

LatCrit VII: Coalitional Theory and Praxis: Social Justice Movements and
LatCrit Community
Inter/National Migration of Labor: LatCritical Perspectives on Addressing
Issues Arising with the Movement of Workers

***343 "LATINA/O-IZATION" OF THE MIDWEST: CAMBIO DE COLORES (CHANGE OF
COLORS)
AS AGROMAQUILAS EXPAND INTO THE HEARTLAND**

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Introduction

The 2000 census confirmed what many already knew--the traditional image of what it means to be a heartland state is changing. The new Census shows that the fastest growing racial and ethnic group in the Midwest are Latinas/os. [\[FN1\]](#) Kansas's Latina/o population doubled from 93,670 in 1990 to 188,252 in 2000 (100%); Nebraska's Latina/o population grew from 36,969 to 94,425 (155%); Iowa's population increased from 32,647 to 82,473 (152%); and Missouri's Latinas/os doubled from 61,702 in 1990 to 118,592 in 2000 (92%). [\[FN2\]](#) The Midwest joins a group of agricultural states, North and South Carolina (393%), Arkansas (337%), and Tennessee (278%), experiencing Latina/o explosive growth. [\[FN3\]](#) These states have far outstripped the national growth rate of 58%. [\[FN4\]](#)

As compared to African Americans and Asian Americans, Latinas/os in these agricultural areas are more widely dispersed. [\[FN5\]](#) Since post Reconstruction, ***344** African American settlement has been primarily urban. By contrast, new Latina/o settlement in the Midwest is both urban and rural. [\[FN6\]](#)

The prototypical Midwestern farm town--almost all white, English-speaking, of European heritage, and mostly middle class--is becoming diverse culturally, racially, and class-wise. Virtually overnight, small rural towns gained a significant Latina/o presence. Garden City, Kansas, is 25 percent Latina/o; [\[FN7\]](#) Noel, Missouri, is 40 percent Latina/o; [\[FN8\]](#) and Clark City, Arkansas, is 30 percent Latina/o. Postville, Iowa, had a 50 percent increase in its Latina/o population since 1990. [\[FN9\]](#) Colfax and Dixon counties in Nebraska had an 831.8% and 1119.6% growth, respectively, leading the nation in the greatest percentage growth of Latinas/os in a county. [\[FN10\]](#) According to Dr. Refugio Rochín's 1995 study, at least three million Latinas/os had settled in rural America. [\[FN11\]](#) As compared to urban Latinas/os, rural settlers are more likely to live in poverty (34% versus 25%), be first-generation immigrants (40% versus 13%), and

have difficulty with English (90% versus 65%). [\[FN12\]](#) The characteristics Rochín first analyzed with 1990 Census data are now more prevalent, as captured in 2000 Census data and various surveys taken from 1993 to 2001 in Missouri, [\[FN13\]](#) Nebraska, [\[FN14\]](#) Iowa, [\[FN15\]](#) and Kansas. [\[FN16\]](#)

"Latina/o-ization" of rural America is a distinct phenomenon in the regions where agriculture is a key industry, the Midwest, California, [\[FN17\]](#) and the Southeast. [\[FN18\]](#) *345 The influx of Latinas/os is felt immediately and visibly. There is no possibility of Latinas/os remaining "olvidados," or unseen, as Juan Perea once claimed. [\[FN19\]](#) Spaces in rural America are small and contained, neighbors know one another. These are communities where newcomers are immediately noticed and scrutinized. The sense of who is a newcomer spans generations, not years; counties, not countries. [\[FN20\]](#) On the other hand, these are communities where norms of community and neighborliness could help ease transitions, and where positive community leadership is easier to exercise by a handful of well-motivated individuals.

In this article, I focus on this important development in Latina/o experience in the United States. Latinas/os are now the majority minority group in the United States. [\[FN21\]](#) Increasingly, Latinas/os are rural dwellers, living in areas without a historical Latina/o presence. Latinas/os are no longer concentrated into the land geography that was Mexico prior to the Treaty of Guadalupe Hidalgo. Rather, the most recent wave of Latina/o immigration has dispersed settlement throughout the United States. Part I discusses these changes in Midwest rural communities, and describes this new pattern of Latina/o immigration to the United States. Part II then focuses on the cultural, socio-economic, and racial tensions that Midwest rural communities are experiencing. Immigration shifts reconfigure familiar racial/ethnic geography, create new conflicts, and call for new concepts. On the other hand, these changes create opportunities for positive interventions that might yield new norms of co-existence. Part III describes the key legal issues for Latinas/os who have settled in the rural Midwest. Post 9/11, Latina/o "foreignness" has made what should be routine, for example obtaining a driver's license, a source of tension between immigrant communities and local law enforcement. Finally, Part IV describes how the organization of the University of Missouri's Cambio de Colores conference, based on the LatCrit conferencing model, has created a venue for communities of learning and activism in the Midwest.

