Cambio de Colores
Change of Colors

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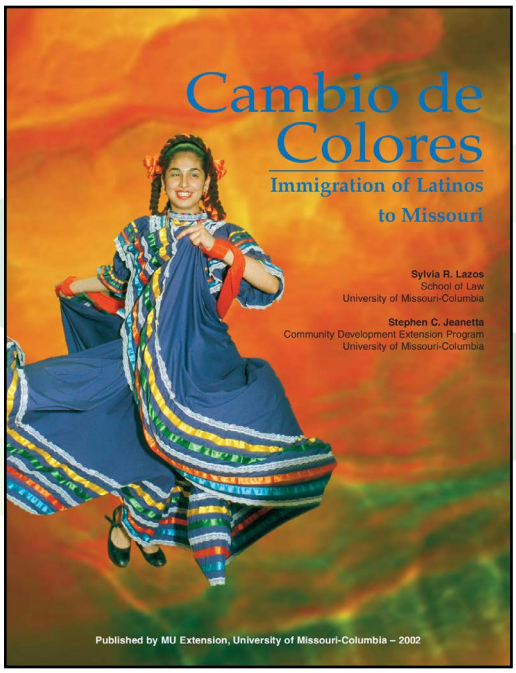

Legal and Policy Challenges as Latinas/os Make Their Homes in Missouri

Sylvia R. Lazos Vargas[*]

On March 13–15, 2002, the University of Missouri-Columbia hosted a conference, Cambio de Colores *(Change of Colors) in Missouri: A Call to Action!*, where the University's Outreach and Extension faculty, academic faculty, community workers, government officials and educators were invited to report on their experiences regarding the rapid influx of Latinas/os to Missouri.[1] Latinas/os are now the fastest growing racial/ethnic demographic group in Missouri. A total of 118,592 Missourians self-identify as Latinas/os, doubling during the last decade (Table 1).[2] In Missouri, Latina/o growth has far outpaced that of white Missourians and African-Americans (92% versus 6% and 15%, respectively).[3] Latinas/os are more widely dispersed throughout the state than African-Americans and Asian-Americans;[4] all Missouri counties now have some Latina/o population.[5] With a growth rate just under twice the national rate of increase (98% versus 58%),[6] Missouri joins a group of states that have experienced Latina/o hypergrowth.[7]

Demographer Daryl Hobbs's analysis shows that about half of the state's Latinas/os are located in Kansas City and St. Louis metropolitan areas.[8] In Kansas City, which since the early 1900s has been home to Missouri's largest Latina/o community, the population almost doubled since the last census; now one-third of the state's Latinas/os live in Kansas City.[9] Nationally Kansas City ranks eleventh among all urban centers in terms of net growth of Latinas/os.[10] St. Louis, also registered a marked growth in Latinas/os, mostly in the suburbs.[11] Since the last census, St. Louis has become a majority minority city, joining eighteen other urban centers.[12] Missouri's small cities St. Charles, St. Joseph, Jasper, Springfield, Columbia, and Jefferson City, all boast a significant Latina/o presence.[13]

Although numerically the increases in Missouri's rural areas may not appear significant, the hypergrowth in rural areas has meant that rural counties have literally "changed colors" within the space of a couple of years. As shown in Table 2, Latina/o *hypergrowth* is concentrated in 10 rural counties, which are (from highest to lowest): Sullivan (Milan) (2,164%), McDonald (Noel) (2,107%), Barry (Monett) (1,027%), Moniteau (California) (846%); Pettis (Sedalia) (753%), Lawrence (Verona and Aurora) (466%), Saline (Marshall) (405%), Taney (Branson and Hollister) (396%), Dunklin (Seneth) (388%); Jasper (Carthage and Joplin) (354%).[14] For seven out of ten of these counties, Latina/o hypergrowth contributed to overall increases, as these same counties were also among the counties that experienced the greatest proportional population growth in Missouri — Taney (55.3) McDonald (28.0%), Barry (23%), Moniteau (20.6%), Newton (18.4%), Lawrence (16.4%), and Sullivan (14.1%).[15]

Hypergrowth is taking place with a twist. The prototypical Missouri town — almost all white, English-speaking, of European heritage, and mostly middle class — is becoming diverse culturally, racially, and by class. In Milan, Latinas/os now make up 22 percent of the local population; in Noel and Southwest City, Latinas/os now represent close to 40 percent.[16]

The state of Missouri took note of these demographic changes, and under the leadership of Representative Deleta Williams and Senator Harold Caskey, the state legislature formed the Joint Interim Committee on Immigration that met during 1998 and 1999.[17] As Representative Williams explained at the De Colores conference, the goal of the committee was to gather information from all over the state.[18] Building on the work done by the committee, the De Colores conference focused on education, health, and legal issues, as well as social services.[19] This monograph covers three of these themes, education, health and legal issues, providing up-to-date research on how Latinas/os are faring in Missouri. The purpose is to analyze the data available to identify key challenges that Missouri decision makers will be confronting during the next decade due to the rapid growth of Latinas/os as a demographic group.

Part I describes the economic changes in Missouri that have drawn these new immigrants into the state. It is probable that Latina/o growth will again double in Missouri during the next decade. Part II provides a

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demographic profile of Missouri's Latinas/os based on census data and special survey information collected by researchers from the University of Missouri. Although Latinas/os are a heterogeneous group, their demographic profile is distinct. They are young, more likely to have young children, mostly low earners, and likely to have trouble with English. Building on this analysis, Part III examines in detail policy challenges in education, health, and housing. Because of the current budgetary crisis, the state is struggling to fund social services. Nevertheless, the state will have to make timely interventions to ensure that local areas are not overwhelmed by changes and rapid growth. Part IV examines civil rights issues for Latinas/os. Latinas/os are a distinct cultural and racial group. Post-9/11, homeland security concerns have made the integration of culturally and racially distinct groups, such as Latinas/os, more of a struggle. Data on racial profiling in rural hypergrowth counties as well as hate crime statistics underscore that watchfulness is warranted. Finally, Part V summarizes policy actions that the Missouri legislative and executive branches might consider to ensure that Latinas/os are integrated into local Missouri communities and participate fully in the economic and social growth of the state.

I. Changes in Missouri: From farm towns to *agromaquila centers*

Settlement patterns of Latinas/os are changing. Previously Latina/o immigrants entered through the gateway states of California, Texas, New York, and Florida, as shown in Figure 1, and often went no further. Immigration patterns have shifted, as Latina/o immigrants *move* through gateway states and settle elsewhere.[20] Latinos are now more dispersed throughout the United States. The Midwest, the West,[21] and the South[22] are experiencing Latina/o hypergrowth in *rural* areas. Thus, the key new demographic trend revealed by the 2000 census is that Latina/o settlement patterns are now both urban (augmenting settlements in areas where traditionally Latinas/os have concentrated) and rural.[23] In Missouri, Latinas/os are still concentrated in Kansas City and St. Louis metropolitan areas;[24] however, with respect to *new* growth, it is increasingly both urban and rural.

In Missouri's rural areas, Latina/o growth is an issue not so much of numbers but rather of proportional impact. As reported in Table 2, the top 10 counties recording the most growth in Latina/o population are rural counties. For example, Sullivan County with a total population of about 7,000, now has more than 600 Latina/o residents. In the previous census, Sullivan County recorded only *23* Latina/o residents.[25] Most other counties in Missouri with a population of around 7,000 have barely 50 Latina/o residents in the previous census.[26] McDonald County now has more than 2,000 Latina/o residents; in the previous decennial census there were only 121.[27]

This hypergrowth is fueled by the draw of jobs, mostly from meatpacking and food processing industries. About three-quarters of Latina/o immigrants cite work as the major reason why they have moved to Missouri.[28] The direct correlation between the counties that have a large Latina/o influx and counties that have experienced a growth in food processing industries employing 500 workers or more can be seen graphically in Figure 2.[29] Sullivan, Barry, Newton, McDonald, and Pettis have experienced growth in meat processing industries that employ 500 or more employees; they are also among the top ten counties experiencing Latina/o rural hypergrowth.[30] In rural Missouri the meat processing industry is the major employer for Latinas/os; 68 percent of all Latinas/os in Sedalia identified Tyson as their employer, [31] and in California, 53 percent identified Cargill as their employer.[32] Only in Dunklin County, located in Missouri's Mississippi delta, and in Taney County does this pattern not hold. The former falls into another "pull" pattern — agriculture requiring seasonal migrant field workers to pick crops; [33] and the latter, Taney County with Branson a major national entertainment center, replicates another national trend, pulling workers for its hotel, entertainment, and service industries.

Most rural communities in Missouri have viewed local siting of a large meat processing operation as desirable. California, Milan, Noel, Sedalia, all welcomed the meat processors. The main information page for Southwest City, where a Simmons poultry plant is located, states, "Southwest City is the home of 40 businesses, including Simmons Industries, a poultry processing operation that employs hundreds of people."[34] Considering that the total population of Southwest City in 1990 was about 600, [35] this acknowledgment that the poultry processing plant alone "employs hundreds of people" is noteworthy. Nevertheless, not all rural communities have succumbed to the draw of a major employer like the food industry. In St. Joseph, when Seaboard Inc. wanted to site a meat processing plant there, the local community rose in opposition, sparking a year-long public debate that ended in Seaboard electing not to build a plant there.[36]

As De Colores conference participant Lourdes Gouveia explained, the meatpacking industry has turned to immigrant and migrant labor.[37] This is known as demand-pull immigration because the movement of new populations is pulled by industry that acts as a magnet.[38] But there is also a push factor. Professor Gouveia emphasized that as trade barriers fall for agricultural products, rural farmers in Latin America are increasingly unable to compete with modern producers, and this creates displacement of rural agricultural workers who migrate to find work in the United States.

De Colores conference participant Guadalupe Luna described current food production methods in the United States as consisting of "*agromaquilas*," multinational corporate oligopolies, which aggressively aim to keep costs low and corporate profits high.[39] Meatpacking *agromaquilas* are made up of four major processing giants, Tyson Foods (which recently merged with Iowa Beef Processing (IBP)), Cargill, Con-Agra, and Smithfield;[40] the top *three* control 70 percent of cattle slaughter in the United States.[41] In the 1990s, the meat processing industry consolidated to realize greater economies of scale and decentralized to be closer to production points.[42] The results are giant slaughterhouses located in the nation's rural heartland,[43] employing from 200 to 500 workers over two or three shifts.[44]

Job conditions have not improved markedly since the 1940s and 1950s, [45] when American workers in Minnesota, Nebraska, and Iowa staged strikes for better working conditions and better pay.[46] Workers stand for the entire length of their shift, eight hours at a time, lining up on fast-moving conveyor belts cutting carcasses with sharp instruments in cold, wet environments.[47] A slip or a mistake means an injury. According to the U.S. Department of Labor, meat and poultry processing plants are the most hazardous workplaces in the United States.[48] These conditions are physically taxing, and the work line conditions can dehumanize.[49] Since the major labor strife in the early 1960s and 1980s, the meatpacking and poultry industry has employed mostly nonunionized labor.[50]

De Colores conference presenter Milo Mumgaard from the Appleseed project in Nebraska explained how Nebraska has put the treatment of meat processing workers on the legislative agenda. Nebraska newspapers reported on industry practices, focusing on the human suffering of workers. This created a surge of public sentiment that prompted the Nebraska governor to create a taskforce that recommended regulation of the cutting line, and led the governor to solicit cooperation from Nebraska meatpackers in posting a *Meat Industry Workers'* Bill of Rights, a summary of workers' rights under existing law.[51] Mumgaard reported that meatpacking employers had voluntarily posted the Bill of Rights at workplaces. However, the substantive legislative revisions to meatpackers' rights have not yet been enacted by the Nebraska legislature.

The food processing industry remains heavily reliant on manual labor.[52] The industry has been unable to mechanize the cutting up of carcasses, which still requires human hands and human eyes.[53] Workers' wages average $7–$8.50 per hour.[54] Consolidation and diversification have meant that employees have resisted paying a better wage.[55] The lack of native workers willing to take on jobs has meant that Missouri meat and poultry processing companies *actively* recruit Latina/o workers near the border with Mexico. Jerry Edwards, state director of Missouri's Title 1-C program, which receives some of the annual $30 million federal grant for migrant education, states that "Missouri plants are advertising all the way down to Mexico and South Texas." [56] Premium Standard Farms in Milan, Missouri, provides transportation from the border to recruited workers and a moving allowance of $250.[57]

Latina/o workers, including many who are undocumented, as Professor Luna explains, are the backbone of food production in the United States. Phil Martin from the University of California at Davis estimates the proportion of undocumented workers in agriculture *at almost half*.[58] There is reason to believe that the meatpacking industry in Missouri is employing many workers who may not have proper immigration papers. If patterns elsewhere are repeated in Missouri, the proportion of undocumented workers in meatpacking is significant. In a Nebraska Vanguard meat processing plant, 17 percent of the workforce was undocumented according to records of the Immigration and Naturalization Service.[59] In *U.S. v. Tyson*, [60] plaintiffs allege that Tyson, the largest poultry processor in the country, with plants in Barry, Pettis, and Lawrence Counties, knowingly recruited undocumented workers from as far away as the Texas border.[61] So far only one lower level official has been convicted.[62] This lawsuit will test what it means for an employer to *knowingly* recruit undocumented workers, which is prohibited by law.[63] The industry has generally maintained that it has not broken laws.[64] Legal experts have commented that enforcement of employer sanctions has been insufficient to stem employer practices that net a high proportion of undocumented workers.[65] For this reason, the lawsuits against Tyson[66] are important legal developments because they mark the first serious attempt by the U.S. government and private litigants to make large corporate employers responsible for practices that result in a significant undocumented workforce.[67]

Recruiting Latina/o workers at the border is not a recent phenomenon. Rather this has been a long held industrial practice dating back to the early 1900s.[68] Sociologist Alejandro Portes comments that "Mexican immigration thus originated in deliberate recruitment by North American interests and was not a spontaneous movement." [69] The first major settlements of farm workers in the Midwest were "*betabeleros*," Mexican beet farm workers who settled in beet-growing areas like Finney County, Kansas.[70] In the 1990s, the draw is meatpacking and food processing. As Table 2 summarizes and Figure 2 shows, Latina/o immigration into rural Missouri tracks the labor needs of food processing and meatpacking plants.

These trends have been called the "Latino-ization" food processing.[71] In turn food processing's strategy of siting plants in rural areas has been a key driving force in Latina/o hypergrowth in rural

Missouri. Further, the demand-pull fueled by the food processing *agromaquilas* has multiplier effects. The active recruitment of Latinas/os must be ongoing, because the food processing industry experiences turnover rates approaching 100 percent. In these plants, jobs are always waiting to be filled — *siempre hay trabajo* (there is always work).[72] Once established, Latinas/os seek upward mobility, and soon try to move on to better jobs, working in small plants, construction, or service.[73] Latinas/os recruited at the border may initially come to a Missouri rural location where a meatpacking plant is located, but within a year or two, they will try to find jobs in other locations, like Branson, with ample low-skill service jobs, or Springfield, where Latinas/os are employed in small factories, service, construction, and so on. Mid-Missouri's small cities have seen increases in Latinas/os because of this ripple effect. South of the border, Latina/o immigrants continue to be attracted by the mythology of a better life in "*El Norte*."[74] This ongoing cycle means that Missouri's growth experience in the last decade, the geometrical expansion of Latina/o population in Missouri, will continue. Accordingly, the challenges that Missouri faces as a result of the 2000 census will not go away. These are the most significant group of newcomers that Missouri has seen in recent times.

II. Characteristics of urban and rural Latinas/os in Missouri

Latina/o immigration in Missouri consists of (i) urban settlement where first-generation Latinas/os have augmented settled communities, discussed in Part II.A, and (ii) hypergrowth in rural Missouri, discussed in Part II.B.

A. Urban settlement: Kansas City and St. Louis

1. The Santa Fe Trail leads to Kansas City

Latinas/os are not new to Missouri. Kansas City has had a settled Mexican-American community since 1910.[75] The roots lie in Missouri's connection with Mexico. As early as the 1830s, the Santa Fe Trail connected Missouri to Mexico and provided Missouri and Mexican merchants with fortunes.[76] New Mexico, which was then northern Mexico, hungered for goods that could commerce free of the Spanish crown's repressive trade policies. Kansas City was the endpoint of this lucrative commercial traffic and benefited greatly from this trade. By 1884 Kansas City was directly connected to Mexico at El Paso, via the Atchison, Topeka, and Santa Fe Railroad.[77]

In the 1900s, in part due to the political upheaval that Mexico underwent with its internal revolutionary movements as well as harsh living conditions, many Mexicans, mostly from rural areas, left their homeland for "*El Norte*." As well, U.S. employers actively recruited Mexican workers in El Paso and transported them by railroad to jobs in Kansas, Missouri, and elsewhere in the Midwest.[78] Major early employers of Mexican workers were the Atchison, Topeka, and Santa Fe Railroad; sugar beet farms in Finney County, Kansas; meatpackers in Kansas City; lead mines in St. Louis; and salt mines in Hutchinson, Lyons, and Kanopolis, Kansas.[79] These industries needed to supplant the inexpensive labor that had been previously provided by Chinese immigrants who could no longer enter the United States following enactment of the Alien Labor Act in 1885.[80] These railroad workers, meat processing laborers, and sugar beet workers or "*betabeleros*" might have gone back to Mexico and Texas in the winter, but as with migrant streams, increasingly more remained and decided to settle.[81] The first Mexican settlement in Kansas City dates to 1905, when a "barrio" cropped up in the flood-prone Argentine section, which was made up mostly of boxcars provided by the Santa Fe Railroad and segregated boarding houses.[82] Two hundred of the 300 Mexicans living in Argentine worked for the railroad, 12 percent were women and another 12 percent were children.[83] By the 1920 census, Kansas City had become the jumping off point for Mexican laborers seeking work in the Midwest[84] and boasted the fifth largest Latina/o population of any state.[85]

The settlement process of Mexican workers was interrupted at various times. Bowing to anti-immigrant hostility, repatriation became national immigration policy, first during the Great Depression, when it was argued that Mexicans took valuable jobs away from Americans, and then, during World War II, when a wave of xenophobia caused Mexicans to be deported as threats to U.S. national security.[86] These official policies uprooted many Mexican families, even children born in the United States. However, many resisted, sometimes aided by employers.[87] Three to four generations later, these settlers now form the core of Kansas City's Mexican-American community.

The importance of Kansas City to Missouri's Latina/o population was implicitly recognized by the move of the Mexican Consul's office from St. Louis to Kansas City in August 2002. Three out of ten of the state's Latinas/os lives in Kansas City.[88] The Kansas City metropolitan area has experienced the greatest numerical growth of Latinas/os (55,243 or 103% growth). The oldest settled immigrant community within Kansas City is the inner-city "barrio" in the Westside, the oldest residential neighborhood close to downtown Kansas City. This area has been a magnet for new waves of first-generation immigrants. These newcomers have also been a source of urban vitality for Kansas City. But for the doubling of Latinas/os in the inner city, it would have declined.[89] As Table 3 shows, Latina/o growth has been the key to Kansas

City not becoming a declining urban center like St. Louis: [90]

New Latina/o immigration in Kansas City has provided needed energy and entrepreneurship in the old barrio, underscoring how immigration can revitalize old city centers. As well, Kansas City has benefited from Latina/o led nonprofit groups that have organized to rehabilitate rundown homes and reinvest in new construction in the inner city.[91]

Latinas/os have exploded beyond the boundaries of the old "barrio" and now are present in every census tract of the Kansas City metro area.[92] The Kansas City suburbs experienced 33 percent growth in Latinas/os, [93] reflecting a national trend that shows Latinas/os moving out of segregated inner-city neighborhoods as their economic fortunes improve.[94] The northeast side, formerly predominantly Italian-American, is increasingly becoming Latina/o, now about 30 percent.[95] Northeast High school has a 20 percent presence of Latinas/os.[96] Cass County, which sits on the southern edge of the Missouri side of Kansas City, now counts 2,000 Latinas/os out of a total population of 82,092.[97] Many are finding employment in landscaping, distribution centers, and new construction.[98]

This mix of first- and second-generation Latinas/os creates a dynamic community that could be poised to spring forward politically. However, there is also a potential for conflict. Some would view the newcomers as upstarts who need to acculturate more quickly. The following editorial was published in one of Kansas City's bilingual newspapers:

> Fitting in hasn't always been easy for Hispanics. Thus those who've endured discrimination or have had parents or family members who've endured hardships aren't happy to see that many newcomers who come to the United States aren't interested in fitting in or making their way. They perpetuate the belief that Hispanics are here to impose their ways on others and don't wish to be part of the overall society. Such people aren't here to assimilate, but come to the United States to continue their lifestyles as they did in Mexico or Latin America, so much so that they make nuisances of themselves. It's up to decent Hispanics to let the rude newcomers know how to act….[99]

The challenge for Kansas City's Latina/o leadership is to unify the local community and go beyond that to exercise statewide and national leadership. Several key institutions are already in place for this challenge; among them, the University of Missouri Extension's ALIANZAS project, the League of Latin American United Citizens (LULAC) Regional Office, and grassroots groups like the Hispanic Economic Development, Westside CAN, and the Council of Hispanic Organizations (COHO).

2. St. Louis: The melting pot

St. Louis, unlike Kansas City, has not had a long-standing Latina/o community. The community is substantial but relatively small within the St. Louis "melting pot," equaling only 20,000 in the inner city and 40,000 in the metropolitan area, about 2 percent of the city's total.[100] Ann Ryhearson's ethnographic study found that Latinas/os in St. Louis had not had a history of being excluded from major city activities.[101] A key factor may be St. Louis' multiethnic demographics. According to the most recent census, about 10 percent of St. Louis residents are foreign born, the nation's second highest concentration of foreign-born residents.[102] St. Louis has about 37,000 refugees from former Yugoslavia, the largest settled community nationally, and about 16, 000 Vietnamese refugees.[103]

In St. Louis, the number of Latinas/os has grown both in the inner city and in St Louis' edge cities, as Latinos find opportunities in both.[104] Although the Latina/o population is not growing at the geometric rate experienced in Kansas City (doubling), the clip of 50 percent growth experienced since the last decennial census[105] suggests that St. Louis Latinas/os are growing into a distinguishable presence. In the 1980s, Latinas/os in St. Louis were described as mostly dispersed and "hiding within the melting pot."[106] With greater numbers, St. Louis Latinas/os are no longer "hidden." Civically, this greater critical mass has allowed for new civic groups. Some are oriented to the middle class, like the Hispanic Leaders Group of Greater St. Louis, which came to prominence during the early 1990s English-only campaign. Other organizations address the needs of the not-so-well-off, like *La Clinica* (the clinic), a public health clinic established in the late 1990s to provide free health care to the Latina/o community in St. Louis.[107] However, unity is inherently difficult, as Latinas/os in St. Louis are heterogeneous, coming not only from Mexico but a variety of Latin American countries as well, including Puerto Rico, South America.[108]

B. Cambio de Colores (Change of Colors) in rural Missouri

The big story for rural Missouri in the 2000 census is its Latinization. Just who are these newcomers? Data from two surveys, one conducted by University of Missouri-Columbia's Department of Rural Sociology (the mid-Missouri survey) and the other by the University of Missouri Outreach and Extension (southwest Missouri survey) from 1999 to 2002,[109] and data available from the 2000 census indicate that Latinas/os in rural Missouri are (1) first-generation immigrants, (2) primarily Spanish-speaking, (3) young with children, and (4) and low earners.

1. Mostly first-generation Missourians

Missouri is currently experiencing three types of immigration flows, direct settlement, secondary migration, and migrant streams. The first kind is the centuries-old immigration pattern depicted in Figure 1 that draws from Mexico and Central America and settles into Missouri.[110] This flow, in turn, draws from agriculturally poor and drought-prone lands oriented to subsistence farming in Mexico and Central America, an economic situation that has been made tougher in countries like Mexico because of the North American Free Trade Agreement (NAFTA).[111] Survey data show that a significant number of Latina/o rural Missourians come from outside of the United States. Close to 60 percent in southwest Missouri and almost half in Sedalia and Jefferson City had moved *directly* to Missouri from a foreign country.[112] Between 85 percent and 90 percent of Latinas/os report they come from Mexico.[113] In Marshall, the dominant country of origin is El Salvador.[114] As well, there are significant pockets in rural Missouri from Guatemala, Nicaragua, Chile, and Bolivia.[115]

The second flow reflects a transitional stay at a border state, and then a subsequent move to the Midwest. For example, in Marshall and California around 90 percent reported that they had lived elsewhere in the United States before moving to Missouri.[116] This group migrated mostly from the border states of Texas and California,[117] which are becoming "gateway states" for immigrants from Latin America. This departs from prior pattern where immigrants entered through these states and settled there. These states are no longer as desirable to immigrants as they once were; in part this change is related to the cost of living, as especially California has become expensive. As well, there has been saturation of local markets with immigrant labor.[118] Part of the draw into the Midwest is what immigrants perceive to be better opportunities. Jobs are readily available. Some are recruited or drawn by word of mouth news that a meat processing job or other manual work at a wage rate at $6–$8 per hour is available.[119] Cost of living is lower. Others view living conditions, such as crime rate and the social environment, to be superior to that in their former homes.

The third flow captures workers who have not yet settled. Food processing workers exhibit migrancy, once primarily a characteristic of agricultural workers.[120] Workers might alternate between rest and work, or return home for an extended stay.[121] Food processing workers also follow jobs between processing plants; perhaps a worker hears of a vacancy in a plant in Iowa for positions that pay better than a current job in Missouri.[122] In Missouri this occupational migrancy is seen primarily in Marshall and California, which are meat processing towns close to the Iowa border. In California, two-thirds of the employed respondents were working in the Cargill meat processing plant; in Marshall, half of those employed were working at either EXCEL or Conagra.[123] Some Latinas/os in Milan travel between EXCEL and Conagra plants in Iowa and Missouri.[124]

Two stories from Missouri's small press illustrate these immigrant flows. A recent story in Columbia's bilingual supplement *ADELANTE!* [125] focused on Everardo Ortega and his brother, who first moved across the border from Chiapas, Mexico, to Tijuana, across the border from San Diego, California. In Chiapas, Everardo was a farm laborer paid $3 per day. By comparison, his pay at the Tijuana manufacturing plant was $130 per week. The brothers sought to further improve their situation by moving to Columbia, where they earned more than $50 a day at a car wash, almost twice as much as what Everardo had earned in Tijuana. Showing the ebb and flow of migration, after their employer informed them that the Social Security Administration had inquired about discrepancies in their Social Security numbers, the brothers quit their jobs. They reported that they were moving back to Chiapas, explaining that they found living expenses too high and conditions too harsh in the United States.[126]

The *Carthage Press* reported on another immigrant, Anita Topete.[127] She originates from Ameca, Jalisco, and first moved to the state of California, where she worked in restaurants and cleaned homes. Finding the cost of living too expensive in California, she moved to Carthage, Missouri, where she now works in a popcorn store. She owns a home, and is currently taking English classes so she can progress at her job. She likes living in Carthage saying "Carthage is quiet." She acknowledges that there are many things different in Missouri, like having to drive rather than walking everywhere, and how few kids and families socialize outside during the evenings at a time when the streets in a Mexican town are full of people and activity. She has become a U.S. citizen.

