that came into that room, and should not
20 have ever done it to that particular individual.
21 And the individual was not able to get services
22 that they needed based upon disability. But that
23 is one of the problems to be addressed immediately.
24 But you see those kinds of things, and, I think,
25 part of that is sensitivity awareness training that

1 has to happen with all staff, all medical staff.
2 To open up the opportunity and treat all people
3 with dignity and respect and to be able to have
4 high quality medical care in the community, and
5 available services, and not hide if somebody does
6 have a mental illness, put it under the rug. No,
7 this is a brain disorder and biological issue that
8 needs to be addressed.

9 CHAIRPERSON WILSON: Okay.

10 JAMES ANNEST: Would that person
11 submit a written statement?

12 A Yes.

13 PERRY SWISHER: Mr. Chairman, it's
14 getting awfully late, and if we are going to take
15 further testimony, it should be on the subject we
16 came here to discuss.

17 CHAIRPERSON WILSON: I agree. We just
18 have given this person five minutes, and there is
19 questions of her. That is what is going on right
20 now. Any other questions? Not hearing any?

21 A Could I add one thing to this? The
22 probation issue that you talked about juveniles,
23 and what not and education, I just wanted to add to
24 that, take a look at 504, Section 504 in the IDEA,
25 because they have an obligations under that have

1 taken place, obligations of responsibility to make
2 sure that these students are fully benefited from
3 their education. And these kids are not being
4 identified and not provided that, and there is no
5 plans for putting that in place.

6 CHAIRPERSON WILSON: Thank you very
7 much.

8 Is Ms. Polvsen here?

9 TONIA POVLSEN

10 A I live in Burley, and I'm a volunteer
11 in a lot of different particular situations, and an
12 advocate of consumers, I started working part time
13 for Access for Idaho. As we have gone through
14 today's session, something came to my mind about
15 Mass's loss of hierarchy of human needs and I am
16 sure all of you are familiar with it. And what he
17 say is you have to go from one place and conquer
18 and make a solution for that before you can go to
19 the next step of human needs. And number one would
20 be somebody's food and then clothing and survival
21 and water, and next would be safety and security
22 which would include their home. And then the next
23 would be a sense of belonging and self esteem and
24 then self actualization, which can get into a
25 process of education and into being a productive

1 citizen. I noticed you asked an individual what
2 their solution would be to something. How did they
3 get to where they were successfully? Well, first
4 of all, there had to be food and a house to live in
5 for that individual. And I find in our area
6 because I did do property management for 12 years
7 in this area, and we don't have the housing for
8 these people. We do the not have low income
9 affordable housing. We can't meet a lot of the
10 needs with education, because we can't take care of
11 their basics needs. How can a student go to school
12 when they might have slept in a car that night. So
13 those are the basic needs that they have, you know,
14 and we really need to take care of the basic needs
15 that they have. I think this is a problem that
16 needs to be addressed. And then you get into the
17 housing those that have low incomes, migrant
18 housing; they do pay higher rents. Yes they are
19 under substandard housing. There is no way
20 somebody with education would pay the price they
21 are for the substandard housing. But they would
22 pay what they can to live and to be in a house.
23 And I know that this is happening in the area
24 because as I took applications, I asked those
25 questions and surveyed the individual, so I know

1 those are things that are in our area. There also
2 is the fear of retaliation. People wouldn't have
3 showed up today because if they cause waves, they
4 even lose that, that is the basic needs of housing.
5 There is going to be fear of people turning on
6 them. So they are not going to be here to stick up
7 for themselves. I am aware of these things from
8 being on the other side as a landlord and knowing
9 these tenants have fears and need to be met. And
10 so I would say when we get into education and/or
11 even into law enforcement, we better be looking at
12 some kind of housing for these people for basic
13 needs first. And also on the other side, just kind
14 of everybody seems if they are educated or
15 financially set up, they either plead ignorance, or
16 pass the buck, and the laws don't pertain to them.
17 And that is all I have to say. That is my opinion.

