



Irene Gomez-Bethke Papers.

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February 26, 1985

Irene Gomez-Bethke
4649 Decatur Avenue, N.
Newhope, MN 55428

Dear Ms. Gomez-Bethke:

I am writing to inform you that we recently filed a lawsuit against the Immigration and Naturalization Service (INS). Tostado and Hernandez v. A.D. Moyer, et al., 85 C 1259. Our suit stems from an INS operation at the Kraft Building, an office building owned and operated exclusively by the City of Chicago.

Tostado and Hernandez are two employees of the Chicago Department of Economic Development. As they were leaving a business meeting at the Kraft Building, they were pushed up against the wall and interrogated about their citizenship by three immigration agents. We believe they were stopped solely because of their Hispanic appearance. Even one of our Board members, Maria Cerda, had a run-in with the immigration agents as she left her office.

The aim of our lawsuit is to prevent the INS from setting up similar stake-outs in front of municipal office buildings. Hispanics should not have to run an INS gauntlet in order to do business with the City of Chicago. Interestingly enough, this is the first case in the country that I am aware of which addresses the issue of INS law enforcement on municipal government property.

I will keep you posted as new developments occur.

Sincerely,

Raymond G. Romero
Associate Counsel

RGR/gm

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28 Geary Street
San Francisco, CA 94108
(415) 981-5800

Regional Offices

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(312) 427-9363

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(213) 383-6952

517 Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1701 18th Street, N.W.
Washington, D.C. 20009
(202) 393-5111



ACTION ALERT!

- ▶ THE SIMPSON MAZZOLI BILL
- ▶ & THE FOREIGN WORKER IMPORT
- ▶ 'PANNETTA AMENDMENT'

COULD BE APPROVED THIS

5TH OF MAY

***your action can defeat
these UNFAIR & UNJUST bills***

SEND THE FOLLOWING WIRE TODAY!

TO: SPEAKER OF THE HOUSE
THOMAS "TIP" O'NEIL
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

**"DON'T MOVE SIMPSON MAZZOLI OR
PANETTA BILLS! GIVE ROYBAL BILL
FULL HEARINGS!"**

***ask your church, union,
and friends to send too!***

National Committee for Fair Immigration Reform

256 S. Occidental Boulevard, Los Angeles, California 90057 • (213) 388-8693



ALERTA! ACCION!

➔ ***la ley simpson-mazzoli***

Y La Nueva Ley de Bracero-
➔ **contratado 'panetta enmienda**

PODRAN SER APROBADAS

EL 5 DE MAYO

SU ACCIÓN PUEDE DERROTAR
ESTAS LEYES DISCRIMINATORIA
Y ESCLAVISTAS!

Mande el siguiente Telegrama: ➔ **Speaker Tip O'Neill**
House of Representative
Washington, D.C.

**"NO MUEVA
LAS LEYES SIMPSON-MAZZOLI
Y LA ENMIENDA PANETTA"**

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Committee on National Legislation

ALBERTO LUERA

Assn. Pro Servicios Sociales (Centro Aztlan)

GRACE DAVIS

Deputy Mayor, City of Los Angeles, CA



NATIONAL CONFERENCE
on the
ADMINISTRATION OF JUSTICE AND THE MEXICAN AMERICAN

STATEMENT OF PURPOSE

The Chicano Institute on Law and Justice will be a non-profit corporation intended to provide a framework within which efforts to create a better system of justice may be stimulated, nurtured, developed, and coordinated. The Institute would have the following purposes; amongst others:

To provide direction and leadership that would be both responsible and responsive. The Institute would be available to serve as consultant and advisor at all levels and to all components of the machinery of justice, government and the law.

The Institute would provide a permanent body charged with the development of an overview of the law, a focus on priorities, and a responsibility for the coordination of educational resources, research activities, and projects of development and reform.

The scope of inquiry and activity of the proposed Institute would extend throughout the element of philosophy, and the mechanical process, in the administration and delivery of justice for the Chicano.

Functions of the Institute would include:

1. Survey, appraisal and information collection and dissemination on problems in civil and criminal justice and the recognition of new problem areas as they arise;
2. Coordination and continuing evaluation of action and research programs;
3. Serve as a catalyst in developing areas for empirical and doctrinal research;
4. Advice to public and private sectors concerned with the quality in the administration of justice;
5. Provide functional continuity in the direction and operation of the law.
6. Insure neutrality in decision making.

The Institute would be a long-term effort to obtain factual information needed to provide a basis for sound policy and to disseminate to the public and to persons in key policy positions the best knowledge and analysis available in the field as it pertains to the problems of the Chicano in the system of administration of justice.

The Institute would have a Board of 12 trustees representative of the Chicano community -- professional and lay persons. For instance, it might include lawyers, police officers, judges, prison officers, parole officers, pintos, and community workers.

The staff: President and Executive Director
Police - Law Enforcement Officer
Courts - Lawyer
Corrections - Ex-prison employee
Rehabilitation - Ex-pinto
Community Resources - Field Representative

Duties: Sponsorship of Basic Research and Analysis
Information Dissemination
Evaluation of Administration of Justice System
Leadership Role - Center for Policy

Statistics
LADS
Work - Artesanías

Nicki Brown

NATIONAL CONFERENCE
on the
ADMINISTRATION OF JUSTICE AND THE MEXICAN AMERICAN

RAMADA INN
3801 East Van Buren Street
Phoenix, Arizona

August 31 through September 2, 1972

TENTATIVE AGENDA

THURSDAY, AUGUST 31, 1972

9:00 a.m. MEETING OF COMMITTEE CHAIRMEN AND STATE CHAIRMEN
11:00 a.m. MEETING OF PANELISTS
1:00 p.m. OPENING SESSION
 Welcome
 Hon. John Driggs, Mayor of Phoenix
 Response - Conference Background
 Mario Obledo, Conference Chairman
 Keynote Address
3:00 p.m. PANEL I DISCUSSION - Law Enforcement
 ... Surveillance - Patrol
 ... Search and Seizure
 ... Arrest
 ... Booking (Line-up, etc.)
 ... Incarceration - Detention (Pending trial)
4:30 p.m. WORKSHOPS - Panel I
7:00 p.m. HOSPITALITY - Mariachis

FRIDAY, SEPTEMBER 1, 1972

9:00 a.m. PANEL II DISCUSSION - Courts
 ... Bail (Own Recognizance)
 ... Pre-trial (Preliminary hearing, etc.)
 ... Trial
 ... Sentencing (Offenses)
 ... Probation
10:00 a.m. WORKSHOPS - Panel II
12:00 Noon LUNCHEON
 Keynote Speaker
 Entertainment - Casa de la Raza Dancers
2:00 p.m. PANEL III DISCUSSION - Corrections
 ... Juvenile Facilities
 ... Female Facilities
 ... Male Facilities
 ... Staffing
 ... Education and Trades
 ... Parole
3:30 p.m. WORKSHOPS - PANEL III
5:00 p.m. PANEL IV DISCUSSION - Rehabilitation
 ... Counseling
 ... Parole Officers
 ... Halfway Houses
 ... Job Opportunities
 ... Revocation
6:30 p.m. WORKSHOPS - PANEL IV
8:00 p.m. BARRIO DINNER - Wesley Community Center
 1300 So. 10th Street, Phoenix
 Entertainment - Casa de la Raza Teatro

SATURDAY, SEPTEMBER 2, 1972

9:00 a.m. PLANNING SESSION
 Chicano Institute on Law and Justice
10:00 a.m. CLOSING SESSION
 Reports - Panel Chairmen
 Resolution Recommendations
 Remarks - Chairman
1:00 p.m. RECESS FOR LUNCH
2:00 p.m. MEETING OF COMMITTEE CHAIRMEN
 ADJOURNMENT

PROGRAM BRIEF

A. Western Interstate Prison Association

1. Purpose; to establish a bridge between ex-offenders and the community with its related federal and state agencies.
2. Parole plan; this includes employment counseling, which in turn leads to job placement.
3. Social counseling; for the behavioral adjustment experienced upon re-entering the community environment. Also available is drug, alcohol, and family counseling.
4. Inmate industry; the formation of a constant retail outlet for the sale of institutionally made goods, with the addition of a wholesale distributorship to major stores.
5. We believe as an organization of concerned citizens that we have a moral obligation to build into our program a social failsafe, made to identify, prevent, and correct the problems that may arise from individuals being unable to be rehabilitated by conventional education and vocational alternatives.

Ted Lingo - Western Regional Director
Funded by limited community resources
Telephone: 524-9399 9:00 to 5:00 daily

B. Concentrated Employment Program - State Agency

1. The function of CEP is to classify and orientate people for placement in Work Training Experience (WTE)
2. WTE's program consists of a 4 to 13 week trial job placement in any one of various fields (this usually leads to permanent employment).
3. Manpower Development Training Administration, also a part of the CEP program adds vocational and community college alternatives with stipend and salary.

Albert Garcia - Field Representative
Federally funded
Telephone 892-7131

C. Legal and Judicial Assistance.

1. Public Defenders Office, Appellate Division

a. Legal and technical advisory assistance
where and when needed.

b. Support of our rehabilitation philosophies
and community efforts.

Ken Russel - Appellate Division

Telephone: 892-2665

2. National Lawyers Guild

a. Legal and technical assistance

Bill Hazelton - Director

Telephone: 893-1014

3. Legal Aid

a. Free legal services for inmates

Carol Tremmel - Field Representatives

Telephone: 292-6296

We also give cooperation and support to the storefront
police.

We have faith that these souls can be funneled back into the
community as useful and functional citizens. We can help them
help themselves and thereby greatly reduce the recidivism
and crime rate.

National Committee for Fair Immigration Reform

256 S. Occidental Boulevard, Los Angeles, California 90057 • (213) 388-8693

(Partial listing — Organization listing for identification purposes)

CHURCHES:

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Los Angeles Catholic Archdiocese

FR. ALAN DECK
Director Hispanic Ministry
Archdiocese of Orange County

FR. LUIS OLIVAREZ, PASTOR
Our Queen of Angeles Catholic Church, L.A., CA

KENLYNN SCHROEDER
West Coast Coordinator
Church World Service, San Francisco, CA

MONSIGNOR EUGENE McNAMARA
Ex. Dir. Catholic Charitable Bureau, Boston, Mass.

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Board of Global Ministries
United Methodist Church, New York, N.Y.

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Archdiocese of Los Angeles Episcopal Church

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Pastor, Sagrada Familia Catholic Church
Wilmington, CA

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Synod of So. California & Hawaii
Presbyterian Church of USA

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JAN F. GUISE
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AFSC, Boston, Mass.

SISTER HELEN BISHOP, RSM
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BRO. JAMES MAGNAN
Mission Sec., Capuchin Mission, Detroit, Mich.

HECTOR VICTORIA
Dir. Office of Hispanic Affairs
Diocese of Oakland, CA

SUSAN WOOD
American Friends Service, San Francisco, CA

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Benedictine Sisters, Sacred Heart Convent
Yankton, South Dakota

SISTER PATRICIA MARSHALL
Coordinator, Social Justice Commission
Sisters of the Blessed Sacrament, Bensalem, PA

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Archdiocese of Baltimore, MD

FRANK SHEEHAN
Director Social Concerns
Diocese of New Ulm, New Ulm, Minn.

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Dayton, Ohio

JACKIE HUDSON
Dir. MI/OH Nat. Assembly of Religious Women
Grand Rapids, Mich.

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Little Falls, Minn.

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Superior General, Sisters of St. Joseph of Medaille

SR. JULIA GHEATZLEY, CSJ
Asst. Sup. Gen., Sisters of St. Joseph Medaille
Cincinnati, Ohio

REV. DONALD CLIFFORD, S.J.
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Philadelphia, PA

MARTIN CANO
Dir. Oakland Catholic Diocese, Immigration Project

DEAN HANSEL
Nat. Exec. Brd., Jewish Peace Fellowship, L.A. CA

ROBERT S. VOGEL
Presiding Clerk, Religious Society of Friends
Pasadena, CA

MARGARET SWADESH & LEE MILLER
Coordinators, Religious Task Force on Latin America
Chicago, IL

April 15, 1984

The Democratic leadership of the House of Representatives is now holding hearings on the Simpson Mazzoli Immigration bill and the new wide-open Bracero program known as the Panetta amendment. Together, these two bills constitute a very damaging "double whammy" against the farmworkers of our nation and their organizations, the UFW and FLOC; the entire Hispanic community; the immigrant communities and all the workers of America, but especially those in sweat shop and low paid industries.

The failure of the Democratic leadership of the House to give fullest hearings, mark-up and consideration to the alternative Immigration Reform Bill sponsored by Congressman Edward Roybal, the Hispanic Caucus and many other members of the House shows a lack of sensitivity to the life needs of the Hispanic and the immigrant communities of our land. It reveals a sad disregard for the key role that these voters play in determining the fate of the Democratic Party and the defeat of the Reagan administration this year.

The Roybal Bill unlike the repressive and discriminatory Simpson Mazolli bill, will avoid the unfair impact of such sensitive legislation. It will increase enforcement of existing employment laws, eliminates the sweatshop conditions and wages which create a vacuum in the work place that is filled by the undocumented workers.

It reduces the incentive for undocumented immigration by protecting workers but especially those most vulnerable from violations of protective laws. The Roybal bill will have a beneficial effect upon the existing work force without the discreet penalties which can only fall most unfairly upon the workers of the minority ethnic groups.

We therefore, urge you to IMMEDIATELY WIRE, CALL OR WRITE TO SPEAKER O'NEILL ASKING HIM TO REFER THE SIMPSON/MAZZOLI/PANETTA BILLS BACK TO THE COMMITTEES WHERE THEY CAN BE RECONSIDERED JOINTLY WITH THE ROYBAL BILL PROPOSALS.

Peter Schey
Peter Schey,
General Counsel

Bert N. Corona
Very truly yours
Bert N. Corona,
Coordinating Committee

CHURCHES: (Continued)

REV. WM. McLEAN

Pastor, Our Lady of Guadalupe Church-Rosehill
Los Angeles, CA

FR. FLINT J. FARABAUGH, Pastor

FR. THOMAS SWEETERMAN, Assoc.