I. Changes in the Midwest: From Farm Towns to Agromaquila Centers

A. New Settlement Patterns Due to Agromaquila Decentralization

Settlement patterns of Latinas/os are changing. Previously Latina/o immigrants entered through the gateway states of California, Texas, New York, and Florida and went no further. The new national pattern is that Latinas/os are more *346 dispersed throughout the United States. [\[FN22\]](#) Latina/o immigrants move through these gateway states and settle elsewhere. In the Midwest, areas where Latinas/os have already settled are being augmented by new flows of first-generation Latina/o immigrants. For example, Kansas City, which is home to the largest Latina/o population in the Midwest, doubled the number of Latinas/os, which placed it eleventh overall among urban centers experiencing the greatest Latina/o urban growth. [\[FN23\]](#)

Latina/o growth in rural areas is not so much an issue of numbers, but of proportional impact. In Missouri, the counties recording the most growth in Latina/o population are all rural. [\[FN24\]](#) For example, Sullivan County-- with a total population of approximately 7000--now has over 600 Latina/o residents, whereas in 1990 it had recorded only 23. [\[FN25\]](#) Most other counties in Missouri with populations of around 7000 had barely 50 Latina/o residents in 1990. [\[FN26\]](#) McDonald County, which abuts Arkansas' poultry

region, with over 2000 Latina/o residents, had only 121 in 1990. [\[FN27\]](#) Nebraska has had a similar experience. [\[FN28\]](#) Dawson County, Nebraska, once experiencing net out migration, had an increase of 5000 residents from 1990 to 2000, for an 838% growth of Latinos. [\[FN29\]](#) Garden City, Kansas, has tripled in size in the last three decades, and now has high concentrations of Latinas/os, Vietnamese, and Laotians. [\[FN30\]](#) Midtown, Iowa, which had been declining in the 1980s, surged in growth during the 1990s and recorded increases in Latina/o residents, from a handful to close to 200. [\[FN31\]](#)

This hyper growth is not haphazard. Latinas/os are being drawn by jobs from meatpacking and food processing industries--siempre hay trabajo (there is always work). [\[FN32\]](#) As Tables 2 and 3 show, in Missouri and Nebraska, the rural counties experiencing Latina/o hyper growth are also those experiencing a transformation in agricultural production methods from small, family-owned producers to large-volume, high-profit, low-cost, labor-intensive production, which Professor Guadalupe Luna and others have described as U.S. "agromaquilas." [\[FN33\]](#) The *347 growth of Garden City, Kansas, as well, is due to the location of two beef plants that slaughter up to 4000 head of cattle a day. [\[FN34\]](#) Similarly, Midtown's growth can be explained by the siting of a meat processing center. [\[FN35\]](#) Agromaquilas are multinational corporate oligopolies, which aggressively aim to keep costs low and corporate profits high. 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; [\[FN36\]](#) the top three control 70 percent of cattle slaughter in the United States. [\[FN37\]](#) In the 1990s, the meat processing industry consolidated to realize greater economies of scale, and began to decentralize in order to be closer to production points. [\[FN38\]](#) The major meat processing areas are now located in rural Iowa, Nebraska, Kansas, Colorado, Texas, Arkansas, North Carolina, and Missouri. [\[FN39\]](#) Plants in what had been major meat processing centers, Kansas City, Sioux City, and Des Moines, closed down. [\[FN40\]](#) New agromaquilas opened in rural America, often with the support of local tax abatements and subsidies. [\[FN41\]](#)

Some commentators view agromaquilas' rural relocation as an attempt to contain unions. Since the major labor strife in the early 1960s and 1980s, the meatpacking and poultry industries restructured with non-unionized labor. [\[FN42\]](#) New giant slaughterhouses employ from 200 to 500 workers over two or three shifts and typically slaughter 4000 to 5000 cattle a day. [\[FN43\]](#) A major cost of food processing is labor. [\[FN44\]](#) The industry has been unable to mechanize the cutting up of carcasses, *348 which still requires human hands and human eyes. [\[FN45\]](#) Workers' wages average between \$7 and \$8.50 per hour, sometimes less. [\[FN46\]](#) Yet, job conditions have not improved markedly since the 1940s and 1950s, [\[FN47\]](#) when American workers in Minnesota, Nebraska, and Iowa staged strikes for better working conditions and better pay. [\[FN48\]](#) Working conditions remain harsh. [\[FN49\]](#) Workers stand for the entire length of their shift, lining up on fast-moving conveyor belts cutting carcasses with very sharp instruments in cold, wet environments. [\[FN50\]](#) A slip or a mistake means an injury. According to the Department of Labor, meat and poultry processing plants are the most hazardous workplaces in the United States. These conditions are physically taxing, and the work-line conditions can dehumanize. [\[FN51\]](#)