Such first-generation newcomers find Missouri attractive and want to make Missouri their home. In a recent forum in Monett, Missouri, with Representative Blunt, Latina/o leaders informed him that immigrants in southwest Missouri were in Missouri "to stay." [128] They saw opportunities, plentiful jobs, and a cost of living that allowed them to buy homes and progress economically. Further, they reported that many immigrants had "a burning desire" to achieve U.S. citizenship.[129]

Many Latinas/os in Missouri may be motivated by their Horatio Alger dreams, but this is not a homogeneous community. One important cleavage is a racial one, between Ladinos, mestizos and indigenous peoples.[130] Census data indicate that immigration to Missouri is drawing from indigenous and mestizo populations in rural Mexico and Latin America. Tarrasqeños from Mexico have settled in Sedalia, and Mayans from Chiapas in Jefferson City.[131] In the

census, Latinas/os were asked to identify themselves racially as well as by ethnicity. In Missouri, only 52 percent identified themselves as white (that is, Ladino), 3 percent as black (mostly Afro-Caribbean), and 34 percent as "other," [132] (mestizo and indigenous). By comparison nationally, 75 percent of Latinas/os classified themselves as white, 12 percent as black, and only 11 percent as "other." [133] Thus, Missouri as a whole has three times the national average of indigenous or mestizo representation among Latinas/os. In rural counties with food processing industries the proportion is even greater, ranging from 40 to 60 percent. In Barry County (where Tyson Foods has a plant) the proportion of indigenous or mestizo is 64 percent; Pettis (also Tyson Foods), 61 percent; Moniteau (Cargill), 50 percent; Lawrence, (Tyson Foods, Willow Brook, Cuddys), 48 percent; Saline (Conagra and Excel), 46 percent; Jasper (Butterball), 45 percent; Sullivan (Milan Poultry Company, Premium Standard Farms), 40 percent; Mc Donald (Hudson Foods, Simmons), 39 percent.[134]

What are the possible reasons for this pattern? The answer may lie once more in the jobs that are drawing these immigrants into Missouri. Indigenous peoples and mestizos are mostly rural farm workers who have migrated from their ancestral farmlands. New pricing policies under global free trade agreements and governmental policies hostile to indigenous peoples have displaced them from their known way of life. Manual labor in the Midwest is preferable to a subsistence living back home. Being literate is not necessary to cut meat, and understanding English or Spanish, for that matter, is not essential to job performance where brawn and stamina are most needed.

The indigenous and mestizo settlements in Missouri present a greater challenge to their integration and acculturation. First, Spanish is not usually their primary language. Second, their literacy is limited, given their social and economic status in Latin America. Finally, indigenous cultural traditions are as distinctly different from the majority Latin American populations as is the case in the United States between Native Americans and the majority white population.[135] Thus, we can predict that because of these great cultural, educational and social distances, the normal ongoing acculturation process will be even more difficult in rural Missouri.[136] Even greater efforts need to be made, particularly in basic adult education, K-12 education for children, and outreach health care, to ensure that indigenous and mestizo enclaves do not become isolated pockets that remain outside the economic and social mainstream.

2. Primarily Spanish-speaking Missourians

Given the immigration flows to Missouri, it is not surprising that the majority of Latinas/os surveyed primarily speak Spanish and cite difficulty with English as a key barrier to their continuing to advance themselves. In the mid-Missouri survey, only 6–18 percent stated that they had fluency in English, and over 70 percent stated that they required a translator.[137] In the southwest Missouri survey, roughly three-quarters indicated that they required assistance with English.[138] On the other side of the ledger, close to 40 percent of service providers perceived language barriers as being the greatest issue facing Latinas/os in southwest Missouri.[139] The Missouri Joint Interim Committee on Immigration concluded that lack of English proficiency was the single most significant barrier to integration and acculturation.[140]

Low educational attainment compounds the language learning issue for working adults. Two-fifths in the southwest Missouri survey had reached only the sixth grade, and only 33 percent are high school graduates.[141] In the mid-Missouri survey, more than three-quarters in Sedalia, California, Marshall, and Columbia reported an education level of less than high school.[142]

However, Latinas/os in Missouri are heterogeneous, and there is a significant cohort who does not fit this general profile. In Jefferson City, educational attainment is markedly higher, with close to half having achieved high school or college.[143] This group also has better English language skills.[144] In Columbia, 24 percent indicated English fluency, and 28 percent indicated that they had a high school or higher education.[145] In the southwest Missouri survey, more than one-fifth had college level or greater education, college (16%), bachelor's degree (5%) or graduate or professional degrees (2%).[146]

It is from this educated cohort that the Latina/o community's future political leaders will come. They feel secure in their U.S. citizenship and believe that fair treatment should prevail.[147] Missouri is beginning to see Latinas/os running for office.[148] Another sign of increasing political engagement came in April 2002, when Latinas/os from all over the state organized the first Hispanic Legislative Day, called on Governor Bob Holden, and met with state government officials and elected representatives.[149]

3. Youthful and families with children

Latinas/os in Missouri are by and large youthful and in some areas skew to more males than females Those with families have young children at home. According to census data, 36 percent of Latinas/os are under age 18.[150] In the Missouri surveys, the median age was early 30s.[151] The mid-Missouri survey captured an adult population that was close to 60 percent male.[152] By contrast, the southwest Missouri survey showed the inverse, with 58 percent being female.[153] This difference is due in part to the survey methods and also reflects the tendency for men to be more transient than women.[154]

Latinas/os who have settled in Missouri with their families have young children. In the mid-Missouri survey, close to two-thirds had young children at home;[155] in southwest Missouri about three-fifths had children at home.[156] The children are very young; in southwest Missouri, more than half the families had one to three children under age six.[157] In Marshall over half the families surveyed had children in elementary school.[158]

4. Low earners

This is *mostly* — but not all — a population working at low wages. As compared with the general Missouri population, both rural and urban Latina/o immigrants are low wage earners, most earning below $8 per hour.[159] In the southwest Missouri survey, 70 percent reported family incomes under $24,999.[160] By comparison, Missouri 1999 median family income was $46,044.[161]

Because they are low wage earners, multiple family members work, and they work long hours. The median of 40 hours was above the national median of 37 hours worked.[162] In close to 60 percent of the families in the southwest Missouri survey, two or more family members worked outside the home for wages.[163] This is a high level of work given that 55 percent of families have kids under age six.[164]

Low wages pose hardships for families. In the southwest Missouri survey respondents who were asked what were their most pressing human needs, one-fifth responded food; over one-third responded clothing and shoes; one-quarter responded heat, electricity, and plumbing.[165] Thus, a small but significant fraction of families is struggling with basic needs.

The combination of Latina/o growth in rural counties, and their being overrepresented among "working poor" families means that Latina/o hypergrowth in rural counties coincides with a high proportion of children who live in poverty. According to census data, in McDonald and Dunklin Counties, 25–43 percent of all children in the county live below the poverty level; in Barry County, 20–25 percent; and in Newton, Lawrence, Pettis, Saline, Sullivan, and Taney Counties, 15–20 percent.[166]

C. Discrimination or integration?

A key question is whether Latinas/os are being fully and positively incorporated into Missouri communities, or if they are isolated and separated from the mainstream of community life. One important factor in answering this question is the degree of discrimination, or racial hostility that receiving communities have toward new settlers. Although complete data to answer this question have not yet been assembled, a partial picture can be provided as reported by the Missouri surveys and Department of Justice hate crime data. These indicate that attention and care are necessary.

The Missouri surveys asked respondents whether they believed they had experienced prejudice or discrimination. About half of the respondents in both the southwest and mid-Missouri surveys report that they *had* encountered discrimination.[167] In the southwest Missouri survey, adults ranked discrimination second to language barriers as among the significant hurdles that they face in bettering life for their families.[168] Youths were more likely than adults to report that they had experienced discrimination and saw discrimination as a major barrier to becoming part of local communities.[169]

When the aggregate data for the mid-Missouri survey are broken down into individual locations, there is a wide range of reported experiences. In Jefferson City 27 percent reported experiencing discrimination. Similarly in California, Missouri, 29 percent of respondents reported encountering discrimination, while in Sedalia a high of 66 percent reported discriminatory treatment.[170] Columbia and Marshall reported 38 percent and 40 percent, respectively.[171] This variation is due in part to the small sample size, but these data are also catching differences among rural communities. A more detailed look at the sources of discrimination shows that work is by far the most cited source of discrimination, with one-third citing this source in the southwest Missouri survey. In Sedalia, which reported high rates of experienced discrimination, about one-third complained of treatment on the job.[172]

Why is on-the-job treatment being viewed as a source of discrimination? This may reflect practices in meat and poultry processing plants. A report in the *New York Times* describes workers segregated into tasks — the killing floor, cutting, packing — which were doled out by race and ethnicity, with Latinas/os doing the dirtiest and lowest paid jobs (like, cutting), blacks holding dirty jobs at slightly higher pay (like, killing), and whites doing higher skilled and best paid jobs (like repairing machines or packing).[173] Since the late 1980s, case law has made it increasingly difficult to establish a violation of Title VII of the Civil Rights Act based on impact.[174] Laypersons who do not understand the technicalities of the law will look at how their lives are being affected. Where the *net results* of job practices cause the best jobs and benefits go to workers of other races, even if these practices do not amount to a violation under law, lay people might view such practices as constituting discrimination.

Other responses are worrisome as well. Besides work, Latinas/os cited as sources of discrimination "because I am Mexican, they don't like my race"(around one-quarter); [175] encounters in restaurants and stores and in procuring housing or medical services

(around one-third),[176] and because they did not speak English (less than 10%).[177]

The hate crime statistics maintained by the Department of Justice also indicate that community leaders need to be vigilant in the area of race relations. Hate crimes are crimes motivated by an intense hostility toward the victim simply because they belong to a certain group, such as one based on race, color, creed, national origin, gender, or sexual orientation.[178] In the group of agricultural midwestern states, consisting of Kansas, Iowa, Missouri, and Nebraska, Missouri has the *largest total number of reported hate crime offenses* against Latinas/os, [179] even though Missouri has the smallest number of Latinas/os residents. The most common types of hate crimes targeted at Latinas/os have been aggravated assault, simple assault, intimidation, and vandalism. Some of these incidents have been reported by local press. In Purdy, for example, a church that caters to a Latina/o congregation has been attacked three times in 2000 and 2001. The most recent incident, on June 8, 2001, involved a window of the church being shot out.[180] On July 16, 2001, four Latino families in Noel awoke to find their cars vandalized and "KKK" signs on their lawn with ethnic slurs and death threats written on them.[181] Although these crimes are deeply injurious because of their emotional impact, the most disturbing statistic might be that from 1995 to 2000, Missouri led all midwestern states in incidence of murder as a hate crime against Latinas/os.[182]

Missouri also houses white supremacist, white militia groups, and Christian identity groups. These groups have varying ideologies, but at the core is their belief that whites are inherently superior to persons of color. White supremacist groups with a presence in Missouri include Imperial Klans of America–Annapolis; World Church of the Creator–Clarkton; League of the South–Columbia; Faith Baptist Church and Ministry–Houston; Council of Conservative Citizens–Iron County; National Organization for European American Rights–Kansas City; Knights of the White Kamellia–Leslie; Imperial Klans of America–Mapaville; American Knights of the Ku Klux Klan–Nixa; Women for Aryan Unity–O'Fallon; New Order Knights of the Ku Klux Klan–Overland; Church of Israel–Schell City; Hammerskin Nation–Springfield; Council of Conservative Citizens–St. Louis; National Organization for European American Rights–St. Louis.[183] Some of these groups are small and are mainly active through their web pages, as for example, the League of the South located in Columbia.[184] However, the Christian identity groups[185] and the skinheads[186] have a very strong presence. The handful of pastors within the Christian identity movement who have national prominence are all located in the Ozarks region of Missouri.[187] The Hammerskin Nation prints its newsletter from Springfield and held a concert in April 2001 attended by thousands of young people.[188]

These hate crime data are capturing a significant, but by no means, dominant sector of the population. White supremacists, skinheads, Ku Klux Klan, militia groups, are groups out of the mainstream, and do not represent the majority of Missourians. However, those who perpetrate hate crimes, even if a handful, can create an atmosphere of tension, mistrust and, by staging group activities, provide a social environment in which it is acceptable to others to harbor white supremacist views to be expressed, sometimes through violent action. Hate crime activity is worrisome, not because the views of this minority are not "politically correct," but rather because such activity increases racial friction, and encourages overt physical acts of prejudice or racial hatred.[189] As Major Keathley from the Missouri Highway Patrol Hate Crimes Unit stated, "it's really dangerous when you start mixing guns with religious beliefs that are far to the right."[190]

Friction among groups who are so different should be viewed as part of a natural process that occurs when communities become more diverse, as has been experienced in rural Missouri areas. Long-time residents are seeing their towns change quickly. These changes challenge what they believe to define their communities, what they call home.[191] Some may find change refreshing, but some will find this change threatening and unsettling. For other local residents, the economic benefits of a large, flexible, relatively low-cost supply of immigrant labor, which is primarily a benefit to the industries that employ them and the consumers of their products, are offset by the local *non*-economic costs of a rapidly expanding immigrant presence. In some cases, local governments might have been promised more economic benefits than actually materialized.[192]

As well, a certain amount of community separateness will result from a new demographic profile. In rural communities and the small cities in the Missouri surveys, language and cultural practices clearly set Latinas/os apart.[193] Latinas/os are predominantly Roman Catholic[194] and continue to celebrate religious traditions, such as *Dia de los Muertos* (the eve of Halloween), and the celebration of the *Virgen de Guadalupe* (Mexico's patron saint) in local community events.[195] Most do not speak English, and if they do, many need help in communicating. With these activities Latinas/os may not intend to set up barriers to integration with the larger community, but in fact language and culture are boundaries that define Latinas/os in these small communities.[196]

Nonetheless, the wrong kind of separateness is not good. Latinas/os can be set apart by a mix of cultural distinctiveness, socioeconomic factors, and racial thinking that situates them, in the minds of some in the majority community, as inferior neighbors. Most Latinas/os in rural Missouri work at low wages. Because of low income and the need for low-cost rental

housing, many move into housing that is not desirable, like trailer parks and low rent apartment buildings. High rents, relative to wages earned, means that many crowd into available housing. On hot evenings, as is customary in Latin America, Latinas/os may congregate socially outside, play music and laugh loudly.[197] These are cultural habits that do not necessarily fit well in farm communities, where families are accustomed to retiring to the privacy of home life in the evenings. There is a mix here of cultural distinction but also socioeconomic markers that from a majority perspective may signify that Latinas/os do not want fit in, are inferior to ____ (fill in the blank with speaker's own racial or ethnic group), are bringing down the neighborhood and are being "un-neighborly" "low class," etc. This may be the kind of remarks that respondents in the Missouri surveys might have been reporting when they stated that they experienced discrimination in public places "because they were Mexican."[198]

Language issues, in particular, can become strong clashing points for anti-immigrant sentiment in small rural communities. Latina/o immigrants can be viewed by the white community as a "problem minority" because they do not appear to be assimilating fast enough into the dominant culture. Continued use of Spanish is, for some Americans, a conspicuous indicator of a failure to assimilate and be faithful to the American ideal.[199] This conflict of symbology and ideology invites invidious comment on what America stands for and whether those who do not abandon their own home culture and hold on to a distinct non-European, non-white non-Anglo cultural identity are "real" Americans.[200]

In this volatile mix of identity feelings, differences over ideologies, and discomfort with ongoing changes to a familiar way of life, it is easy to develop negative stereotypes toward Latinas/os who look different, talk differently, live differently, worship differently, and even dress differently. Forming a negative opinion or attitude toward someone else based on skin color, use of Spanish, foreign accent, and clothing "not typical of American clothing" is a form of racial profiling.[201] This kind of thinking, if practiced by enough members of the community, harms community relations because it tips the scales from the healthy friction that occurs in democratic environments among unlikes, as for example because of differences of opinion as to whether assimilation or acculturation defines America, to racial thinking based on notions of racial and cultural superiority.[202] This kind of racial friction retards integration of Latinas/os into the community and undermines the national colorblind ideal.

The news, however, is not all negative. In almost all of the rural communities that have experienced hypergrowth of Latinas/os, there are active community-based organizations that attempt to improve local community relations. Sedalia, Pettis County, has a multicultural forum that involves around 70 community leaders.[203] In Milan, Sullivan County, another collaborative effort of community outreach and local organizations is developing a plan for responding to the needs of the immigrant families and improving the communications between the Hispanic families and the community.[204] In California, Moniteau County, a multicultural committee and religious leaders have tried to patch up the tense relations between the white community and Latinos.[205] Springfield, Greene County, has an active Human Rights board that has addressed such difficult issues of school suspensions and racial profiling.[206] In Noel, a multicultural committee has been addressing issues of housing and how to establish a soccer field.[207] In Monett, a multicultural committee organizes a local "Festival de Amistad" (friendship festival).[208]

However, the question must be asked whether these efforts have been reactive or proactive. The key finding of the Joint Interim Committee on Immigration was that communities in Missouri had not planned for the growth and changes that could have been anticipated when meatpacking plants began to arrive in Missouri's rural communities.[209] Rural Missouri, by and large, was caught by surprise and, like the state, is still catching up to ensure that changes in the community are positive.[210] Nonetheless, Missouri has made a significant start. These local "multicultural" groups are an important focal point where communities can engage in critical dialogue and new coalitions can be forged.

D. Documentation: The lurking issue

A lurking issue that neither the Missouri surveys nor census data address, but is nevertheless of key importance is what proportion of Latinas/os in Missouri are undocumented, that is, working in Missouri without proper immigration authorization.[211]

Researchers can only estimate, because data are unavailable.[212] The numbers fall into a wide array; however, most estimates hover at 8 million undocumented persons in the United States.[213] Of that number, around 60 percent originate from Mexico and 15 percent from Central America.[214] Certain industries are more likely to hire unauthorized workers. While undocumented workers account for less than 4 percent of the *total* U.S. labor force, they are concentrated in a few industries, including construction, hospitality (about 10%), textiles, meatpacking (perhaps as high as 20%), and agriculture (half the workforce).[215]

There are several indicators that the number of undocumented workers in Missouri is significant. In the southwest Missouri survey, 15 percent of Latinas/os self-report that legal documentation is an important issue in bettering themselves.[216] Another set of indicators comes from efforts of the Immigration

and Naturalization Service to enforce immigration laws focusing on employment records. The INS estimates that there are 18,000 undocumented Latinas/os in Missouri.[217] In an incident in November 2001, the INS subpeoenaed 15 Kansas City McDonald's employee records.[218] The INS inspected 559 records, and found discrepancies in the paperwork of 40 percent (230).[219] Discrepancies involved mainly Social Security numbers.[220] Some may be innocent, such as a woman whose Social Security record reflects her maiden name, while she uses her married name in her employment. However, others reflect what the INS calls "identity theft," undocumented workers who invent a Social Security number, purchase a counterfeit Social Security card, or borrow an authentic card.[221] A focus group convened by Representative Roy Blunt ventured that as many as 50 percent of the Latina/o community in Noel might be undocumented.[222]

What is the number of undocumented in Missouri? At this time, there is not enough data to come up with a number. However, the portion of the Latina/o population without proper immigration status *is* significant. It is probably more prevalent in rural Missouri hypergrowth counties where meatpacking and agriculture dominate. What must be kept in mind, however, is that the majority of Latinas/os in Missouri are U.S. citizens or hold proper visas. Making generalizations about all Latinas/os based on this small, but significant, group of undocumented can lead to the kind of racial stereotyping that was captured by comments like "go back to Mexico," as reported in the mid-Missouri survey.

E. Shared characteristics and perspectives

Latinas/os in Missouri are not homogeneous. They do not all come from the same place. Some are college educated; others cannot read either English or Spanish. Nevertheless, there are characteristics that are shared by a majority that can provide a general profile.

First, the need to learn English is great among both adults and children. Latina/o adults recognize that English skills are necessary for them to make a better life in Missouri and are eager to learn English.[223] Three-quarters to four-fifths of adults struggle with English. Also, many parents have limited education. Accordingly, their ability to help their children with English language schoolwork will be limited.

Second, Latina/o families who have settled are young and have young children. For Latina/o parents, this means that the education of their children is an important concern. At the same time, local school districts are overwhelmed with the rapid growth particularly in the elementary school population. They are suddenly experiencing the need for cultural knowledge, and teachers who know Spanish.

Third, this is a low-income population. In new data about Missouri's children, the population who live in poverty has jumped up, particularly in counties with high growth of Latinas/os. A long-term concern is to help families and their children make their way to better economic sufficiency.

Fourth, this is a highly vulnerable population. Limited language abilities imply an inability to fully understand what rights and recourses might be available when one is being exploited by an unscrupulous vendor, a landlord, or even an employer. For undocumented workers, fear of deportation makes them even more likely to fall prey to unscrupulous practices.

Fifth, Latinas/os are perceiving some backlash. More than half of the respondents in both the southwest and mid-Missouri surveys report experiencing discrimination. The social changes that Missouri communities are experiencing should not be underestimated. The mood captured by the Joint Immigration Committee was one of apprehension and general unfamiliarity with what was happening in communities affected by rapid changes. Sometimes this backlash is expressed by unwelcoming remarks, like "go back to Mexico," "why can't you speak English?"; at other times more aggressively, by vandalism and physical intimidation, as shown in the hate crime statistics. Racial tensions need to be monitored carefully, so that positive forces within communities striving for harmonious coexistence can win out over hostility.

III. Policy challenges: Education, health, and housing

As community development groups discussed at the De Colores conference, growth has its greatest effect at the local level. The conference provided an opportunity for participants to share and discuss local best practices. Some of these discussions are documented on the De Colores Web site, *http://www.decolores.missouri.edu.* At another level, the state of Missouri can provide leadership through legislative and administrative action.

A. Education

Part II highlighted that Latina/o families are young with young children. According to the 2000 census, the number of Latina/o children under age 18 more than doubled during the 1990s, rising from 21,272 in 1990 to 42,630 by 2000 in Missouri.[224] In 2000, more than 18,000 Latina/o kids were enrolled in Missouri schools.[225] In 1990, 1.6 percent of Missouri's children in school were of Latina/o origin, and in 2000, this figure doubled to 3.0 percent.[226]

Enrollment pressures have followed the growth patterns described in Part I. As Bruce Jones from the University of Missouri's Consortium on Educational Policy Analysis discussed in the De Colores

conference, the most significant increases in Latina/o enrollment were experienced in Southwest Missouri and Kansas City, together accounting for 80 percent of the total increase in Latina/o enrollment during in the past decade.[227] Of these the greater Kansas City region had the largest Latina/o student increase, accounting for 37.5 percent of the change statewide.[228] The greatest impact, however, was experienced in the southwest Missouri region where Latina/o enrollment exploded sixfold.[229] Meanwhile, mid-Missouri tripled its Latina/o enrollment in this period.[230]

Changes in school population:1990-91 to 1999-2000

Area	Latina/o enrollment 1990-1991	Latina/o enrollment 1999-2000	Number change	Percent change
Southwest Missouri	429	2590	2161	603%
Mid-Missouri	259	939	686	311%
Greater Kansas City	2353	4791	2438	204%

Source: Office of Social and Economic Data Analysis, 2000 census data

Greater Kansas City's Latina/o enrollment doubled, as did enrollments in nearby Cass, Clay, Johnson, Lafayette, and Platte counties.[231] For the 2000-01 school year, seven Kansas City schools had close to majority Latina/o enrollment — Garcia (63%), McCoy (48%), Scarritt (50%), James (43%), Gladstone (41%), and Whittier (38%).[232] Northeast Middle School (33%) and Northeast High School (24%) boasted substantial Latina/o enrollment.[233] As shown in Table 4, Latina/o enrollments are stabilizing the racial mix of the Kansas City area's public school districts.

1. Challenges for elementary education

Professor Jones emphasized that statewide, it is elementary schooling that accounts for the largest share of Latina/o enrollments.[234] In Saline County, the Latina/o population under age 18 grew, while overall the population under 18 declined. In 2000, Latina/o children represent 7.1 percent of the total population in Saline under the age of 18.[235]

The Joint Interim Committee on Immigration recognized that spiked enrollments mean new challenges for teachers. Schools now encounter a new kind of student, one who has limited English proficiency (known as LEP students),[236] reflecting the fact that many children are part of a first-generation immigrant settlement pattern. Statewide, Spanish LEP enrollments now stand at 5,098 students,[237] almost doubling in five years.[238] In Kansas City *alone* there are 1,401 Spanish LEP students, or more than 25 percent of the total statewide.[239] Table 5 shows the Spanish LEP student enrollments in the hypergrowth rural counties in Missouri. The top 10 school districts outside of Kansas City with the greatest concentration Spanish LEP students are as follows:

Limited English proficiency among Spanish students

County & school districts	Total student enrollment	Number Spanish LEP students	% Spanish LEP of total enrollment
Senath S.D., Dunklin County	858	147	29.2%
Verona S.D. Lawrence County	356	89	25%
Milan S.D., Sullivan County	669	119	17.8%
Monett S.D., Barry County	1971	184	9.4%
McDonald County S.D.	3374	282	8.3%
Marshall S.D., Saline County	2581	174	6.8%
Wheaton S.D., Barry County	437	25	5.8%
Carthage S.D., Jasper County	3632	178	4.9%
Sedalia S.D., Pettis County	4260	143	3.4%
Neosho RV, Newton County	4086	112	2.7%

Source: Missouri Department of Elementary and Secondary Education Census, Missouri Dept. of Elementary and Secondary Education, Missouri School Directory, 2001-02.

From a legal perspective, the U.S. Supreme Court case of *Lau v. Nichols* established that school districts must provide an education in the language of the child's national origin.[240] In another landmark case, *Plyler v. Doe*, the Supreme Court established that school districts cannot deny an education to children of undocumented workers.[241] Under federal statute, state governments must provide "equal educational opportunities to children and youth of limited English proficiency."[242]

In addition to this legal mandate, English for Speakers of Other Languages (ESOL) and bilingual programs make sense from an educational standpoint. Guidelines of the Missouri Department of Elementary and Secondary Education concede that bilingual immersion in the early grades is the most effective means of teaching LEP students.[243] Although some believe that one- to two-year immersion programs are most effective, experts have concluded that children who are taught using at least some of their native language performed better on standardized tests than LEP students taught under complete English-only immersion.[244] Prekindergarten and grades K–2 are where children acquire basic skills they will need throughout their educational careers to follow what is happening in the classroom.[245] The importance of facilitating language comprehension early is heightened because early success is critical. First, students who are able to adapt quickly, which includes language abilities, do better in school. Second,

psychologically, experiencing early success encourages children to build habits that lead to a productive school experience.[246]

The Joint Interim Committee on Immigration recommended that English as a Second Language programs be fully funded and encouraged the recruitment of additional ESOL teachers.[247] However, the critical problem in this area has been resources. What legislators heard repeatedly at the hearings was that there was not enough money to provide these services.[248]

The federal government provides funds for bilingual education and ESOL under various programs.[249] Astonishingly, Missouri funding in 2000-2001 for ESOL and bilingual programs (not including migrant education funds) was only *$200,000*.[250] *This is an allocation of less than $20 per student for the entire school year!* The good news is that the state reports that the "*No Child Left Behind" Act*, signed by President Bush in January 8, 2002, [251] will now bring to the state an estimated $1,650,000 in funds for ESOL and bilingual programs,[252] without requiring contributions by the state. This is an opportunity for Missouri schools to build programs that can address this great need.

What kinds of considerations should the Missouri school districts take into account in administering these earmarked resources? First, the state should revisit approaches to ESOL and bilingual programs and weigh the positives and negatives.[253] Missouri's current approach is highly decentralized and leaves to school districts how much ESOL or bilingual education to provide, and how systematic their approach will be.[254] This kind of case-by-case approach may be anchored in times when most school districts had only a handful of students who were not English speakers.[255] However, as the data show, this is no longer the case. At least 10 school districts plus Kansas City schools have significant numbers of Spanish-speaking children who need the support of a more complete and integrated program of ESOL or bilingual education.

At the De Colores conference, Linda Espinosa from the Columbia campus discussed the value of bilingual education. ESOL tracks children into separate classes and provides translations of what may be going on in the classroom. Missouri state guidelines emphasize that *bilingual* education is "more effective in the long term than the most successful ESOL method." [256] Yet in rural Missouri, there is only one bilingual program. Milan School District in Sullivan County, with an 18 percent enrollment of Spanish speaking students, will start one in 2003.[257] The increase in a concentrated Spanish-speaking population justifies that the lead state agency provide clear directives and greater assistance to school districts to ensure that Spanish-speaking students have full access to an education that will ensure their integration into the American mainstream.

Second, as the Joint Interim Committee noted, ESOL trained teachers need to be added to existing staff.[258] However, this is problematic given that Missouri graduates teachers who are mostly monolingual. Moreover, this is a challenge that the state's principal network of universities, the University of Missouri system, has not yet addressed as no campus in the system provides graduating teachers the opportunity to be ESOL certified. Teacher training, outside of ESOL certification, needs to be considered as well. At the University of Missouri's De Colores conference, Mike Rohman, President of the Missouri School Board Association committed to increasing cultural awareness during teachers' in-service training.[259] Such programs could introduce "cultural awareness," that is, introducing basic knowledge about the demographics of this new group, how cultural attitudes may be distinct from prevailing norms, and best practices that can be used to approach parents and children.