18 CHAIRPERSON WILSON: Thank you.

19 PERRY SWISHER: That was nice and
20 loud.

21 GLADYS ESQUIBEL: I believe we have
22 one more.

23 CHAIRPERSON WILSON: Go ahead. Would
24 you give your name?

25 RUDY CASTRO

1 A My name is Rudy Castro. I live in
2 Rupert. Father's day, '95, I was out camping at
3 Minidoka Dam, and late that night, I caught a young
4 man breaking into my tent and taking off with my
5 cooler. I tried to stop him. He was with
6 approximately oh, ten other young men, and I was
7 beaten severely. I had my nose broken, and I had
8 my nose broken, and I had a problem in my eye,
9 which I required an operation to fix. So I went
10 and complained to the Cassia County Sheriff,
11 because it was on the Cassia side of the Snake.
12 And didn't hear anything about it. Couple months
13 later talked with prosecutor. Nothing of my
14 complaint. He had heard nothing of it. I figured
15 it was because the young man that was stealing my
16 cooler was the sheriff's son. So I talked to the
17 prosecutor, and he agreed to turn it over to the
18 Idaho Attorney General's office. The Idaho
19 Attorney General's office sent an investigator, and
20 he told me to meet him at the Best Western. I did
21 meet with him, but he was drunk, extremely drunk.
22 And he was talking nonsense and foolishness. I
23 tried to hold a decent conversation with him, but I
24 couldn't. So a couple days later -- I was thinking
25 well, I have to work with this individual, and I

1 came to the conclusion that I couldn't. So I
2 called his superiors and told them that the
3 investigator was drunk, and they kind acknowledged
4 that he had a drinking problem. They sent another
5 investigator down. All he did was listen to me a
6 little bit, but he wasn't...the thing he did do, he
7 was trying to, well, he was kind of mad because I
8 had turned in his colleague basically. Anyway,
9 years later, nothing is being done. I had called
10 the U.S. Attorney General's office, Civil Rights
11 Division, and they turned it over to the state. I
12 asked the state to turn it over to the U.S.
13 Government. And there was a limbo. Finally I
14 called my senator and asked him to look into it.
15 He got the U.S. Attorney General's office to send
16 the F.B.I. to investigate. I did meet with them,
17 and the F.B.I. agent kept telling me what a great
18 sheriff we had. Anyway, I meet with him last... I
19 met with two Federal agents last Monday, and they
20 told me that my case was in limbo; that they didn't
21 know whether the U.S. Government was going to take
22 it or the state was going to take it. Well,
23 obviously I don't want the state to take it. And I
24 would like to lobby this group to ask the U.S.
25 Government to take over this case, since they have

1 done more investigating and know more about this
2 case than the state. That's about it.

3 CHAIRPERSON WILSON: Do you have
4 comments on this part?

5 MR. PALACIOS: The United States
6 Commission does not get involved in lawsuits or
7 anything like that. We don't have lawyers. One
8 thing we don't have is enforcement powers. We
9 don't have a complaint process. We don't do that.
10 We would refer you to the Federal agencies that we
11 would go through, and that is what you have done.
12 That is where it is at.

13 PERRY SWISHER: When you say you went
14 to your senator, I don't have a senator myself, but
15 you went to your senator. Who did you go to?

16 A I went to Dirk Kempthorn.

17 PERRY SWISHER: He is running for
18 governor. He may listen. Did you talk to the
19 office of the U.S. Attorney Betty Richardson in
20 Boise?

21 A I called Washington and was directed to
22 a Calahan. He didn't want to talk to me about it.
23 And the state didn't want to talk to me about it.
24 I'm in limbo.

25 PERRY SWISHER: Did the press do

1 anything about the fact that it was the Sheriff's
2 son.

3 A The press doesn't know anything about
4 it.

5 PERRY SWISHER: The press doesn't know
6 about it?

7 A No.

8 JAMES ANNEST: Which sheriff are you
9 talking about, Cassia County or Minidoka County?

10 A Minidoka County.

11 PERRY SWISHER: It was the Minidoka
12 County Sheriff's kid?

13 A Yes.

14 PERRY SWISHER: Did you sign a
15 complaint against him?

16 A Yes. Also during this time I found out
17 that he has, this particular group has attacked
18 quite a few Hispanics.

19 PERRY SWISHER: Over time.

20 A Yes. Well, that same night I was
21 attacked, two couples, they physically beat them.

22 PERRY SWISHER: Those are Hispanics
23 couples.

24 JAMES ANNEST: Mr. Castro, let me make
25 a recommendation to you. Go see David Pena and he

1 will bring a civil rights action against them.

2 DAVID PENA: We actually will talk
3 about that.

4 GLADYS ESQUIBEL: Thanks for coming.

5 CHAIRPERSON WILSON: We'll end here.

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CERTIFICATE OF COURT REPORTER

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THE STATE OF IDAHO)
COUNTY OF CASSIA)

I, Ray W. Patterson, Official Court Reporter
and Notary Public, in and for the Fifth Judicial
District of Cassia County, Idaho, do hereby certify
that the above and foregoing typewritten pages
contain a full, true and correct transcription of my
shorthand notes taken upon the occasion set forth in
the caption hereof, as reduced to typewriting by me
or under my direction.

Witness my hand, this the 1st day of December, 1997 .

(Ray W. Patterson,
(CSR official Court
(Reporter
(And Notary Public,
(State of Idaho. My
(commission is for
(life.