The large pools of low-cost labor required by agromaquilas are being filled by mobile immigrants seeking work. Regression analysis shows that nationally, immigrants are supplying labor where there has been a shift to high-profit labor-intensive agriculture. [\[FN52\]](#) Labor economists have coined the concept of demand-pull immigration to describe the movement of new populations pulled by industry that acts as a magnet. [\[FN53\]](#) Immigrant communities through word of mouth communicate *349 that there is plentiful work in these areas. [\[FN54\]](#) Multiple family members work at these plants, often more than one shift. With turnover averaging 100 percent and more in these plants, thousands of workers come and go each year. [\[FN55\]](#) Because the local surplus

labor supply cannot fill the demand, pulling migrants to agromaquila centers is an ongoing process. Missouri has documented reports of meat and poultry processing companies actively recruiting Latina/o workers near the Mexican border. 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." [\[FN56\]](#) Premium Standard Farms in Milan provides transportation from the border to recruited workers and a moving allowance of \$250. [\[FN57\]](#) Nancy Naples found in her case study of a meatpacking plant in Midtown, Iowa, that workers were recruited by newspaper advertisements posted in Laredo, Texas. [\[FN58\]](#)

The recent case of U.S. v. Tyson, [\[FN59\]](#) the largest poultry processor in the Midwest, challenges the legality of these recruiting practices under immigration laws which proscribe employers from knowingly hiring undocumented workers. The lawsuit avers Tyson knowingly engaged in a widespread practice of recruiting undocumented workers from as far as the Texas border with Mexico. [\[FN60\]](#) So far only one lower-level official has been convicted. [\[FN61\]](#) Whether this is a far-reaching practice or the malfeasance of isolated individuals remains to be determined. Industry officials have steadily maintained they do not engage in illegal hiring practices. [\[FN62\]](#)

Nevertheless, the combination of very low wages, high turnover, and employer recruitment practices at the border has changed the demographic composition of the food processing work force. Because U.S. agromaquila centers have proliferated and penetrated into the rural heartland, there has been a boom in **350* low-wage jobs being filled by immigrants, mostly Latinas/os because of proximity to the U.S. border, but also Asian Americans. Gouveia and Stull's study reports that in meat processing plants in Nebraska, the workforce has become upwards of 60% Latina/o. [\[FN63\]](#) Annual incomes range from \$15,000 to \$25,000, [\[FN64\]](#) depending on hours worked and plant layoffs. For families from rural Latin America, where subsistence living has been made even harsher by NAFTA, these wages provide an accessible alternative to a better life. However, particularly as families are getting established, they are living at the edge of poverty; some struggle just to put food on the table. [\[FN65\]](#) In Missouri and Iowa's agromaquila counties there has been a precipitous increase in the number of children living close to or below the poverty line. [\[FN66\]](#) Agencies providing last-resort help, like food banks, shelters, and public health clinics, report they are stretched thin as they attempt to provide needed services to new immigrants. [\[FN67\]](#)

The demand-pull fueled by the food processing agromaquilas has multiplier effects. The active recruitment of immigrant workers must be ongoing. Because the food processing industry experiences such high turnover rates, they quickly exhaust the local labor pool. In these plants, jobs are always waiting to be filled. Once established in these small rural towns, these workers seek upward mobility, and soon try to move on to better jobs, working in small plants, construction, or service. [\[FN68\]](#) Latinas/os recruited at the border may initially come to a rural location where a meatpacking plant is located, but within a year or two, they will try to find jobs in other locations. In Missouri the movement has been from rural agromaquila centers to small cities under 100,000, where there is employment in small factories, service, and construction. [\[FN69\]](#) Other small cities in the Midwest have seen increases in Latinas/os because of this ripple effect. Lincoln, Nebraska; Indianapolis, Indiana; Iowa City, Iowa have all seen jumps in the Latina/o population. South of the border, **351* Latina/o immigrants continue to be attracted by the mythology of a better life in "El Norte." [\[FN70\]](#)

This ongoing cycle means that the Heartland's experience in the last decade with geometric expansion of the Latina/o population will continue. Latina/o population may double yet again during the next decade. Some Latina/o immigrants are transitory, but

the core group decides to stay. They have found in Midwest rural and small towns affordability, plentiful jobs, and peaceful neighborhoods. These are economic and social assets that are not necessarily available in their countries of origin and are increasingly scarcer in gateway states, like Texas and California. The majority of the new arrivals are filling the lower echelon jobs that Midwest food production industries require to continue functioning. The longer Latinas/os stay, the more likely that they are to work their way up. Their dream is, after all, the American Dream.