Third, Latina/o parents need to be more involved in their local schools. Local parent involvement ensures greater responsiveness from educators.[260] Latinas/os in communities like Kansas City[261] and rural communities must organize to ensure that ESOL and bilingual programs are not stepchildren of the school district but are taken seriously.

Finally, research by conference participant Gerardo Lopez has shown that administrators should be willing to rethink standard approaches when dealing with this student population, which as Part II shows, are principally first-generation children whose parents may have low educational levels. Reading to their children or helping with algebra homework may not be a valid expectation that teachers and officials should hold for these parents.[262]

The conference attendees agreed that Missouri is at the beginning of a complex learning curve. Fortunately, administrators can draw insights from the best practices of schools that have had success with similar populations.[263]

2. High school

In high school education, the issue is not so much growth, because high school numbers have not grown as fast as elementary enrollments, but rather the quality of students' experience. This is reflected in three important statistics, high school dropout rate, suspensions, and students going on to college.

Bruce Jones shared with the conference attendees statistics on dropouts. At 7.4 percent, dropout rates for Latina/o students are higher than for African-Americans (6.1%), whites (4.8%), and Asian American-Pacific Islanders (3.5%).[264] Dealing with high school dropouts is a major issue for Latinas/os nationally, and this holds true in Missouri, where dropout rates are lower than the national average but still high.[265]

One part of the solution may lie in doing a better job at the elementary level where the bases are laid. At the De Colores conference workshop on bilingual and ESOL education, Linda Espinosa emphasized that solutions must be cultural and language centered. Culturally appropriate outreach to Latina/o youth and parents, for example, can help stave off high school dropouts. Intervention programs that are especially tailored have been shown to be most effective.[266]

In this respect, the lack of high school counselors and after-school programs that can connect with Latina/o youths is a major concern. In Kansas City, intervention programs that attempt to bridge the gap are sponsored by various community groups, like League of United Latin American Citizens -National Educational Service Center,[267] the Mattie Rhodes Center,[268] and the Guadalupe Center.[269] In southwest Missouri, University of Missouri Outreach and Extension sponsors the Migrant Leadership Academy.[270] These programs are "best practice" examples; nonetheless, this is an underserved need, made more critical by the adult trajectories of high school dropouts.

Second, preliminary data suggest that discretionary administrative actions, like school suspensions, should be monitored. It is necessary and reasonable for school administrators to take extreme actions when students disrupt or endanger school communities. However, suspensions are discretionary and in some cases may reflect unconscious bias when administrators exhibit less patience or take a more punitive approach with minority students than with white students. In 1997 the *Springfield News-Leader* reported that parents of minority students, particularly African-American parents, felt administrators were unresponsive to complaints of racism in public schools.[271] Data collected in the Springfield school district show that African-American children are twice as likely as white children to suffer suspension, and Latina/o children are 50 percent more likely to be suspended than whites.

Do suspension rates reflect a racial bias?

	Percent in-school suspensions			Percent out-of-school suspensions		
	1997-1998	1998-1999	1999-2000	1997-1998	1998-1999	1999-2000
White	20.21	20.96	21.38	13.57	13.32	12.49
Black	43.7	46.96	47.99	36.22	30.36	31.87
Latina/o	32.94	41.03	33.33	23.53	25.64	26.97

Source: Springfield Public Schools, Office of Research and Assessment (Aug. 2003).

Further statewide analysis seems warranted to determine whether minority children are being affected by stereotypes. In this area, communication with local parent organizations that include Latina/o and African-American parents might be helpful to parents (how best to guide their children) as well as educators (how might stereotypes be affecting their suspension decisions).

3. College education

Access to university education is another key issue. Bruce Jones reported that in Missouri, Latina/o students are less likely than whites or African-Americans to attend a four-year college.[272] Nationally, 35 percent of Latinas/os enroll in college programs (compared to 46% of white students), but are failing to obtain their degrees.[273]

Research shows that Latinas/os hold high aspirations regarding education; parents want their children to do well in school and graduate from college.[274] There may be high aspirations, but first-generation immigrant parents and children may not be able to make them a reality. One impediment, as shown by a recent study, is that Latinas/os are less knowledgeable than whites about what is required to coach their children so that they can successfully enter a university.[275] Latina/o youths, particularly those from first-generation immigrant stock, are also more likely to work part time, which often results in their not being able to complete a degree.[276]

Another barrier is legal. As reported in congressional findings on Senate Bill 1291, known as the DREAM bill, [277] approximately 70,000 graduating high school children[278] were brought to the United States without documentation by their parents. Requiring Social Security numbers for financial assistance is one way in which federal law currently provides economic disincentives to states providing basic economic support, like in-state tuition benefits, to such students.[279] Without financial assistance, these children can not afford a university education. DREAM bill sponsors Senator Orrin Hatch and Dick Durbin argue that there is a moral obligation to remove legal barriers to higher education. They point that these children who have mostly grown up in the United States, have done well in school and identify with the United States.[280] The sponsors conclude that these youth should have access to the American dream. At the state level, Texas Representative Rick Noriega explains, "[t]hese students were brought here by their parents. They have lived here most of their lives and consider themselves Texans. They intend to stay here and will become citizens at the first opportunity."[281] Texas was the first state to enact legislation that grants access to state financial benefits for a University education for children who attended school in Texas for at least three years and graduated from high school or received a GED.[282] California has recently enacted a similar law.[283] Missouri could follow this lead and also consider a Dream bill.

4. Adult education

De Colores 2002 began to discuss adult literacy, which according to the University of Missouri Extension and Outreach faculty, is the major issue for Latina/o adults in Missouri.[284] Lack of English literacy

affects many aspects of life from employment, job security, and civic involvement to parenting. Recognizing this, Latina/o adults are anxious to learn English. In the Missouri surveys, Latina/o adults cite learning English as the most important need they have for being able to succeed in Missouri.[285] As well, Missourians expect that newcomers be able to communicate in English. Missouri's state policy is that "English is the common language in Missouri and … fluency in English is necessary for full integration into our common American culture for reading readiness."[286] This should be a win-win situation. Newcomers want to learn English and Missouri voters believe that English is necessary for integration into the state.

Yet there is a gap. More people want to learn English than there are opportunities to learn the language.[287] At the De Colores conference, the ALIANZAS program unveiled a cooperative venture with the Mexican government, EDUSTAT, under which long distance education will be made available to Mexican nationals so that they can complete their high school diplomas. ALIANZAS believes that this is a key steppingstone for adult English literacy. Better-educated adults, whether Spanish or English educated, are in a better position to learn a second or third language. This is particularly important in rural areas, where there are high proportions of mestizo and indigenous populations. These immigrants have low educational levels, may lack educational grounding in Spanish, and usually do not speak Spanish very well.

In Missouri, adult literacy programs are administered by the same state agency that is in charge of elementary and secondary school education.[288] Federal grants fund local groups that promote literacy and English speaking skills.[289] These federal programs are voluntary, [290] and it is up to states to participate and design them. The Missouri state agency's approach is highly decentralized and nonsystemic.[291] In part this is a practical solution. In adult education there are no equivalents to school districts. Providers are independent organizations that run the gamut from a local jail to the local church that has organized a nonprofit that provides literacy classes.[292] "Adult literacy" includes a wide range of programs from GED courses (high school equivalency), citizenship classes for those seeking to become U.S. citizens, computer education, and ESOL programs.[293] All of these programs compete on an equal basis for adult education dollars.[294] The state agency provides program guidelines, [295] and tests to assess relative success.[296]

There are positives to such a highly voluntary and decentralized approach. Foremost, the state is not responsible for providing an infrastructure that supports these programs.[297] Organizations that are awarded grants use their own church buildings, spare rooms in the jailhouse, and classrooms in the community colleges. In addition, this grass roots approach might guarantee that what is being provided is attuned to local needs.

However, the downside is that there is no systematic approach to needs that may have already have been identified. Under this system, the state must wait for small local organizations to take on the responsibilities for training and education. In this case, lack of focus means that the task of helping newcomers acquire English speaking skills is an ad hoc process. Arguably this is too important an issue to be left to an ad hoc approach. Studies show that the most important single factor in ensuring smooth integration is that new immigrants learn English quickly.[298]

Tellingly, the current Adult Education and Literacy State Plan is based on *1990 census data,* [299] indicating that it does not yet reflect current trends. In 2001, there were 12,395 adult ESOL students enrolled statewide, making up 21 percent of the total adult education and literacy enrollment statewide.[300] By comparison, ESOL programs nationally eat up 50% of the funds under adult education.[301] In 2001, Missouri expended through grant funding $464,500 for basic adult ESOL classes statewide in programs located in 12 different areas of the state — Bonne Terre ($27,000), Carthage ($28,000), Crowder College ($29,400), Della Lamb ($45, 700), Jefferson City ($35,400), Kirksville ($18,000), Parkway ($37,000), Sedalia ($56,000), Springfield ($37,800), St. Joseph ($70,000), St. Louis ($40,200), and Waynesville ($40,000).[302] These allocations do not track closely distributions of Latinas/os; for example, St. Joseph, where only 1 percent of the state's Latinas/os reside ate up 15 percent of the ESOL grant funding. Success rates for ESL programs, which range from citizenship classes and basic language classes, come in at about half the success rate of Adult Basic Education, where the aim is literacy and completion of a high school degree. In 2001, Adult Basic Education success rate was 31 percent, while success rate for adult ESOL programs was 18 percent.[303] This statistic suggests that Missouri ESL programs may not be tailored to appeal to the target population.

Missouri also does not monitor ESOL programs by function. These programs are wide ranging, running from citizenship classes to learning basic English with grammar, learning sufficient English without grammar designed to cope, language instruction combining cultural learning, and basic reading and writing in Spanish so that adults can better learn English. The latter is being cosponsored by the ALIANZAS program under the premise that English literacy can be advanced when adults gain literacy skills in their own language.

The lack of statewide systematic efforts appears to be hurting rural hypergrowth counties, which arguably have the most need. In Noel, Monett, Southwest City, Aurora, Sedalia, Senath, Carthage, and

Milan, where according to the southwest Missouri survey, a great many Latinas/os need language skills,[304] ESOL programs are provided mainly by small local community groups, like churches and multicultural centers, or at the high end, by community colleges where enrollments are small and academically oriented, typically including grammar approaches. Neither of these approaches may be attuned to the educational shortcomings of the local non-English-speaking population, which may not have the education (or motivation) to understand grammar and may be underserved by volunteers working out of church and multicultural centers.[305]

Given the importance of English fluency, there is a strong case to be made that the state should evaluate its adult education efforts. Designing a statewide plan that includes established programs yet reaches into hypergrowth communities should be a priority to make true the state's promise that "English … fluency … is necessary for full integration into our common American culture for reading readiness." [306]

B. Health

Following a national trend, Missouri surveys indicate that a high proportion of Latinas/os in Missouri do not have health insurance. According to the southwest Missouri survey, about 62 percent reported that they had no health insurance.[307] When this group was asked what was their most pressing economic problem, over half cited medical care.[308] Because of the demographics of this population, many of the uninsured are children.

This is part of a general problem that is more serious in rural areas than in urban centers. Overall, 39 million Americans do not have health insurance.[309] In the United States, unfortunately, holding a job is not a guarantee of health care. The employment agreement is a private contract not subject to regulation by state and federal law. This is why health insurance is optional for U.S. workers; the employer can elect to provide health care, price it as he wishes, or restrict its conditions. For example, Tyson's in Sedalia provides health care coverage only after an employee has worked at the plant for 60 days.[310] During the transitional period, families working for Tyson's have *no* health care coverage.

Another factor is the significant proportion of Latinas/os who are undocumented workers. These workers may hold a job that provides health care, but because their documentation is irregular, fear of being detained by hospital officials who ask for identification may deter those seeking service, even if it is free.[311] Even if workers are entitled to coverage, their families may not have access because workers are using false documentation that does not match family members' names.[312] To encourage the use of free public health services and social services, the Joint Interim Committee on Immigration recommended that Missouri health clinics and public hospitals not request identification of any kind.[313]

Arguably new Latina/o immigrants should be using health services at higher rates than most Missourians. First, Latina/o families are more likely to have young children at home. Kids need vaccines, and get sick more frequently than adults. Second, immigration is stressful. Being away from family, friends, and loved ones can lead to geographic and social isolation, particularly in rural areas.[314] More important, social networks that could have rendered assistance are not available.[315] As well, limited English language proficiency creates stress at the job and in everyday social interactions.[316] Third, the kinds of jobs immigrants are likely to hold exposes them to acute occupational risks; for example, farm workers have high exposures to pesticides, and meatpacking workers are employed in the industry with the highest frequency of occupational injuries. Finally, the struggle for basic needs and the lack of economic security that is the reality for many Latina/o immigrants is a major predictor of poor health.[317]

Data reflect that demand for health services has jumped up. In testimony before the Joint Interim Committee on Immigration, it was reported that in Warrensburg, Missouri, the demand for immigrant health care increased by 67 percent between 1997 and 1998. In Pettis County, the number of health department contacts with Latino clients jumped from 96 to 422 between 1998 and 1999.[318]

The gap between supply and demand is being bridged by the efforts of public and private nonprofit health clinics. Milan has the TriCounty Health Clinic;[319] Dunklin has created Southeast Missouri Health Care; [320] Sedalia operates the Sedalia Community Free clinic;[321] and St. Louis *La Clinica*.[322] According to mid-Missouri survey data,[323] use of free health clinics varies from a low of 25 percent to a high of almost 90 percent:

Use of free health clinics in mid-Missouri

	Sedalia	California	Jefferson City	Marshall
Used health clinic in the past year	25.0%	58.1%	48.0%	87.3%

Services are also provided by local emergency rooms. Federal law requires that hospitals and ambulance services provide life-sustaining emergency care free of cost to any person, whether they are a legal resident or not, in "life threatening" situations.[324] From one-fifth to three-fifths of respondents in the mid-Missouri survey reported that they accessed health care in this way:

Use of free emergency health care in mid-Missouri

	Sedalia	California	Jefferson City	Marshall
Used emergency room during the past year	22.2%	19.4%	38.4%	27.3%

Funding heath care through emergency rooms is an expensive way to provide it. Moreover, it is also costly to local hospitals. Theoretically such costs are reimbursed to the states under federal programs.[325] Survey data from the National Association of Counties indicates that state hospitals are increasingly experiencing deficits because they are servicing immigrants who have no health insurance.[326]

Another aggravating factor is the shortage of private health care professionals who are willing to accept Medicaid (low income) patients. Sixty low-income Missouri counties have critical shortages of health care professionals who participate in Medicaid. Statewide, 20 percent of Missouri doctors do not take Medicaid patients, and among those who do, two-thirds limit their practice to less than 50 patients annually. According to William Chignoli, founder of *La Clinica*, this critical shortage is being driven by Missouri's low reimbursement rates, a payment formula that ranks fortieth among the 50 states, and which, according to doctors, is insufficient to cover expenses.[327]

This patchwork of services means that many families and children go without needed health care. How serious is the shortfall and how many children are being affected cannot be readily determined. The Missouri Department of Health Services is only now beginning to compile data based on ethnicity.[328] Nevertheless, health care gaps are serious, with perhaps some instances of deaths.[329] Why? Free clinics do not cover all areas of the state. Those who need care may not know that services are free and are not linked to immigration status with the Immigration and Naturalization Service. As well, this patchwork system is frail. Not all of the clinics servicing Latinas/os in Missouri are federally or state funded,[330] and state monies for public health care are under siege in the current era of budget cutbacks. These clinics function because of the good auspices of volunteers, and the stout hearts of their founders. When a key founder or volunteer gets sick, a clinic can close down.

The more solvable issues are educational and informational gaps. In this regard, the Joint Interim Committee on Immigration recommended an information clearinghouse be established to disseminate information about what services were available.[331] From this came HB 1306,[332] creating the Missouri Multicultural Center and Program, which is to serve as an "all-purpose, all-encompassing" resource for local political subdivisions and government agencies ... [that is, to be a] … communications link to direct persons to where materials are available, the resource opportunities and informational sites that may be of assistance."[333] A more controversial proposal is the committee's recommendation that the availability of tax credits and grants to industries locating in Missouri be conditioned on the availability and quality of employee health insurance that such employers provide.[334]

At the 2002 *Cambio de Colores* conference, two additional themes were sounded out, language and cultural barriers.[335] The Missouri surveys revealed that in certain areas of Missouri more than half of incoming Latinas/os do not feel comfortable expressing themselves in English.[336] Research also suggests that even among second- and third-generation Latinas/os, language and communication problems deter this population from seeking health care.[337] Recently issued federal regulations now require that recipients of federal funds, such as hospitals and doctors who accept MEDICARE and MEDICAID, provide *meaningful access* to services to persons with limited English proficiency (LEP).[338] Providers have some flexibility in determining how much translation services they must provide.[339] Statewide, adjustment by health providers to these legal requirements, which according to the Department of Justice, is not a *new* requirement but reaffirms court interpretations of what is national origin discrimination, is still ongoing. Because medical providers may still be adjusting to these requirements, availability of translation services will not be uniform for the short term. Gaps need to be monitored by community groups and reported to the Office of Civil Rights in Kansas City to encourage compliance. Health providers should revisit existing practices. For example, a reported practice in Missouri's small cities and rural areas is that family members mostly provide translation services. Often the translator is a child, since in immigrant families children usually have the best language skills. Children translators are now discouraged by the federal policy guidelines.[340] As recognized by the regulations, child translators inhibit communication and at times encourage miscommunication.[341] The task also has the potential of harming children emotionally.[342]

Lack of language proficiency, as the Department of Justice regulations note, has important implications. From the preventative perspective, language limitations inhibit clients from seeking health care services, particularly those they may consider optional, like preventative health services (vaccines, prenatal care, checkups) or educational services (information about preventing HIV, teen pregnancy, parenting).[343] Language barriers will also make it less likely that the client knows what kinds of services are available in the community. From the treatment perspective, language barriers make it more difficult to diagnose patients who

cannot accurately describe symptoms to their doctors.[344]

Cultural differences have an impact on health care as well. From the treatment perspective, research has now shown that cultural customs affect how patients express their symptoms. For example, a middle class white American may be quite vocal and expressive about physical pain, while an immigrant from rural Mexico may be more reticent and veiled in describing the same symptom.[345] This is also a group that underuses mental health services.[346]

Culture, country of origin, and class background differences affect outreach. Immigrating Latina/o adults are likely to retain the same behaviors and attitudes toward health care that they have learned in their country of origin. According to research, in rural in Mexico formal health services, like HMOs and health insurance, are rare. Most rural Mexicans access health care through clinics, such as the handful that are functioning in some Missouri rural communities. Nelly Salgado de Snyder's ethnographic research suggests that Latinas/os go about solving their health problems communally.[347] When a rural Mexican villager experiences physical and mental problems, he or she validates the symptoms (Yes, you are sick) and the severity (Sick enough to incur the cost of consulting a medical professional) by consulting family members and community members.[348] Thus, perceptions of what constitutes a health problem are dependent on local knowledge.[349]

Accordingly, health outreach must accord with what community and families understand to be health problems, and should be structured so that interventions not only are geared to the individual client but also engender trust by the local community and have lasting educational effect. Efforts to adopt strategies that take into account language barriers and cultural diversity have been the most successful in communicating what is available in the community and providing preventative health care. For example, Boone County's public health program, Doorways to Health *(Puertas a la Salud)* uses bilingual and Latina/o (and therefore bicultural) volunteers to make home visits to offer prenatal advice. Several Latina/o multicultural centers house state-funded bilingual social workers who, because of their very location within the community center, can build trust that allows them to make credible referrals and counseling.[350]

The men and women who dedicate their lives to charity health work attest to the humanitarian spirit of Missourians. Nevertheless, as the Joint Committee found, trying to cope at a local level with such vast needs is stretching local communities to the limit.[351] And the system is frail. That this issue is linked to Latina/o immigration reflects that many families, although two parent and working full time, are living at the edge of poverty. Further funding at the federal and state level will most certainly be required so that all Missouri families can enjoy basic health care. Outreach efforts to Latinas/os will require an even more preliminary step — keeping data on language ability and ethnic origin so that gaps can better be identified. In a nutshell, addressing issues in Latina/o health care is still in nascent stages.

C. Housing

In focus group discussions statewide, housing ranks as a major issue for local Latina/o communities. The issues affecting the Latina/o community are (1) the lack of affordable housing, (2) possible discrimination, and (3) predatory consumer practices.

1. Lack of affordable housing

Lack of affordable housing affects all Americans, not just Latinas/os. Nationally, an estimated at 21 million households are affected by the shortage of affordable housing, [352] even though federal and state tax credits have attempted to encourage supply. Missouri law does not require local developers to provide affordable housing in new construction.[353] Without direct government intervention, markets, encouraged by tax credits, must take care of this need. But as is often the case with lower-priced goods, individual market actors may not find it sufficiently attractive, even with tax subsidies, to provide them if the markets for products with higher profit margins, like more expensive housing, remain healthy.

The shortage of affordable housing is most acute in small rural communities experiencing hypergrowth, including but not limited to, California,[354] Milan, [355] Noel,[356] Senath,[357] and Sedalia.[358] These are fundamentally small communities. With the influx of a large Latina/o community, the housing stock, particularly rental properties, priced within the reach of workers paid $7 to $9 per hour has not kept up. Some plants, like Tyson Foods and Premium Standard Farms, have policies in place whereby they help workers make the transition to their new locations, paying stipends of up to $500 for transitional housing.[359] However, what employers are providing is still not sufficient to meet the shortages. Problems are most acute at the front end of a worker's relocation. In Milan, for example, the amount of cash a relocated worker needs to rent an apartment might be as much as $1500, which includes a deposit plus upfront rent.[360] In the mid-Missouri surveys, Latinas/os frequently reported that they encountered difficulties in housing when they first relocated to Missouri:[361]

Diffiulty in obtaining housing in mid-Missouri

Survey question	California	Jefferson City	Marshall
Did you encounter difficulties in housing when you first moved to this community?	22.6%	24.4%	49.1%

Large shortfalls in supply provide opportunities for gouging. There have been reports of landlords charging predatory rents and rents on a per head basis. Families in Senath are living in shantytowns and trailer parks not properly permitted.[362] Shortfalls also mean that workers and their families have to settle for shabby, unsafe, or inadequate housing. In California, Missouri, two years ago a fire in an apartment building killed five small children and their 35-year-old father. The culprit was faulty wiring in a wood frame rented house.[363] The tragedy raised questions as to the hazardous conditions of rented housing, as well as the willingness of the community to respond to the Latina/o families who did not speak English well.[364]

2. Ongoing discrimination

Federal civil rights laws prohibit housing discrimination on the basis of race, ethnicity, and national origin.[365] Nevertheless, researchers continue to uncover discrimination. A recent study in Greater Boston found that Latinas/os who had a Spanish accent were twice as likely to experience discrimination as speakers with no accent.[366] They were also charged higher rents.[367]

The Kansas City Regional Office of Housing and Urban Development (HUD) reports that in Missouri for the one-year period ending August 1, 2002, only 10 complaints were filed by Latinas/os, as compared with 170 filed by African-Americans, 6 by Asian-Americans, and 14 by whites.[368]

The number of complaints filed by Latinos is comparable to the number of complaints filed by whites. Does this indicate that Latinas/os suffer discrimination on a par with white renters and homebuyers? The answer is probably not. First, if lack of immigration documentation is an issue, the renter or home purchaser may be afraid to push complaints for fear that if they go to the governmental office they will be asked for identity documentation.[369] Second, cultural factors may affect whether Latinos view filing a complaint with HUD as a practical remedy for the harm they have suffered. Most Latin American countries do not have the equivalent of HUD or have a legal tradition in which civil rights are enforced, so they may not be aware of their civil rights. Moreover, from a practical perspective, filing a complaint rarely leads to a remedy recoverable by the complainant. The agency makes its own determination whether to proceed with a full-fledged investigation and then evaluates whether litigation is necessary. Accordingly, Latinas/os may be making a rational calculus that going through a complaint process does not solve their immediate problem of finding housing for their families.

Another factor is that Latinas/os may not be aware that they have been discriminated against. The Boston HUD study shows that the type of discrimination that Latinas/os suffer is difficult to uncover on an individual basis. In controlled tests, testers with an identifiable Spanish accent and those with no accent inquired about the same rental properties within short periods of time. Only then were testers able to determine that clients with Spanish accents were lied to about the availability of housing, denied access to view apartments, and subjected to more strenuous terms and conditions, such as being charged higher rents, security deposits, and application fees.[370]

3. Vulnerability to predatory practices

Latina/o families strive for home ownership in Missouri, reflecting that many have bought into the American dream and view themselves as long-term Missouri residents. Nationally, the homeownership rate for Latinas/os at 42 percent lags behind the average for whites at 73 percent.[371]

Research increasingly shows that Latinas/os are a vulnerable group to fraudulent practices. For example, the Kansas City HUD office received a complaint from a Latina/o family who signed multiple sets of closing documents, only to discover later that the interest rates that they were being charged were much higher than what they had been told initially.[372] This family was not fluent in English and no one at the closing spoke Spanish. This is not an isolated example. A mortgage broker who has provided more than 400 mortgage loans to Latina/o clients in the state of California is being prosecuted for fraud. One of the reported complaints from a client who defaulted on her mortgage and lost her deposit was that her mortgage payment was *greater than her total monthly income*. The broker had falsified financial information, as he had for others. The client, who did not speak English, complained "we didn't understand a thing." The accused broker did not speak Spanish.[373]

A national report compiled by the Center for Community Change[374] provides additional indications that Latinos in Missouri are vulnerable to predatory lenders. For example, Latinas/os in Kansas City were almost twice as likely as whites to be charged a subprime loan rate when they refinanced home equity; 40 percent of home equity refinance loans issued to Latina/o clients in Kansas City are priced at subprime rates.[375] Overall, Kansas City ranks twenty-fifth out of 98 standard metropolitan areas as cities where Latinos are more likely to get subprime loans.[376] Yet, according to data from Fannie Mae, 25 percent to 50 percent of such borrowers could have qualified for conventional loans at lower interest.[377]

Vulnerability to predatory practices is caused by lack of information and bylanguage barriers, as the example of the family who went through a closing without understanding anything spoken. HUD and the National Council of La Raza have sponsored outreach programs to bridge the information gap by providing educational materials written in Spanish, making

bilingual mortgage counselors available, and conducting homeownership seminars in Spanish and English.[378] Sixteen states during the 2001 legislative session took active stances against predatory lending and enacted legislation substantively limiting the terms of loans, for example, restricting balloon payments or limiting the kinds of loans that a lender may issue; regulating self-dealing practices of mortgage brokers, for example, prohibiting kickback practices by individual mortgage brokers; and requiring more complete loan disclosure.[379]

IV. Latinas/os and civil rights

Clearly law does not hold all of the solutions for the issues that Latinas/os are facing as they make their homes in Missouri. In many areas, law provides only guidelines. In other areas, law sets forth minimum standards of conduct that the states must abide by to avoid being in violation of civil rights. Parts IV.A and IV.B discuss two areas where practices in the state of Missouri may constitute potential civil rights violations, access to drivers licenses and translation services for persons with limited English proficiency. The Joint Interim Committee on Immigration recognized that law enforcement was being challenged by Latina/o immigration, mainly because of cultural and language barriers.[380] As discussed in Part IV.C, the cultural and language gap may be captured in racial profiling statistics reported by the Missouri Attorney General.

The civil rights issues affecting Latinas/os in Missouri are complex. The lurking issue is that a significant proportion of Latinas/os may not hold proper immigration documentation. Not having regularized immigration papers affects the legal status of Latina/o immigrants, as many legal rights are granted only to those who have legal citizenship and denied to settled noncitizen immigrants who may nonetheless be contributing to local communities. At the 2002 De Colores conference, discussants Suzanne Gladney from Western Missouri Legal Services and Maria Lopez from University of Missouri-Columbia Law School discussed the ways in which the lack of proper immigration documentation affect the everyday lives of undocumented workers. They range from the ever-present fear of deportation, inability to get a drivers or marriage license, reduced access to health services, and an inordinate fear of law enforcement even in instances where it would be helpful, such as in cases of domestic violence. Yet, the Latina/o immigrant community, as reported in Part II, see in Missouri opportunities not available where they came from and want to become good citizens and good neighbors. This is not the profile of a law-breaking community. Rather this *should be* the profile of a law-abiding community that should enjoy good relations with local law enforcement. It is the immigrant status issue in a post-9/11 environment that increasingly makes the relationship with law enforcement a difficult one. This is an area in which timely education interventions in *both* communities — Latina/o immigrant enclaves and law enforcement — would have positive effects.