SR. VIRGINIA FABILLI, Soc. Worker
St. Agnes Catholic Church, Los Angeles, CA

JOHN F. LITZINGER

Director, Migration & Refugee Resettlement
Diocese of Columbus, Columbus, Ohio

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Vice. Pres. Franciscan Sisters of Perpetual Adoration
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SR. BEVERLY ANNE

Religious Dept. Chair, Beaumont School for Girls
Ursuline Nuns, Cleveland Heights, Ohio

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Prior, St. Louis Prior & School, St. Louis, MO

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Pres., Space Coast American Humanist Assn.
Cocoa, Florida

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BONNIE ARIAS, Family Reunification Director
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Catholic Diocese of Oakland, CA

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Society of Friends of Rochester, N.Y.

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St. Raymond's Social Justice Committee, Dublin, CA

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Rochester, New York

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REV. HENRY LUNA, CMF

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SR. CATHERINE GARCIA, RSHM

SR. KATHY WOOD, OSF

Our Lady of Solitude Catholic Church

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Downtown Presbyterian Church, Rochester, N.Y.

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DAN KESSELBRENNER

Centro Presente, Cambridge, Mass.

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New Windsor, MD

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Dominicans, Oak Park, Illinois

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Brd. Directors Member, Screen Actors Guild
AFL-CIO, Hollywood, CA



OFFICE OF THE MAYOR
CITY OF CHICAGO

HAROLD WASHINGTON
MAYOR

March 22, 1985

Dear Commission Members:

Nearly two years have passed since my inauguration as Mayor of Chicago. This historic event was made possible by the reform movement that united people in the Black, Hispanic and white communities of our great city.

As we celebrate this anniversary, another event will also be remembered; the second anniversary of the assassination of Rudy Lozano. In commemorating this tragic incident, I recall the promise and hope that Rudy represented for me. I best respected and admired Rudy Lozano because of his tireless and unselfish dedication to unify the people of our city in the effort to better the living conditions of all.

A young leader with proven and tested accomplishments as a community organizer, trade unionist and political leader was surely a tremendous asset to our city and our nation. All Chicago, and especially I, felt his loss deeply. The city and the nation has the right to know who was responsible for his murder.

Sincerely,

Harold Washington
Mayor

Commission for Justice for Rudy Lozano
2500 South Millard Street
Chicago, Illinois 60623



COMMISSION for JUSTICE for RUDY LOZANO

2500 South Millard Street • Chicago, Illinois 60623
(312) 762-1772

March, 1985

Dear Friends:

We need your support for a Congressional investigation into the murder of Rudy Lozano.

Twenty-one months have passed since Rudy Lozano, Mexican-American labor and community leader in Chicago, was brazenly murdered in the kitchen of his home on June 8, 1983.

Rudy's work, as outlined in the enclosed brochure, was outstanding both as a youth and young adult. He was acclaimed and loved in his own community, successful in his role as labor organizer, and recognized throughout the city as having a brilliant future in independent politics.

Gregory Escobar was convicted of Rudy's murder, but the trial failed to establish any motive. The Commission for Justice for Rudy Lozano believes that Rudy was killed because of his progressive activities.

Who gains from Rudy's death?

Two important groups were seriously threatened by his work during the previous year. Their interests were not in opposition to each other. First was the corrupt political machine of the local Democratic Party, represented in the 22nd ward by then incumbent alderman Frank Stemberk. Lozano's work in building a unity of Blacks, whites and Latinos brought him to within 17 votes of a run-off with Stemberk which would have led to the probable defeat of the machine in that ward. Lozano and his supporters then delivered the ward for Harold Washington in the mayoral election.

The second group threatened by Rudy's work was the tortilla factory owners, known in the community to have connections with organized crime. Under Rudy's leadership the International Ladies Garment Workers Union conducted a successful organizing drive at the Del Rey Tortillería, which owners tried to thwart by calling in the Immigration and Naturalization Service. Rudy and the workers organized a community boycott which was in force at the time of the murder.

Rudy Lozano had been offered a bribe and then physically threatened in relation to both his labor and political activities. After his death information was reported to the family about meetings where plots against Rudy's life were discussed.

This information was turned over to the police, the FBI and the prosecutor, Cook County State's Attorney Richard M. Daley, a long time political associate of Alderman Stemberk. Rather than trying to ascertain if there was a broader conspiracy to kill Rudy, Daley was satisfied simply to try the single young gang member, Escobar. This occurred in spite of requests by the family and the Commission to follow other available leads.

In fact, Daley insulted members of the family and threatened the Commission's counsel at the one meeting he granted them. At Escobar's trial the prosecution hinted that Rudy himself was involved in drug dealing, although no evidence of this was ever introduced. This smear against a man who fought against the drugs that damage so many of the youth he grew up with, was flatly rejected in Lozano's community, among his labor associates and the clergy.

Escobar, largely on the basis of a confused confession that he recanted, was convicted and sentenced to 40 years in prison in May 1984. His case is on appeal.

In August of 1984 the Commission turned over the facts of the case to the U.S. Attorney, Dan Webb, who asked the FBI to investigate for violation of federal law. Although this investigation was presumably still active, Daley, in an apparent effort to bring a quick and final close to the case, brought a murder conspiracy case to trial against reputed drug dealer "Fritz" Olvera, who admitted giving the murder weapon to Escobar, but denied knowledge of the crime.

Jesús García, Chair
Democratic Committeeman,
22nd Ward,
President, Independent Political
Organization, 22nd Ward

Lucía Elías-Olivares, Co-Chair
University of Illinois at Chicago*

Lupe Lozano, Executive Secretary
Vice-President, IPO 22nd Ward

Emma Lozano Rico, Treasurer

Reverend Willie Barrow
National Executive Director,
Operation PUSH*

Bira Carrizales, R.N.

John H. Coatsworth
University of Chicago*

Linda G. Coronado

Natalie Curley

Alderman Danny K. Davis

Morris Davidson, Business Agent,
Local 43, UFCWU*

Luis Gutiérrez, Chair,
IPO, 32nd Ward

Father John Harrington
Holy Trinity Church*

Congressman Charles A. Hayes

Nancy Jefferson, Executive Director,
Midwest Community Council*

Sharon Kielminski
IPO, 25th Ward*

Rev. Jorge Morales
St. Lucas Church*

Sidney Ordower

Lu Palmer

Mary D. Powers
Citizens Alert*

Ray Romero, Director, Mexican-
American Legal Defense &
Educational Fund*

Norman Roth, Labor Today*

Alicia C. Santelices, El Heraldo*

Helen Shiller, Heart of Uptown
Coalition*

Jack Spiegel, United Textile Workers
of America*

State Representative Arthur Turner

Juan Velásquez, Chair
IPO, 25th Ward*

Sylvia Woods

Josephine Wyatt, Chair, National
Alliance Against Racist & Political
Repression, Chicago Chapter*

* For identification only

James P. Chapman, Counsel to
the Commission

On December 28, 1984, Olvera was acquitted of conspiring in the murder. The State's Attorney had failed to produce evidence necessary to convict. In fact, he had failed even to contact Escobar or his attorney to determine if Escobar, the key witness, would testify. Knowing that Escobar's case was on appeal and that he probably would refuse to testify claiming privilege against self-incrimination under the Fifth Amendment, Daley could have requested the court to dismiss the case and refile it after proper investigation had unearthed better evidence.

Again, the State's Attorney failed to follow this routine procedure. Instead he subpoenaed Escobar who refused to testify and Judge James Bailey dismissed the case for lack of evidence. This and other aspects of his handling of the case led the Commission's legal counsel to conclude that the trial was no more than a sham.

Frankly, the Commission for Justice for Rudy Lozano believes that while the jury has convicted one individual of pulling the trigger, law enforcement agencies have not investigated those who may have ordered the assassination. We do not believe that this eighteen year old, who did not know Rudy, acted alone.

Faced with possible cover-up on the part of both local and federal law enforcement agencies, the Commission decided to appeal to the U.S. Congress to investigate the circumstances of the murder and the conduct of these agencies.

The commission is convinced that this is not simply a fight for justice for one man alone. We are alarmed at the growing number of young labor and political leaders who have been murdered or attacked recently in our nation: Silme Domingo and Gene Viernes, two young Phillipino-American labor leaders, were shot down in their office in Seattle in June 1981; in San Francisco, Roberto Flotte, young Latino union business agent was shot and killed in the course of his work; and here in Chicago last fall, the home of young Puerto Rican Luis Gutierrez, an ally of Lozano and candidate for committeeman, 32nd ward, was fire-bombed.

Furthermore, in our own community the independent movement is regularly under attack by corrupt and right-wing groups. Both the Commission's chair and executive-secretary continue to receive threats. For the survival of the progressive movement within our community our Commission fights for complete exposure of those who killed Rudy Lozano.

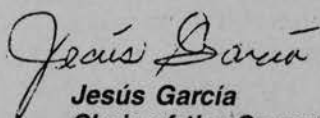
Failure to pursue justice in any of these cases gives license for the use of terror and murder against other leaders in the struggle for the welfare of working people, the poor and oppressed in our nation. Their persons must be protected and their work encouraged.

Last summer, in an initial meeting with members of the Commission, Congressman John Conyers, Jr., Chair of the House Sub-committee on Criminal Justice agreed to look at further documentation toward a congressional investigation after the end of the trials. The last trial ended December 28, 1984.

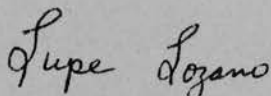
Therefore, we urge you to write to Congressman Conyers, adding your support for his efforts in behalf of justice for Lozano. Send a copy to your own congressperson, and one to the Commission.

We also need your financial assistance to cover legal expenses and to publicize the case nationally. Please give generously. Thank you.

Sincerely,



Jesús García
Chair of the Commission



Lupe Lozano
For the Family

★★

Chicago Tribune, Monday, January 14, 1985 Section 2 3

U.S. panel upholds Lozano union victories

THE NATIONAL Labor Relations Board has upheld union organizing victories at two West Side tortilla plants.

The board voted 3-0 to reject charges by Del Rey Tortilleria that the late Rudy Lozano, an organizer

for the International Ladies' Garment Workers Union, interfered with elections at two Del Rey plants.

Lozano was killed in June, 1983, and gang member Gregory Escobar has been convicted of his murder.

If you receive a duplicate of this mailing, please give one to a friend.



TEMPORARY WORKER PROGRAM

There are three proposed temporary worker programs being considered: the Judiciary Committee's version of the H-2 program, the Education and Labor Committee's version of the H-2 program (the Miller Amendment), and the Agriculture Committee's temporary worker program (the Panetta Amendment).

The H-2 program (whether the Judiciary version or the Miller Amendment) is available to all employers, including industrial and agricultural employers. The Miller amendment was offered as a substitute to the Judiciary version. Thus, only one of the two H-2 programs will be included in the bill. MALDEF supports the Miller Amendment.

The Panetta Amendment is the new version of the "Bracero program." It applies only to agricultural producers of "perishable" crops (however, the committee report language refers to raisins and hops as perishable crops, this would effectively open the law to include most agricultural commodities). The Panetta is offered as an additional program, so conceivably it can be enacted in addition to one of the H-2 programs. MALDEF is strongly opposed to this amendment.

SUMMARY OF PROGRAMS

Current H-2 Program: The current H-2 program has two kinds of protections, one for domestic workers and one for the H-2 workers.

The protections for domestic workers are to ensure that domestic labor is given the first opportunity to fill available jobs. An employer is required to certify that there is no qualified domestic labor available to do the required work. The Department of Labor (DOL) verifies this and also recruits domestic laborers where available.

If no domestic workers are available, an employer is allowed to hire H-2 workers, provided the employer fulfills certain requirements to protect foreign workers, including providing minimum wages and working conditions, adequate housing, etc.

Judiciary H-2 Program: In an effort to make the H-2 program available to more employers, the Judiciary Committee's H-2 program eased many of the protections available for both domestic and foreign workers. The amount of time in which the DOL has to recruit domestic labor has been cut from 80 to 50 days. In addition, the Judiciary Committee has eased the working conditions designed to protect the foreign workers who are hired.

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Miller Amendment: The Miller H-2 program seeks to retain many of the protections that exist in the current H-2 program. It recognized that even under the current program there are many abuses of the H-2 workers who participate. As a result, the Miller amendment requires that the H-2 program maintain protections for workers at least as stringent as those in the current program. In addition, domestic workers are allowed to challenge an employer's certification where domestic workers are available for work or where abuses of the program exist (currently, only employees can challenge certification). Finally, the Miller amendment establishes a commission to study the temporary worker problem and suggests long range solutions. This amendment recognizes that the H-2 program is an interim program, and that long range solutions to temporary labor shortages need to be established.

Panetta Amendment: The Panetta Amendment creates a new visa which is good for up to 11 months. The Attorney General will issue a number of these temporary worker visas depending on the number of workers requested by employers. These workers will be allowed to travel anywhere within a region. These workers will be free to seek employment with any employer participating in the program.

The Panetta amendment poses a number of problems:

- ° Employers are no longer required to certify the unavailability of domestic labor (as required in the H-2 program). The DOL no longer recruits domestic laborers as part of the certification process.
- ° There is no enforceable contract with a particular employer, nor is there a guarantee that a foreign employee will find work. Thus, the Panetta workers will be competing for labor, not only among themselves, but with domestic workers as well.
- ° The protections available for the foreign workers are ambiguous and unenforceable.

House members with large agricultural interests, especially in California and Texas, tend to support the Panetta amendment.

Growers make the following arguments in support of the Panetta amendment.

1. Growers need a large, mobile and responsive labor force. Growers argue that the H-2 programs are too restrictive to meet the needs of farmers who produce perishable commodities. Labor requirement can not be accurately forecasted 50-80 day in advance of the date needed. Once crops are ready to be picked, they must be harvested immediately or they will rot in the fields. In addition, the weather can significantly change the estimated harvest date. Thus, farmers argue, there is a need for a large, mobile pool of workers who can respond to immediate labor needs. The Panetta Amendment is said to prove this flexibility.