B. Demographic Profile

Let us now consider what can be said about the characteristics of this Latina/o group. Latinas/os are not homogeneous; however, characteristics shared by the majority can provide a general profile. [\[FN71\]](#)

Most come from Mexico, many from rural, agricultural areas, and possess limited education and English skills. Because their children do not necessarily speak English, local school districts are overwhelmed with the rapid growth, particularly in the elementary school population of Limited English Proficient children. The need for learning English is therefore very high among both adults and children. Adults recognize English skills are necessary for them to make a better life and are anxious to learn English.

Latina/o families are also young, have young children, and earn low incomes. A long-term concern is to help families and their children make their way to greater economic sufficiency.

Significant proportions self-identify as "other" racially, perhaps because the rural Midwest is drawing from indigenous and mestizo populations in Mexico and elsewhere in Latin America who do not consider themselves white. Finally, a significant percentage of this population is undocumented. It is difficult to arrive at numbers but the food processing industry employs large numbers of undocumented workers. According to data from an INS "raid" in a Nebraska EXCEL plant, as many as 17 percent of the plant's workers were undocumented. [\[FN72\]](#) A recent INS check of all of Kansas City's McDonald's *352 restaurants uncovered inconsistencies in over 40 percent of the workforce's work papers. [\[FN73\]](#)

These very public INS activities have a double edge. On the one hand, it is undeniable that in these raids the INS captures some workers who are undocumented. This seems inevitable given employers' recruitment practices at the border and past the border, which is currently being challenged in court. [\[FN74\]](#) As well, INS "raids" can serve to confirm white residents' fears that Latinas/os are largely foreign and constitute a dangerous presence in a post 9/11 environment. [\[FN75\]](#) The tension created by the INS's very public enforcement actions can serve as a form of ongoing oppression. Naples found that INS "raids" in Midtown, Iowa, generated a sense of anxiety among Latina/o residents, regardless of whether they were citizens, noncitizens with proper papers, or undocumented workers. [\[FN76\]](#) Legal residents were being detained, driven far away, left without proper clothing or pocket money, and released without transportation back home.

II. Latina/o Newcomers: Discrimination or Integration?

Will Latinas/os in the Midwest be able to achieve the American Dream? Will Midwestern communities be able to incorporate Latinas/os who are fueling food production industries? These questions are important to the LatCrit enterprise, as the global becomes the local in the Midwest. The United States calls itself a nation of immigrants, but when cultural and racial newcomers come to largely white-settled areas there has been a history of conflict.

[\[FN77\]](#) The Midwest, in particular, has been settled by European immigrants who formed new farm communities. In Nebraska, Iowa, and Missouri, enclaves of German American communities survived the hostility of World War I [\[FN78\]](#) and *353 remained bicultural, German-speaking, and practicing religious and cultural practices from the old country, including agricultural rites of spring and fall reflecting versions of what these immigrants did in their nations of origin. [\[FN79\]](#) This immigrant regional history co-exists with a memory of Jim Crow legal regimes toward Mexicans and Mexican Americans. In Kansas City, Missouri, and Topeka, Kansas, Latinas/os were segregated from whites in public schools. [\[FN80\]](#)

Are Latinas/os being fully and positively incorporated into local communities? The answer is that community relations are an ongoing struggle in the rural Midwest, as they are elsewhere in the United States. On the one hand, there are positive forces for incorporating Latina/o communities in the same fashion rural German Americans were able to acculturate and integrate into local farm communities. Individual communities in Kansas, Missouri, Iowa, and Nebraska have worked hard to provide for the needs of newcomers. [\[FN81\]](#) In Missouri, in each hyper growth rural county a community group has sprouted up in response to the perceived needs of immigrants. Such religious or community-based nonprofit organizations are usually the brainchild of a handful of local neighbors or church groups who are drawn because of the needs they witness. Religious leadership has been significant. [\[FN82\]](#) In Kansas and Missouri, religious organizations organized a summit of community workers. In Nebraska, grassroots civil rights lawyers working with academics have drawn attention to the issue of immigrants in meatpacking plants. [\[FN83\]](#) Iowa adopted an official strategic plan that would have had the state be designated as an "immigration enterprise zone." The plan would have allowed immigrants to relocate in greater numbers and more rapidly, [\[FN84\]](#) and would have exempted Iowa from application of certain provisions of federal immigration laws.