A. Driver's licenses: An important civil right

As reported by Latinas/os in the southwest Missouri survey, Latinas/os experience great difficulty in being able to get a driver's license.[381] The southwest Missouri survey asked respondents an open-ended question, What is the hardest thing for you do in this community? The number-one response, cited twice as often as the next most frequent response was getting a driver's license (40%).

Part of the barrier is legal. In Missouri an applicant for a driver's license must provide only "full name, *Social Security number*, age, height, weight, color of eyes, sex, residence, mailing address of the applicant." [382]

By making a Social Security card a primary document that an applicant must provide to obtain a driver's license, Missouri prevents a wide group of noncitizens from driving lawfully. These include noncitizens legally in the United States who are not authorized to work but who are Missouri residents, such as foreign students who have a valid visa, and noncitizens who are in the process of applying for legal status and are not yet eligible to work in the United States.[383] It also includes undocumented workers who work and have made their homes in Missouri.

In rural Missouri there is no public transportation. There people must drive, whether they have a license or not, to buy groceries, go to work, pick up their kids from school, and go to worship. Kansas City and St. Louis have some of the longest commuting distances in the country. Public transportation networks do not necessarily cover the entire metro areas, particularly in the case in Kansas City and St. Louis, where the metropolitan areas cover several counties and states. Hours of service are limited. Persons who work third shifts are getting off of work when the system has stopped running. For this and many other reasons, many Latinas/os appear to be driving without a license.

Driving without a license is a violation of the law. This means that law enforcement should be arresting proportionally more Latinas/os for driving violations. Data indicate that this is the case, particularly in rural Missouri; as well, community workers confirm that law breaking among Latinas/os in rural Missouri mostly takes the form of vehicle-related infractions.[384] A review of the jail report for McDonald County for June 2002, not representative but nonetheless suggestive, shows that Latinas/os were arrested *five times* more frequently than is proportionate to their population, and over *one-third* of the arrests involved driving violations.[385]

The lack of access to driver's licenses is having unintended consequences that may have negative long-term effects in Missouri's small rural communities. First, as Latinas/os increasingly break the law by driving without a license, conflict between Latina/o communities and law enforcement becomes part of a community context. Law enforcement officers report that the majority of their contact with Latino communities is through driving violations.[386] Individual law enforcement officers may reinforce their own unconscious negative stereotypes of Latinas/os as lawbreakers as they make empirical observations that Latinas/os are more likely to break motor vehicle laws. Once reinforced, stereotypes become difficult to dislodge. It becomes more difficult to discern if unconscious stereotyping is at work in the high racial profiling statistics discussed in Part IV.C below, or whether these are proper actions monitoring a higher level of driving violations.

Second, a person who does not have a license to drive is also not being educated as to what he or she needs to do to drive properly. Further, a person without a license cannot purchase insurance. Yet, arguably, Latinas/os are a population that is in *greater need* of public education on issues such as driving. As discussed in Part II, most of the Latina/o immigrants who have settled in rural Missouri are first-generation immigrants — most work in meatpacking and farm work; most have only a basic education; and many come from rural areas in Mexico and other Latin America countries.[387] In rural Latin America, driving without a license may not necessarily result in trouble with local police, because lack of resources means that enforcement of traffic laws is not a high priority. Immigrant adults who have learned to drive under one set of rules may have trouble adjusting to Missouri's driving rules. If this group is being dissuaded from seeking a driver's license, they are not getting the driver's education that they need to make Missouri roads safe for everyone.

B. Language barriers: "Meaningful access for LEP persons"

As discussed in Part III.B, recently issued federal regulations require all recipients of federal financial assistance to provide *meaningful access* to services to persons with limited English proficiency (LEP) or non-English-speaking clients.[388] This applies to state driver's license bureaus and law enforcement agencies that receive federal funds.[389] As well, the findings of the Joint Interim Committee on Immigration in 1999 viewed language needs as a key problem for local law enforcement.[390]

Table 6 shows the results of a telephone survey of law enforcement jurisdictions in hypergrowth rural counties.[391] The results show that the lack of Spanish language translation services in rural Missouri remain a huge unmet need. Many police departments have no translators on hand, or use persons that are not trained to provide such services. Providing translation services at such a low level could well be in violation of the LEP regulations. What services must be provided are the result of a four-factor assessment, which includes the number of persons to be served, frequency with which they come into contact with the program, the importance of the program, and resources available.[392] Factors that weigh in favor of more translation services include (i) whether there is a significant number of LEP persons in rural hypergrowth areas, and (ii) the importance of translations in arrest situations is high. Countervailing factors include availability of resources and the number of overall contacts between the LEP community and law enforcement agencies. In sum, this is a case-by-case analysis that requires law enforcement in rural hypergrowth Missouri counties to reassess whether provided translation services do in fact comply with federal guidelines and community needs.

Nevertheless, the survey results in Table 6 indicate that even under the flexible approach of the federal regulations, many Missouri law enforcement agencies may not be meeting their translation obligations to LEP persons. This shortfall is problematic because it underscores what police departments have been reporting anecdotally, in legislative testimony and formal surveys — that language barriers are a major impediment to serving *and* policing Latina/o immigrant communities. This is an area that requires attention in the near future.

C. Racial profiling

In 2000, Missouri became the fourth state in the nation to pass legislation on racial profiling.[393] The informational aspect of the statute requires the more than 600 law enforcement agencies in Missouri keep records on each traffic stop,[394] by among other things, the race and ethnicity of the detainee.[395] The Missouri Attorney General calculates a "disparity index," which gauges the likelihood that drivers of a given race or ethnic group will be stopped based on their proportion of the residential population age 16 and older, and not of the population of motorists on the state's streets, roads, and highways.[396] It is obtained by dividing the proportion of stops in comparison to the proportion represented by the driving age minority group in the local population.[397] A value of one represents no disparity; values greater than one indicate overrepresentation in traffic stops.[398] The reports also calculate a search rate, which represents what percentage of stops resulted in searches.[399]

Statewide data indicate that African-Americans had a disparity index of 1.27 and 1.33, [400] respectively, for 2000 and 2001; meaning that, African-Americans

were about one-third more likely to be stopped as the rest of the population. By comparison, the Latina/o statewide disparity index in 2000 and 2001 was 0.98 and 0.96, respectively.[401] This meant that their likelihood of being stopped was slightly *lower* than that for the rest of population. On the other hand, in 2000 Latinas/os had the highest search rates (12.54%), compared with 11.47 percent for African-Americans and 6.43 percent for whites. A Latina/o driver in Missouri was almost twice as likely as a white driver to have a vehicular stop result in a search.

Table 7 compiles Latina/o "hot spot" racial profiling jurisdictions. These were selected from 600 law enforcement agencies based on two criteria: first, the stop disparity index must have been over 1.00 for 2000 and 2001 to ensure that this was not a problem of just one year; and second, stops in that jurisdiction must have been greater than 10 to eliminate outliers based on a small sample size. Disaggregated data show that in hypergrowth rural areas, Latinas/os are being stopped at very high rates. "Driving while brown" in these jurisdictions means Latinas/os anywhere from 12 percent to 1250 percent more likely to be pulled over than the general population.[402] By comparison, the two largest law enforcement agencies in Missouri, Kansas City and St. Louis City police departments, reported stop disparity indices for Latinas/os significantly below 1.0; that is, in these urban areas Latinas/os were significantly *less likely* than whites to be stopped on the road.[403]

Forty percent of the law enforcement agencies on the hot spot list are in southwest Missouri. It is also southwest Missouri that has been the most affected by the transformation of rural towns by meatpacking *agromaquilas*. "Driving while brown" in southwest Missouri nets Latino drivers a 12 percent (Aurora Police Department in Lawrence County) to 1,443 percent (Goodman Police Department in McDonald County) greater likelihood of being stopped than other persons in the community.

Racial profiling in southwest Missouri law enforcement

Law enforcement agency	Total pop. +16	% Latina/o	County % growth of Latinas/os 1990-00	2001 index (no. stops)	2001 search rate
Aurora P.D. (Lawrence County)	5,292	2.1%	369%	1.12 (25)	8.0
Barry County Sheriff	26,132	4.2%	1027.0%	2.23 (34)	17.65
Carl Junction P.D., (Jasper County)	3,880	1%	584%	1.56 (41)	12.20
Carterville P.D., (Jasper County)	1,383	0.7%	584%	4.7 (79)	24.05
Carthage P.D. (Jasper County)	9,829	11.2%	584%	1.18 (299)	12.71
Diamond P.D. (Newton County)	607	0.8%	225%	12.67 (131)	16.79
Goodman P.D. (McDonald County)	877	0.6%	2106%	14.43 (79)	12.66
Jasper P.D.	755	2%	583%	1.15 (6)	0
McDonald County Sheriff	15,422	8%	2106%	1.82 *	7.69*
Monett P.D. (Barry county)	5,650	10%	650%	1.43 (146)	0
Neosho P.D. (Newton county)	8,048	3.5%	225%	1.48 (202)	8.42
Newton County Sheriffs	40,360	1.8%	225%	2.39 (29)	17.24
Noel P.D. (McDonald County)	1,120	32.9%	2106%	1.31 (352)	6.82
Pierce City P.D. (Lawrence County)	1063	0.9%	369%	3.29 (18)	0
Pineville P.D. (McDonald County)	584	0.7%	2106%	10.23 (90)	13.33
Sarcoxie P.D. (Jasper County)	1,037	0.8%	583.36%	2.54 (10)	20.0

* 2000 reported number

These data point to a difficult situation. The 16 law enforcement agencies in Table 6 are geographically crowded into a rural five-county corner of Missouri where jurisdictions overlap or are contiguous. Yet the townships are small in population. Even if a Latina/o population is large proportionately, the small numbers point to a high degree of law enforcement intervention in the everyday lives of Latinos. For example, Noel, a township of around 1,000 persons, reports 352 stops of Latinas/os in 2001. Is every Latina/o over the age of 16 being stopped, or does every Latina/o in Noel either get stopped or know someone who has been stopped? Whatever the answer, this statistic is showing law enforcement that is so hyperactive that it is affecting those who deserve to be monitored as well as those who are just trying to go about their business.

Southwest Missouri agencies also report very high search rates. For example, the 24 percent search rate reported by the Carterville Police Department in Jasper County means that approximately one in four stops turned into a search of the vehicle, with questioning, and often a physical "stop and frisk" of the driver.

Mid-Missouri is also represented on the "hot spot" list:

Racial profiling hot spots in mid-Missouri

Law enforcement agency	Total pop. +16	% Latina/o	% growth of Latinas/os in county 1990-00	2001 INDEX (no. stops)	2001 Search rate
Crocker P.D.	770	0.5%		6.61 (16)	6.25
Lexington P.D.	3,478	2%	76.3%	1.44 (29)	20.69
Marshall P.D.	9,720	5.9%	436%	1.26 (63)	6.35
Pettis County Sheriffs	30,218	3.3%	753%	2.24 (88)	32.95
Phelps County Sheriffs	31,541	1.1%	60.1%	7.65 (53)	47.17
Saline County Sheriffs	18,711	3.7%	436%	1.85 (11)	54.55
Trenton P.D.	4,991	1.5%		1.39 (15)	6.67

Pettis, Crocker, and Phelps County Sheriffs Departments are stopping Latina/o drivers two to eight times more frequently than their representation in the population. Stops by sheriffs or deputies are frequently evolving into searches — about one in three in Pettis, and one in two stops in Saline and Phelps Counties.

In southeast Missouri, two law enforcement agencies from Dunklin County made the hot spot list. The Kennett Police Department, which covers a smaller jurisdiction than the Dunklin County sheriff,[404] has three times as many stops. Kennett, which is 12 percent African-American and Latina/o, reported the most traffic stops of any Dunklin County jurisdiction, a total of 1,198, which included 989 whites, 163 African-Americans, and 38 Latinas/os. Kennett could be a "hot spot" for almost anyone driving through this jurisdiction.

Racial profiling hot spots in southeast Missouri

Law enforcement agency	Total pop. +16	% Latina/o	% growth of Latinas/os in county 1990-00	2001 index (no. stops)	2001 search rate
Dunklin Co. Sheriff	25,565	1.9%	388%	2.48 (12)	33.33
Kennett P.D.	8,594	1.3%	388%	2.41 (38)	13.16

What do the racial profiling statistics mean?

As the State Attorney General has noted, it is tough to make conclusions based on racial profiling data.[405] The limitations of the racial profiling law must be understood. It is primarily an informational tool for the public and law enforcement agencies.

The high stop indices and search rates in rural Missouri where there has been Latina/o hypergrowth raise concerns about possible civil rights violations. If state law enforcement officers are stopping Latinas/os because they are observing them commit infractions, then there is no civil rights violation. The problem with this hypothesis is that we would have to believe that it is plausible that in places like Dunklin County, Latinos are two and a half times more likely than the rest of the population to break driving laws. Alternatively, if state law enforcement officers are stopping Latinas/os on Missouri roads because their "Mexican appearance" leads the officer to suspect that they are undocumented, then this is racial profiling and a violation of Fourth Amendment civil rights. If the officer has stopped the vehicle and proceeds to question the driver about the driver's immigration status, the officer should do so only if he or she has made observations, or through questioning, has come to reasonably suspect a criminal violation of immigration law.[406] The legal lines for proper police behavior are narrow. In the rough and tumble of real-life law enforcement, sometimes these lines may not be followed as they should. If this is so, the civil rights of Latinas/os are being violated. The remedy is training so that law enforcement can have a better understanding of police procedure and the communities that they are policing.

A final area of concern is the disturbing statistic that statewide Latinas/os are twice as likely to be searched as whites.[407] The search rates of Latinas/os in southwest Missouri and mid-Missouri rural counties are inordinately high, most at least twice the statewide average. In some hot spot jurisdictions, one in two stops result in searches. This is *eight times* the statewide search rate for whites.

There are various reasons for lawful searches. For example, if there is an outstanding warrant on the driver, this would lead to a lawful search. Alternatively, if the officer observes suspected contraband in plain view, he or she may proceed to search. Are Latinas/os two to eight times *more* likely than other Missouri citizens to have outstanding warrants or be involved in contraband? There is nothing to indicate that Latina/o immigrants fit such a profile. As discussed, this is a group that may be incurring more driving violations, but this kind of infraction does not normally lead to outstanding warrants that would justify such high search rates.

The search rates may well reflect language barriers. In rural Missouri, as discussed in Part II, three in five Latinas/os had trouble communicating in English.[408] Given the language barrier, when a police officer is questioning a non-English-speaking Latina/o driver as to whether she consents to have her vehicle searched, there may be no communication. What the officer may take to be consent may be a nonresponse.[409] This is problematic from a constitutional standpoint, because waivers of constitutional protections must be knowing and intelligent.[410] The principle is that if the driver does not understand what the officer is asking, he or she cannot consent to a search.

In sum, these statistics raise concerns that law enforcement may be violating the civil rights of Latinas/os. The racial profiling statute requires individual police agencies to review the statistics to determine whether officers are making a disproportionate number of stops against minority groups.[411] As amended in 2002, the law encourages continuing education to "promote understanding and respect for racial and cultural differences and the use of effective, noncombative methods for carrying out law enforcement duties in a racially and culturally diverse environment."[412] The data suggest that law enforcement would greatly benefit from programs that emphasize both legal and cultural education, and that Latina/o immigrant communities need help in understanding how Missouri laws differ from the customs and practices of their communities of origin.

V. Summing up: Legal and policy agenda for 2002 and beyond

In 1999 in the Missouri Legislature, the Joint Interim Committee on Immigration collected data with which to identify the challenges to the state.[413] There was only one proposed legislative initiative, HB 1306, which creates the Missouri Multicultural Center and Program.[414] In the last legislative session, HB 1306 was approved by the House but stalled in the Senate,[415] in large part due to Missouri's budget crisis.

The joint committee did a service for the people of Missouri by expending great effort in listening to what Missourians had to say about immigration, However, HB 1306 is a first step. Given the research and issues discussed in Parts I through IV, the committee's legislative vision should be expanded.

As Part I concluded, Missouri should expect its Latina/o population to double yet again during the next decade. Some Latina/o immigrants are transitory, but the core group is in Missouri to stay. They have found in Missouri affordability, plentiful jobs, and peaceful neighborhoods. These are economic and social assets that are not available in their countries of origin and are increasingly scarce in gateway states like Texas and California.

Latinas/os are clearly making a substantial economic contribution to the state. The majority of the new arrivals are filling lower echelon jobs, which Missouri's key industries require to continue functioning. The contributions that Latina/o immigrants make to food production in the United States cannot be overstated.

Latinas/os have bought into the American dream. They want to learn English, they "ardently"[416] want to become citizens, they want a better education for their kids, and they want to buy homes. These new Missourians want to become good neighbors and Missouri citizens.

Statewide, Missouri's large and small cities and rural counties have seen diversification; in the southwest and mid-Missouri, communities have seen "hyper" diversification. There is cause for concern and watchfulness. Differences in everyday cultural behaviors and social distances have created tensions. Although conflict is always a product of greater heterogeneity, conflict can also be a sign of racial attitudes hardening. On the other hand, there are positive forces at work in Missouri: faith-based organizations, multicultural and community-based groups, the charitable dedication and leadership of individual Missourians, and the work of the men and women who work for Missouri's state universities and government. Local leadership can be effective in creating a positive cultural context for acculturation and social and economic integration of Latina/o newcomers.

As the Joint Interim Committee concluded, valiant efforts cannot get everything done.[417] The changes in Missouri require statewide leadership, either as legislative initiatives, executive leadership, or policy planning. Some suggested initiatives are discussed below.

A. Education

As Part II discussed, many Latinas/os do not have needed English language skills, and among this group many have only a rudimentary education. Latinas/os recognize that they need to learn English as quickly as possible to advance their dreams, and they want to see their children educated. Policy and legislative action recommendations include the following:

1. *ESOL and bilingual education in elementary schools.* A projected influx in ESOL and bilingual federal funding of $1.6 million in 2003 provides an opportunity to restructure programs statewide. The Missouri Department of Elementary and Secondary Education has recognized that bilingual education is the most effective way of helping children acquire English skills and subsequently achieve their full potential in schools. As shown in Tables 4 and 5, English-Spanish bilingual programs are justified in many Kansas City districts, and at least seven school districts in mid, southwest and southeast Missouri. Only one school district, Milan, plans to institute such a program. DESE has the opportunity to provide leadership to ensure that federal monies are used most effectively to educate children who need to learn English. Here, input from the Latino community and organizations like LULAC-NESC, Kansas City, which have experience and have been able to engineer good results, might prove to be a productive collaboration.

2. *Adult education.* Missourians voted through the initiative process that English is the common language of all Missourians. Learning English quickly is the key

to ensuring that new immigrants become acculturated to Missouri life, as Missouri law provides. Yet the state is not living up to this promise. Part of the problem is funding. On a per student basis, under $50 per student is being dedicated to those who wish to learn English. As well, there are also structural issues. The way in which the state delivers adult basic education services is so highly decentralized that areas with high level needs are not necessarily being funded. This suggests that the state should revisit how adult basic education is administered.

3. *A Dream bill for Missouri*. We promise kids that the American dream is theirs if they work hard, study, and stay out of trouble. For children of undocumented workers, this dream is foreclosed if they cannot qualify for in-state tuition and scholarships. Texas and California now extend the dream of a higher education to *all* students who have attended state public schools. Missouri should likewise consider a DREAM bill. The rationale that propelled reforms in these states — to ensure that children of undocumented workers have a productive future in the state where they will continue to make their homes — also applies in Missouri.

B. Health

Too many Americans do without health care. Many Latinas/os share in this predicament. Here are three action recommendations:

1. *Public clinics.* The public clinics that provide assistance to Latinas/os and the poor all over the state are precariously financed and patched together. It is essential that during tight budget times that this frail system of minimum health support is not undermined by imprudent cuts. As various state governors have recognized, minimum health care is a service to which all Missourians should have access. Continued state support of public health clinics should be a long-term public enterprise, as these are cost-effective.

2. *Information systems.* The state should gather statistics that would allow it to determine whether and how the health needs of Latinas/os in Missouri are being met. This would more clearly identify what, if any, are the shortfalls and where public health assistance should be provided.

3. *Translation services.* Federal regulations now require that hospitals and other health care professionals provide translation services to ensure meaningful access by clients with limited English proficiency. Because language barriers can result in misdiagnoses, the state public health system should monitor the extent to which lack of translation services affects the delivery of heath care services. State and federal assistance in the training and funding of translators may now be required.

C. Housing

Lack of affordable housing is a pressing issue. However, this situation is exacerbated because of the locations of new Latina/o communities and vulnerability of this population. Action recommendations include:

1. *More affordable housing.* State agencies should focus on rural as well as urban areas. New partnerships, perhaps with the multibillion-dollar food processing companies that have located in Missouri, to increase affordable housing stocks in hypergrowth rural counties could be a potential win-win strategy.

2. *Monitor discrimination.* Kansas City's HUD Office should undertake research initiatives, like that of the reported Greater Boston study, to determine the extent of discrimination in rental housing markets in Kansas City and hypergrowth rural areas in Missouri due to accent as well as race.

3. *Disclosure in Spanish.* To prevent the most blatant predatory practices, the state legislature and local jurisdictions should consider requiring translation of lease rules and home financing documents for tenants and home purchasers with limited English proficiency.

D. Civil rights

There are increasing signs that the relationship between law enforcement and Latina/o communities is not what it should be. This tension is being fostered in part by necessary concerns about compliance with immigration laws. However, this tension may also be racial. Propitious initiatives could diffuse the potential for any hardening of attitudes.

1. *Driver's licenses.* This is a problematic area for Missouri's new residents. The legislature should weigh the benefits of facilitating access to a driver's license for Missouri's settled immigrants.

2. *Translation support for law enforcement.* In Missouri, bilingual law enforcement officers are few, and most departments, particularly in rural areas, do not have ready access to translation services. Federal regulations now require that law enforcement do a better job of ensuring that translation services are available. Just what these requirements mean for each law enforcement jurisdiction will be an ongoing evaluation in 2003. State funds may be needed to assist local law enforcement in obtaining language training and subsidizing trained translators.

3. *Racial profiling.* Missouri's racial profiling law is by reputation among the best in the nation. However, the statute is primarily informational. Reports for 2000-01 show that Latinos were being stopped at high rates (from 12 percent to 20 times more often than whites) in the rural counties that experienced hypergrowth. Latinos are also more likely to be searched.

Are Latinos being racially profiled because they "look foreign"? Do they get searched at higher rates because too many do not know their rights or are afraid to say no? It is not possible to draw conclusions.

Nevertheless, the statute contemplates greater communication between with local law enforcement and the communities they police. Hopefully, law enforcement associations and Latina/o groups will begin to talk about these difficult issues.

To sum up — where do we go from here? The answer is forward. There is much to do, and there are many Missourians who believe that with propitious and educated interventions the changes in the heartland will be a good thing for Missouri and all Missourians.

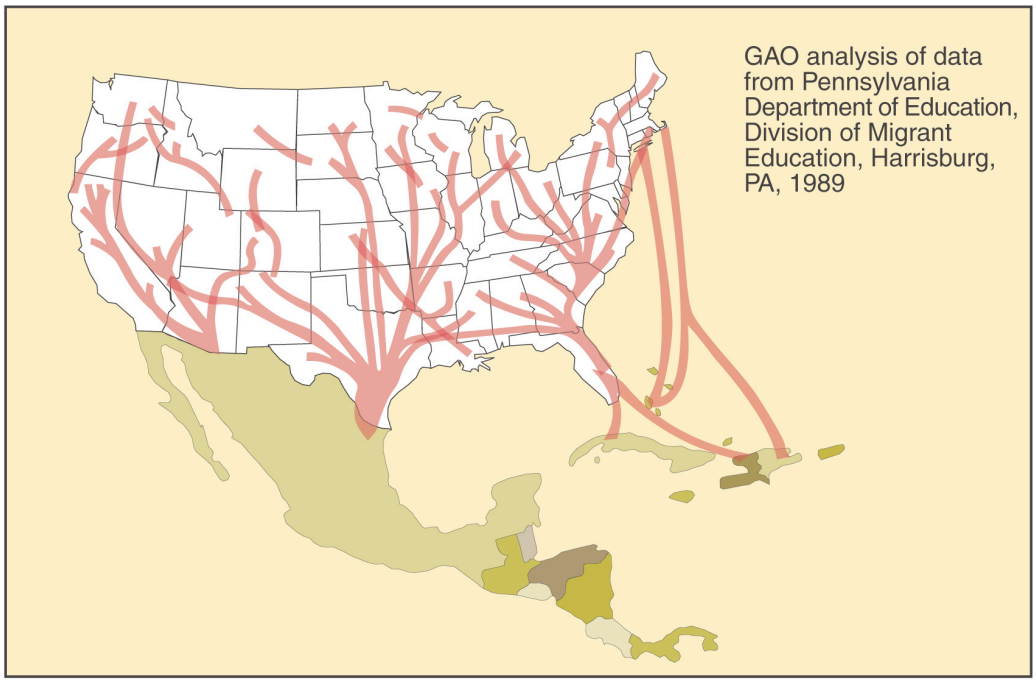

Figure 1. Traditional migrant streams in the United States.

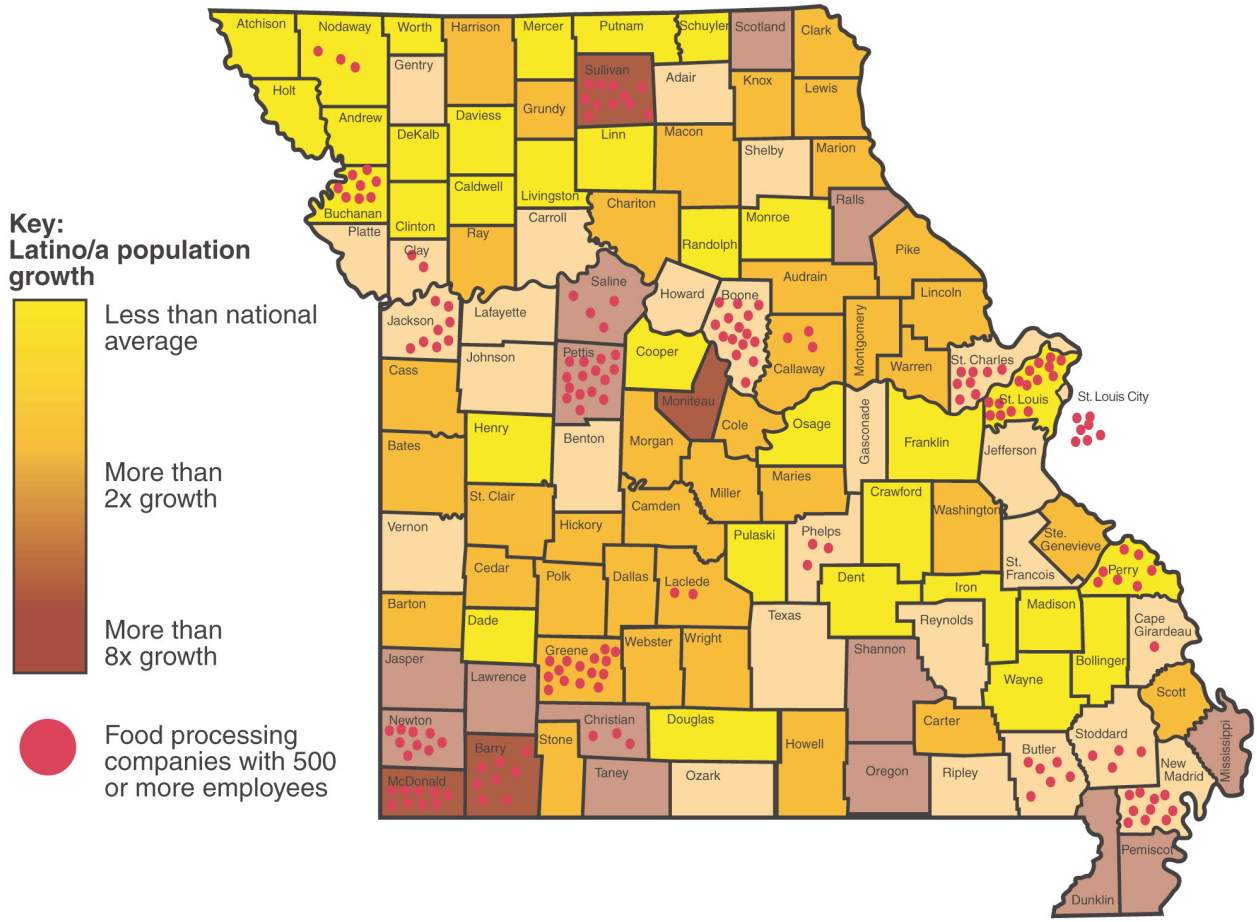

Figure 2. Food processing companies with 500 or more employees and Latina/o population growth change: 1990 to 2000.