- (a) However, the program developed to respond to these perceived needs is too extreme.

- It creates a large pool of foreign laborers who will

compete among themselves and with domestic workers. This will depress wages and working conditions for all workers.

- Domestic workers are no longer given the first opportunity to fill jobs. The Panetta amendment ignores the fact that there are many domestic farmworkers ready to work. In Panetta's own congressional districts, for example, there is a UFW hiring hall with available workers.
- The Panetta amendment effectively eliminates the protections designed to protect foreign workers from exploitation and abuse.

- (b) In addition, the Panetta amendment will aggravate the immigration problem rather than alleviate it. The visa issued, will be good for up to 11 months. It is unrealistic to think that foreign workers will work in this country for 11 months, return to their home countries for a month, only to return again to the U.S. the following season. What is more likely is that workers will stay or live in the U.S. year round.

The proponents of the Panetta amendment argue that an incentive is built into the amendment to encourage employees to return to Mexico. A trust fund will be established in which employers are to make payments ordinarily made to governmental entities, i.e. social security, unemployment compensation, etc. The foreign workers would be allowed to apply for their portion of the contributions at the U.S. Consulate in their home country when they return. However, in many instances the amount of money in the trust fund may not justify the expense of a trip home. Thus, the Panetta amendment will create a permanent pool of foreign laborers who will have no rights as permanent resident aliens. These workers will only be allowed to look for work and pay taxes. (They are not even assured employment)

2. Growers argue that the labor protections in the H-2 programs are too restrictive and costly. As a result employers will not be able to participate in the H-2 program. Growers also argue that adequate protections for laborers are written in the Panetta amendment.

- (a) While there are a number of "protections" written into the Panetta amendment, these provisions are ambiguous and unenforceable. For example:

- ° Farmers are to make a "good faith" effort to hire domestic employees.
- ° Wages and working conditions available to foreign workers must not adversely affect the wages and working conditions of domestic workers.
- ° Employers are to provide either adequate housing or

a housing allowance.

- (b) More importantly, the Panetta amendment does not specify an enforcement mechanism. The DOL is no longer the enforcing agency of this program. Thus, even where violation can be identified, there is no procedure specified for enforcement. While the Attorney General is given authority to enforce the Panetta amendment, it is not clear whether enforcement will entail fines, decertification from the program or remedies to employees.
3. Many congressional districts with large agricultural districts have also indicated a preference for the Judiciary H-2 program over the Miller H-2 program. This is because the Judiciary H-2 program has eased many of the requirements for protecting both domestic and temporary workers. However, the current requirements of the H-2 program are necessary to adequately protect domestic and foreign workers. Only the Miller amendment retains the requirements as they exist in current H-2 program.

On June 8, 1983 at 9 a.m., Rudy Lozano, Director of Organization of the International Ladies Garment Workers Union, a key figure in Mayor Harold Washington's campaign, and a member of his Transition Team, was gunned down in his own kitchen in the presence of his two year old son.

WHO WAS RUDY LOZANO?

A Son, a Brother, a Father, a Husband

Rudy Lozano was born July 17, 1951 to Guadalupe, a steelworker, and his wife Anita in Harlingen, Texas. Several weeks later, his family returned to their home in Chicago's Pilsen-Little Village community, where he grew up with his three brothers and two sisters. On December 8, 1973, Rudy and Lupe Lozano were married. Together they had three children — Rudy, Jr., Jose Alberto and David Emiliano.

A Student Activist

When Rudy was in high school, the civil rights movement nationally was making great strides. This movement served to bring attention to the conditions of other minorities in the U.S. Latinos on the east and west coasts initiated movements in education, immigration rights and labor. Chicago was no different.

In the public high school Rudy attended, he worked with other students to successfully demand courses that would reflect their Mexican American heritage and an increase of Latino teachers and staff.

Later, while a Pre-Med student at the University of Illinois Circle Campus, Rudy was instrumental in founding the Latin American Recruitment Program, and in pressuring the University to establish affirmative action programs for Blacks and Latinos.

Also while a student, Rudy worked part-time for the Pilsen Neighbors Community Council, organizing a petition drive among parents and students that led to the opening of the Benito Juarez High School.

While struggling to achieve his own educational goals, Rudy became intimately involved in issues affecting the educational needs of his community. Leaving behind a career in medicine, he immersed himself full-time in the struggles of his people.

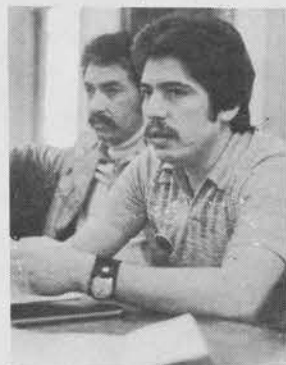


An Organizer

In 1973, during the economic crisis of Nixon's second administration, a national hysteria was developing over the issue of "illegal aliens". Workers without documents were being used as scapegoats for the rising unemployment and were detained and deported without regard for basic human rights.

Rudy, along with others, feeling that this hysteria was aimed at immigrants of color, formed CASA-HGT in 1974, to defend the rights of undocumented workers. Rudy was elected local coordinator, and at its initiating press conference declared, "We are workers, we have rights, we create the wealth, with or without documents."

Under his leadership, CASA developed coalitions with other immigrant groups, labor, religious representatives and community organizations. As the CASA spokesperson, Rudy participated in city-wide coalitions around housing, education and political action. He was a supporter of Puerto Rican independence, on the board of the Chicago Peace Council and a national board member of the National Alliance Against Racist and Political Repression.



A Labor Organizer

Rudy also worked with rank and file union members to pressure labor unions to defend the rights of **all** workers. In 1979 he became an organizer for the International Ladies Garment Workers Union where he directed his attention to organizing the unorganized, especially immigrants working in "sweatshops" in Chicago. Among the many workers he came in contact with were those employed by the Del Rey Tortilla factory. By the end of 1982, with Rudy's able assistance, they had forced an election for representation in this shop. Del Rey fought them **all the way**, calling in the Immigration and Naturalization Service to detain and deport rank and file leadership. The workers and the community then organized a boycott to bring pressure against the company. Throughout the winter and spring of 1983, even while he was running for city council, Rudy continued to work with these workers.

By 1983 Rudy had become the Director of Organization of the ILGWU and a Board member of the Hispanic Labor Council.

A Political Activist

Concern for effective and accountable political representation and the unity among all people, Black, White and Latino, on city, state and national levels, led to the development of the Independent Political Organization of the Near West Side. Rudy was a leader in the IPO and was their candidate for city council in the 22nd ward in February, 1983.

Rudy came within 17 votes of forcing a run-off election against the white machine incumbent in a ward made up of 49% White, 37.5% Latino and 13.5% Black registered voters, putting together a full-fledged Black, Latino and White coalition of voters with whom he continued to work in support of Harold Washington during the 1983 Mayoral General election. Not only did Washington receive the majority of votes from the 22nd ward on April 12, 1983, but Rudy worked city-wide to insure broad support from the entire Mexican and Puerto Rican communities.

Following Mayor Washington's victory, Rudy was appointed to the new administration's Transition Team. He continued to work with his own ward political organization — the 22nd Ward IPO — which was already becoming a formidable force.

At age 31, June 8, 1983 at approximately 9 a.m. Rudy Lozano was brutally assassinated in his home.

The Commission for Justice for Rudy Lozano

Within hours, friends and coworkers gathered to plan a memorial for their friend, this servant of the people. For two days, thousands came to pay Rudy their last respects and to comfort his family. On Monday, June 13, more than three thousand people marched through the Little Village-Pilsen Community to St. Pius Church to pay homage to the life and commitment of Rudy Lozano.

Immediately after Rudy's death, a city-wide coalition of labor, church, political leaders and



members of Rudy's family formed the Commission for Justice for Rudy Lozano. Its commitment: to get at the truth behind the murder of Rudy Lozano.

By early July, 1983, Gregory Escobar was arrested by police and charged with the murder of Rudy Lozano. His arrest, however, failed to answer many of the questions raised by Rudy's murder. Primarily, it did not answer the question of why Rudy was murdered and who was really behind his murder. In spite of information offered by the Lozano family, it appeared that many leads were never followed.

And So Many Questions Remain:

- Was Rudy's success in unifying Blacks and Hispanics for political reform, which posed a challenge to the entrenched machine power, the motive in his assassination?
- Were the threats from specific individuals before and during Rudy's campaign connected with his death? Why have these individuals never been questioned about the threats made on Rudy's life and the lives of his family?
- Did Rudy's fight against the exploitation of undocumented workers cause the employers to see him as a danger to their operation?

We still do not know who killed Rudy Lozano. We may know who pulled the trigger, but we must still find out who was behind Rudy's murder.

It is with this single minded objective of achieving the truth behind the murder that the Commission and members of the Lozano family are determined to ensure the continued investigation of Rudy Lozano's murder.

WE ASK YOUR SUPPORT.

I support the Commission for Justice for Rudy Lozano. I will

- ☐ Donate \$ _____
- ☐ Do volunteer work
- ☐ Have a speaker come to my block club or organization
- ☐ Purchase posters, T-shirts, buttons

Name _____

Address _____

Phone: day _____ evening _____



Commission for Justice for
Rudy Lozano
2500 S. Millard
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Legalization: Phase Two Begins

For the 1.7 million immigrants who applied for legalization under the general program of the Immigration Reform and Control Act of 1986 (IRCA) the long process of gaining permanent residency and eventual citizenship has just begun. Many newly-legalized immigrants do not realize that to remain in this country legally they need to gain permanent resident status by meeting another set of requirements. Under IRCA, temporary residency lasts for eighteen months after the initial filing date. Thus, for immigrants who applied in May 1987, the permanent resident application period will begin this November and last for one year.

With the permanent resident application period approaching, MALDEF is urging the Immigration and Naturalization Service (INS) to finalize the regulations for the second phase. The first set of proposed rules were made public in May. After the INS receives informal comments on the draft, it will issue a second draft. The final regulations are expected to be issued in late August or early September.

"Because the final regulations will be released very late both the INS and the applicants are likely to face the same confusion experienced in the first phase," says **Linda Wong**, Director of MALDEF's Immigrants' Civil Rights Program.

Under IRCA's general legalization program, temporary residents applying for permanent resident status must satisfy English language and citizenship requirements which previously only were applicable to persons seeking naturalization.

According to the preliminary regulations, applicants trying to fulfill the English requirement will need to pass an English and citizenship skills test or enroll in a course of study. The proposed regulations require applicants to show completion of half the course requirements in a course involving at least 60 hours of study. "We are finding that some educators are

(Continued on back page)



1990 Census

On April 1, 1990, the United States Bureau of the Census will perform its most important task undertaken every ten years: counting the number of people in the United States. This date may seem to be in the distant future, but there actually is little time to make sure that the Census Bureau counts everyone residing in this country.

The Census Bureau's count as certified to the President at the end of 1990, provides the basis for the reapportionment among the States for the 435 members of the House of Representatives; the count also provides the basis

for the reapportionment of state and local legislative bodies; and the count determines the formula for deciding how much federal monies and services flow into our communities.

The upcoming census count presents two potential problems which could have a severely negative impact on Hispanics. First, Hispanics may again be undercounted by the Census Bureau, an undercount which not only would deny rightful political representation, but also would deny our communities their deserved governmental monies and services. Second, litigation by anti-immigration groups again will seek to exclude noncitizens from the Census Bureau's reapportionment count of all "persons" in the country.

A possible undercount is a real concern. Previous counts have in fact undercounted Hispanics — much more so than any other ethnic community — by as much as 5 percent to 10 percent. Yet, this undercount can be prevented by educating our community about the importance of being counted, and by encouraging the Census Bureau to take corrective action.

To remedy this potential undercount problem, MALDEF is establishing an ambitious Census Program of its own, and part of it already is in place. "Our goal is to achieve an accurate count of all Hispanics in this 1990 census," explains **Joe Montelongo**, National Director of MALDEF's Census Program. "We have to encourage all members of our community to complete and return the Census Bureau's forms, and we will seek this end through every means available," from talking with farmworkers and factory workers, to producing and airing PSAs (public service announcements) and inserting special notices in utility bills. Montelongo also points out that MALDEF would be "vigorously encouraging the Census Bureau to employ Spanish-speaking enumerators, and to use accepted statistical adjustments to compensate for the projected undercount."

If these efforts are less successful than we anticipate them to be, "litigation against the Census Bureau is always a possible alternative," says **Jose Garza**, Director of MALDEF's Political Access Program.

Meanwhile litigation is underway regarding a lawsuit brought by a number of members of Congress, several organizations and even two states (Pennsylvania and Kansas) to exclude undocumented persons from the census count. They claim that the defendant Census Bureau should not count "persons" who are not citizens, essentially because these non-citizens cannot vote and hence should not

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MESSAGE FROM THE PRESIDENT



Antonia Hernandez, President and General Counsel

MALDEF's extraordinary accomplishments and service to the Hispanic community during our first twenty years were highlighted in the many moving speeches presented at our Twentieth Anniversary Reunion Celebration held in San Antonio on April 30, 1988. We were all reminded of how much MALDEF had accomplished in such a short period of time. Yet much remains to be accomplished. Our agenda and particularly our litigation workload are in fact overflowing.

In education, among our major lawsuits are our ongoing challenge to the allocation of educational resources by the Los Angeles Unified School District, our litigation effort to provide adequate levels of bilingual education

throughout the state of Illinois, our new case challenging testing abuses by exclusionary community colleges in California, our continuing challenge to testing abuses in higher education in Texas, and our challenge to Arizona's policy of charging higher tuition to noncitizen students.

In employment, we are continuing to pursue our traditional class action cases against major employers, while also monitoring compliance with the many affirmative action consent decrees we've won in recent years, including our most recent consent decree with the San Francisco Fire Department. In language discrimination cases, we just won a major appellate decision holding an English-only workplace rule unlawful, and we are continuing our litigation against the City of Tucson. And in the new area of immigration-related employment discrimination, we have filed dozens of discrimination charges with the Justice Department's new Office of Special Counsel, have won many favorable settlements for reinstatement and back pay, and have litigated the first IRCA case in the nation before an Administrative Law Judge.