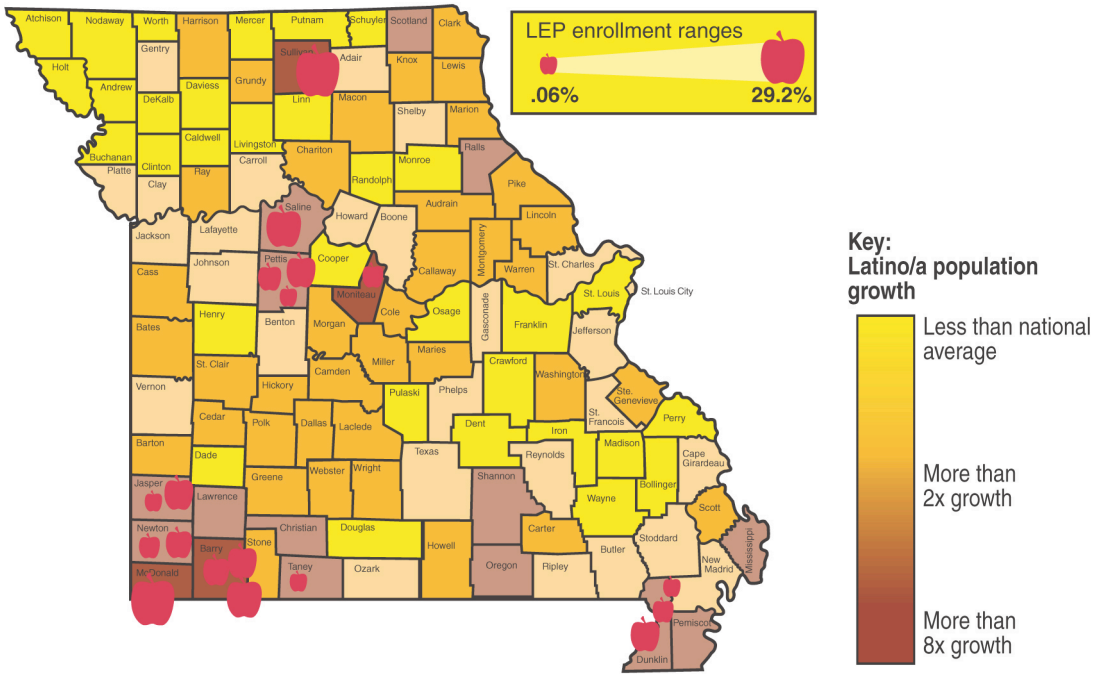

Figure 3. Spanish limited English proficiency enrollment by county in Missouri.

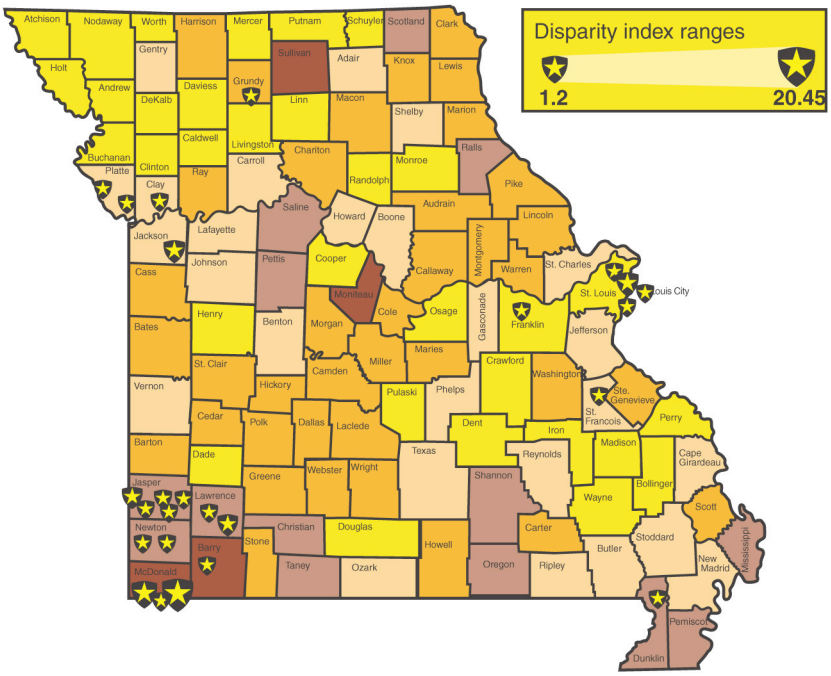

Figure 4. Racial profiling disparity indices by county in Missouri.

Table 1. Missouri's Latina/o population and change: 1990 and 2000

	Latina/o*		Change		Percent of total	
	2000	1990	Number	Percent	2000	1990
Missouri	118,592	61,702	56,890	92.2	2.1	1.2
Counties						
Adair	315	182	133	73.1	1.3	0.7
Andrew	138	103	35	34.0	0.8	0.7
Atchison	43	104	(61)	-58.7	0.7	1.4
Audrain	189	81	108	133.3	0.7	0.3
Barry	1,713	152	1,561	1027.0	5.0	0.6
Barton	119	57	62	108.8	0.9	0.5
Bates	179	82	97	118.3	1.1	0.5
Benton	153	78	75	96.2	0.9	0.6
Bollinger	68	70	(2)	-2.9	0.6	0.7
Boone	2,413	1,226	1,187	96.8	1.8	1.1
Buchanan	2,086	1,709	377	22.1	2.4	2.1
Butler	412	217	195	89.9	1.0	0.6
Caldwell	67	50	17	34.0	0.7	0.6
Callaway	377	171	206	120.5	0.9	0.5
Camden	346	170	176	103.5	0.9	0.6
Cape Girardeau	624	313	311	99.4	0.9	0.5
Carroll	73	40	33	82.5	0.7	0.4
Carter	72	33	39	118.2	1.2	0.6
Cass	1,816	829	987	119.1	2.2	1.3
Cedar	153	58	95	163.8	1.1	0.5
Chariton	47	19	28	147.4	0.6	0.2
Christian	714	216	498	230.6	1.3	0.7
Clark	52	26	26	100.0	0.7	0.3
Clay	6,594	3,539	3,055	86.3	3.6	2.3
Clinton	205	139	66	47.5	1.1	0.8
Cole	915	447	468	104.7	1.3	0.7
Cooper	143	96	47	49.0	0.9	0.6
Crawford	176	114	62	54.4	0.8	0.6
Dade	67	76	(9)	-11.8	0.8	1.0
Dallas	147	65	82	126.2	0.9	0.5
Daviess	55	46	9	19.6	0.7	0.6
DeKalb	125	200	(75)	-37.5	1.1	2.0
Dent	112	89	23	25.8	0.8	0.6
Douglas	110	90	20	22.2	0.8	0.8
Dunklin	824	169	655	387.6	2.5	0.5
Franklin	678	441	237	53.7	0.7	0.5
Gasconade	64	35	29	82.9	0.4	0.2
Gentry	44	27	17	63.0	0.6	0.4
Greene	4,434	1,775	2,659	149.8	1.8	0.9
Grundy	165	77	88	114.3	1.6	0.7
Harrison	89	37	52	140.5	1.0	0.4
Henry	201	144	57	39.6	0.9	0.7
Hickory	68	29	39	134.5	0.8	0.4
Holt	21	16	5	31.3	0.4	0.3
Howard	88	45	43	95.6	0.9	0.5
Howell	450	161	289	179.5	1.2	0.5
Iron	62	44	18	40.9	0.6	0.4
Jackson	35,160	18,890	16,270	86.1	5.4	3.0
Jasper	3,615	797	2,818	353.6	3.5	0.9
Jefferson	2,002	1,151	851	73.9	1.0	0.7
Johnson	1,407	709	698	98.4	2.9	1.7
Knox	26	9	17	188.9	0.6	0.2
Laclede	401	141	260	184.4	1.2	0.5
Lafayette	386	219	167	76.3	1.2	0.7
Lawrence	1,195	211	984	466.4	3.4	0.7
Lewis	77	26	51	196.2	0.7	0.3
Lincoln	444	219	225	102.7	1.1	0.8

	Latina/o*		Change		Percent of total	
	2000	1990	Number	Percent	2000	1990
Linn	104	94	10	10.6	0.8	0.7
Livingston	94	63	31	49.2	0.6	0.4
McDonald	2,030	121	1,909	1577.7	9.4	0.7
Macon	121	59	62	105.1	0.8	0.4
Madison	66	62	4	6.5	0.6	0.6
Maries	103	40	63	157.5	1.2	0.5
Marion	252	118	134	113.6	0.9	0.4
Mercer	11	7	4	57.1	0.3	0.2
Miller	231	101	130	128.7	1.0	0.5
Mississippi	129	40	89	222.5	1.0	0.3
Moniteau	435	46	389	845.7	2.9	0.4
Monroe	52	48	4	8.3	0.6	0.5
Montgomery	94	45	49	108.9	0.8	0.4
Morgan	161	69	92	133.3	0.8	0.4
New Madrid	183	93	90	96.8	0.9	0.4
Newton	1,147	353	794	224.9	2.2	0.8
Nodaway	155	135	20	14.8	0.7	0.6
Oregon	113	32	81	253.1	1.1	0.3
Osage	77	56	21	37.5	0.6	0.5
Ozark	90	56	34	60.7	0.9	0.7
Pemiscot	315	89	226	253.9	1.6	0.4
Perry	93	72	21	29.2	0.5	0.4
Pettis	1,527	268	1,259	469.8	3.9	0.8
Phelps	485	303	182	60.1	1.2	0.9
Pike	295	119	176	147.9	1.6	0.7
Platte	2,211	1,161	1,050	90.4	3.0	2.0
Polk	350	173	177	102.3	1.3	0.8
Pulaski	2,404	1,953	451	23.1	5.8	4.7
Putnam	32	24	8	33.3	0.6	0.5
Ralls	42	14	28	200.0	0.4	0.2
Randolph	282	179	103	57.5	1.1	0.7
Ray	253	119	134	112.6	1.1	0.5
Reynolds	55	28	27	96.4	0.8	0.4
Ripley	132	78	54	69.2	1.0	0.6
St. Charles	4,176	2,308	1,868	80.9	1.5	1.1
St. Clair	95	33	62	187.9	1.0	0.4
Ste. Genevieve	132	49	83	169.4	0.7	0.3
St. Francois	447	239	208	87.0	0.8	0.5
St. Louis	14,577	9,811	4,766	48.6	1.4	1.0
Saline	1,050	208	842	404.8	4.4	0.9
Schuyler	27	18	9	50.0	0.6	0.4
Scotland	42	12	30	250.0	0.8	0.2
Scott	448	206	242	117.5	1.1	0.5
Shannon	77	22	55	250.0	0.9	0.3
Shelby	43	23	20	87.0	0.6	0.3
Stoddard	231	132	99	75.0	0.8	0.5
Stone	298	114	184	161.4	1.0	0.6
Sullivan	634	28	606	2164.3	8.8	0.4
Taney	962	194	768	395.9	2.4	0.8
Texas	221	113	108	95.6	1.0	0.5
Vernon	172	102	70	68.6	0.8	0.5
Warren	314	152	162	106.6	1.3	0.8
Washington	170	83	87	104.8	0.7	0.4
Wayne	65	44	21	47.7	0.5	0.4
Webster	400	140	260	185.7	1.3	0.6
Worth	7	9	(2)	-22.2	0.3	0.4
Wright	139	61	78	127.9	0.8	0.4
St. Louis city	7,022	5,124	1,898	37.0	2.0	1.3

Table by OSEDA, available at http://oseda.missouri.edu/trendltr/yr2001/tables/hispantbl.html

NOTE: Includes persons of other races
SOURCE: USDC, Bureau of the Census, Public Law File 94-171
Table produced by: University Outreach and Extension, Office of Social and Economic Data Analysis.

Table 2. Missouri rural Latina/o hypergrowth counties, ranked by percentage growth of Latina/o population and major *agromaquila* employers, 1990–2000.

Missouri county	Total Latina/o population	% Latina/o of total population	% Growth Latina/o population	Major agromaquila employers
Sullivan	634	8.8%	2164.3%	Milan Poultry Company; Premium Standard Farms
McDonald	2030	9.4%	2106.52%	Simmons, Hudson Foods
Barry	1,713	5.0%	1027%	Tyson Foods
Moniteau	435	2.9%	845.7%	Cargill
Pettis	1527	3.9%	753.07%	Tyson Foods
Lawrence	1195	3.4%	466.4 %	Tyson Foods, Willow Brook, Cuddys, Schreibers
Saline	1050	4.4%	404.8%	Conagra and Excel
Taney	962	2.4%	395.9%	None (services, construction etc)
Dunklin	824	2.5%	387.6 %	Migrant Farm workers
Jasper	3615	3.5%	353.6%	Butterball, Schreibers (cheese), Legget and Platt
Newton	1147	2.2%	224.9%	Twin Rivers (meat) and Moark and Timberview (egg packers)
MISSOURI	118,592	2.1%	96.25%	

Source: *USDC, Bureau of the Census, Public Law File 94-171,* University Outreach and Extension, Office of Social and Economic Data Analysis

Table 3. Cities that would have lost population overall if not for gains in Latina/o population

City	Overall population gain	Hispanic population gain	Difference (net loss in non-Hispanics)
Los Angeles, Calif.	209,422	327,662	118,240
Chicago, Ill.	112,290	207,792	95,502
Long Beach, Calif.	32,089	63,673	31,584
Dallas, Texas	181,703	212,347	30,664
El Paso, Texas	48,320	76,206	27,886
Santa Ana, Calif.	44,235	65,714	21,479
Yonkers, N.Y.	8,004	19,376	11,372
Miami, Fla.	3,922	14,387	10,465
Riverside, Calif.	28,661	38,489	9,828
Oakland, Calif.	27,242	35,756	8,514
Boston, Mass.	14,858	23,134	8,276
Anaheim, Calif.	61,608	69,619	8,011
Grand Rapids, Mich.	8,674	16,424	7,750
Kansas City, Mo.	6,399	13,587	7,188

Source: Alan Berube, *Racial Change in the Nation's Largest Cities - Evidence from the 2000 Census* (Brookings Institution Center, April 2001).

Table 4. Latina/o student enrollments in Kansas City school districts.

For the 2002 academic year	White enrollment	Latina/o enrollment	African-American enrollment
Kansas City	4,607 (17%)	3,808 14%)	18, 614 (67%)
Kansas City, Kansas	4,345 (21%)	4,881 (24%)	10,226 (50%)
North Kansas City	14,124 (83%)	1,041 (6%)	1,201 (7%)
Grandview	1,692 (40%)	266 (6%)	2,216 (52%)
Olathe	18,841 (85%)	1,139 (5%)	1,311 (6%)
Raytown	5,331 (63%)	334 (4%)	2,695 (32%)

Source: Deann Smith, Schools Tune in to Hispanic Needs, As Population Booms, Districts Find Ways to Help, Kansas City Star, Oct. 3, 2002.

Table 5. Spanish limited English proficient (LEP) enrollments in hypergrowth rural counties for school year 2001-02, ranked by size of enrollment in at least one school district.

County & school districts	Total enrollment	Number LEP students	% of total enrollment
Dunklin County			
Holcomb	502	11	2.2%
Senath-Hornersville	458	147	29.2%
Kennett	2095	17	0.8%
Lawrence County			
Mount Vernon	1431	10	0.7%
Aurora	2023	32	1.7%
Verona	356	89	25%
Sullivan County			
Milan	669	119	17.8%
Barry County			
Monett	1971	184	9.4%
Cassville	1957	41	2.3%
Wheaton	437	25	5.8%
McDonald County RV	3374	282	8.3%
Saline County			
Marshall	2581	174	6.8%
Pettis county			
County RV	445	29	6.5%
La Monte	357	12	3.4%
Sedalia	4260	140	3.4%
Jasper County			
Carthage	3632	173	4.9%
Joplin	7224	45	0.6%
Moniteau County RV	2195	67	3.1%
Newton County			
E. Newton	1513	13	0.9%
Neosho R-V	4086	112	2.7%
Taney County			
Branson	2922	42	1.4%

Source: Missouri Department of Elementary and Secondary Education Census, Missouri Dept. of Elementary and Secondary Education, Missouri School Directory, 2001-02 (available at http://www.dese.state.mo.us/divimprove/fedprog/discretionarygrants/bilingual-esol/)

Table 6. Law enforcement interpreter services in hypergrowth rural counties

Law enforcement office	Do you have a Spanish speaker on staff?	If someone comes in and doesn't speak English, what is your protocol/procedure?
Barry County Sheriff's Dept.	Yes	Not possible to get a response.
Buchanan County Sheriff	No, don't think so.	City yes, the county, no.
Cass County Sheriff	Yes (qualified)	A couple of people who speak Spanish who already work there
Clay County Sheriff	Yes	Bring in the Spanish speaker
Dunkin County Sheriff	No (qualified)	We've got a Mexican who could translate for us. He's an inmate.
Jasper County Sheriff	Don't know.	We just get someone
Johnson County Sheriff	No. Not on staff.	We usually get someone from the college
Lawrence County Sheriff	No.	Well, they'd have to find an interpreter.
McDonald County Sheriff	Yes (qualified)	We have a receptionist who speaks Spanish. We'd try to get an interpreter or the receptionist, or a multi-lingual inmate.
Moniteau County Sheriff	No.	There are interpreters around. We just bring one in, when we need one.
Pettis County Sheriff	No.	We have several interpreters on call.
Platte County Sheriff	Don't know, no. (qualified)	No. INS handles it all.
Saline County Sheriff	No.	We have interpreters that we pay.
Sullivan County Sheriff	No.	We have a list of interpreters that we call.
Taney County Sheriff	No.	If someone came in and didn't speak English it is our job to find them an interpreter and help them out.
Newton County Sheriff	No. (qualified)	We usually can decipher. We have a lady down at the jail who speaks Spanish. Otherwise they bring an interpreter.
Branson Police Dept.	Yes. (qualified)	We have a couple of officers who speak limited Spanish. We just call them in.
California Police	No. She left to work for Corrections.	We have a lady in the building. Otherwise we have nothing.
Carthage Police	Yes. (qualified)	One individual does but isn't always here. They should bring their own interpreter.
Cassville Police	No.	The Sheriff's office, I think has a couple of people that we call. Otherwise, we could try to get an interpreter.
Joplin Police	Yes. (qualified)	We have an officer who speaks Spanish. If we need to, we call him in.
Milan Police	No. But we have access to translators	The Sheriff's office has a list of translators and we contact them.
Monnett Police	No.	We have a list that we call if we need somebody.
Noel Police	Yes/No (unclear). Same dispatcher as McDonald County. Sheriff.	They have their own translator that they call out any time day or night
Sedalia Police	No.	We have interpreters that we can contact.
Springfield Police	Yes. We have one.	We can call this person in.
Missouri State Troopers Assn.	No. Varies by Troop	There are a number of Spanish speaking troopers.

Survey taken February and March 2002 by telephone interview.

Table 7. 2000-01 Latina/o racial profiling "hot spots"

Law enforcement agency	Population over 16	Latino population %	2000 stop disparity index	2001 stop disparity index	2001 search rate	Ratio arrests/ searches
Aurora P.D.	5,292	2	1.4	1.12 (25)	8.0	2/2
Barry County Sheriff	26,132	4	1.81	2.23 (34)	17.65	2/6
Carl Junction P.D.	3,880	1	1.54	1.56 (41)	12.20	3/5
Carterville P.D.	1,383	.7	3.57	4.7 (79)	24.05	20/19
Carthage P.D.	9,829	11.2	1.13	1.18 (299)	12.71	38/38
Claycomo P.D.	1,56	2	1.31	1.48 (160)	16.88	29/27
Concordia P.D.	1,873	1	1.65	2.79 (12)	23.08	2/3
Crocker P.D.	770	.5	5.1	6.61 (16)	6.25	1/1
Diamond P.D.	607	1	14.5	12.67(131)	16.79	21/22
Dunklin County Sheriff	25,565	2	1.71	2.48 (12)	33.33	1/4
Eureka P.D.	5,483	1	1.39	1.32 (39)	23.08	1/9
Goodman P.D.	877	.5	20.45	14.43 (79)	12.66	5/10
Jasper P.D.	755	2	1.47	1.15 (6)	0	0
Kennett P.D.	8,594	1	2.74	2.41 (38)	13.16	6/5
Leadington P.D.	164	.6	1.42	2.05 (20)	15.0	3/3
Lexington P.D.	3,478	2	1.42	1.44 (29)	20.69	2/6
Lone Jack P.D.	403	.5	3.64	2.37 (15)	6.67	1/1
Marshall P.D.	9,720	6	1.9	1.26 (63)	6.35	3/4
McDonald County Sheriffs	15,422	8	1.82	—	—	—
Monett P.D.	5,650	10	1.73	1.43 (146)	—	19/0
Neosho P.D.	8,048	4	1.18	1.48 (202)	8.42	17/17
Newton County Sheriff	40,360	2	1.45	2.39 (29)	17.24	5/5
Noel P.D.	1,120	33	1.12	1.31 (352)	6.82	22/24
Oakview P.D.	320	1	3.89	4.93 (67)	7.46	0/5
Perry County Sheriff	13,978	.4	1.22	2.28 (18)	50.0	3/9
Pettis County Sheriff	30,218	3.3	2.01	2.24 (88)	32.95	34/29
Phelps County Sheriff	31,541	1.1	8.03	7.65 (53)	47.17	18/25
Pierce P.D.	1,063	.9	2.95	3.29 (18)	0	0
Pineville P.D.	584	.7	12.5	10.3 (90)	13.33	4/12
Platte City P.D.	2,922	2.6	1.64	1.14 (70)	15.71	8/11
Platte Woods P.D.	400	.8	2.38	3.56 (25)	28.00	1/7
Saline County Sheriff	18,711	3.7	2.54	1.85 (11)	54.55	2/6
Sarcoxie P.D.	1,037	.8	3.56	2.54 (10)	20.0	0/2
Smithville P.D.	4,104	1.4	1.18	1.88 (40)	25.0	5/10
St. George P.D.	1,111	.6	1.28	1.41 (14)	0	0/0
Ste. Genevieve County	13,691	.7	2.75	1.82 (12)	16.67	0/2
Trenton P.D.	4,991	1.5	1.39	1.39 (15)	6.67	0/1
Warren County Sheriff	18,693	1.0	1.73	1.35 ()12	66.67	3/8
Washington P.D.	10,238	1.9	1.59	1.22 (20)	15.0	3/3
Woodson Terrace P.D.	3,248	1.9	1.79	1.82 (35)	22.86	2/8

Notes:

Stop disparity indices over 1.00 for each of 2000-01 and greater than 10 total stops during each year.

— = jurisdiction did not submit a report as required by state law.

Source: Missouri Attorney General, Annual Report On 2001 Missouri Traffic Stops (2002) (available at http://www.moago.org/rpexecsummary2001.htm#executive); Missouri Attorney General, Annual Report On 2000 Missouri Traffic Stops (2001) (available at http://www.ago.state.mo.us/rpoverview.htm.)

Notes

[1] *See* Web site at http://www.decolores.missouri.edu.

[2] Latinas/os grew from 61,702 in 1990 to 118,592 in 2000, an increase of 56,890 or 92.2. Office of Social and Economic Data Analysis (OSEDA) Hispanic Population in Missouri, 1990-2000 (available at http://www.oseda.missouri.edu/tables/raceh/mohispanic_co.html) [hereinafter *OSEDA Hispanic Population*].

[3] Office of Social and Economic Data Analysis, Basic Demographic Profile Trend Report 1990-2000 (2000) (available at http://mcdc2.missouri.edu/cgi-bin/broker?_PROGRAM=websas.dp1_2kt.sas&_SERVICE=sasapp&st=29. [hereinafter Demographic Profile 2000]. Office of Social and Economic Data Analysis, Basic Demographic Profile Trend Report 1990-2000 (2000)

[4] *Id*.

[5] All but twelve Missouri counties have more than 50 Latina/os. According to the OSEDA analysis:
The uniformity of distribution of the Missouri Hispanic population is much greater than either African-American or Asian. All Missouri counties have some Hispanic population but all but 12 have more than 50 Hispanics. By contrast the Missouri African-American population is five times greater than the Hispanic population but there were 40 counties in 2000 that had fewer than 50 African-Americans; there were 64 Missouri counties that had fewer than 50 Asians in 2000. OSEDA, *Missouri's Hispanic Population Doubles from 1990-2000*, OSEDA TRENDLETTER (April 2001) (available at http://www.oseda.missouri.edu/trendltr/ yr2001/hispanic.html) [hereinafter *OSEDA Hispanic Analysis*].

[6] The number of Latina/os per the 2000 census is 35.3 million, or 13 percent of the total population of 281.4 million people. The number of African-Americans or blacks is 34.7 million. Among blacks and African-Americans are 710,353 persons who identify as being of Latina/o or Hispanic ethnic origin. Bureau of Census, *Census 2000 Brief: Overview of Race and Hispanic Origin*, Table 1 (March 2001) (available at http://www.census.gov/prod/2001pubs/c2kbr01-1.pdf) [hereinafter *Census Hispanic Overview*] at T.3 & 10.

[7] The states that have doubled Latina/o population since the last census are North Carolina (393%), Arkansas (337%), Tennessee (278%), Nevada (216%), Idaho (92.1%). See U.S. Census Bureau, *Demographic Profiles 2000* (2000), available at http://censtats.census.gov/cgi-bin/pct/pctProfile.pl.

[8] Kansas City and its environs counted 35,150 Latina/os in 2000, and St. Louis 21,850 for a total of 57,000 or 48% of the total Latina/o population. OSEDA, Hobbs, Daryl, Overview of Missouri's Hispanics (March 2002) (power point presentation) (available at http://www.oseda.missouri.edu/presentations/hispanic_conf_mar02.ppt) (presentation at De Colores) [hereinafter OSEDA Hispanic Overview].

[9] *Id*. Kansas City's 35,150 Latinas/os in 2000 represent about 30 percent of the state's Latinas/os. *Id*.

[10] See Robert Suro & Audery Singer, *Latina/o Growth in Metropolitan America: Changing Patterns, New Locations,* Brookings Institution Center on Urban and Metropolitan Policy and Pew Hispanic Center (July 2002) (available at http://www.brook.edu/dybdocroot/es/urban/publications/surosinger.pdf).

[11] According to OSEDA's analysis, Jackson County, where Kansas City is located, had the largest Hispanic population in 1990 (18,890) and also the largest numerical increase from 1990 to 2000 (16,270). Following Jackson was St. Louis County that had a Hispanic population of 9,811 in 1990, and increased to 14,577 in 2000. St. Louis City alone grew from 5,124 in 1990 to 7,022 in 2000, an increase of 1,898. *OSEDA Hispanic Analysis*.

[12] In 1990, the share of white population in St. Louis was 50.2%, and in 2000 it dropped to 42.9%, a decline of 7.3%. Alan Berube, Racial Change in the Nation's Largest Cities - Evidence From the 2000 Census (Brookings Institution Center April 2001) at T. 1, available at http://www.brook.edu/dybdocroot/es/urban/census/citygrowth.htm.

[13] The population of Latinas/os in counties where Missouri small cities are located are St. Charles (4,176), Jasper (3,615), Boone (2,413), Platte (2,211), Buchanan (2,086), and Jefferson (2,002). In each of these counties the Hispanic population approximately doubled from 1990 to 2000. The small metro areas of Springfield, Joplin, St. Joseph, and Columbia count 14,947 Latina/os. *OSEDA Missouri Hispanics Overview*, *supra* note 8; *OSEDA Hispanic Analysis*, *supra* note 5.

[14] *Id*. *See* Table 2 *infra*.

[15] OSEDA, *Missouri Population and Components of Change, 1990-2000 By County With State Totals* (2002) (available at http://www.oseda.missouri.edu/tables/population/mocompchg1_co.html)

[16] The percentage of Latinas/os in some Missouri towns is as follows Sedalia 5.4%, Milan 24.9%, California 8.3%, Southwest City 44.6% and Noel 40.4%. Missouri Census Data Center, *MCDC Demographic Profile for Missouri Places (Cities)* (2002), available at http://mcdc2.missouri.edu/websas/dp3_2kmenus/mo/Places/.

[17] Report of the Joint Interim Committee on Immigration (December 1999) (available at http://www.house.state.mo.us/bills99/intcom99/imm.pdf).

[18] The committee met in Sedalia, Neosho, Trenton, St. Louis, and Jefferson City. *Id* at 2.

[19] *See* conference program and findings at http://www.decolores.missouri.edu..

[20] *See* Suro & Singer, *supra* note 10.

[21] E. Helen Berry & Annabel Kirschner, *Rapid Growth of Hispanic Populations in Western States*, Western Rural Development Center, WRDC Information Brief (March 2002).

[22] *See* William Kandel & Emilio A. Parrado*, Industrial Transformation And Hispanic Migration To The American South: The Case of the Poultry Industry* in HISPANIC SPACES, LATINO PLACES: A GEOGRAPHY OF REGIONAL AND CULTURAL DIVERSITY (Daniel D. Arreola ed.) (*forthcoming* University of Texas Press).

[23] CASTLE, EMERY N., THE CHANGING AMERICAN COUNTRYSIDE, RURAL PEOPLE AND PLACES (1996); Martin, Philip, Taylor, Edward J., Fix, Michael, *Immigration and The Changing Face of Rural America: Focus on the Midwestern States*: Julian Samora Research Institute, Michigan State University (1997); Rochín, Refugio I, *The Features and Roles of Rural Latina/os: Cross-National Perspectives*, Occasional Paper No. 26, The Julian Samora Research Institute, Michigan State University, East Lansing, Michigan (July 1997).

[24] *See* OSEDA Hispanics Overview *supra* note 11.

[25] *See* T. 1 *infra*.

[26] *See* Table 1 *infra*. For example, in Atchinson County total population 6,430 Latina/o population 43; Reynolds County total population 6,689, Latina/o population 55; Shelby County total population 6,799, Latina/o population 43; Gentry County total population 6,861, Latina/o population 44; Clark County total population 7,416, Latina/o population 52. See also Missouri Census Data Center, *Missouri Countries Broken Down by Unincorporated Population, 2000 Census* (2001), available at mcdc2.Missouri.edu/pub/webrepts/Unincpop_Mocounties.txt.

[27] *See* Table 1 *infra*.

[28] In Columbia 73.5 percent of the respondents cite work as the reason for coming to Missouri. In California, the percentage so stating is slightly above 50%, Sedalia about 71%; and Jefferson City 60%. Department of Rural Sociology, Social Sciences Unit, University of Missouri-Columbia, *A Study of Minorities In Selected Non-Metropolitan Communities in Missouri* (funded by the Missouri Department of Social Services) (1999-2002) [hereinafter *Mid-Missouri Survey*].

[29] *See* Figure 2 *infra*.

[30] *See* Table 2 *infra*.

[31] In Sedalia the 68% that stated they worked in a factory/industry or farm/poultry setting was more than ten times the next nearest work setting, schools (6%). *See* Mid-Missouri Survey]. *See also* Henness, Steve, *Latina/o Immigration and Meatpacking in the Rural Midwest: An Inventory of Community Impacts and Responses* (MA paper University of Missouri-Columbia) (available at www.ssu.missouri.edu/RuralSoc/Latinos/papers/HennessBarham.pdf).

[32] *See* Mid-Missouri Survey, *supra* note 31.

[33] In 2000, about 95% of all agricultural seasonal workers were foreign-born migrant workers. About 50 percent of seasonal farm workers are believed to be undocumented. *See* Martin, Philip A., *Farm Labor in California: Then and Now*, CCIS Working Paper No. 37 (Center for Comparative Immigration Studies April 2001) (available at http://www.ccis-ucsd.org/PUBLICATIONS/wrkg37.PDF).

[34] *See* McDonald County main page for Southwest City at http://www.press-info.com/dir/index.html.

[35] The 1990 census counted the population of Southwest City at 622. 1990 U.S. Census (available at www.census.gov).

[36] Ken Newton, *Seaboard leaves community with conflicting views*, ST. JOSEPH NEWS-PRESS (March 18, 2001)

[37] *See* Gouveia, Lourdes & Donald D. Stull, *Dances with Cows: Beefpacking's Impact on Garden City, Kansas and Lexington, Nebraska* in ANY WAY YOU CUT IT: MEAT PROCESSING AND SMALL-TOWN AMERICA (Donald Stull,

Michael Broadway & David Griffith eds. 1995); Miguel A. Carranza & Lourdes Gouveia, *The Integration of the Hispanic/Latino Immigrant Workforce* (May 31, 2002). Prior research on rural impacts has focused on Iowa. See, e.g., Grey, Mark A., *Pork, Poultry, and Newcomers in Storm Lake, Iowa,* in ANY WAY YOU CUT IT, *supra*.

[38] This is a concept from labor economics. What researchers contend is that U.S. capital and more specifically U.S. employers are the big magnet for both legal and illegal immigration from Mexico and Central America. U.S. wages "pull" immigrant labor to the United States. U.S. wages, even at minimum wage, can be six to ten times higher than prevailing wages in Mexico and most Central America so even the relatively well educated will seek out harsh jobs in hopes of attaining life long dreams of middle class comfort. *See* MARTIN , PHILIP & WAYNE CORNELIUS, THE UNCERTAIN CONNECTION: FREE TRADE & MEXICO- U.S. MIGRATION : FREE TRADE & MEXICO-U.S. MIGRATION (1993); PORTES ALEJANDRO & RUBEN B. RUMBAUT, IMMIGRANT AMERICA: A PORTRAIT 20-23 (1990).

[39] Luna, Guadalupe, *An Infinite Distance?: Agricultural Exceptionalism And Agricultural Labor,* 1 U. PENN J. LAB. & EMP. L. 487, 506 (1998).

[40] The top five meatpacking companies by 2001 revenue were: ConAgra ($20 billion in sales), IBP ($17 billion), Cargill ($10 billion), Tyson ($7.1 billion) and Smithfield ($5.1 billion). Tyson Foods has since acquired IBP making Tyson the largest food company in the world; *Reap 2001 Report on the Meatpacking Industry* (2001) (available at www.reapinc.org).

[41] Tyson's Iowa Beef Processing, Cargill's Excel Corporation and Con-Agra's Monfort Incorporated controlled 70 percent of cattle slaughter. Dalla, Rochelle L., Shearn Cramer, and Kaye Stanek, *Economic Strain and Community Concerns in Three Meatpacking Communities,* 17 RURAL AM. 20 (2002).

[42] James M. MacDonald, Michael E. Ollinger, Kenneth E. Nelson & Charles R. Handy, *Consolidation in U.S. Meatpacking* AG. ECON. REP. (No. 785) 37-39 (1999). These authors view consolidation and decentralization as a response to the very intense competition in this industry.

[43] The major areas are Nebraska, Kansas, Colorado, Texas, Arkansas, North Carolina and Missouri. Drabenstott, Mark, Mark Henry, & Kristin Mitchell, *Where Have All the Packing Plants Gone? The New Meat Geography in Rural America,* FED. RES. BANK KANSAS CITY ECON. REV. (1999); MacDonald *et al., supra* note 42 at 12.

[44] Plants typically slaughter 4,000 to 5,000 cattle a day. *See* McDonald *et al. supra* note 42, at 12.

[45] ROGER HOROWITZ, NEGRO AND WHITE, UNITE AND FIGHT! A SOCIAL HISTORY OF INDUSTRIAL UNIONISM IN MEATPACKING, 1930-1990 (1997).

[46] The authors of an economic study suggest that labor conditions have actually *worsened* as a result of economies of scale and consolidation. *See* MacDonald *et al., supra* note 41, at 37-38. *But see* infra note 62.

[47] Donald Stull & Michael Broadway, *Killing Them Softly: Work in Meatpacking Plants and What it Does to Workers in* Any Way You Cut It, *supra* note 37.

[48] In 1986, the incidence rate for injuries and illnesses among workers in meatpacking was the highest for any U.S. industry, at the rate of 33.4 injuries per 100 full-time workers, triple that for manufacturing as a whole, at 10.6, and quadruple that for the private sector (7.9). The major types of accidents were overexertion and being struck by an object (carcasses or other objects). The leading sources of injury were hand tools, particularly knives, and food products, specifically carcasses. *See* Personick, Martin E. & Katherine Taylor-Shirley, *Profiles in Safety and Health: Occupational Hazards of Meatpacking*, MO. LABOR. REV 3, 5–6 (Jan. 1989).

[49] Bob Hall, *The Kill Line: Facts of Life, Proposals for Change in* Any Way You Cut It, *supra* note 36.

[50] UNIONIZING THE JUNGLES LABOR AND COMMUNITY IN THE TWENTIETH-CENTURY MEATPACKING INDUSTRY (Shelton Stromquist & Marvin Bergman eds. 1997) (in the late 1970s, the meatpacking industry was centered in northern cities like Chicago and Omaha, where union wages hovered at $18 an hour); Eric Schlosser, *The Chain Never Stops*, MOTHER JONES (July/August 2001) ("This trend began with Iowa Beef Packers (IBP) moving their packing plants to the Midwest in the late 60's, far away from union strongholds, and instead recruiting immigrant workers from Mexico."); *see also* MacDonald *et al.*, *supra* note 42, at 38 (noting that the labor strife may have been a product of price competition, not necessarily antagonism toward labor unions).

[51] The Bill of Rights includes (1) the right to organize, (2) the right to a safe workplace, (3) the right to adequate facilities and the opportunity to utilize them, (4) the right to adequate equipment, (5) the right to complete information, (6) the right to understand information provided, (7) the right to existing state and federal benefits and rights, (8) the right to be free from discrimination, (9) the right to continuing training including supervisor training, (10) the right to compensation for work performed, and (11) the right to seek state help.

Office of the Governor, State of Nebraska, Press Release: Johanns Releases Meatpacking Workers Bill of Rights & Names Worker Rights Coordinator (June 28, 2000) (available at http://gov.nol.org/Johanns/News/june00/Santos.htm)

[52] *See* Personick, Martin E. *et al.*, *supra* note 48 at 7.

[53] Further automation depends on "developing economical and reliable cutting machinery capable of adapting to the physical differences in animal carcasses." *Id.*

[54] *See* MacDonald *et al.*, *supra* note 42, at 15-16 (authors report that in 1992, average hourly wages at poultry processing were around $7.50 per hour and meat processing plants range at about $8.50 per hour in 1992).

[55] *Cf.* MacDonald *et al.*, *supra* note 42 (noting that consolidation of U.S. meatpacking in general has resulted in lowering of wages).

[56] Vasquez Case, Christina, *Barriers Reflecting Hispanic/Latino Residents in Rural Communities of Missouri* (available at MU Rural Sociology Web page).

[57] Interviews with plant officials.

[58] It is likely that almost half of the U.S. farm work force is unauthorized. *See* Martin, Philip A., *Farm Labor in California: Then and Now*, CCIS Working Paper No. 37 (Center for Comparative Immigration Studies April 2001) (available at http://www.ccis-ucsd.org/PUBLICATIONS/wrkg37.PDF). U.S. Farmers often find themselves looking the other way when hiring undocumented workers for fear that their crops will go unharvested. De Palma, Anthony, *A Tyrannical Situation; Farmers Caught in Conflict over Illegal Migrant Workers*, N.Y. TIMES (October 3, 2000). A nationally known researcher comments that immigration enforcement in agriculture has changed "from "people chase" to "paper chase." *See* Martin, *supra*.

[59] In May and June of 1999, INS mounted enforcement operation in the Vanguard meat processing plant in Nebraska; 4500, or 17 percent, of the 26,000 employees had suspect documentation. Most workers quit on the spot, only 23 were arrested. *See* Martin, *supra* note 58. In a 1997 report, the INS chief in Nebraska put the figure of undocumented workers in meatpacking at about 25%. *See* Sharon Cohen, *Beyond the Border: Stemming Illegal Immigration in America's Heartland*, Athens News (Oct.19, 1997).

[60] Indictment is available at http://www.tned.uscourts.gov/cases/401cr061/tyson.PDF.

[61] The indictment alleges that six Tyson managers participated in the scheme to smuggle 2,000 undocumented workers into the United States, and that the smugglers were paid between $100 and $200 a worker with Tyson corporate checks. *See also* Barboza, David, *U.S. Accuses Meat Processor of Recruiting Illegal Workers,* N.Y. TIMES (Dec. 20, 2001).

[62] A lower level employee has been convicted of being the smuggling leader. *See* Sack**,** Kevin, *Immigrant Lived American Dream by Trafficking Illegals into U.S.*, N. Y. TIMES (January 27, 2002).

[63] Employers can be sanctioned for knowingly hiring noncitizens. Immigration and Nationality Act 275A, 8 USC 1324a (2000).

[64] S*ee, e.g.,* Iowa Beef Packers Statement on the 60 Minutes story (March 9, 1997) (available at http://www.ibpinc.com/ibpnews/IBPNews.asp?date=3/10/1997&id=53&Display=Post)

> IBP provides a safe work environment and competitive wages for its workers. We use whatever resources are available to us — including the most advanced technology, job training programs, language classes and monetary assistance — to make the work, and sometimes the transition to a new lifestyle or community, safer and easier.

[65] *See* Lori A. Nessel, *Undocumented Immigrants in the Workplace: The Fallacy of Labor Protection and the Need for Reform,* 36 HARV. CR-CL L. REV. 345 359–60 (2001); U.S. Comm'n on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility* 2 (1994) (finding current enforcement of employer sanctions to be ineffective in deterring unlawful immigration).

[66] In addition to *U.S. v. Tyson*, *supra* note 60, *Trollinger v. Tyson Foods Inc*. (E.D. Tenn, 2002) is a class action on behalf of all Tyson employees who are legal residents of the United States seeking damages for depressed wages as a result of an illegal immigrant hiring scheme (complaint available at www.vdare.com/misc/tyson_complaint.htm). The complaint avers that workers who have legal immigration status or U.S. citizenship are harmed because wages are being lowered due to undocumented workers' willingness to work at low pay. *See also* Cleeland and Nancy, *New Angle in Fight Against Hiring Illegal Immigrants*, LA TIMES (April 3, 2002); Editorial, *RICOing Immigrants*, WALL ST. J. (April 18, 2002).

[67] Then INS Director James Zigler stated that the Tyson Foods prosecution was the first time the INS has taken action against a large company. *See* "INS Investigation of Tyson Foods, Inc. Leads To 36 Count Indictment for Conspiracy to Smuggle Illegal Aliens for Corporate Profit," Press Release from the Dept. of Justice (December 19, 2001) (available at www.usdoj.gov).

[68] VALDÉS, DIONICIO NODÍN, BARRIOS NORTEÑOS: ST. PAUL AND MIDWESTERN MEXICAN COMMUNITIES IN THE TWENTIETH CENTURY (2000) (tracing a historical pattern in which U.S. employers actively recruited manual labor from Mexico, becoming eventually official U.S. foreign policy in 1950s through programs like the BRACERO program); Bustamante, Jorge and Geronimo Martinez, *Undocumented Immigration from Mexico: Beyond Border but Within Systems*, 33 J. INT. AFF. 265-84 (1979).

[69] PORTES & RUMBAUT, *supra* note 37, at 225.

[70] Valdés, Dennis Nodín, *Divergent Roots, Common Destinies? Latina/o Work and Settlement in Michigan*, Julian Samora Research Institute Occasional Paper No. 4 (May 1992); Gouveia &. Stull, *supra* note 35, at 89.

[71] David Griffith, Hay Trabajo: *Poultry Processing, Rural Industrialization, and the Latinization of Low-Wage Labor* in ANY WAY YOU CUT IT, *supra* note 37.

[72] *Id*.

[73] Cornelius, Wayne A., *From Sojourners to Settlers: The Changing Profile of Mexican Immigration to the United States*, in U.S.-MEXICO RELATIONS: LABOR-MARKET INTERDEPENDENCE 155-95 (Bustamante, Jorge, Clark W. Reynolds, & Raul A. Hinijosa eds. 1992).

[74] *El Norte* is a movie directed and written by Jorge Nava that vividly depicts the mythology that for poor Latin Americans, many indigenous, migration to the North will result in middle-class status, abundance, and a happy family life. The reality, unfortunately, is that many immigrants endure untold hardship and suffering, loss of human dignity in this migration North, and then when they arrive they are sentenced to mind-numbing work, like the manual labor of a meat processing plant. *El Norte* (Anna Thomas 1983) (motion picture). *See also* Mendoza, Valerie M., *They Came to Kansas: Searching for a Better Life,* 25 KANSAS Q. 97-106 (1994).

[75] MINES, RIDING THE RAILS TO KANSAS: THE MEXICAN IMMIGRANTS (1980); Lin Fredericksen, "Fiesta, Kansas Style, A Moment in Time" Kansas State Historical Society (September 2001) (available at http://www.kshs.org/features/feat901.htm).

[76] The earliest record of a Mexican national operating in Kansas City dates back to 1861 to 1877, when Miguel Antonio Otero founded the largest wholesaling and overland freight company then in existence in the United States. *See* DRIEVER, STEVEN L., THE LATINA/O ENCYCLOPEDIA (1996); Driever, Steven L., *Latinos in Polynucleated Kansas City* (manuscript) (on file with the author).

[77] MINES, *supra* note 75; Fredericksen, *supra* note 75.

[78] *Id*. Valdés, *Divergent Roots, supra* note 68.

[79] MINES, *supra* note 75; Fredericksen, *supra* note 75; *see also id.*

[80] 23 Stat. 332 (Feb. 26, 1885).

[81] VALDÉS, *supra* note 68; Valdés, Dennis Nodín, *Historical Foundations of Latina/o Immigration and Community Formation in 20th Century Michigan and the Midwest*, in IMMIGRATION AND ETHNIC COMMUNITIES: A FOCUS ON LATINA/OS (Refugio I. Rochin ed. 1996); Valdés*, Divergent Roots, supra* note 70.

[82] Mendoza, *supra* note 74; Fredericksen, *supra* note 75.

[83] *Id*.

[84] VALDÉS, BARRIOS NORTEÑOS, *supra* note 68 at 32.

[85] Fredericksen, *supra* note 75.

[86] Valdés*, Divergent Roots, supra* note 70.

[87] VALDÉS, BARRIOS NORTEÑOS, *supra* note 68, at 226-28.

[88] *See* OSEDA Hispanic Overview, *supra* note 8.

[89] *See* Berube, *supra* note 12 at T.3.

[90] *See* Berube, *supra* note 12.

[91] The main actors are the Westside Housing Organization a private nonprofit community development corporation and the Hispanic Economic Development Corporation which has received federal enterprise zone grant funds. *See* Driever, *supra* note 76, at 11.

[92] *Id*.

[93] There are now 37,667 Latinas/os in Kansas City suburbs. *Id*.

[94] *See* Suro & Singer, *supra* note 10, at App. B.

[95] *See* Driever, *supra* note 76, at 12-13.

[96] *See* Pt III.A *infra*.

[97] *See* Driever, *supra* note 76, at 16.

[98] *Id*.

[99] Driever, *supra* note 76, at 18 (*quoting* editorial, DOS MUNDOS (Feb. 7-13) at 2).

[100] Kansas City counted 35,150 Latinas/os in 2000, and St. Louis 21,850. The SMSA area for St. Louis counted 39,677 Latinos or 2 percent of St. Louis total population. *See* Suro & Singer, *supra* note 10.

[101] Ann Ryhearson, "Hiding Within the Melting Pot: Mexican Americans in St. Louis" (Ph.D. dissertation, Washington University 1980). Ryhearson speculates that this may be a tipping point phenomenon, and reports that the first blacks in St. Louis experienced very little overt discrimination. *Id*. at 181.

[102] Phillip O'Connor, *Refugees may represent 10 pct. of city's population,* ST. LOUIS POST-DISPATCH (Feb. 24, 2001) at 10.

[103] *Id*.

[104] Suro & Singer, *supra* note 10.

[105] The 1990-2000 decennial growth rate was 56%. *Id*.

[106] Ryhearson, *supra* note 101, at 172-93.

[107] *See* Corey, Andrea, *La Clinica Offers Health Care to Hispanic Community* ST. LOUIS BUS. J. (Feb. 4, 2000).

[108] U.S. Census, *Profile of General Demographic Characteristics 2000* (2000) (available at http://censtats.census.gov/data/MO/1602965000.pdf).

[109] The mid-Missouri survey concentrated on five mid-Missouri communities, Marshall, Columbia, Jefferson City, California and Sedalia, while the southwest Missouri survey concentrated in 27 cities and towns in southwest Missouri. *See* Mid-Missouri Survey, *supra* note 27; Jim Wirth, *The Story of the Hispanic/Latino Experience in Southwest Missouri: Surveys of Latino Adults, Latino Youth, and Non-Hispanic Service Providers/Community Residents* (University of Missouri Outreach & Extension) (2001-02) (on file with the author) [hereinafter Southwest Missouri Survey].

[110] *See* Cuellar, Israel, "Mexican-origin Migration in the U.S. and Mental Health Consequences," JSRI Occasional Paper #40, The Julian Samora Research Institute, Michigan State University, East Lansing, Michigan, 2002.

[111] *See* Massey, Douglas S. and Kristin E. Espinosa, *What's Driving Mexico-U.S. Migration? A Theoretical, Empirical, and Policy Analysis,* 102 AM. J. SOC. 939-99 (1997). *See generally* THE CASE *AGAINST* THE GLOBAL ECONOMY AND *FOR* A TURN TOWARD THE LOCAL (Jerry Nader and Edward Goldsmith eds. 1996).

[112] In the southwest Missouri survey, 58 percent moved directly to Missouri from another country. Southwest Missouri Survey, *supra* note 131, at 12. In Sedalia 46.4 percent responded that they had come from a country outside the United States; in Jefferson City, 44.5 percent. By contrast, in Columbia only 33.2 percent came directly from a foreign country. *See* Mid-Missouri Survey, *supra* note 28.

[113] The highest proportion was reported in Columbia where the percentage who were originally from Mexico was 95.2 percent; California, 80.6 %; Sedalia, 70.4 %; Jefferson City, 68.9 percent, and Marshall 40%. *See* Mid-Missouri Survey, *supra* note 27. In southwest Missouri, of those who were not from the United States, most came from Mexico (90%). Southwest Missouri survey, *supra* note 109 at 12.

[114] In Marshall 49% of Latina/os came from El Salvador, as compared with 40% from Mexico. *See* Mid-Missouri Survey, *supra* note 28.

[115] In Jefferson City, other countries of origin besides Mexico were Nicaragua (11%) and Chile (11%). *See* Mid-Missouri Survey, *supra* note 28. In southwest Missouri, also mentioned were Bolivia, Guatemala, and El Salvador. Southwest Missouri Survey, *supra* note 109 at 12.

[116] In Marshall 90.9 percent responded that they had lived elsewhere in the United States before coming to Missouri. In California, Missouri, 87.1 percent so responded. *See* Mid-Missouri Survey, *supra* note 28.

[117] In Marshall, about half (49.1%) reported that they had lived in the state of California before moving to Missouri. In California, Missouri, about one-third came from Florida and California, and another one-sixth from Texas. *See* Mid-Missouri Survey, *supra* note 28. In southwest Missouri 23% of those surveyed moved directly from Texas or California. See Southwest Missouri Survey, *supra* note 109.

[118] *See* Kandel & Parrado *supra* note 22 at 4.

[119] *Cf.* Grey, *supra* note 37 (citing word of mouth as a key recruiting mechanism for food processing industries).

[120] Griffith, *supra* note 71 (describing the kinship between poultry workers and agricultural workers).

[121] *Id*.at 146 (describing a cycle of poultry workers "rotating" among different economic activities, multiple jobs, and periods of rest relief and work).

[122] *Id*. at 146-47 (describing Latinos as being pigeonholed into generally undesirable jobs, which makes them more marginal, while more desirable jobs might go to more loyal labor components).

[123] The mid-Missouri survey included housewives and youths who were not working outside the home. In California, one-fifth of the respondents were not working, and in Marshall, 45%. In California, exactly two-thirds of the group who was employed reported working for Cargill. The next most frequently cited employer was a local feather factory (25%). In Marshall, 57% of the employed group reported working for Conagra (33%), Excell (17%) or Tyson (7%); Conagra and Excel were cited as the employer of 50% of the surveyed group. *See* Mid-Missouri Survey, *supra* note 28.

[124] Stephen Jeanetta, *Missouri Communities Responding to Chang*e (February 2002) *infra.*

[125] Fujimaru, Ozamu, *Two Brothers Return to Mexico After Recent INS Sweep*, ADELANTE! (May 2002) at 2 (available at www.adelantesi.com).

[126] *Id*. They did mention to the reporter that their legal problems as undocumented workers might have contributed to the calculus of going back home. "We wish we could stay." They were obliged to quit their jobs recently, he said. He added that it was hard for them to find another job in Columbia "because we don't have papers [immigration documents.]"

[127] Ron Graber, *From Ameca to America: Learning the Language – After Moving from Mexico to California to Carthage, Topete Learns English Language,* THE CARTHAGE PRESS (Aug. 15, 2002).

[128] Murray Bishoff, *Immigrant Concerns Aired to Blunt: Congressman Assemblies Area Hispanic Leaders as Focus Group,* THE MONETT TIMES (June 20, 2001).

[129] *Id*.

[130] Ladinos is what indigenous people call those who are mostly white and have some indigenous blood. This is the social and racial group that dominates the middle class and forms the elites who run Latin American countries. Mestizos are those who are not predominantly white but have enough indigenous blood so that physical features appear indigenous. Most in this group work in manual labor jobs, but a significant number are becoming educated and have worked their way to middle class jobs where education allows you entry. The latter are challenging politically the established order in Latin America. The final groups are indigenous peoples who retain indigenous folkways, which include dress, religion, and family organization.

[131] These settlements are known primarily because of community workers' local knowledge. There may be more settlements of indigenous peoples not known to researchers.

[132] OSEDA, *Hispanic Population by Race in Missouri, 2000 By County With State Totals* (available at http://www.oseda.missouri.edu/tables/race_county.html) [hereinafter OSEDA Hispanics & Race].

[133] Census Hispanic Overview, *supra* note 6, at T. 10.

[134] *See* OSEDA Hispanics & Race, *supra* note 132.

[135] *See generally* RIGOBERTA MENCHU, ME LLAMO RIGOBERTA MENCHÚ Y ASÍ ME NACIÓ LA CONCIENCIA (1988).

[136] Sociologist and ethnographers have studied the process of integration and acculturation. Recent work has concluded that social distance, not necessarily racial and cultural factors are the greatest impediments to successful integration of new immigrants. *See* PORTES & RUMBAUT, *supra* note 35.

[137]

% stating that they …	Sedalia	California	Jefferson City	Columbia	Marshall
Have English fluency	16%	6.5%	17.8%	24%	7.3%
Use translator	74.6%	83.9%	71.1%	50%	87.2%

[138] In the southwest Missouri survey 73% of respondents stated that they needed help primarily in English. In contrast, almost the entire sample, about 94%, stated that they could read and write in Spanish well or very well. Southwest Missouri Survey, *supra* note 109 at 21-22 (items 6 & 7).

[139] Southwest Missouri survey, *supra* note 109 at 3.

[140] *See Jt. Int. Comm. on Immigration*, *supra* note 17.