In political access, we have four major challenges to discriminatory at-large elections pending before the federal Courts of Appeals for the Fifth, Ninth, and Tenth Circuits. We are defending on appeal in Illinois our state court victory requiring an early mayoral election in Chicago. And we've just intervened to defend a federal lawsuit challenging the Census Bureau's obligation to count all "persons" in the country including undocumented persons.

To protect immigrants' rights, we have expanded the eligibility criteria and partially extended the deadline for applying for legalization. In other cases, we have mounted an across-the-board challenge to the inadequacy of bilingual translations at INS hearings, and we are challenging INS practices that separate families.

Despite our history of struggle and success, MALDEF quite obviously is needed more today than ever before. I thus again thank you for your continuing support.



MALDEF

Mexican American Legal Defense and Educational Fund, Inc.

MALDEF is a national nonprofit organization that promotes and protects the civil rights of Hispanics in the United States in the areas of education, employment, political access, and immigration. Headquartered in Los Angeles, MALDEF has regional offices in Chicago, San Antonio, San Francisco and Washington, D.C.

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MALDEF Board Adopts Five-Year Plan

The MALDEF Board of Directors adopted a bold and expansive set of goals and objectives to be implemented by the organization over the next five years. The board's unanimous decision was made during its annual meeting held in San Antonio, Texas, on April 30.

The five-year plan includes continued litigation in the four programmatic areas of education, employment, immigration and political access with an increased emphasis on language issues, such as the English-only movement, a new Parent Leadership Program and a revised Census Program.

The Board voted in a new slate of officers to lead the organization into its third decade of service to the Hispanic community. They are: **Frank Quevedo**, Chair (Los Angeles); **Frank Herrera**, First Vice Chair (San Antonio); **Harriet Rabb**, Second Vice Chair (New York); **Art Velasquez**, Third Vice Chair (Chicago); and **Betty Rivera**, Secretary-Treasurer (Albuquerque).

New board members also were elected, bringing the board to a full complement of forty members. The individuals elected and the cities they represent are: Governor Jerry Apodaca, William Bradford, Jr. and Elaine Jones, all of Washington, D.C.; Natalia Delgado, Susan Getzendanner and George Munoz, all of Chicago, Illinois; Adelfa Callejo, Dallas, Texas; Charlotte Fischman, New York; Remigio Pete Reyes, Denver, Colorado; Rodolfo Alvarez, Councilwoman Gloria Molina, Helen Hernandez and Reynaldo Macias of Los Angeles; James Brosnahan, San Francisco; Emilio Nicolas, Secaucus, New Jersey; Jose M. Lerma, Douglas, Arizona; Don Ritchey of Danville and Catherine J.K. Sandoval of Menlo Park, in California.

Quevedo, newly elected chair, says he looks forward to working with old and new members "to increase MALDEF's effectiveness and to continue its impressive track record of effecting change and protecting the rights of all Hispanics. We're starting our third decade of service with an extremely talented and committed Board," Quevedo continues, "and I know you're going to hear a lot from us over the next decade."

Quevedo has served on the MALDEF board since April of 1985. He is Director of Corporate Relations at Beatrice/Hunt-Wesson in Fullerton, California. Quevedo assumes his new duties from outgoing Chairman **Fidel Lopez** of Chicago whose second term on the MALDEF board expired in April.

Fullerton Community College Is Sued

A MALDEF suit against Fullerton Community College in Southern California charges the college with using matriculation testing that in effect excludes Hispanics from the college. The action, filed in state court on May 18, alleges that students are tracked into non-transferable or non-credit classes based solely on standardized examinations in violation of the 1986 Matriculation Act.

Valdez v. Randall names as defendants the President of Fullerton, members of its Board of Trustees, the Chancellor of the North Orange County Community College District, and the State Chancellor of the California Community Colleges.

The Matriculation Act of 1986 provides for evaluation and placement counseling but specifically warns against using the testing instruments to track or exclude students. "State statutes clearly spell out what can and cannot be done under the Act," says **Susan E. Brown**, Director of Higher Education for MALDEF, the attorney who filed the suit. "Matriculation testing is to be used for diagnostic purposes to assist students in choosing college courses and is not to be used to track them," Brown points out. Standardized tests exclude Hispanics because of the cultural and linguistic biases inherent in those tests, according to Brown.

The Matriculation Act was passed by the state legislature to ensure equal educational opportunities for underrepresented students by providing them with

counseling services and overall career planning. Ironically, some community colleges are using the act to exclude the very students who were supposed to benefit from the law. Brown says there is confusion surrounding what constitutes advisory assistance versus improper tracking of students. "California community colleges traditionally have been open to all students regardless of level of academic preparation," Brown says, "but there are those who feel that all students should attain a certain level of scholastic ability before being allowed to enroll in a community college." Consequently, according to Brown, some students are tracked into non-transferable or non-credit courses based solely on standardized examinations and are prevented from taking other courses or are excluded from the college. "This tracking takes place at Fullerton regardless of the student's high school grade point average and other indications of academic promise," Brown states.

While *Valdez v. Randall* is targeted at Fullerton, MALDEF President and General Counsel **Antonia Hernandez** says, "We know the problems that exist at Fullerton are present at other community colleges around the state. This suit seeks to require the Chancellor's office to monitor other matriculation testing abuses at all 106 community colleges."

The suit also charges the Chancellor with failing to accept responsibility to monitor actions under the Matriculation Act and to ensure that policies are implemented fairly and according to the law.

Edgewood School Finance Case Update

In April of 1987, MALDEF won the first round in its fight against Texas and the state's method of financing its public schools. Austin State District Court Judge Harley Clark ruled that the state's financing method was unconstitutional and in effect denied low-wealth school children their fundamental right to an education.

Edgewood v. Kirby was filed in May, 1984, on behalf of 69 low-wealth school districts and 25 families residing in those districts alleging that the state's finance system denies them equal protection, the right to an education, and equal and uniform taxation. Fifty-five rich school districts joined the lawsuit as defendant-intervenors on behalf of the state of Texas, the original defendant in the lawsuit.

The case is now on appeal to the Court of Appeals in Texas and a final decision is not expected until late summer or early fall.

Lead attorney for MALDEF **Al Kauffman** says the *Edgewood v. Kirby* case is important for several reasons. First, the Court of Appeals ultimately will decide whether education is indeed a fundamental right of all children regardless of socio-economic status. Secondly, the court will determine how the Texas state constitution should be interpreted regarding the financing of its public schools now and into the future. Finally, Kauffman says, "If the court concurs with MALDEF's arguments, the ruling will improve the quality of education throughout the state."

In his ruling, Judge Clark ordered the state to produce a constitutional plan for financing its schools by September 1, 1989. The Governor and Lieutenant Governor, Speaker of the House, and all of the education groups in the state, as well as the plaintiffs and defendants in the litigation, are presently considering various options to design and implement a constitutional school finance plan. MALDEF is pursuing the case with the court to get the legal matters resolved before the end of the next legislative session in the Spring of 1989, so that the Legislature can meet its September deadline.

If the lower court ruling is upheld, it will establish a more equitable distribution of funds among the wealthier and poorer school districts in Texas and will provide equal educational opportunities to every student in the state.



John Branch, San Antonio Express News



Hispanic Women's Conference

MALDEF hosted and Anheuser-Busch Companies sponsored the first Hispanic Women's Conference in Texas late last year which resulted in the establishment of the Hispanic Women's Network.

Shown above with conference sponsor Jim Estrada, Corporate Relations Manager for Anheuser-Busch Companies, are newly elected president Maria Luisa Mercado, Assistant Attorney General of Texas from Lubbock, and historian Martha Hinojosa-Nadler, Southwestern Bell, Austin.

Molders Update

When Immigration and Naturalization Service (INS) agents appeared at Ramon Estrada's workplace and asked about his immigration status, he handed the agents a representation letter from his attorney. The agents continued questioning him, but Estrada declined to answer and asked to call his attorney. At that point INS agents grabbed Estrada, dragged him by the waistband of his pants and deposited him in an INS vehicle. Agents later pulled Estrada out of the bus by his hair, handcuffed him and threw him against the bus. One agent pushed Estrada's face toward dog excrement and said, "This is what you are."

In the upcoming *Molders v. Nelson* trial, over 100 witnesses are expected to recount similar abuses by INS agents that took place in over 40 workplace raids in northern California between 1982 and 1986. The lawsuit presents a challenge to the Immigration Services's procedures in entering workplaces and conducting workplace raids. The trial, set for January, 1989, is expected to last three months.

Witnesses in the suit claim that workers were verbally and physically harassed and handcuffed without questioning. Some workers allege they were detained by INS agents even though they possessed the proper documentation. Employers are expected to testify that the raids were conducted in a disruptive manner, that the questioning of immigration status was limited to only Hispanic-looking individuals and that the arrests were unnecessarily violent.

"As the dehumanizing actions of the INS agents indicate, the INS operates with very few restrictions," says MALDEF Senior Litigation Attorney, **John Nockleby**. "It is our hope that *Molders* will result in better defined INS enforcement procedures and greater regulation of the agency's activities."

A partial decision in *Molders v. Nelson* in November, 1987, addressed the manner in which the agency entered workplaces. The U.S. District Court in San Francisco ruled that the Immigration Service's use of a warrant to search for, seize and arrest persons who were not named in the warrant was unconstitutional.

MALDEF attorneys Nockleby, **Francisco Garcia-Rodriguez**, **Denise Hulett** and **Susan Brown** are serving as lead counsel for the plaintiffs. Co-counsel include attorneys from the American Civil Liberties Union (ACLU), California Rural Legal Assistance (CRLA), the Employment Law Center, the National Lawyers Guild, and the law firm of Orrick, Herrington and Sutcliffe.

IRCA-Related Job Discrimination Hearing

Just months after the passage of the Immigration Reform and Control Act of 1986 (IRCA), Noemi Barragan Romo, employed by Todd Corporation, was called into the management offices and asked to produce proof of her eligibility to work. Romo had entered the country illegally in 1976 and qualified for legalization, but she could not provide proof of her work eligibility. That same day Romo was given her final paycheck and told she was out of a job.

In the first administrative law judge hearing since IRCA's enactment, MALDEF argued that Romo's firing was discriminatory and in fact unnecessary. As a "grandfathered" employee — a worker hired before the law's enactment — Romo was not required to produce documentation. **Jose Roberto Juarez, Jr.**, Director of MALDEF's Employment Program, and **Anne Kamsvaag**, attorney for the Coalition for Humane Immigration Rights of Los Angeles, represented Romo in the hearing on April 5 and 6.

The judge may award Romo reinstatement and back pay with interest. Todd Corporation also may be required to pay a civil penalty of \$1000, and the judge may monitor the company's employee verification record-keeping. The judge is expected to render a decision this summer.

The administrative law judge hearing is part of a special process established under IRCA to remedy charges of employment discrimination. Charges of employment discrimination are first filed with the Office of Special Counsel for Immigration-Related Unfair Employment Practices. The Office of Special Counsel has 120 days to investigate and seek remedies for the victims of employment discrimination. If the charges are dismissed by the Office of Special Counsel after the 120-day investigation period, the employee has 90 days to file a complaint with an administrative law judge. The judge will conduct a hearing and rule on the complaint.

The Office of Special Counsel dismissed Romo's charge last October because Romo was not a temporary resident at the time she was fired. IRCA's anti-discrimination provisions arguably protect only temporary residents, not legalization applicants. "This is an instance in which the technical language of the law doesn't match Congress' intent," says Juarez. "IRCA's anti-discrimination provisions weren't intended to allow legalization candidates to be fired while they were in the process of applying for temporary residency."

Employer Education Project Begins

Inquiries on the employer sanctions and anti-discrimination provisions of the Immigration Reform and Control Act of 1986 (IRCA) are expected to increase over the next few months as the Immigration and Naturalization Service begins to fully enforce the employer sanctions provisions of IRCA. Under the immigration law, employers who knowingly hire undocumented workers or fail to properly fill out the I-9 employee verification form risk civil and criminal penalties. MALDEF is establishing an Employer Education Project in California to assist employers in understanding the law.

Employer Education Project attorney **Nancy Cowen** will provide information by coordinating workshops and making presentations to management and personnel directors. The program will include a hotline to answer employers' questions. "Our goal is to protect both the rights of employers and employees," says Cowen. The year-long project, funded by a grant from the Irvine Foundation, will be based in Los Angeles.

The Office of Special Counsel has since changed its position on this issue, and has intervened on MALDEF's behalf.

Another issue addressed in the hearing was the fact that Romo, like many undocumented workers, had used an invalid social security number on her employment application. Todd Corporation had tried to justify Romo's dismissal because she had misrepresented herself on the employment application. MALDEF argued that such policies unfairly discriminate against legalization candidates. Furthermore, after four custodial workers were fired on similar grounds, a Texas federal court agreed with MALDEF's position and ordered their reinstatement in *LULAC v. Pasadena Independent School District*, stating that the plaintiffs were protected by IRCA's anti-discrimination provisions barring practices that have a discriminatory effect.

MALDEF has found that for many legalization candidates and other immigrants, confusion about IRCA's employer sanctions provisions has resulted in the loss of wages and seniority or the termination of employment. MALDEF's next hearing before an administrative law judge is expected to take place this summer.

HAVE YOU HAD JOB PROBLEMS BECAUSE OF THE NEW IMMIGRATION LAW?

This questionnaire will help us to show what problems there are for workers as a result of the new immigration law. With your help we will inform Congress about the problems, to make sure that the laws are fair for everyone.