[141] About 43 percent have attained no higher than sixth grade. Those completing high school accounted for only 16%. A small number — around 16% — had some kind of certificate of training, usually indicating a vocational skill, from their country of origin. Southwest Missouri survey, *supra* note 109, at 8

[142]

	Sedalia	California	Jefferson City	Columbia	Marshall
% with highest educational attainment high school & above	22.1	22.6	46.4	28.6	14.5

Mid-Missouri Survey, *supra* note 28.

[143] *Id*.

[144] In Jefferson City about 18 percent indicated English fluency. *Id*.

[145] *See supra* note 142.

[146] Southwest Missouri Survey, *supra* note 109 at 13 (item 11).

[147] In Marshall, Sedalia, and California, questions dealing with discrimination showed there is a small but significant group who reported expectations that they should be treated fairly by their employer. They believe that local schools should provide their kids with the best education possible, local stores should not be rude or racially profile them when they walk into a store, and that their Missouri neighbors should treat them civilly. *See* part III.C *infra*.

[148] Griffiths**,** Frank, *Hispanics entering politics in McDonald County: For the first time in southwest Missouri, names like Lopez, Zamudio are appearing on ballots,* THE SPRINGFIELD NEWS-LEADER **(**March 31, 2002) (reporting on Latina/os considering runs for local office in Noel and Southwest City).

[149] Solano, Javier, *Lobby Day Called a First Step*, ADELANTE! (May 2002) at 4.

[150] Office of Social and Economic Data Analysis, An Overview of the Age of the 2000 Missouri Hispanic Population: Much Younger than Rest of Missouri, available at http://www.oseda.missouri.edu/regional_profiles/age_hispanic_pop_2000.html.

[151]

	Sedalia	California	Jefferson City	Columbia	Marshall
Males - %	60.2	61.3	57.8	71.4	74.4
Age (males)	31	34	28	26	37
Age (females)	32	30	41	30	33
Total	31	33	34	28	36

Mid-Missouri Survey, *supra* note 28; Vasquez Case, Cristina, "Learning About the Newcomers to Missouri Towns," (presentation for DECOLORES 2002 conference) (available at www.missouri.decolores.edu).

[152] *Id*.

[153] Southwest Missouri Survey, *supra* note 109 at 11 (item 2) (58% of adult Latina/o respondents were female).

[154] The method in the southwest Missouri survey was to survey groups in community institutions, during the day, when women who were homemakers were most likely to attend. Also the mid-Missouri survey canvassed

individuals, while the southwest Missouri survey canvassed families. *See* Southwest Missouri Survey, *supra* note 109 at 1.

[155]

	Sedalia	California	Jefferson City	Columbia	Marshall
% reporting children in household	61.9	70	60	57.1	81.8

Mid-Missouri Survey, *supra* note 28.

[156] In the southwest Missouri survey roughly 60% reported having children under age 14, and 55% had children under 6. Southwest Missouri Survey, *supra* note 109 at Table 1

[157] Southwest Missouri Survey, *supra* note 109 at 1 11 (item 5).

[158] Mid-Missouri Survey, *supra* note 28; Vasquez Case, *supra* note 151.

[159] In Jefferson City the median wage was $6.50 per hour, California $7.90, Sedalia $8.00, and Marshall $10.50. Mid-Missouri Survey, *supra* note 28.

[160] Half of respondents reported annual household income between $10,000 and $24,999, 24% between $24,999 and $49,999, and 19% earned less than $10,000. Southwest Missouri Survey, *supra* note 109 at 7.

[161] Office of Social and Economic Data Analysis, *Change in Missouri Median Household and Family Income 1989-1999 -U.S Population Census 2000* (available at http://www.oseda.missouri.edu/regional_profiles/chg_mhi_mfi_1989_1999.html).

[162] Southwest Missouri Survey, *supra* note 109 at 15 (item 19). The median number of hours worked in California, Sedalia, and Marshall was 40. Mid-Missouri Survey, *supra* note 28.

[163] In response to the question how many adults worked outside the house in full time jobs, only 36 percent responded that only one family member worked outside the home; the remainder responded two or more adults (Two adults (29%), three adults (18%) and four adults (10%)). Southwest Missouri Survey, *supra* note 109 at 15 (item 17).

[164] In the southwest Missouri survey roughly 60% reported having children under age14, and 55% had children under age 6. Southwest Missouri Survey, *supra* note 109 at T. 1.

[165] The most common response was money, with half citing this as a major need. Southwest Missouri Survey, *supra* note 109 at 8.

[166] Office of Social and Economic Data Analysis, *An Update on Missouri's Children and Families*

(available at http://www.oseda.missouri.edu/presentations/).

[167] In southwest Missouri 52% of adults responded that they had experienced discrimination. Southwest Missouri Survey, *supra* note 109 at 18 (item 3a). In the mid-Missouri survey, 129 of 270, or 48%, responded that they had encountered discrimination. Mid-Missouri Survey, *supra* note 28. On this item, the mid-Missouri survey data are overweighed by the responses in Sedalia, where 66% responded affirmatively to the discrimination question. Sedalia had the largest sample size in the survey. (Sedalia n=125; California n=31; Jefferson City n=45; Marshall n=55; Columbia n=14).

[168] Adults ranked discrimination (13%) — in numbers statistically equivalent to jobs (14%) and legal documentation (15%). Language barriers (35%) was the greatest hurdle mentioned. Southwest Missouri Survey, *supra* note 109, at 1.

[169] In southwest Missouri 62% of youths responded that they had experienced discrimination. Southwest Missouri Survey, *supra* note 108, at 37 (item 4). They ranked discrimination (19%), second to language barriers (36%) as the greatest issues that they face. *Id*. at 1.

[170] *See* Mid-Missouri Survey, *supra* note 28; *see also* Lazos, Sylvia R., *How Has Missouri Responded to Change of Colors: Integration/Acculturation or Discrimination?* (presentation for DECOLORES 2002 conference) (available at www.decolores.missouri.edu).

[171] *Id.*

[172] In southwest Missouri, 31% of those who responded reported that they had experienced discrimination reported that it was at work. Southwest Missouri Survey, *supra* note 109 at 18. In Sedalia, 45% and in California, 27% respondents cited work as sources of discrimination. *See* Mid-Missouri Survey, *supra* note 28; Lazos, *supra* note 170. Detailed responses were not available for Marshall or Columbia.

[173] According to *New York Times* reporter Charlie Le Duff**:**

> The first thing you learn in the hog plant is the value of a sharp knife. The second thing you learn is that you don't want to work with a knife. Finally you learn that not everyone has to work with a knife. Whites, blacks, American Indians and Mexicans, they all have their separate stations. The few whites on the payroll tend to be mechanics or supervisors. As for the Indians, a handful are supervisors; others tend to get clean menial jobs like warehouse work. With few exceptions, that leaves the blacks and Mexicans with the dirty jobs at the factory, one of the only places within a 50-mile radius in this muddy corner of North Carolina where a person might make more than $8 an hour. *See* Leduff, Charlie, *At a Slaughterhouse, Some Things Never Die Who Kills, Who Cuts, Who Bosses Can Depend on Race,* N.Y. Times (June 16, 2000); *see also* Griffith, *supra* note 70 (noting job segregation based on tenure at the plant, distinguishing between marginal jobs held by Latinos and loyal labor force who might be held by a more ethnically diverse workforce).

[174] The key is burden of proof. *See generally* Ann C. McGinley, *¡Viva La Evolucion!: Recognizing Unconscious Motive In Title VII* 9 CORNELL J.L. & PUB. POL'Y 415 (2000).

[175] In Sedalia, 21% and in California, 27%, Jefferson City 33%, cited this source of discrimination. *See* Mid-Missouri Survey, *supra* note 27; Lazos, *supra* note 170.

[176] In Sedalia, 16%, in California, 36%, and Jefferson City (33%) cited these as sources of discrimination. *See* Mid-Missouri Survey, *supra* note 27; Lazos, *supra* note 170. In Southwest Missouri 47% responded that they had experienced discrimination in these locations. Southwest Missouri Survey, *supra* note 109 at 18.

[177] In Sedalia, 8% and in California, 9% cited work this as a source of discrimination. *See* Mid-Missouri Survey, *supra* note 27; Lazos, *supra* note 169.

[178] Federal Bureau of Investigation, *Hate Crime Statistics*, 1995-2000; *see also* Michael Foster, *A Profile in Hate: A Review of the Activities of Hate Groups Targeting Missouri's Latino Population* (2002) (on file with the author).

[179] *Id*.

[180] Murray Bishoff, *Hispanic Pentecostal Church Feels Pressure in Purdy: Pastor's Concern About Harassment Increases After Church Window Shot Out*, Monett Times (June 8, 2001).

[181] Center for New Community, Midwest Action Report n.41 (July 2001).

[182] FBI, *Hate Crime Statistics*, *supra* note 178.

[183] This list was compiled through web research and by consulting with the Missouri State Highway Patrol, Hate Crimes Unit. Missouri is one of only a handful of states that has a specific unit dedicated solely to hate crimes. It was created in the mid-1980s in response to an increase in activity of the Christian Identity and Common Law Court movements in the southern portion of the state.

[184] This is a six-year-old organization that has taken the forefront in the Neo-Confederate movement. Michael Hill, founder of League of the South, issued a call to arms in 2000, stating that whites must be prepared to defend themselves against the assaults of all minorities. On their Web site, http://www.4noel.com/freemissouri/history, the Columbia chapter provides their interpretation of the history of the struggle Missouri faced throughout the Civil War.

[185] The Christian Identity movement, formerly known as Anglo-Israelism, is composed of groups that believe Anglo-Saxons are the direct descendants of the twelve tribes of Israel and that only the white race are God's people. *Id*.

[186] The Confederate Hammerskins from Missouri are located in Springfield. The Hammerskin Nation prides itself on its exclusivity and commitment to hatred. According to David Lane, a convicted Neo-Nazi terrorist, the organization is, "only here to secure the existence of our people and a future for White children." Center For New Community Background Brief, *Violent Neo-Nazi Group Plans April 21 White Power Music Concert In Springfield, Missouri* (available at http://webmail.mizzou.edu/exchange/Attac…B3ED6BBD511B4E30000E867D06E-CNCBackr.htm).

[187] Telephone interview with Major Jim Keathley, Missouri State Highway Patrol (March 9, 2002)).

[188] *See Neo-Nazi Group, supra* note 186.

[189] *See generally* Lu-in Wang, *The Complexities of "Hate*," 60 OHIO ST. L.J. 799 (1999).

[190] Rudin, James A., *Organized Hate Still Growing In America*, Fort Worth Star-Telegram, April 26, 1999.

[191] In a recent newspaper publication, the author commented that the influx of Latina/os into the Midwest was a "positive influence that would benefit the entire community." See *Latino Influx a Boon for Many Communities,*

LEBANON DAILY RECORD (Nov. 9, 2001) at 1A (quoting Prof. Lazos). The following were responses to this statement (available at http://www.theindependent.com/stories/110801/new_ruralimmigration08.html),

> **RESPONDENT #1**: "I have been looking for a job here for about a month now. …Both jobs require applicants to be bilingual….
>
> I'm not racist. I work at a job now where we have a large Hispanic clientele and I've never had problems communicating with them. They usually bring a child or other adult along with them to interpret. I'm upset because I thought I lived in America where the national language was English. Why then am I being discriminated against in my own country????
>
> I have compassion, but what about us? Now the desirable jobs are being taken away from those of us that are Americans. Is that fair?"
>
> **RESPONDENT #2:** "While I agree that these folks are not going to speak English immediately, I think we make it too easy for them not to learn English and otherwise assimilate at all. If my grandparents could have been taught in the public schools in their native tongue of German, they would never have learned English. Nor would my parents, and I would now be speaking German as well.… If they do not learn English in America they have virtually no chance to succeed. They will always live in a subculture which will always border poverty. That subculture will be a perpetual problem for the rest of society, i.e., higher crime rate, higher cost to educate, etc. etc. This problem, fortunately, is usually cured in one generation. At least it always has been in the past. But we must pressure incoming people to learn English and otherwise assimilate… what we need is One America, One Culture, One Language."

[192] There is yet no study of the various siting decisions made by local governments in rural Missouri of food processing plants. Was more promised than delivered? If history in other locales holds in Missouri, then the answer is yes. Mark Grey reports that in Storm Lake, Iowa's decision to site an IBP plant there were various spurious assumptions made, for example, how many jobs would be brought (only one-fourth what was estimated to begin with, what the economic contributions of the workforce might be (failed to calculate how lowly paid the workers would be). *See* Grey, *supra* note 37, at 113-14.

[193] In southwest Missouri, service providers perceived language barriers (39%) and cultural adjustment (12%) as being the greatest issues facing Latinas/os in southwest Missouri. Southwest Missouri Survey, *supra* note 109 at 3.

[194] About 80 percent in the mid-Missouri survey and 62 percent in the southwest Missouri survey report being Catholic. Southwest Missouri Survey, *supra* note 108 at 1; Mid-Missouri Survey, *supra* note 28.

[195] Jeanetta, *supra* note 124.

[196] Sylvia R. Lazos Vargas, *Deconstructing Homo[geneous] Americanus: The White Ethnic Narrative and Its Exclusionary Effect*, 72 Tulane L. Rev. 1493 (1998).

[197] *See, e.g.,* Graber, *supra* note 151 (Mexican immigrant commenting on different cultural practices in the evenings); Bishoff, *supra* note 128 (Latino neighbors commenting "we are loud, in a lot of ways… we like to celebrate").

[198] *See supra* notes 174-76 & accompanying text.

[199] *See* Sylvia R. Lazos Vargas, *Judicial Review of Initiatives and Referendums in which Majorities Vote on Minorities' Democratic Citizenship,* 60 Ohio St. L. J. 399, 462-73 (1999).

[200] *See* Sylvia R. Lazos Vargas, *Critical Race Theory and Autobiography: Can a Popular "Hybrid" Genre Reach Across the Racial Divide?*, 101 Law & Inequ. J. 18 (2000).

[201] *See infra* T. 3 & Pt IV.C

[202] I elaborate this distinction in Sylvia R. Lazos Vargas, *Democracy and Inclusion: Reconceptualizing the Role of the Judge in a Pluralist Democracy*, 58 Md. L. Rev. 152, 160-183 (1999).

[203] Jeanetta, *supra* note 124; Henness, *supra* note 31.

[204] *Id*.

[205] The catalyst for the soul searching in the town of Californian was a fire in a rundown apartment building that killed five girls, ages 9 months to 11, and their 35-year-old father. Accusations surfaced that the family trying to fight the fire was unable to get the neighbors' help. According to Rev. Francis Gilgannon, "there was some fear at the beginning,… since then the fear has dissipated because nothing happened… People see them [Latinos] as good workers and caring people, with great concern for their family." Stearns, Matt, *Tragedy Tightens Bonds of Diverse*

Town: California, Missouri grieves for six Mexican Americans Lost in Fire, Kansas City Star, (Sept. 22, 2000) at A-1; Scott Charton, *Small Town Reeling from Fire Fatalities*, Columbia D. Trib. (Sept 18, 2000) at 1.

[206] Personal communication from Pat Williams, Diversity Coordinator, University Outreach and Extension; see also Jeanetta, *supra* note 124.

[207] Personal communication from Wayne Dietrich, University Outreach and Extension; *see also* Jeanetta, *supra* note 124.

[208] *See* Kristin Nama, *Multicultural group elects first Permanent Board,* MONETT TIMES (May 10, 2002).

[209] *See Jt Int. Comm. on Immigration*, *supra* note 17.

[210] Michael Broadway, *Planning for change in small towns or trying to avoid the slaughterhouse blues,* 16 J. RURAL ST. 37-46 (2000); Broadway, Michael J., Donald D. Stull, & Bill Podraza, *What Happens When the Meat Packers Come to Town?* 24 SMALL TOWN 24-28 (1994).

[211] Immigration laws classify noncitizens into various categories. For a noncitizen to be in the United States legally, he or she must be issued proper immigration visa or be otherwise authorized to stay in the United States. The most common type of immigration visa is a visitors visa issued at entry. This visa does not allow the holder to work, but only to visit. Permanent noncitizens who qualify under limited provisions in the law, mostly under the policy of family reunification, are classified as "permanent resident aliens" and are issued what is popularly known as a "green card." (Today the ID card is actually light blue). This status allows noncitizens to work, accrue Social Security benefits, and receive federal benefits such as welfare and state benefits such as in-state tuition rates at state universities. Permanent residents cannot vote, however.

[212] Census data establish only the total number of persons in the United States, not the number who are legally here. The Bureau of the Census has been under great political pressure to eliminate the "undercount" problem. The "undercount" of the poor in large cities, like New York, has cost states federal benefits that are distributed on the basis of population, from representation in Congress to dollars for food stamps and welfare. Therefore, the Census Bureau's main purpose is to produce as accurate a count as possible of persons in the United States. The mid-Missouri and southwest Missouri surveys do not attempt to cull out noncitizens. Like census data, the surveys attempted to measure what exists, and for that reason, purposely do not ask questions about status in order to get full cooperation from Latinas/os who were being surveyed.

[213] According to the Bureau of the Census, based on the 2000 census, the number of foreign born who are unauthorized is 8,835,450. This estimate is contained in a technical report issued by the Bureau of Census reconciling the data gathered in the 2000 census and its estimation methods for the population of the United States prior to the census. *See* Bureau of Census, Robinson, J. Gregory, ESCAP II, *Demographic Analysis Results*, Table 5, True Level of Estimates of the Foreign Born Population by Migrant Status in 2000, Upper Estimate, 41 (2002). According to recent estimates by the Pew Foundation and the Urban Institute, the number of undocumented persons in the United States is close to 8 million. Bean, Frank D. and Jennifer Van Hook, *Estimates of Numbers of Unauthorized Migrants Residing in the United States: The Total, Mexican, and Non-Mexican Central American Unauthorized Populations in Mid-2001*, The Pew Hispanic Center (March 21, 2002) (available at http://www.pewhispanic.org/reports.jsp); B. Lindsay Lowell & Roberto Suro, *How many undocumented: The numbers behind the U.S.—Mexico Migration Talks*, The Pew Hispanic Center (March 21, 2002) (available at http://www.pewhispanic.org/reports.jsp); Passel, Jeffery, *Estimates of Undocumented Immigrants Living in the United States*, The Urban Institute (Aug. 2001).

[214] The Pew Foundation's studies conclude that of the 7.8 million undocumented persons in the Untied States, 4.5 million are from Mexico (58%), 1.5 million from Central America and 1.8 million from remaining countries, primarily Canada and Ireland. *See* Bean & Van Hook, *supra* note 213.

[215] Lowell & Suro, *supra* note 213; Martin, Philip A., Guest Workers: New Solution, New Problem? The Pew Hispanic Center (March 21, 2002) (available at http://www.pewhispanic.org/reports.jsp) (placing 47% of agricultural labor force as unauthorized).

[216] This was an open-ended question, "what are the greatest issues facing Hispanics/Latina/os in southwest Missouri." The responses about legal documentation were grouped together, and reflect responses like need immigration help, no social security number or drivers license, and want to become U.S. citizens. Southwest Missouri Survey, *supra* note 109 at 26.

[217] Aaron Deslatte, *Immigration Service Bolsters Presence,* THE JOPLIN GLOBE (Sept. 17, 1999).

[218] Sanchez, Mary, *Immigrant Labor Incidents Worry Hispanic group*, KANSAS CITY STAR (Mar. 6, 2002).

[219] *Id*.

[220] Up to now, because the Social Security Administration had no enforcement powers and worked alone, such discrepancies were seldom caught. However, since 9/11, the Social Security Administration has undertaken new efforts, mailing 800,000 inquiries to employers nationwide. Broder, David, *As Social Security cracks down, scores of immigrants leave jobs*, THE WASHINGTON POST (Aug. 6, 2002).

[221] Dinerstein, Marti, *America's Identity Crisis Widespread Document Fraud Threatens National Security*, Center for Immigration Studies (May 2002) (available at http://www.cis.org/articles/2002/idpr2.html).

[222] *See* Bishoff, *supra* note 128.

[223] When adults were asked what were the greatest issues facing Latina/os in Missouri, the most frequent response was "Language Barriers," cited by 35%. Southwest Missouri Survey, *supra* note 109 at 1.

[224] OSEDA, *Missouri Statistics* (Programmed by the Office of Social and Economic Data Analysis, U. of Missouri Extension Under a Contract With the Missouri State Census Data Center, Missouri State Library) (2001) [hereinafter *OSEDA Latino Enrollment Analysis]*.

[225] OSEDA, *An Update on Missouri's Children and Families, supra* note 166.

[226] Jones, Bruce A., *Latino/Latina Trends in Education* (March 13, 2002) (Compiled and prepared by researchers at the University of Missouri System Consortium for Educational Policy Analysis) (manuscript on file with the author) [hereinafter *Latina/o Trends*].

[227] Arce Kaptain, Dolores, *Latinos and Education in Missouri* (presenting Office of Social and Economic Data Analysis data) [hereinafter ALIANZAS *Latinos & Education*].

[228] *OSEDA Latino enrollment analysis*, *supra* note 224.

[229] *Id*.

[230] *Id*.

[231] *Id*.

[232] *See* ALIANZAS *Latinos & Education, supra* note 227. Other schools with one-third to on-fifth enrollment were East (29%), and Garfield (21%).

[233] *Id*.

[234] *Latina/o Trends, supra* note 226.

[235] *OSEDA Latino Enrollment Analysis*, *supra* note 224.

[236] Technically, LEP refers to a "language minority student whose English proficiency is below that of grade or her peers." *See* Missouri Department of Elementary and Secondary Education (DESE), *Educating Linguistically Diverse Students: Requirements and Practices* (2001) (available at http://www.dese.state.mo.us/divimprove/fedprog/discretionarygrants/bilingual-esol/Program%20Guidance.pdf) [hereinafter *Linguistically Diverse Students*].

[237] **Statewide Limited English Proficient (LEP) student enrolments, 1996-2001**

	1996	1997	1998	1999	2000	2001
Total LEP	5,660	6,514	7,269	8,157	10,238	11,542
Spanish - LEP	N/A	2,768	3,311	3,065	4,625	5,098

See Missouri Department of Elementary and Secondary Education (DESE) Census, Missouri Department of Elementary and Secondary Education, Missouri School Directory, 2001-02. (compiled by Yaya Badji, Supervisor of Federal Discretionary Grants, DESE). LEP languages other than Spanish include Serbian and Croatian (1673), Vietnamese (760), Bosnian (503), Arab (450), Somalian (379), and Chinese (335). In rural counties LEP students are most likely to be dominant Spanish language students.

[238] From 1997 there was an increase of 2330 Spanish LEP students, or 84%. *Id*.

[239] Kansas City had 1401 Spanish LEP students in 2001, or 68% of their LEP population; Independence S.D. had 104 Spanish LEP students, or 65% of their LEP population. *Id*.

[240] *Lau v. Nichols*, 414 U.S. 563, 568 (1974) ("Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.")

[241] The court refused to allow children to be penalized for their parents' act of entering the United States illegally. *Plyler v. Doe*, 457 U.S. 202, 220 (1982).

[242] Under Title VI of the Civil Rights Act of 1964, no state may discriminate in any federally funded activity on the basis of race, color, ethnicity, national origin, religion, or creed. 42 USC Sec. 2000d et seq. Also under the Equal Educational Opportunities Act:

> No state shall deny equal educational opportunity to an individual account of his or her race, color, sex or national origin, by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by the students in its instructional programs. 42 USC 708a

[243] *Linguistically Diverse Students, supra* note 236 at 17.

[244] In 1998, California voters enacted Proposition 227, which mandated bilingual education immersion programs of one to three years. 1998 Cal. Leg. Serv. Prop. 227 (West). DESE, however, cites Professor Jay Greene's 1998 examination of bilingual education that counters rapid immersion. *Linguistically Diverse Students, supra* note 236.

[245] RAMSEY, PATRICIA G., TEACHING AND LEARNING IN A DIVERSE WORLD: MULTICULTURAL EDUCATION FOR YOUNG CHILDREN (2nd Ed. 1998).

[246] *Id*.; *see also* Alejandro Portes and Dag Mac Leod, *Educational Progress of Children of Immigrants: The Role of Class Ethnicity and School Context*, Soc. Ed. 244-75 (1996).

[247] *Jt. Int. Comm. on Immigration, supra* note 17, at 5.

[248] *Id*. Witnesses from several schools testified that they lacked funding to provide any special language programs or recruit certified ESOL teachers.

[249] Elementary and Secondary Education Act (ESEA) and the Federal Bilingual Education Act provide funding for bilingual education and ESOL programs. In Missouri, these federal monies are administered by DESE. School districts get funded on a per capita basis, with a minimum grant of $10,000.

[250] SB 380 (2001 Legislative Session). Federal monies were subject to matching requirements from the states. In 2001, the federal government extended $100,000 to Missouri which the state matched with $100,000 budget allocation.

[251] 20 U.S.C. 6053e, 6054b, 6055h, 6056b, 1041-1044, 3427, 6052.

[252] Interview Yaya Badji, Supervisor, Federal Discretionary Grants, Missouri Department of Elementary and Secondary Education (August 5, 2002).

[253] In the last five years, states have questioned or rethought their bilingual education programs. Besides California's Proposition 227, *see supra* note 448, Massachusetts recently signed into law sweeping overhaul of the state's 31-year-old bilingual education program. *See* Anand Vaishnav, *In advance of initiative, Swift signs bilingual bill,* BOSTON GLOBE (Aug. 7, 2002).

[254] State guidelines leave it to each school district to design a program for its LEP student populations. Standards, requirements and recommendations are set forth in a total of 15 pages of DESE's *Linguistically Diverse Students, supra* note 236. *See id.* at 19-27.

[255] DESE's analysis of the practicality of ESOL as against bilingual programs is dated:

> ESOL approach is the only practical [in Missouri]… either because a qualified teacher ... is not available, or because there are so many other languages represented by students having a bilingual teacher for each language is impractical. In Missouri, both of the above reasons, coupled with the relatively low numbers of students in the majority of districts enrolling LEP students make ESOL the appropriate choice. *Id*. at 16.

[256] *Id*. at 17.

[257] Interview Yaya Badji, *supra* note 252. Senath, where much of the student population are children of migrant workers, has programs in place under migrant education programs.

[258] *Jt Int. Comm. on Immigration, supra* note 17, at 5.

[259] Education Panel, 2002 *Cambio de Colores Conference*, *supra* note 1 (focusing on the needs of Latinas/os in K-12 and higher education).

[260] Lopez, Gerardo, Scribner, John & Mahitivnichcha, *Re-defining parental involvement: Lessons from high-performing, migrant-impacted schools*. 38 AM. ED. RES. J. 253-288 (2001).

[261] Grass roots community organizations, like LULAC National Educational Service Centers, Inc. in Kansas, City, have continued to develop programs to educate Latina/o parents how to interact with schools more effectively with their children's schools.

[262] Lopez, Gerardo, *The Value of Hard Work: Lessons on Parent Involvement from an Immigrant Household,* 71 Harv. Ed. Rev. 416-437 (2001).

[263] For a collection of best practices, *see* CHILDREN OF LA FRONTERA: BINATIONAL EFFORTS TO SERVE MEXICAN MIGRANT AND IMMIGRANT STUDENTS (Judith LeBlanc Flores ed. 1996).

[264] This dropout rate is measured in grades 10 through 12. *Latina/o Trends, supra* note 226.

[265] *Id*.

[266] Driscoll, Anne, *Risk of High School Dropout Among Immigrant and Native Hispanic Youth,* INTL. MIGRATION REV. 857-75 (1999).

[267] LULAC-NESC, Inc. has the most ambitious series of educational programs for Latina/os in Kansas City supporting Latina/o education from kindergarten to post high school. At the elementary level, LULAC-NESC sponsors the Young Readers programs, funded by the Kauffman Foundation, where eight teachers take the lowest readers in a class and supply after-school supplemental instruction. For fourth and fifth graders LULAC-NESC sponsors a Match, Science and Reading enrichment program. The Middle School Initiative, reaching 300 students, supplements instruction in areas of difficulty, mostly math. LULAC-NESC works with 16 high schools in Kansas high schools in organizing after school clubs for low-income students who will be the first generation in their family to go to college. The program provides counseling service, college campus visits, and support for developing a long-term plan for college enrollment. Interview with Yvonne Vazquez Rangel, Director, Kansas-Missouri Headquarters (Aug.15, 2002); *see also* Web site available at http://www.lnesc-kansas.org/services_frame.htm

[268] Matti Rhodes Center in Kansas City provides counseling and education support services for Latina/o students in seven Kansas City schools and sponsors summer school camps in English and Spanish.

[269] The Guadalupe Center in Kansas City operates Academia del Pueblo.

[270] Karen Johnson, "Migrant Leadership Academy," University Outreach and Extension (2002). The Academy, begun in 1998, was created to extend the life lessons for migrant youth to include knowledge about postsecondary education and the world of work. Since the first Migrant Leadership Academy was held in May, 1998, the number of participants has grown from 30 the first year to 150 in 2002.

[271] *Forum Tackles Racial Education Gap: Talk centers on meaningful ways to close gaps in dropout rate, other areas,* SPRINGFIELD NEWS-LEADER (Sept 27, 2000) at 1.

[272] *Latina/o Trends, supra* note 225.

[273] Richard Fry, *Latinos in Higher Education: Many Enroll, Too Few Graduate*, Pew Hispanic Center (Sept. 2003). This study concludes that right after high school Latinas/os enroll in community colleges and 4-year colleges at high rates. Many fail to ultimately earn a degree, mainly because of economic pressures.

[274] According to a recent study released by the Tomas Rivera Policy Institute, 96 percent of Latina/o parents surveyed expected their children to go to college, but researchers found 66 percent of the parents failed to answer four out of eight basic questions about what it takes to make college a reality for their family. The study concludes that Latina/o families may not understand how to prepare their children for college, and therefore that they will not be able to guide their children through the crucial steps leading to a college degree. Louis G. Tornatzky, Richard Cutler, and Jongho Lee, *College Knowledge - What Latino Parents Need to Know and Why They Don't Know It,* The Tomás Rivera Policy Institute No. 002046 (2002). The Hew Hispanic Trust study suggests that this is a shortcoming that also affects Latina/os children once they enroll in college. *See* Fry, *supra* note 273.

[275] *See* Tornatzky, *et al.*, *supra* note 274.

[276] *See* Fry, *supra* note 273.

[277] Senate Bill 1291, Development, Relief and Education for Alien Minors (DREAM) was voted on favorably by the Senate Judiciary Committee, but failed to be calendared for Senate consideration before the end of session.

[278] This number is just an estimate, since, as discussed *supra* Part II.D, estimates of undocumented workers are difficult to arrive at. In an apple agricultural area in Pennsylvania, high school counselors estimate the number of high school graduates who lack proper documentation may be as high as 97%. *See* Victor Romero, *Education Benefits for Undocumented Immigrants*, 27 N.C. J. INTL L. & COM. REB. 393, 394-5 (2002).

[279] *Id*.

[280] Donna Tam, *Bill Seeks to Remove 'Undocumented' Stigma*, ASIANWEEK (Jul 11, 2002).

[281] Texas Representative Rick Noriega, Press Release (June 17, 2001) (available at http://www.go2college.org/press_release.htm).

[282] Tex. Rev. Stat. 54.052j(1)(2). The Texas Bill is more generous than the DREAM proposal. The DREAM bill requires that student beneficiaries have lived in the United States for five years or more, graduated from high school or hold a GED, and be at least 12 years old on the date of enactment. The Texas bill's sole requirements are that a student have attended school in Texas for at least 3 years, and have graduated or received a GED from the state.

[283] Calif. Ed. Code Sec. 68130.5

[284] Email communication with Pat Williams, Multicultural Coordinator University Outreach and Extension; Carol Conway, Adult Basic Education, University Outreach and Extension (interview Aug. 2, 2002).

[285] *See* Part II.A.1 *supra*.

[286] MO. REV. STAT. § 1.028

[287] ALIANZAS survey.

[288] *See* MO. REV. STAT. § 161.227 (1) ("The adult basic education programs administered by the department of elementary and secondary education shall include the provision of English language services to nonnative speakers who need assistance in learning English.") Missouri Department of Elementary and Secondary Education (DESE) also administers K-12 education.

[289] Missouri receives adult education funds under Title II of the Workforce Investment Act of 1998, 20 USCA § 9252c(1)(F)(ii), and the Adult Education and Family Literacy Act. 20 U.S.C.A. § 9201.

[290] The Adult Education and Family Literacy Act of 1998 (20 U.S.C.A. § 9201) provides funding for local groups to promote literacy and English speaking skills.

[291] The Missouri Legislature's own delegation of authority is broad and consists of two provisions:

The local entity designated by the department of elementary and secondary education to offer adult basic education shall seek the assistance of local political subdivisions, community-based agencies and organizations, migrant worker groups, refugee resettlement programs, schools, churches and others in making nonnative speakers aware of the availability of English language services.

English language services provided through the adult basic education programs of the department of elementary and secondary education may include family and home-based curriculum and programs designed to enhance the English fluency of all family members and may include programs whereby family members teach each other the English language MO. REV. STAT. § 161.227(2)&(3).

[292] Missouri Adult Education and Literacy State Plan, *infra* note 299, at §6.3, 11 & Appendix C.

[293] *Id*. at § 3.1 ("local Program Applicants will determine what services are needed in the area to be served…"). The only requirement is that "funds will be used to support or provide programs … for individuals 16 and older … not enrolled in high school." *Id*. at §3.2

[294] *Id*. at §6.0.

[295] *Id*. at §6.0 & Appendix C.

[296] *Id*. at §6.1.

[297] The state requires that all of the money funded go to provide services (95%) or indirect administrative personnel costs (up to 10%). *Id*. at §13.1.

[298] American Immigration Law Foundation, *Immigration Policy Reports: ESL Education Helps Immigrants Integrate* (2002) (available at www.ailf.org/polrep/2002/pr012.htm).

[299] The state plan states that the major need is students 16 and over who do not have a high school diploma. *See* Missouri Department of Elementary and Secondary Education, *Missouri Adult Education and Literacy State Plan 2000-2004* (2002) (available at http://www.dese.state.mo.us/divvoced/ael_state_plan.htm) at Appendix E. Estimates of the number of Missourians who lack English language skills are based on a 1996 estimate of literacy performed by Portland State University. *Id*. at § 2.2(4).

[300] *See* memorandum to Sylvia Lazos from Sherry Fetzer, Missouri Department of Elementary and Secondary Education, Sept. 20, 2002 [hereinafter *Adult Education & Literacy Statistics*].

[301] *ESL Education Helps Immigrants Integrate, supra* note 298.

[302] *See Adult Education & Literacy Missouri AEL Statistics, supra* note 300.

[303] Success rate is the percentage of students who complete the course. DESE reports these rates to the Department of Education. *Id*.

[304] Southwest Missouri Survey *supra* note 109.

[305] *See* Jeanetta, *supra* note 124.

[306] *See* Pt. II.B.3 *supra*

[307] *See* Southwest Missouri Survey, *supra note 109.*

[308] *Id*.

[309] *Health Insurance Access (Premier Policy Position Paper) (Feb. 2002). (available at http://my.premierinc.com/frames/index.jsp?pagelocation=/all/advocacy/issues/).*

[310] *See* Jeanetta, *supra* note 124, at 6.

[311] *Id*. at 7; Khasahn, Nesreen, *Fear of deportation haunts many immigrants*, STANDARD-EXAMINER CAPITOL BUREAU (Aug. 16, 2002) (reporting that immigrants shy away from applying for government services when they believe that service provider investigates immigration law violations); Corey, Andrea, *La Clinica Offers Health Care to Hispanics Community* ST. LOUIS BUS. J. (Feb 7-3, 2000) (reporting that those "who are in the country illegally or whose relatives are, don't trust the government or programs that receive money from the government, because they're concerned they'd be caught.")

[312] Jeanetta, *supra* note 124, at 3

[313] *See Jt Int. Comm. on Immigration, supra* note 17, at 6.

[314] Cuellar, Israel, "Mexican-origin Migration in the U.S. and Mental Health Consequences," JSRI Occasional Paper #40, The Julian Samora Research Institute, Michigan State University (2002).

[315] Cuéllar, Israel, Siles, R., & Bracamontes, E. *Acculturation: A psychological construct of continuing relevance to Chicano Psychology,* in CHICANO PSYCHOLOGY (R. Velasquez, Ed. 2002); Cuéllar, Israel *Acculturation and mental health: Ecological transactional relations of adjustment,* in HANDBOOK OF MULTICULTURAL MENTAL HEALTH: ASSESSMENT AND TREATMENT OF DIVERSE POPULATIONS 45-62 (I. Cuéllar & F. A. Paniagua, Eds 2000).

[316] Cuellar, Israel, *Mexican-origin Migration*, *supra* note 314.

[317] The World Health Organization identifies poverty as the major factor for the development of general health and mental health problems. DESJARLAIS, R., EISENBERG, L., GOOD B. & KLEINMAN A., WORLD MENTAL HEALTH: PROBLEMS AND PRIORITIES IN LOW INCOME COUNTRIES (1995).

[318] Heness, *supra* note 31, at 16 (reporting on public testimony)

[319] Jeanetta, *supra* note 124, at 3

[320] *Patients Are Plentiful, But Money, Doctors Are Scarce*, ST. LOUIS POST-DISPATCH (June 24, 2001).

[321] Turner, Jessie, *Healing Hands in the Heartland*, ADELANTE! (May 2002) at 1. The Sedalia Community Free Clinic was opened by a local Sedalia doctor, Vijaya Mangunata, in 1997. Originally located in the Salvation Army it is now housed in Sedalia's Pettis County Community Partnership, which provides administrative support for the clinic. Four other local family doctors donate services.

[322] Corey, Andrea, *supra* note 311; Hopgood, Mei-Ling, *Free Health Clinic for Poor Latinos Keeps growing as word spreads*, ST. LOUIS POST-DISPATCH (Sept. 12, 1999); Rice, Patricia, *Pastor nurtures bodies, souls of Hispanics*, ST. LOUIS POST-DISPATCH (May 4, 1998); Greg Freeman, *Free Clinic for Poor Latinos here is Labor of Love, Mission of Faith*, St. Louis Post Dispatch (Jan.27, 2000) at C1. *La Clinica* was founded in 1996 by Dr. William Chignoli. It is staffed by volunteers from the medical community in St. Louis, particularly from the area's medical schools, St. Louis University, Washington University, Southern Illinois University, and University of Missouri at St. Louis. *La Clinica* offers dentistry, gynecology, optometry, ophthalmology, family and pediatric medicine, neurology and psychiatry.

[323] *See* Mid-Missouri Survey, *supra* note 45.

[324] Emergency Medical Treatment and Labor Act. 42 USC § 1395dd(b)(1)(A)

[325] Temporary Assistance for Needy Families. 42 U.S.C. § 300x-2(c)(1). The program is currently under consideration for reauthorization.

[326] National Association of Counties, *Uncompensated Health Care* (2002). The survey of county administrators estimates that states border states had major shortfalls. Over a four-year period California experienced a $11.3 million deficit attributable to care of illegal immigrants; Texas, $4 million; Florida, $2 million; Illinois $1.6 million.

[327] C. William Chignoli, *Equal Access to Healthcare for All Missourians*, March 2002 (available at http://www.decolores.missouri.edu/Library/Chignolli_EqualCare.pdf).

[328] Eduardo Simoes, Chief State Epidemiologist, State of Missouri (remarks at De Colores Conference).

[329] Email May 3, 2002, from Sr. Cecilia Hellmann, Coordinator of Hispanic Ministry, Diocese of Belleville (reporting on the death of a Mexican detainee in Jackson, Mo., who had died because of lack of health care).

[330] Sedalia Clinic receives state monies to provide administrative support for the Clinic through a Caring Communities grant and for medical supplies. Sedalia Clinic's *services* are donated. St. Louis's *La Clinica* receives no state or federal funding, instead, it is funded from charitable donations. *See* Corey, *supra* note 311. The Southeast Missouri Health Care Clinic is federally funded. Jeanetta, *supra* note 123.

[331] *Jt Int. Comm. on Immigration, supra* note 17, at 4.

[332] The notes on the bill state:

> Supporters say that many rural areas have experienced an increase in immigration which presents challenges for political subdivisions particularly with communication issues. Law enforcement and emergency personnel are presented with challenges in providing services because of communication difficulties. This bill would provide communities with assistance in meeting these challenges.

[333] HB 1306 (91st Gen. Assembly). The bill was reported favorably out of the House in the 2002 sessions, but did not reach the Senate floor for a vote.

[334] *Jt Int. Comm. on Immigration, supra* note 17*,* at 7.

[335] *Cambio de Colores Conference*, *supra* note 1, HEALTH SERVICES Panel, Keith Mueller**,** The Nebraska Center for Rural Health Research, University of Nebraska Medical Center; Eduardo Simoes, Chief State Epidemiologist, Missouri State Dept. of Health, C. William Chignolli, Director and Founder, *La Clínica*, St. Louis.

[336] *See supra* Pt II.A.1.

[337] Slesinger, D & Richards M, *Folk and Clinical Medical Utilization Patterns Among Mejicano Migrant Farmworkers,* 3 HISP. J. BEHAVIOR SCI. 59 (1981).

[338] 67 CFR 41455 (June 18, 2002). The Office of Civil Rights Policy Guidelines specify that hospitals and medical doctors are covered by the regulations. *See* Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency, 67 CFR 4968 (February 1, 2002).

[339] The regulations make clear that this test is flexible and services are to be provided on a case by case basis based on a four factor text, which takes into consideration the importance of the service (high in the case of medical care) and the proportion of the LEP population that the provider is serving (high in hypergrowth rural counties).

[340] Limited English Proficiency Policy Guidance, see *supra* note 339, at 15 ("A recipient/covered entity may expose itself to liability under t. VI if it requires, suggests or encourages an LEP person to use friends, minor children, or family members as interpreters, as this could compromise the effectiveness of the service.").

[341] *Id.*

[342] Partiga, J. *The effects of immigration on children in the Mexican-American community.* Child and Adolescent Social Work Journal, 13, no. 3, 241-254; Tse, L. *When students translate for parents: Effects of language brokering.* Cabe Newsletter, 17, no. 4, 16-17.

[343] V. Nelly Salgado de Snyder, Ma. de Jesus Diaz-Perez, Margarita Maldonado & Elida M. Bautista, Pathways to Mental Health Services Among Inhabitants of a Mexican Village, 23 HEALTH & SOC. WORK 249 (1998).

[344] *A Cry for Help: Refugee Mental Health in the United States***,** 18 REFUGEE REPTS (1997) ("[lack of] access to professionally trained bilingual and bicultural interpreters … can lead to vital misunderstandings or mistranslations that in turn result in misdiagnosis and inappropriate treatment.")

[345] Baker, D.W., *et al.,* Use and Effectiveness of Interpreters in an Emergency Department, 275 J. AM. MED. ASSO'N 783 (March 13, 1996); Gil, A. G., & Vega. W. A. *Two different worlds: Acculturation stress and adaptation among Cuban and Nicaraguan Families,* 13 J. SOC. & PERSN'L RELATIONSHIPS 435 (1996).

[346] Salgado de Snyder *et al.*, *supra* note 343.

[347] *Id*. at 253-54.

[348] *Id* at 253

[349] *Id*. *See also* THE INTERPRETATION OF CULTURES: SELECTED ESSAYS BY CLIFFORD GEERTZ (1973).

[350] Community centers in Sedalia, Milan, Columbia, St. Louis, and Kansas City follow this health care strategy.

[351] *Jt. Int. Comm. on Immigration, supra* note 17, at 7.

[352] This is an estimate of low-income households that do not receive federal subsidies but nevertheless face critical needs in housing. Cushing N. Dolbeare, *Housing Affordability: Challenge and Context,* 5 Cityscape 1 (2001) (available at http://www.huduser.org/periodicals/cityscpe/vol5num2/dolbeare.pdf).

[353] *Compare with* Southern Burlington County NAACP v. Township of Mt. Laurel, 456 A.2d 390 (1983) (where the New Jersey Supreme Court found that the dye process of the state constitution guaranteed all residents of Missouri access to affordable housing).

[354] In a focus group, language differences, access to affordable housing, and health care were considered among the major issues of the local community. Jeanetta, *supra* note 124, at 4.

[355] According to Steve Jeanetta's report on the local focus group:

> In Milan, rents have taken off, with some landlords charging on a per head basis. The community in Milan recognizes that lack of affordable housing is a major challenge. The major food processing employer in Milan, Premium Standard Farms, provides transitional stipends. However, others who do not come in through the program do not have the resources to obtain housing. The local Methodist Church is developing two houses that will provide transitional housing for up to two months. A retirement facility of 16 units is being redeveloped for this purpose as well. *See* Jeanetta, *supra* note 124, at 3.

[356] In community meetings in Noel convened by the Noel Multicultural Committee participants identified housing, infrastructure, law enforcement and recreation opportunities as the major community issues. The group identified a need for more low-cost housing and choice of housing of any type. *See* Summary of Outcomes of Two Community Meetings in Noel, Missouri (email from Wayne Dietrich, University Outreach and Extension Staff Specialist, March 4, 2002) (on file with the author).

[357] According to Steve Jeanetta's report on the local focus group:

Affordable housing is an important issue in this community. Many migrant families, which includes Latina/os as well as African-Americans and Asian Americans, have resorted to living in shantytowns and non-permitted trailer parks. No group in Senath has taken leadership to ensure that there is a greater supply of affordable housing. *See* Jeanetta, *supra* note 124, at 5.

[358] Reports are that rents have skyrocketed in Sedalia, even though the Tyson plant in Sedalia has been there since the mid-1980s. *See* Jeanetta, *supra* note 124, at 6.

[359] Interviews with PDF plant officials (March 2001).

[360] Jeanetta, *supra* note 124, at 2.

[361] Mid-Missouri Survey, *supra* note 28.

[362] *See supra* note 357.

[363] *See* Charton, *supra* note 205.

[364] What role did language and cultural barriers play in this tragedy? It is not clear. In an interview, a neighbor said "the bad part of it is, because of the language barrier, and the cultural barrier, they didn't feel they could come over to call for help from my house." *See* Charton, *supra* note 205. An interviewed religious leader was upbeat about community relations overall, "people see Hispanics as good workers and caring people with great concern for their families." *See* Stearns*, supra* note 205.

[365] Fair Housing Act of 1968, 42 USC 3601 et seq. Under the FHA, housing provider may not refuse to rent sell, or negotiate for housing on the basis of the characteristics of a protected class; make housing unavailable or falsely

deny that housing is unavailable; set different terms conditions of privileges for the sale or rental housing; deny or make different terms or conditions for a mortgage home loans, homeowners insurance.

[366] The Fair Housing Center of Greater Boston, *Acceso Negado/Access Denied, Discrimination against Latina/os in the Greater Boston Retail Market/La discriminacion contra la gente Latina en el Mercado de Alquiler de Viviendas del Area metropolitan de Boston* (2002). In tests conducted during February and April 2002 in the greater metropolitan Boston area, in 50 separate tests, 52% of testers who spoke with an accented English experienced some kind of discrimination. *Id*. at 1-4

[367] *Id*. at 18, 22, 24.

[368] Data request to Department of Housing and Urban Development, Kansas City Office reported by Dale A.Gray, spokesperson (Aug. 2, 2002).

[369] *Cf*. Jeanetta, *supra* note 124 (reporting on rent gouging in Sedalia and explaning that no individual Latino renters wanted to "push" the issue for fear of immigration issues).

[370] *Boston Fair Housing Report*, *supra* note 366, at 18, 20, 22, 24.

[371] Census Bureau Statistical Brief, *Housing in Metropolitan Areas — Hispanic Origin Households* (March 1995).

[372] *See supra* note 368. 70 percent of the complaints filed by Latinas/os in Missouri with HUD dealt with terms and conditions of rental or mortgage property.

[373] *See* Christian Murray & Carrie Mason-Draffen, *Preying on Immigrants' Dreams: Realtor accused in housing scam*, NEWSDAY (Aug. 16, 2002) (available at Newsday.com).

[374] Center for Community Change, *Risk or Race? Racial Disparities and the Subprime Refinance Market* 42 (May 2002) (available at http://www.communitychange.org/NRP/riskorrace.asp).

[375]

	MSA name	Population	HUD region	Conventional refinance loans	Percent subprime	Disparity ratio
	National Urban Total (All 331 MSAs Combined)			91,295	30.33	1.74
25	**Kansas City, MO-KS**	**1,776,062**	**7**	**279**	**39.07**	**1.89**

Source: Center for Community Change, *Risk or Race? supra* note 374, at T.4.

[376] *Id*.

[377] Paul Wenske, *Program to Help Hispanics Find Home Loans,* KANSAS CITY STAR (June 23, 2002).

[378] *Id*.

[379] Center for Community Change *2001 State and Municipal Legislative Round Up for Anti-Predatory Lending* (2002) (available at http://www.communitychange.org/NRP/statebillspass.asp#il). The 16 states that passed anti-predatory legislation in 2001 were Arizona 9SB 1290), California (Assembly Bill 489), Colorado (HB 1099), Connecticut (HB 6131), Florida (SB 938), Illinois (HB 2439), Louisiana (HB 1436), New Mexico (SB 199), North Carolina (HB 1179), Oregon (HB 2764), Pennsylvania (SB 377), Texas (SB 1581, HB 1268, HB 1493), Virginia (HB2708, HB 2787), Washington (HB 1205), West Virginia (SB 418).

[380] *Jt. Int. Comm. on Immigration*, *supra* note 17, at 6-8.

[381] *See* Southwest Missouri Survey, *supra* note 109, at 39. Surprisingly, only 1% responded that getting a job was difficult in these communities.

[382] Missouri Revised Statutes 302.171 (emphasis added).

[383] Social Security Administration, *Frequently Asked Questions - How does a non-citizen obtain a Social Security number to get a drivers license?* (available at http://www.ssa.gov) SSA issues SSNs to noncitizens who are lawfully authorized to work and for the following nonwork purposes: Federal statute or regulation requires a SSN to get the particular benefit or service; or state or local law requires SSN to get general assistance benefits to which she is entitled.

[384] *See, e.g.,* Murray Bishoff, *supra* note 180 (Purdy police chief reported that most police action involving LOCAL Latinos has been driving while intoxicated or driving without a license violations).

[385] In the week of May 27 to June 3, 2002, there were 25 total arrests; 11 (44%) involved Latina/os and 14 Whites/Anglos (56%). The proportion of the population in McDonald County that represents Latina/os over 16 is 8%. Latinas/os are 5.5 times (44%/8%) over represented in this booking report. Four of the eleven (36%) arrests involved some traffic violation. McDonald County Sheriff's jail booking report, May 27–June 3, 2002.

[386] Leigh E. Herbst, The Impact of New Immigrant Patterns on the Provision of Police Services in Midwestern Communities (University of Nebraska-Omaha, Ph.D. dissertation, 2002).

[387] *See* Mid-Missouri Survey, *supra* note 28; Southwest Missouri Survey, *supra* note 109.

[388] Department of Justice regulations require all recipients of Federal financial assistance to provide meaningful access to LEP persons. *See* Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 CFR 41455 (June 18, 2002) (final).

[389] DOJ regulations specifically state that local police departments are subject to its LEP regulation. *See* 67 CFR 41459.

[390] *Jt. Int. Comm. on Immigration, supra* note 17, at 6-8. Also a recent survey of Missouri law enforcement shows that language barrier is the number one issue in terms of community relations from the standpoint of law enforcement. Herbst, *supra* note 386, Executive Summary.

[391] *See* Table 6 *infra*. The survey method was to call the police departments in hypergrowth jurisdictions and ask a series of questions regarding whether translation services would be provided to non-English speakers. The calls were conducted in February and March 2002.

[392] Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits. 67 C.F.R. 41461.

[393] Missouri Attorney General, Annual Report on 2000 Missouri Traffic Stops (2001) [hereinafter 2000 Racial Profiling Report] (available at http://www.ago.state.mo.us/rpoverview.htm.)

Eleven states have enacted legislation addressing racial profiling to date: California, Connecticut, Kansas, Massachusetts, Missouri, North Carolina, Oklahoma, Rhode Island, Tennessee, and Washington with legislators in another thirteen states having introduced bills dealing with racial profiling this year.

[394] MO. REV. STAT. §590.650(2) provides

Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;
(2) The traffic violation or violations alleged to have been committed that led to the stop;
(3) Whether a search was conducted as a result of the stop;
(4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;
(5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;
(6) Whether any warning or citation was issued as a result of the stop;
(7) If a warning or citation was issued, the violation charged or warning provided;
(8) Whether an arrest was made as a result of either the stop or the search;
(9) If an arrest was made, the crime charged; and
(10) The location of the stop.

[395] MO. REV. STAT. §590.650 (1) ("As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.").

[396] *Id*. *See Executive Summary-2001,* Missouri Attorney General, *Annual Report on 2001 Missouri Traffic Stops* (2002) [hereinafter 2001 Racial Profiling Report] (available at http://www.moago.org/rpexecsummary2001.htm#executive).

[397] *Id*.

[398] *Id*.

[399] "Search Rate" is the number of searches divided by the number of stops (x 100). *Id*.

[400] *Id*. at T.1.

[401] *Id*.

[402] *See* Table 5 *infra*.

[403] In 2001, Kansas City Police Department reported a stop disparity index for Latinas/os of 0.77, and the St. Louis City Department of 0.56. *See* Racial Profiling Data Tables- *2001 Racial Profiling Report, supra* note 396.

[404] The Dunklin County Sheriff's Department reported 257 traffic stops. Of these, 223 were white motorists, 19 black and 12 Hispanic. *See* Racial Profiling Data Tables- *2001 Racial Profiling Report, supra* note 396.

[405] *See* 2000 Racial Profiling Report, *supra* note 393.

[406] In *Salinas-Calderon* the court concluded that given the *entire circumstances* of the stop — the driver's initial errant driving, the suspicious answers in response to the officer's questioning (that he was not a U.S. citizen), and what the driver was transporting (ten single males who spoke no English and stated that they were not U.S. citizens) — that the officer had probable cause to arrest the driver on immigration law violations. 728 F.2d 1298, (10th Cir. 1984). *See generally* Sylvia R. Lazos Vargas, *Missouri, the "War on Terrorism," and Immigrants: Legal Challenges Post 9/11,* 67 Missouri Law Review 775 (2002).

[407] The overall search rate was 7.18%, and for whites (6.43%), African-Americans **(**11.47%), and Latinas/os (12.54%). *See* 2001 Racial Profiling Report, *supra* note 396.

[408] *See supra* Pt. II.B.2.

[409] Suppose a police officer stops and questions a non-English-speaking Latina/o driver. The officer asks if he can search the car. The driver understands nothing and just looks back with a blank stare. The police officer proceeds to search. Was there consent for a search in this case? If these are the facts, then this is a nonconsent that does not rise to the level of a knowing waiver. *See generally* Maria L. Ontiveros, *Adoptive Admissions and the Meaning of Silence: Continuing the Inquiry into Evidence Law and Issues of Race, Class, Gender, and Ethnicity*, 28 SW. U. L. REV**.** 337 **(**1999).

[410] Under *Miranda* a waiver of constitutional rights must be "knowing and intelligent." Miranda, 384 U.S. at 444. Language barriers are a factor, because they may impair a suspect's ability to consent knowingly and intelligently. U.S. v. Granados**,** 846 F.Supp. 921, 923 (D.Kan. 1994).

[411] Each law enforcement agency must adopt procedures for determining whether any officers have a pattern of disproportionately stopping people of color, and provide counseling and training to any such officers. MO. REV. STAT. §*590.650(2)*.

[412] The Missouri legislature passed new Peace Officers Standards and Training (POST) requirements:

> Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, noncombative methods for carrying out law enforcement duties in a racially and culturally diverse environment. Missouri Revised Statutes *590.650(2).*

[413] *Jt Int. Comm. on Immigration, supra* note 17, at 7.

[414] HB 1306 (91st Gen. Assembly). The bill was reported favorably out of the House in the 2002 sessions, but did not reach the Senate floor for a vote.

[415] J. of the House (91st Gen. Assembly, 2nd Reg. Session).

[416] *See* Bishoff, *supra* note 128 (comments from Latina/o focus group meeting with Representative Blount in Noel).

[417] *Jt Int. Comm. on Immigration, supra* note 17, at 4.