A. What happened?

1. What did the employer do (check all that apply):

- ☐ fired
- ☐ suspended
- ☐ not hired
- ☐ not promoted
- ☐ threatened with dismissal
- ☐ received less pay/benefits than other employees
- ☐ lost seniority
- ☐ verified work authorization of some employees/applicants but not of others
- ☐ requested more documentation than was necessary
- ☐ other (explain): _____

2. When did this happen? _____

3. What reason did the employer give for the action?

- ☐ documents proving work authorization were not sufficient
- ☐ identification or work authorization documents did not appear to be genuine
- ☐ believes that law allows firing of "grandfathered" employees (employees hired before 11-6-86 who do not have documents)
- ☐ other (explain): _____

4. Were other applicants/employees treated the same way?

- ☐ Yes — How many persons were affected? _____
- ☐ No/Don't know

5. Were you hired before November 6, 1986? ☐ Yes ☐ No

6. Position you held/applied for: _____

B. Who did it?

7. Name and address of employer:

Name _____
Address _____
City _____ State _____ Zip _____ Phone _____

8. Type of industry: _____

9. How many employees does the company have? (Please circle one)

1 to 3 4 to 14 15 or more Don't know

C. Other Information

10. Have you filed or are you planning to file a complaint against the employer?

☐ Yes ☐ No

If yes, charges filed with:

- ☐ EEOC (under Title VII)
- ☐ state or local employment discrimination agency
- ☐ Special Counsel for IRCA-related discrimination
- ☐ other (explain) _____

If no, why not?

- ☐ issue is resolved
- ☐ looking for legal representation
- ☐ other explain: _____

11. Have you filed a "Declaration of Intending Citizen" (INS Form I-772)?
_____ Yes — Date filed _____ Filed with _____
_____ No
_____ Don't know what it is

D. **Who are you?**

12. Race/Ethnicity:

_____ White
_____ Black
_____ Asian
_____ Native American (Indian)
_____ Hispanic:
_____ Mexican
_____ Puerto Rican
_____ Cuban
_____ Central American
_____ Other: _____
_____ Other

13. Citizenship/Immigration status:

_____ U.S. citizen
_____ Permanent resident alien
_____ When obtained? _____
_____ Temporary resident alien
_____ Granted refugee/political
asylee status by INS
_____ Applicant - permanent residence
INS work authorization? _____
_____ Applicant for legalization
INS work authorization? _____
_____ Applicant for political asylum
INS work authorization? _____
_____ Other (specify): _____
_____ INS work authorization? _____

14. Sex: _____ Male _____ Female

E. **Certification** (must be filled out in all cases)

I filled out this form based on:

_____ my own experiences, or
_____ information given to me by a person whom I personally interviewed.

Date _____ Signature of Complainant or Preparer _____

Print Name _____

Organization or Affiliation (if any) _____

Address _____

City _____ State _____ Zip _____ Phone _____

IF DIFFERENT, Complainant's name (optional) _____

Address _____

City _____ State _____ Zip _____ Phone _____

IF COMPLAINANT IS REPRESENTED BY AN ATTORNEY:

Name of Attorney _____

Address _____

City _____ State _____ Zip _____ Phone _____

This form is not an official complaint and will not preserve claims under federal or state law.

Contact our offices or an attorney for help in filing legal claims.

WE APPRECIATE YOUR HELP.

PLEASE RETURN THIS FORM TO:

MALDEF

Mexican American
Legal Defense and Educational Fund
634 South Spring Street, 11th Floor
Los Angeles, CA 90014
(213) 629-2512

or

ACLU

American Civil Liberties Union Foundation
Immigration Task Force
132 West 43rd Street
New York, New York 10036

For your information - the Federal Government has established an office to investigate and prosecute discrimination complaints related to citizenship or immigration status.

OFFICE OF SPECIAL COUNSEL
P.O. Box 65490
Washington, D.C. 20034-5490
(800) 255-7688

Linda Wong To Leave MALDEF



Linda Wong, the Associate Counsel of the Los Angeles regional office for the Mexican American Legal Defense and Educational Fund, will be leaving MALDEF in mid-August. Wong, who also directs MALDEF's Immigrants' Civil Rights Program, will join the public policy group California Tomorrow as its Executive Director.

Wong has headed MALDEF's immigration program for the last seven years and has been at the forefront of major issues surrounding implementation of the Immigration Reform and Control Act of 1986 and other immigrant issues. "Her compassion and intelligence made her an eloquent spokesperson on behalf of MALDEF," says Antonia Hernandez, MALDEF President and General Counsel.

We are proud of all that Linda has accomplished during her tenure with MALDEF.

English-Only Rule Deemed Illegal

In a sweeping decision in *Gutierrez v. De Dubovay*, the Federal Court of Appeals for the Ninth Circuit ruled against a speak-English-only rule last January. MALDEF filed two amicus briefs in this suit supporting bilingual Hispanic court clerks who had been subjected to an unfair speak-English-only rule in the workplace. In its decision the Ninth Circuit prohibited the use of the English-only rule by affirming a lower court's injunction and fully adopting MALDEF's arguments.

The suit was prompted when the Huntington Park Municipal Court in Los Angeles County issued a rule that court clerks were to speak only English in their conversations with co-workers. The rule was later amended to allow the clerks to speak other languages on breaks and lunch hours. The bilingual court clerks, who worked in a community that is about 80 percent Hispanic, were required to use Spanish to assist the public whenever necessary.

MALDEF argued that the English-only

rule was unlawful under Title VII of the Civil Rights Act which bars discrimination on the basis of national origin. MALDEF also contended that the rule had a disparate impact on Hispanics who are more likely to use a language other than English, and that the rule was not justified by any business necessity.

After the passage of Proposition 63, a law that declares English the official language of California, MALDEF filed a supplemental brief which examined the effect of the new law on the English-only rule. The brief, prepared by MALDEF Staff Attorney **Francisco Garcia-Rodriguez**, successfully argued that Proposition 63 is a policy declaration with no legal application. The court again accepted MALDEF's position.

Policy Update: ELA Hearings

On May 11, 1988, the House Subcommittee on Civil and Constitutional Rights held a one-day hearing regarding the four proposed English Language Amendments (ELA) pending before the subcommittee.

The proposed amendments sponsored by Representatives Norman Shumway (R-CA), William Broomfield (R-MI), Clarence Miller (R-OH), and Virginia Smith (R-NE) seek to amend the Constitution to establish English as the official language of the United States.

In testifying against the ELA, Rep. Stephen Solarz (D-NY) noted that "there is nobody more cognizant of the disability of non-English proficiency than the individual who is struggling to make it in this country without being able to speak English. I see no reason, therefore, to enact legislation that would only punish a huge segment of a society for a disability that they are trying earnestly to correct."

During the course of the hearings Rep. Norman Shumway (R-CA), an ELA sponsor, admitted that it was the intent of the ELA to abolish bilingual ballots. Shumway also stated that should the ELA become law and Puerto Rico seek statehood, then making English the official language of Puerto Rico was "the price that Puerto Rico would have to pay to become a state."

"Contrary to our rich multilingual/multicultural American history," says Policy Analyst **Martha Jimenez**, "ELA proponents contend that there is a need to continue 'our heritage as a unilingual nation' and avoid 'ethnic and racial polarization'." MALDEF's Washington office will continue to monitor ELA legislation.

MALDEF's Policy Analyst Program is funded by Anheuser-Busch Companies.

1990 Census (Continued from front page)

be counted for purposes of reapportionment.

MALDEF, on behalf of numerous affected "persons," intervened as a defendant in this lawsuit in early June, 1988. We argue that the Constitution twice explicitly requires all "persons" to be counted. Congress has consistently recognized that this constitutional mandate could not be changed merely through legislation (without a constitutional amendment).

Despite these constitutional underpinnings, Representative Thomas Ridge from Pittsburgh sponsored legislation this year to exclude undocumented persons from the census reapportionment count. When his proposed legislation went nowhere, Ridge and others filed *Ridge v. Verity*, their federal court lawsuit to exclude noncitizens who cannot vote from the national reapportionment data.

"Many persons who cannot vote or who could not vote historically have always been counted in the decennial census," points out MALDEF Attorney **Richard Fajardo**. "Children of course are counted, and so too were women before their suffrage was constitutionally recognized. Voting rights," Fajardo declares, "have never had anything to do with the Constitution's requirements of counting all 'persons.'"

Additionally, Chicago Associate Counsel **Ruben Castillo** points out that there are many noncitizens which the federal government officially recognizes: extending from lawful permanent residents, to persons here lawfully "under color of law," to current applicants for amnesty legalization. "These 'persons' cannot and should not be distinguished," Castillo states. "All persons, constitutionally, *must* be counted."

If this lawsuit succeeds even only initially, MALDEF's greatest worry is that it would deter many Hispanics — particularly those who have family members here who are undocumented — from filling out and returning the Census Bureau's forms. Census Program Director Montelongo points out that completed census forms are entirely private documents and are not available to anyone, "not even to other government agencies, and most certainly not to the INS." Montelongo concludes, "Our political future and our community's well-being depend upon all of us being counted."

A Twenty Year Anniversary Celebration!

It was a special dinner held for extraordinary individuals on behalf of an incomparable organization. It was the twentieth anniversary celebration of MALDEF and everything about the evening spelled success. From the tuxedos and fine evening wear worn by those in attendance to the congratulatory and uplifting speeches given by those who played an important role in the organization's beginnings, it was an evening to remember.

MALDEF and San Antonio Mayor **Henry Cisneros** hosted the anniversary banquet at the Institute of Texan Cultures in San Antonio, the organization's first home. Invited guests came from around the country and included such notables as **Pete Tijerina**, a founder, considered the

father of MALDEF; **Bill Pincus**, the former Ford Foundation program officer who worked closely with Tijerina to originally fund MALDEF and who traveled from New York to be present at the celebration; **Bill Josephson**, an attorney, former board member, and close friend from New York who was instrumental in obtaining support from the foundation and corporate sectors; and many, many others. We know by the comments and lingering conversations that the attendees shared memories, reminisced about the early struggles and talked optimistically of the future. The evening brought together the veterans in the struggle for Hispanic civil rights and the younger generation of lawyers, community activists and others committed to continuing that struggle.

Among the speakers representing our past history were past Chair **Albert Armendariz, Sr.**, past Board member **Bill Josephson**, past Chair and current Board member **Gregory Luna**, immediate past Chair **Fidel Lopez**, and current Chair **Frank Quevedo**. Historical reminiscences also were provided by each past President



MALDEF founders and leaders **Albert Armendariz, Sr.**, **Joaquin Avila**, **Vilma Martinez**, **Pete Tijerina**, **Antonia Hernandez** and **Mario Obledo** at the 20th Anniversary Dinner.

and General Counsel: **Pete Tijerina**, **Mario Obledo**, **Vilma Martinez** and **Joaquin Avila**.

MALDEF was presented with proclamations from the State of California; the City of Los Angeles, presented by Deputy Mayor **Grace Montanez Davis**; the City of Sacramento; the City of Chicago; the City of San Antonio, presented by Mayor **Cisneros**; and a special greeting from Texas Governor **Bill Clements**. Congressman **Edward R. Roybal** of California also read a message into the U.S. Congressional Record on May 2, 1988. Each proclamation congratulated the organization for twenty years of service to the Hispanic community and recognized that the struggle for civil rights for Hispanics continues.

MALDEF expresses a warm thank you to **Beatrice/Hunt-Wesson, The Carnation Company**, and **Frank Herrera** for their financial support of a very special event. We also thank our past, present and future supporters for their assistance and encouragement over the years.



Antonia Hernandez, MALDEF President and General Counsel, and attorney **Gregory Luna**, MALDEF Board member, at San Antonio for the festivities.

Winifred Clapp Endowment

When Winifred Clapp died last December, MALDEF lost a great friend and supporter. For over ten years, Mrs. Clapp supported the goals of this organization through annual contributions.

In April we learned that Mrs. Clapp left a generous legacy to MALDEF. This contribution will be used to establish an endowment in Mrs. Clapp's name.

We will miss the words of encouragement Mrs. Clapp offered on postcards and in letters, but we are certain that her support has brought MALDEF closer to achieving its goal of protecting the civil rights of this country's Hispanics.

If you would like more information about establishing a bequest benefitting MALDEF, please contact **Gloria Rubio**, Vice President of Development.



Judge **Dan Sosa, Jr.** (New Mexico); Judge **Ram Gonzalez** (Texas); Honorable **Cruz Reynoso** (California); MALDEF Board member, enjoying the celebration.

Gloria Rubio New VP/Development



When **Gloria Rubio** first joined the development staff of MALDEF in 1980, she came on board as the Associate Director of Development. At that time, the organization was still headquartered in San Francisco and both Rubio and the organization would see a lot of changes. In those days, Rubio had some ideas to move the organization forward. As the Director of Development for Foundations and Corporate Giving, a position she held for nearly two years, Rubio became even more integrally involved in development decisions that would bring funds into the organization. This past April, Rubio was promoted to Vice President of Development for MALDEF — now she's calling the shots and loving every minute of it.

During the next fiscal year, which began May 1, Rubio plans to focus on strengthening corporate development and individual giving which Rubio says can raise substantial amounts of money for MALDEF.

Dinners and More!

SAN FRANCISCO

MALDEF has established quite a reputation as having some of the best civil rights litigators in the country. And over the last few years, the organization has demonstrated that it also is the place to be when you want to share a good time with friends and acquaintances.

On March 30, the MALDEF San Francisco office hosted its thirteenth annual awards dinner at the Sheraton Palace Hotel, and the emphasis was on the leaders of today and of tomorrow. The individuals honored for their service and commitment to the ideals of the organization included **Luis E. Valencia**, President of Citicorp Savings headquartered in Oakland, and the recipient of the Corporate Social Responsibility Award. The Legal Services Award this year was presented to attorney **Eva Paterson** who is the Assistant Director of the San Francisco Lawyers Committee for Urban Affairs. **Ramon C. Cortines**, Superintendent of Schools for the San Francisco Unified



Sen. Dawa Clark Netick, keynote speaker former Gov. **J. Robert Kerrey**, Nebraska Dinner Chair **Joe Reed**, Vice President, ATAT; and **James O'Connor**, President and Chairman, Commonwealth Edison.

School District, received the Civic Leadership Award for his countless contributions to the community. A special video presentation funded by Mervyn's department stores highlighted the MALDEF Leadership Development Program. MALDEF would like to thank dinner chair **Walter T. Rossi** for his assistance in making this year's dinner a success.

CHICAGO

On April 21, the Chicago MALDEF office welcomed guests to its eighth annual awards dinner at the Hyatt Regency Hotel. The award recipients were recognized for their unique accomplishments on behalf of the Hispanic community. We congratulate the following awardees: **Eugene A. Tracy**, Chairman and Chief Executive Officer of Peoples Energy Corporation, Corporate Leader Award; **Dr. Rodolfo Serna**, Principal at Kelyvn Park High School, Public Service Award; **Reverend Daniel Alvarez**, Executive Director, Casa Central, Civic Leadership Award; **Carlos Tortolero**, Executive Director, and **Helen Valdez**, President of the Mexican Fine



Enjoying festivities in San Francisco are **Jaime Sepulveda Ballester**, Governor's Office of Community Relations; **Walter T. Rossi**, Mervyn's President and Chief Executive Officer; and MALDEF President and General Counsel **Antonia Hernandez**.

Mexican American Legal Defense and Educational Fund
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Show your support and help MALDEF continue its efforts.

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Enclosed is a gift of \$35 \$50 \$100
Other \$ _____

All contributions to MALDEF are tax-deductible. For further information regarding your gift, please contact **Gloria Rubio**, Vice President for Development at (213) 629-2512.

Arts Center, Cultural Leadership Award. The Chicago staff also honored two students with the Outstanding Youth Award. This year's recipients were **Arminda Orozco** from Bowen High School and **Edward Ortiz** from Roberto Clemente High School. Former Governor **Robert Kerrey** of Nebraska was the keynote speaker.

FIESTA RANCHERA REVISITED

Last year's Pasadena Fiesta Ranchera was so successful that MALDEF decided to continue it this year, and we're glad we did! The outdoor barbecue gathering on May 22 was the place to go and get away from the daily grind at work or at home, and relax with family and friends.

Pasadena residents **Dr. Alexander** and **Sue Villacana** served as dinner chairs for the event and again graciously made their estate available to hundreds of guests who came to enjoy the barbecued chicken dinner provided by **El Pollo Loco**. The humidity of the warm spring day was tempered by beverages provided by **Anheuser-Busch, Seagram's** and **7-Up**.

Comedian **Chris Franco** shared some of his jokes with guests, and **Tanya Russell** provided musical entertainment. Actress **Rosana De Soto**, actor **Richard Yriguez** and singer/songwriter **Marc Allen Trujillo** also enjoyed the festivities and mingled with guests.

To show MALDEF's appreciation to the Villacanas for their generosity and support of the organization, President and General Counsel **Antonia Hernandez** presented the Villacanas with a special edition lithograph created especially for MALDEF by Texas artist **Amado Pena**.

LOS ANGELES

In Los Angeles, the annual awards dinner scheduled for December 8, 1988, will be chaired by **Tom Johnson**, publisher of the Los Angeles Times. Mark that date on your calendar!



Presentation of \$25,000 check to MALDEF Leadership Development Program by Marriott Corporation. Pictured (l. to r.) are MALDEF Board member **William Bradford**, former Board member **Sara Ann Detenac**, Board member **Tom Restine**, MALDEF President and General Counsel **Antonia Hernandez**, **J.W. Marriott**, Chairman, President & Chief Executive Officer, Marriott Corporation, Board members **Elaine Jones** and **Hon. Jerry Apolaka**.

Legalization

(Continued from front page)

developing elaborate English as a Second Language curriculums when what the applicants really need is very basic classes," says Wong. "We need to remember that neither the English nor the civics requirement is meant to be an obstacle to obtaining permanent resident status."

The preliminary regulations call for on-site monitoring of the educational institutions by the INS. But because the INS's primary mandate is enforcement of immigration laws, MALDEF is recommending that the INS transfer this authority to state education agencies. INS's presence in the classroom may lessen the students' willingness to attend classes because of the fear that raids may occur.

Another concern is that the public schools, community colleges and other institutions may not have the resources to accommodate the increased demand for English and civics courses. In rural and urban areas lacking adequate educational services easy access to classes may be deficient.

Even though it is not expressly required by IRCA, the proposed regulations state that the civics test be given in the English language. However, because the civics materials are extremely detailed and would require more than a basic understanding of English, MALDEF is urging the INS to administer the civics exam in the applicant's native language. MALDEF also is asking the INS to prepare a list of 100 to 200 study and test questions to minimize the possibility of trivial or unfair questions.

MALDEF is recommending to the INS that the filing fee for the second phase not exceed \$35 and that families not be required to pay more than a total of \$100 in fees.

REGIONAL REPORT

CHICAGO: Staff Attorneys **Arturo Jauregui** and **Jeff Trevino** filed more charges of employment discrimination this month on behalf of legalization applicants who lost their jobs because employers were misinformed about the employer sanctions provisions of the Immigration Reform and Control Act of 1986 (IRCA); the Leadership Development Program, directed by **Ricardo Villalobos**, honored 27 graduates from its third and fourth classes at a banquet last month; approximately 80 percent of the Program's 78 graduates have been appointed to decision-making boards and commissions; the next Leadership Program class begins this month . . . **WASHINGTON, D.C.:** Policy Analyst **Martha Jimenez** was the kick-off speaker at the Hispanic Women's Corporation conference in Phoenix, Arizona in June; Jimenez is speaking on language rights issues at conferences throughout the country . . . **SACRAMENTO:** On April 16 & 17 at Stanford University Policy Analyst **Eric Vega** assisted in coordinating a national conference that examined the English-only movement and discussed a strategy to defend language rights . . . **SAN FRANCISCO:** Thanks to litigation by Staff Attorney **Denise Hulett**, Hispanic, Black and Asian firefighters are expected to be promoted to lieutenant this month after a federal court judge approved the consent decree in a suit challenging the San Francisco Fire Department's hiring and promotional practices; Staff Attorney **Francisco Garcia-Rodriguez** filed a charge of IRCA-related employment discrimination against the U.S. Postal Service for its practice of not hiring temporary legal residents . . . **LOS ANGELES:** In testimony presented to the Subcommittee on Census and Population, President and General Counsel **Antonia Hernandez** recommended the adoption of effective outreach programs and the implementation of an adjustment formula to offset the undercount; Employment Program Director **Jose Roberto Juarez** testified before the House Subcommittee on Employment Opportunities calling for an affirmative action plan that includes goals and timetables in the FBI's hiring of Hispanics; **Joe Montelongo** was hired to head the national Census Program; **Lorene Juarez** came on board as Director of Corporate Relations; the Leadership Program under the direction of **Magdalena Duran** celebrated the graduation of its ninth class . . . **SAN ANTONIO:** Weeks after **Norma Cantu**, **Al Kauffman**, and **Susan Brown** filed a suit challenging the Texas system of higher education, several taskforces were established to examine the disparities in higher education throughout Texas; Policy Analyst **Dora Tovar** is working to build a statewide network to oppose the restrictive English-only movement; the Leadership Program directed by **Adela Flores** will complete its fifth class this month and begin interviewing for its sixth class set to begin in August.

MALDEF

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MALDEF

Chain of Texas Voting Victories

On the heels of the newly-approved Voting Rights Act, MALDEF attorneys have produced a fast-exploding chain of victories for single-member district elections in Texas.

The key tool has been Section II of the act. Before this summer, to end an election practice, lawyers had to prove that its original creators — in some cases generations earlier — intended to discriminate. With Section II, proof that the impact of the Hispanic vote is being diluted is enough.

The first win came in *Alonzo v. Jones*. Filed by MALDEF and Coastal Bend Legal Services, the suit charged that at-large elections in Corpus Christi, Texas, did not give Mexican Americans an equal electoral voice. On February 3, 1983 U.S. District Court Judge George P. Kazen agreed.

"Before *Alonzo*, all six members of Corpus Christi's city council were elected at-large," said Texas Associate Counsel Jose Garza. "Under the new plan, the council includes eight members. Five will be elected through single-member districts, three of which are over 55 percent minority."

"Historically, candidates supported by the Mexican American west side community in Corpus Christi have had about a 19 percent success rate, while those supported by the Anglo south side have enjoyed a 90 percent success rate . . . this is in a town which is almost half Chicano," says Garza.

Far-reaching Impact

"The reforms we gained in Corpus Christi are good," says Garza, "but the importance of the case lies in its legal impact. This is not the first decision rendered under Section II but it is the most far-reaching. We've been in negotiations with the city of Lockhart, for example, for five years. We've offered them many single-member plans which they've rejected. They battled us all the way up to the U.S. Supreme Court. Once the *Alonzo* suit was settled, however, they approached us to negotiate a settlement."

Continued on page 2

MALDEF Says Immigration Bill Discriminates Without Curbing Flow

The Los Angeles employer, who asked Mr. X to show ID because he looked Mexican, did not know INS was issuing white, instead of green, cards to legal residents. Since the employer thought Mr. X's card was forged, he lost the job he and his family of five desperately needed.

Mrs. Y — a citizen by birth — stopped off at a San Antonio factory to see her sister. Because she had forgotten her ID card that day, INS officials arrested her assuming she was undocumented. Alone and frightened, the three children she left at home wondered what had happened to their mother.

These hypothetical scenarios may become common realities if the Simpson-Mazzoli immigration bill — now before the U.S. Congress — passes this summer. Before the press, public officials, community groups and major national leaders, MALDEF advocates from coast to coast cited these and other flaws in the bill this year:

- Employer sanctions, which claim to penalize those who hire the undocumented, will inspire employers to take a more critical look at applicants who might be aliens. *Result:* Hispanics — many of them citizens — will lose out on jobs.
- The bill would mandate creation of a worker I.D. system — very possibly a na-

tional worker ID card — in three years. *Result:* the black market in forged documents will flourish. Hispanics will be asked for cards much more than others.

- A provision legalizing undocumented aliens already in the country is too complex and restrictive. *Result:* mass deportations are likely of the sixty-two percent of the undocumented population which will not qualify for legal status.
- The bill will allow 175,000 to 1 million temporary workers into the country by expanding the H-2 guestworker program. *Result:* Illegal immigration will grow since there is no guarantee these workers will leave after their designated stay.

Update on the Bill

The Simpson-Mazzoli bill was passed by the U.S. Senate in May. A House version, due for debate this summer, proposes a one-tier program to legalize all undocumented people who were here before January 1, 1982. "The new House version of the bill also guts the employer sanctions provisions," says MALDEF Washington D.C. attorney Antonia Hernandez. "By eliminating most requirements that employers keep records on workers' legal status, the House bill makes the sanctions' threat to employers almost meaningless."



Federal Budget Unfair to Latinas

President Reagan's 1983-1984 budget places unfair burdens on poor and minority women, a coalition of 54 groups and MALDEF said in Washington D.C. this April.

The main victims of new cuts are poor, Black and Hispanic women who are single heads of households," said attorney Maria Rodriguez of MALDEF's Chicana Rights Project.

Cuts in Aid to Families with Dependent Children (AFDC) and job-training programs are of particular concern. According to Rodriguez, 26 percent of California's AFDC recipients are Hispanic. Nationally, 94 percent of all AFDC families are maintained by women.

Minority women face a double burden of race and sex discrimination, according to the coalition. While all women earn about 59 cents for each dollar earned by white men, Hispanic women earn only 49 cents.

The new budget also calls for cuts in the federal food stamp program, family planning services, Medi-Caid, domestic violence programs and legal services. The impact of these cuts was documented by the coalition in an extensive report submitted to Congress.

Voting Victories — Cont.

When MALDEF lawyers let city officials in Pleasanton and New Braunfels, Texas, know they might face court action under the new act, both jurisdictions agreed to negotiate single-member districts without a suit.

"Five jurisdictions with previous at-large suits against them have asked for a settlement because of the clear precedent set in *Alonzo* — that's virtually unheard of in Texas," says Garza.

The state of Texas also has agreed to settle a MALDEF challenge which said new state senate lines had a discriminatory effect on Hispanics. Garza projects that action alone will make largely-Mexican American senate districts go from 12 to 19 percent of the state legislature. "In a state that is about 20 percent Mexican American, we think that's fair," says Garza.

New Battery of At-large Challenges

In April, 1983, MALDEF filed suits seeking single-member districts for city councils in Pecos and Port Lavaca, Texas, and for school boards in New Braunfels, Port Lavaca and Pecos. Port Lavaca, where about half the students are Mexican American, has never had a Chicano on its school board. In New Braunfels, where schools are about 45 percent Mexican American, Chicanos over the years have won only four — of 98 — school board races.



MALDEF Board Chair Luis Nogales and President and General Counsel Joaquin Avila.

14 Join National Board

At the annual April board meeting Luis Nogales was reelected as MALDEF's Board Chair, and Joaquin Avila as President and General Counsel. Fourteen new members, selected from a national talent pool of over 40, will replace outgoing board directors. *Bienvenidos!*

Gonzalo Barrientos: Now in his fifth term as a Texas state representative, Mr. Barrientos chairs the Mexican American caucus for the current legislative session.

Edward F. Benavidez: A partner in the Santa Fe, New Mexico, firm of Gallegos and Benavidez, Mr. Benavidez is a seasoned advisor to major Hispanic groups.

Adelfa Botello Callejo: A partner in the law firm of Callejo and Callejo in Dallas, Texas, Ms. Callejo contributes her acumen to key Hispanic organizations.

Maria B. Cerda: The first Hispanic to be appointed to Chicago's Board of Education, Ms. Cerda is now a Program Administrator at De Paul University.

Gilda Bojorquez Gjulich: A former board member and steady friend to MALDEF, Ms. Bojorquez Gjulich is a partner in the Robert Parada Construction Company, Los Angeles.

Frank Herrera, Jr.: Mr. Herrera is a senior partner in the law firm of Hardberger & Herrera, San Antonio, Texas.

Peter T. Jones: Former Vice-President Latin American Divisions of W.R. Grace and ITT, Mr. Jones is now Senior Vice President, Legal & External Affairs for Levi Strauss & Co.

Michael Kantor: A partner in the Los Angeles law firm of Manatt, Phelps, Rothenberg, Manley & Tunney, Mr. Kantor is a former board member and a staunch MALDEF friend.

Maria Antonieta Ojeda: A former broadcaster on a major San Francisco news

station, Ms. Ojeda is now Community Relations Manager for Illinois Bell.

Leticia Quezada: A former national president of *Comision Femenil*, a national Hispanic feminist group, Ms. Quezada is now Urban Relations Supervisor at Carnation Company in Los Angeles.

Blandina Cardenas Ramirez: An appointee to the U.S. Commission on Civil Rights, Ms. Cardenas Ramirez is Director of Training at the Intercultural Development Research Association, Texas.

Sally Fulton Reston: Co-publisher of the *Vineyard Gazette* in Massachusetts, Ms. Reston is on the editorial staff of the *New York Times*.

Marta Ruiz: MALDEF's new law student representative, Ms. Ruiz is a student at Arizona State University College of Law.

Manuel Sanchez: Formerly Chief Operating Officer for Blue Cross of California, Mr. Sanchez is now a senior partner in the firm of Vogt, Sanchez and Meadville in Encino, California.



MALDEF

"MALDEF" is a biannual publication of the Mexican American Legal Defense and Educational Fund.

Annette Oliveira, Editor

Annette Oliveira, Elizabeth Love, Writers

Francine Grace Plaza, Editorial Advisor

Hispanic Citizen Children Denied Food Stamps

"Inhumane and Illegal," was MALDEF President Joaquin Avila's description of Illinois practices that deny Hispanic citizen children food stamps they are due by law. *Doe v. Miller*, a suit filed in May by MALDEF and the Chicago Legal Assistance Foundation charged that food stamp practices of the Illinois Department of Public Aid (IDPA) violate federal law.

Illinois Parents Threatened

The complaint says Hispanic alien parents in Illinois suffer "abusive treatment, extensive questioning about their alien status and improper threats," unless they withdraw their citizen children's application for food stamps.

"The food stamp program is designed to prevent malnutrition among needy citizens," said MALDEF Chicago Counsel Ray Romero. "Illinois policies mean that a certain group of citizens — many of them Hispanic — somehow have fewer rights than others and should be allowed to go hungry."

U.S. Department of Agriculture regulations say alien family members can legally apply for food stamps for citizen children, without

revealing their alien status, as long as they do not seek benefits for themselves.

"Under no circumstances, according to federal regulations, are people who do not provide documents to be questioned further by caseworkers on their alien status; nor are they automatically to be considered undocumented aliens," said Romero.

IDPA violates those mandates by requiring all who live with citizen children to list themselves as 'household members' on the application even if they do not want to apply for food stamps. All household members are required to verify their citizenship.

"Some caseworkers refuse to process applications for children who live with ineligible aliens and they threaten to report those aliens to the INS unless a whole household's application is withdrawn," says Romero.

Suit Demands Changes

The complaint asks for a quick halt to these practices. It asks that benefits lost as a result of unlawful IDPA practices be restored. It also suggests that food stamp applications notify aliens that they have the right to withhold information on their alien status.



Idaho Hispanic Children Gain Language Help

For the first time in Idaho history, children who have trouble with English have a promise of educational help and a plan for making sure that promise is kept. Gains won this March spring from a suit filed by MALDEF and the Idaho Migrant Council in 1979.

"Our suit charged that the state department of education had neglected its duty to make sure local districts were not discriminating against children with limited English skill," said MALDEF Education Litigation Director Irma Herrera.

"At first the state claimed it had no such duty," said Herrera. "But the Ninth Circuit Court of Appeals clearly found that federal law required the state to insure that the rights of minority children were not violated by local districts." The Ninth Circuit ordered that evidence be heard on whether the needs of limited-English pupils were being met.

Non-English Speakers Neglected

"When we started our formal investigation, we found that local districts didn't even know whether they had limited-English-

speaking pupils. They weren't seeking these children out; they weren't testing them. Certainly, the districts couldn't possibly be serving these children if they didn't even know they were there. The state worked out an agreement with our clients following pressure from the court."

A consent decree approved this March requires that, beginning with the fall of 1983 school year, each school district must identify limited-English-speaking pupils within two weeks of the start of school and must propose a plan for dealing with their language needs. The schools can provide bilingual education or an ESL program with supplemental education. The state education department will monitor the schools through annual visits and reports. Failure to comply with the decree will mean funding cuts for districts in violation.

A Significant Change

Herrera calls it a "significant change for Idaho. The decree offers crucial educational opportunities to thousands of children who didn't have them before."

MALDEF Phone Company Pact

An agreement signed this winter by Pacific Telephone and Telegraph, MALDEF and Los Padrinis, a group of phone company employees, will boost Hispanic upper management representation at PT&T.

"Because of past suits, PT&T, one of the largest employers in the state, has done a good job of integrating women and Blacks," said former MALDEF attorney Carmen A. Estrada who handled the mediation. "Hispanics were the one significant group that was not promoted equitably."

Though the phone company employs more Latinos than any other single company, Hispanics represent only about 4 percent of the company's middle and upper-level managers, according to Estrada.

The phone company agreed to let Hispanic lower-level managers know how they can raise their chances of getting promoted. The company will assess Hispanic mid-level managers and design a "careerpathing" program to move qualified candidates toward upper-level jobs. PT&T also agreed to do a better job of letting Hispanics know about job advancement programs.

Health Care Action

Faced with the threat of MALDEF legal action, Los Angeles County is taking a closer look at new health policies which would deny non-emergency health care to poor undocumented aliens.

Under the new policies, low-income legal aliens and citizens would qualify for free or low-cost care, while undocumented aliens would have to pay at least \$20 per visit. Since many undocumented aliens cannot afford the fees, they would have to forfeit health care altogether.

"Undocumented aliens were excluded even though their income, often, is so low that they would otherwise qualify for free care," said MALDEF attorney Maria Rodriguez.

While the L.A. County Board of Supervisors approved the policies in March, they were temporarily suspended until changes suggested by MALDEF were reviewed.

Supporters of the new policies claim the county can no longer afford free non-emergency care to undocumented aliens. Yet a study made for fiscal year 1981 by the Board of Supervisors shows the total cost of health care to undocumented aliens was only 8 percent of the county's \$937.8 million budget.

The same study said undocumented aliens contribute \$2.4 billion in federal, state and local taxes.

MALDEF Suits Fight INS Raid Abuses

"What we're facing is a basic law-breaking attitude on the part of immigration officials," says MALDEF Vice-President for Legal Programs Mike Baller. "They conduct raids for aliens with little regard for the rights of the citizens or non-citizens. They simply behave as if the constitution did not apply to the INS."

MALDEF is fighting — and in many cases winning — the battle against INS raid abuses through *IMC v. Pilliod* in Chicago, *Garcia v. INS* in Denver and *International Molders' v. Nelson* in California. "Because of our work, the INS has curtailed its raid activities considerably in Chicago and California," says Baller.

Protection of basic constitutional rights is all that MALDEF's suits are seeking. "We don't challenge the right of INS to arrest a specific suspect working in a particular place when good factual reasons indicate that person is undocumented. Neither do we challenge INS' right to obtain a warrant to search a workplace. We don't, however, believe that the fact that people are brown-skinned and Spanish-speaking is sufficient to suspect they are undocumented. Nor should INS officers just be turned loose on everyone once they're in the door."

Gains Won in West

"This decision means aliens can block their deportation if they can show their rights have been violated," said MALDEF attorney John Huerta of an April verdict in MALDEF's *Sandoval-Sanchez v. INS*.

The Ninth Circuit Court of Appeals *en banc* decision extended the "exclusionary rule" to immigration cases. Usually applied only in criminal suits, this rule says evidence gained through illegal conduct by law officers can not be used in court.

"The ruling creates a self-policing mechanism that requires immigration officers to respect the law," says Huerta.

The suit stems from the seizure of Elias Sandoval-Sanchez during the 1977 INS raid of a Pasco, Washington, meat-packing plant. Huerta, who argued the appeal, said Sandoval-Sanchez' admission that he was undocumented was gained illegally because officers had arrested him without any specific reason to suspect Sandoval-Sanchez of wrongdoing. The Latino received no notice of his right to remain silent, and of other constitutional rights. For these reasons, the court decided the admission could not be used to deport Sandoval-Sanchez.

"The potential impact of the suit is tremendous," said MALDEF president Joaquin

Avila, "since about half the immigration hearings in the country emerge out of the Ninth Circuit which covers states like California, Arizona and Washington."

Of course the major problem with broad sweeps is their effect on Hispanics who are here legally. "When the INS sweeps up everybody in sight, it picks up citizens by the hundreds," says Baller.

Fourth Amendment Claims

MALDEF charges that INS policies of surrounding and sealing off workplaces, thereby arresting everybody inside, violate 4th amendment prohibitions against unreasonable searches and seizures. "A Ninth Circuit Court of Appeals outlawed that practice in *ILGWU v. Sureck*, a case in which we and the American Jewish Committee jointly filed an *amicus*. An important precedent will be set when that decision is reviewed by the U.S. Supreme Court," said Baller.

Avila, "since about half the immigration hearings in the country emerge out of the Ninth Circuit which covers states like California, Arizona and Washington."

Denver Gains

When "Operation Jobs" immigration raids swept through Denver bars and factories last year, MALDEF, Colorado Rural Legal Services and private attorneys filed *Garcia v. INS*.

"We objected to the mass arrests and to the poor accommodations in INS facilities," says MALDEF Denver attorney Manuel Solano. "We charged that homes were entered without warrants and that officers tried to force people to sign voluntary departure forms without telling them of their rights," says MALDEF Denver attorney Manuel Solano.

A November trial produced a mixed ruling. "The judge said warrantless, consentless raids into private homes were not permissible. He also said suspects cannot be detained in unhygienic facilities and deprived of decent food and sleeping accommodations," said Solano. "Unfortunately, he also said that employers do not have the right to be free from raids and he gave us no relief on our other complaints."

The case will be appealed to a Tenth circuit federal court.

"In our Chicago case we're looking at the fourth amendment issue in the context of street stops," says Baller. A Chicago court last year said INS officers cannot detain someone without a warrant unless there are specific reasons for assuming the person is here illegally. In more recent action a Chicago judge said he will enjoin the INS from sealing off entire workplaces.

"In Denver the question comes up in the context of bar raids. In San Francisco, we're looking at defining when the INS can legally enter factories and fields," said Baller.

Fifth Amendment Issues

MALDEF suits also assert defendants' fifth amendment rights to be free of coercive questioning. "We say a coerced confession results when the INS interrogates someone without telling him that he has a right to remain silent, to have a hearing before a neutral officer and to talk to a lawyer. A person should receive those warnings before he is asked questions like 'Where did you skip the border?' 'You don't have any papers do you?' — which could produce a confession of deportability. A recent win in *Sandoval-Sanchez* sets a good precedent on that score."

Bilingual Education Act Battle Ahead

"They're trying to take the 'bilingual' out of bilingual education," said former MALDEF staffer Veronica Madrid of some new proposals brewing in Congress. The bilingual education act will expire in May 1984. This summer Congressional debate began on whether to change or to continue the law.

Changes suggested by the current administration "would fundamentally alter the bill," said Madrid. Legislators propose spending bilingual education monies on English-as-a-Second-language programs and on serving new immigrants rather than on native students with limited English ability.

Studies in Michigan, New Jersey, Texas and elsewhere show bilingual education improving the English skills of Hispanic children. "Still it's going to take a major effort," said Madrid, "to get the bill reenacted due to prevailing anti-alien, anti-Hispanic sentiment in Congress, and because of the many misconceptions about bilingual education. People should be letting Congress know they want bilingual programs."

A federal mandate for bilingual education is essential according to Madrid. "Leaving the choice of how to serve students to state and local officials would return us to the neglect and discrimination which caused the federal government to take on the program in the first place."

MALDEF Gains Quick Integration Deadline for Texas Colleges

Texas had to produce an integration plan in 45 days — or lose over \$300 million in federal funds for the nation's largest state college system. The March ultimatum was the result of MALDEF and NAACP Legal Defense Fund action in *Adams v. Bell*.

For 13 years, *Adams* has urged federal officials to press several state college systems to comply with 1964 Civil Rights Act prohibitions against segregation. Texas was almost declared in non-compliance with the act in 1981 after Department of Education investigators said the state's public colleges perpetuated racial discrimination. That action was halted when Texas submitted a plan to improve the situation.

"Since then the Department of Education has simply been stalling," said MALDEF attorney Norma Solis. "The plan has been negotiated back and forth with no result."

Last year, MALDEF joined the NAACP in charging Texas with contempt of a court order requiring a workable plan. The Department of Education asked a U.S. District Court to give Texas 120 days to submit a final plan. MALDEF pushed for a quicker crackdown.

"We urged a 30-day deadline to give the Texas legislature time to fund and approve a plan in this session," said MALDEF attorney Ron Vera. "The deadline is crucial since it will be a year and a half before the legislature reconvenes."

For the first time in the longstanding case, a federal judge set a 45-day deadline on March 25. "Two other states were given 120 day deadlines. The judge shortened the timetable for Texas alone," says Solis.

MALDEF Says Texas Plan Flawed

Commenting on the plan, which was submitted on May 9th, MALDEF praised its program for undergraduate recruitment and admissions but said it lacked provisions for funding these programs. Programs to raise minority numbers in graduate programs and retention programs, that help students make up for past educational lacks, were also missing from the Texas plan.

"If properly funded and well-monitored, the Texas undergraduate plan stands a chance for success; but the overall plan is not acceptable," said MALDEF President Joaquin Avila.

Benefit Dinners Nationwide

The first Hispanic woman elected to the California legislature and the attorneys general of Illinois and California spoke at MALDEF benefit dinners in Chicago, San Francisco and San Jose this year.

Anheuser-Busch Companies, Standard Oil Company of California and IBM Corporation received honors for their service to minorities.



At the Chicago dinner are August Busch III who received the Corporate Social Responsibility Award for Anheuser-Busch Companies, Inc. and Board Member Mario Aranda.

Jose and Antonio Zertuche, C. Mackey y Salazar, John Vasconcellos, Carmen Mendoza, and Robert Raven were among prominent citizens honored by MALDEF awards.

Illinois Bell and Heublein Wines, Inc. chaired two of the dinners and countless community volunteers contributed to their great success.



John R. Grey, President of Standard Oil Company of California accepts the Corporate Social Responsibility Award at the San Francisco dinner.



Assemblywoman Gloria Molina, the first Hispanic woman to serve in the California legislature, speaks at the San Francisco dinner.



Joaquin Avila, California Attorney General John Van de Kamp and Dr. Arthur G. Anderson of IBM who received the Corporate Social Responsibility Award in San Jose.

Policy Advocates Start Work

Three new MALDEF policy advocates began work this spring in Texas and California legislatures and in the U.S. Congress. They will monitor bills affecting Hispanics, inform MALDEF of policy developments and act as spokespeople for Latino concerns.

Keeping a watchful eye on the Sacramento legislature, Benjamin Lopez is urging protection for Hispanics from abuse by unregulated testing organizations. Placing limits on immigration consultants that "charge people a lot of money and give them nothing in return," says Lopez, is another concern. He is also studying poor enforcement of minimum wage laws in the garment industry.

In Washington, D.C., Richard Fajardo is alerting the public to changes in the Simpson-

Mazzoli immigration bill. "I'm working on access to justice issues — anything that has to do with restricting Hispanic access to the courts," Fajardo is studying legislation on the national Legal Services Corporation. He is also informing MALDEF on Congressional efforts to limit attorneys fee awards in civil rights cases and to make state and local governments immune from civil rights suits.

At work in Austin, Patricia Ana Longoria is studying school funding legislation. "Some school districts in Texas spend as much as \$2,000 more per pupil than others," says Longoria. The disparity usually means inferior schooling for minorities. Longoria is also informing MALDEF on redistricting plans for Texas House and U.S. Congressional seats.



At a Dallas reception to garner support for a new Leadership Program are San Antonio mayor Henry Cisneros, Board Member Adelfa Botello Callejo, Joaquin Avila and Board Member Rene Martinez.

Leadership Efforts Expand

Jubilation was the order of the day as 126 San Francisco Latinos graduated this May from MALDEF's first Leadership Development and Advocacy Program. MALDEF extended honors to the program's founder Ralph Hurtado.

The program has placed 85 percent of its members on major boards. "We've reached parity on city commissions," said Program Director Sonia Melara. "And we've been very effective in placing Hispanics on non-profit boards."

The San Francisco program hopes to create a post-leadership program to allow members to work locally on issues like economic development, youth, and voter turnout. "We also hope to write an instructional manual to teach other communities how to duplicate our model which trains Hispanic professionals in civic advocacy skills and places them on boards," says Melara.

Meanwhile, MALDEF is working to launch new leadership programs in Dallas, Texas and in Los Angeles and San Jose, California.

Agreement Opens Skilled Trades to Hispanics and Women

Hundreds of slots in programs that train carpenters, plumbers, electricians, and auto mechanics were gained in a February agreement between California community colleges and the federal Department of Education.

Spurred by an administrative complaint filed two years ago by MALDEF, the NAACP Legal Defense and Educational Fund and Equal Rights Advocates, the agreement said California community colleges have failed to include fair numbers of minorities and women in trade apprenticeship training programs. "These programs represent a potential gold mine for California Hispanics. They provide access to good-paying jobs and entry into unions that have traditionally excluded minorities," said MALDEF President Joaquin Avila.

Of over 16,000 students in these apprenticeship programs in 1979, almost 96 percent were men. Only 23 percent were minority men and only 1.2 percent were minority women.

One hundred and seven community colleges in the state will have to review counseling, recruitment and other procedures to make sure women and minorities are encouraged to take part in the training program, according to the agreement.

Unions Create Problems

"The real problem lies with unions and businesses that contract with California community colleges to train students," said MALDEF attorney Ron Vera. "Many of these sponsors operate their programs in a discriminatory way. We are very encouraged by the steps the colleges will be taking to remedy the problem."

According to this winter's agreement, minority recruitment records of these contractors will be considered by the colleges when new contracts are negotiated. In all future agreements, both sponsors and the colleges will have to spell out steps for raising the participation of minorities and women. Colleges will have to refuse to renew contracts with sponsors who fail to take those steps.

"Discrimination in community colleges is particularly insidious because these schools enroll such high concentrations of Hispanics," said Vera. "More than 90 percent of California Hispanics who go beyond high school are in these two-year schools."



MALDEF attorney Norma Cantu

Settlement on Border Birth

When the midwife who was supposed to deliver Maria Carmen Ordoñez' baby could not be found, her mother rushed the pregnant woman to Mercy Hospital in Laredo, Texas. At the admissions desk Ordoñez' mother was told her daughter could not be cared for because she did not have enough money and because she was undocumented. It was made clear that a doctor would not see the woman.

As the mother went to find a midwife, a nurse placed Ordoñez, who was ready to deliver, into an ambulance. While the woman was rushed across the border the nurse manually restrained the birth from happening in the U.S.

"The child was born with a black eye," said MALDEF attorney Norma Cantu who handled the case along with lead counsel Lee Teran. "They just dumped the woman in a hospital in Nuevo Laredo. They wouldn't even send her records or x-rays along with her to Mexico."

A spring settlement in a 1979 suit filed by MALDEF and Teran gained some redress for Ordoñez and some protections for mothers who may face similar abuses.

"Ordoñez will receive \$10,000," says Cantu. "All future foreign-born mothers at Mercy Hospital will not be transferred elsewhere unless a doctor says it is safe to do so and unless consent is gained from the patient." The hospital will have to serve patients who qualify for Medi-Caid or county health care funds. It also cannot discriminate on the basis of race, national origin or immigration status.

"The hospital should not have played immigration officer and decided that Ordoñez had no claims to citizenship — which in fact she has through her mother," says Cantu. "They jeopardized her and her child's health to keep the child from being born here."

MALDEF Charges Busing Plan Unfair

Ector County wanted to desegregate its high schools by closing a 98-percent minority school and busing those students to mostly-white schools. Whites from some areas would be bused to largely-minority schools. But whites from affluent areas would not have to be bused. "That places the entire burden of integration on minorities and on moderate-income whites," said MALDEF attorney Norma Cantu.

A MALDEF brief filed in the Fifth Circuit Court of Appeals in April protested the Ector County integration plan. The brief said the plan violates legal precedents requiring that all groups share the burden of desegregation equally.

Integration Long Delayed

A federal court ordered integration of Ector County schools in 1970. Over ten years later, MALDEF was asked to represent a group of Black and Hispanic parents who

charged that a number of grade, junior high and high schools in Ector County were still highly segregated — over 96 percent minority. Blacks and Hispanics form only 36 percent of the school district's students.

During an October, 1981, trial, MALDEF charged that Ector County had not integrated its schools and that those minorities attended were inferior. "One minority junior high school in the county had two power lines on the school playground," says Cantu. "A Black and a Chicano child were electrocuted by those lines. No school in the affluent part of the county exposes students to such hazards."

In April 1982, U.S. District Court Judge Fred Shannon declared that parents' allegations of intentional segregation were well-founded. MALDEF and minority parents hailed that decision but, in the April 1983 brief, objected to the plan designed by the school district in response to the court's judgment.

MALDEF Helps Win Chicago City Seats

Dramatic Black-white confrontations in its mayoral race and the rising power of minority voters drew a storm of press attention to Chicago this year. A January MALDEF court win added fuel to the political ferment by giving Hispanics a substantive voice in four city council seats for the first time in the windy city's history.

On January 6th, 1983, a federal court judge ruled that city ward election lines drawn after the 1980 census discriminated against Hispanics. He ordered that four — of the 50 — city council seats in Chicago be redrawn so that Hispanics of voting age would be in the majority.

The ruling came in *Velasco v. Byrne*, a case filed by MALDEF and the Puerto Rican Legal Defense and Education Fund. Two new wards created in the city's southwest side include over 60% voting age Hispanics.

Two others, on the northwest side, now have a close to 50% Hispanic voting age population.

"Already Latinos in those wards have begun to exercise their political options," says MALDEF Chicago Associate Counsel, Ray Romero. In a February election, the first Latino alderman since 1916 was elected from the mostly Puerto Rican northwest side. In the largely-Chicano 22nd district, a Latino came within 37 votes of forcing a runoff with a non-Latino incumbent who had faced no serious challenge for several terms.

"While we would have liked to see higher Hispanic percentages in two of the wards, still the *Velasco* victory is significant. We now have the first city ward lines that approximately represent — rather than dilute — the identity, numbers and cohesiveness of large Latino communities," said Romero.

Boston Layoff Case

Unemployment is the spectre of the day. With the Hispanic unemployment rate at 15.5 percent — as compared to 10.5 percent for most workers — Latinos face particularly stark realities on the job market.

To stem Hispanic layoffs in public jobs, MALDEF filed a U.S. Supreme Court *amicus* brief this February in *Boston Firefighters v. NAACP*. The brief argued that consent decrees of the '70s which won access for Hispanics to police, fire and other public service jobs must be respected when layoffs occur.

"In Boston, which has a 30 percent minority population, Blacks and Hispanics were only .9 percent of firefighters in 1970," said MALDEF President Joaquin Avila. Ten years later, because of consent decrees won in employment suits, minorities formed 15 percent of the fire department. "Had Boston followed last-hired, first-fired rules during 1981 layoffs, half the gains made by minorities would have been lost," said Avila.

MALDEF's brief supported proportional layoffs. This policy would lay off both minorities and whites. But the proportion of minority to non-minority jobs existing before layoffs would be maintained where affirmative action consent decrees were in effect.

Indiana Suit for Hispanic Voters

In its first Indiana voting suit, MALDEF charged that 1983 precinct redistricting in East Chicago, Indiana, was deliberately crafted to deprive Hispanics of an equal vote.

Trevino v. Pastrick charged that a district plan created by election officials this January redistricted 9 of 15 Hispanic Democratic committee members out of their districts. The plan placed some Latinos in districts with other incumbent Hispanic committee members, thereby forcing at least one of them out of office.

"Eleven out of 16 Black committeemen and four out of 24 whites were also redistricted out of their districts," said Chicago Counsel Ray Romero. "During trial, however, we were informed that every one of the Blacks and whites were reappointed. While only three Latinos regained committee seats."

Precinct committee members serve important functions in Indiana elections. "They are the first line representatives in government. When people have trouble with street lights or sewers, they go to their committee members first," said Romero.

As a non-profit organization, MALDEF urgently needs your support. Any help you can give is deeply appreciated.

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Avila Urges Computer Access

"By 1985 about 75 percent of all jobs will be related to computer technology," said MALDEF President Joaquin Avila in a March speech before the National Conference on the Emerging Role of the Hispanic Community. "High-tech machinery is replacing farmworkers. Robots are replacing laborers on our assembly lines. As we become an information society, reading and writing skills become critical. People with little education will have fewer options than ever."

The talk is one of many made by MALDEF's President of late to urge more access to computers for Hispanics. As the U.S. undergoes a radical shift from an industrial to an information-based society, Avila is concerned that Hispanics may not have the access to this key tool that they should.

"In 1950, only about 17 percent of U.S. workers were in information jobs. Today, more than 60 percent of us are involved in information work as programmers, secretaries, accountants, managers, lawyers, bankers," said Avila.

Computer Training Crucial

Avila stressed the importance of seeing that Hispanics get a good basic education. He said schools Hispanics attend should provide computer training. He urged that Hispanics be encouraged to pursue computer careers and cease to be tracked into "vocational slots that lead nowhere."

Avila suggested that Hispanics exploit their buying power as "one of the best tools we

have in our quest for computer access. If present trends continue, computers will be priced at a level that many Hispanics can afford. We, at MALDEF, are urging computer companies to realize that marketing wares to Hispanics is good business. We are urging them to develop bilingual education software programs. We are urging them to create programs to teach naturalization procedures. We are urging them to develop programs to provide Hispanics with remedial math, reading and other instruction."

Hispanic civil rights legal efforts generally must respond to new societal trends according to Avila. The quest for Hispanic employment, he urged, must take place in growing industries like aerospace, information processing, telecommunications, health care and medical technology. "This is where we must see that Hispanics are fully involved," said Avila. He also urged that affirmative action efforts be directed at small businesses. This sector of the economy generated nearly two thirds of all jobs in the '70s.

Census Computer Question

Avila urged continued use of computers to make sure election lines are drawn fairly. He urged, as well, that the 1990 Census include a question to reveal the number of Hispanic as compared to other households which have computers. "If Hispanics are being denied access to one of the most crucial tools in our society we need to know it."



Law Access Study

Minority admissions, once a live issue for law schools nationwide, seems to be a dying priority, according to a national law school access study released this year by MALDEF.

"Pluralism in the Legal Profession: Models for Minority Access" reports on the status of minority law school admissions. The study also describes successful admissions, recruitment, and retention programs that law schools can use to increase the number of minorities that complete law school and pass the Bar.

Minority Enrollment Stagnant

"Minority enrollment in ABA-approved law schools reached a relative plateau in 1975 and has remained comparatively stagnant since then," says the study. Hispanics, who are 6.5 percent of the nation's people form a scant two percent of total law school enrollment.

The study cites misuse of Law School Admission Test scores as a prime cause of low minority admissions. In a survey of 171 law schools, the study found that schools rely too much on standardized test scores as compared to grade point averages and other candidate traits.

The study notes that LSAT score cutoffs for law school entrance have risen so much that "a score that in the 1960s would have secured access to the Nation's most selective law schools was, by 1977 the bare minimum required at a full two-thirds of all law schools."

The book lists sources of law school financial aid available to minorities. It can be obtained from MALDEF's San Francisco office for \$5.00 to cover postage and handling.

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Volume XIII Number 1
SPRING/SUMMER 1983