Nonetheless, signs of conflict exist and persist. Latinas/os are reporting that they are experiencing discrimination. In two Missouri surveys, half of the respondents reported they had encountered discrimination. [\[FN85\]](#) In southwest Missouri, adults ranked discrimination second to language barriers among the significant *354 hurdles that they face in bettering their families. [\[FN86\]](#) Youths were more likely than adults to report experiencing discrimination and see discrimination as a major barrier to their becoming successful in their communities. [\[FN87\]](#) This finding foreshadows future tension, since youth who perceive rejection are less likely to identify with the majority culture and opt instead for separatist forms of self-identification. [\[FN88\]](#)

The Missouri survey data depict a wide range of reported experiences. By far the most readily identifiable source of discrimination was work. [\[FN89\]](#) On-the-job treatment may be viewed as a source of discrimination because of the practices in meat and poultry processing plants. A New York Times report describes tasks being doled out by race and ethnicity, with Latinas/os doing the dirtiest and lowest-paid jobs (for example, cutting), African Americans holding dirty jobs at a slightly higher pay (such as killing), and whites doing the higher-skilled and best-paid jobs (like repairing machines or packing). [\[FN90\]](#) Research by Griffith, Gouveia, and Stull also reports that employers often give immigrants the toughest shifts and start them at the bottom of the pay ladder. [\[FN91\]](#) These practices underscore that Latina/o newcomers begin their lives in Midwestern agromaquila communities at a large socio-economic deficit. They come in as low-paid workers filling the least desirable jobs; they struggle economically because of their low pay; and their jobs subject them both to physical hardship and conditions that assault their human dignity. The difficulty of Latina/o meatpacking immigrants can best be summed up by the statement oft repeated that Latina/o immigrants are taking the jobs that Americans find undesirable.

There is an argument to be made that the most significant factor dividing immigrant Latinos/as and established white residents is the economic distance created by Latinos/as' low wages and difficult jobs, rather than race or culture. In a study of three meatpacking communities in Nebraska, researchers found that Latina/o immigrants and long-term white residents had a great deal in common. Each group saw the same positives in their communities (a quiet life) and the same challenges (for example, child education and adolescent drug use). The most salient explanation for feelings of alienation and lack of well-being appeared to be the ^{*355} economic situation of Latina/o families. [\[FN92\]](#) The researchers conclude that alliances and bridge-building may be possible if diverse groups can become conscious of their commonalities. [\[FN93\]](#)

While it is true that economic status and income earning potential is a key divider between white established residents and immigrant newcomers, there are also racial dynamics at play. These are no different in the Midwest than in other communities. Many of the markers of racial construction that Latinas/os experience elsewhere--caste-like treatment based on phenomology, anti-foreign sentiments, struggles over language, and outright discrimination because of suspected illegal status--are also at play in rural Midwest communities. In the Missouri survey, besides work, Latinas/os cited as sources of discrimination "because I am Mexican, they don't like my race" (around one-quarter); [\[FN94\]](#) encounters in restaurants, stores, and in procuring housing or medical services (around one-third); [\[FN95\]](#) and because the Latina/o respondent did not speak English (less than 10 percent). [\[FN96\]](#) Nancy Naples concludes that the general perception of "illegal" status, the construction of Latinos/as as potential criminal wrongdoers, and hostility to Latina/o cultural practices, such as speaking Spanish, will "prevent their full acceptance by their European American neighbors." [\[FN97\]](#) This view echoes the racial determinism strain of Critical Race Theory and LatCrit. [\[FN98\]](#)

Racialization also can be conceptualized as an ongoing dynamic local process that can be influenced by local interventions. Different local histories, economic conditions, local racial attitudes, and community leadership can affect how Latina/o immigrants are received in small local communities and whether they remain isolated and not integrated into social and economic local institutions. Under this view, local context is significant in how successfully new immigrants are able to incorporate themselves into local communities. Alejandro Portes and Ruben Rumbaut ask an important question: What makes the process of integration occur more quickly and smoothly in some communities as opposed to others? Their concept of "context of reception" emphasizes that legal structures can make it easier for immigrant newcomers to integrate successfully into existing communities. [\[FN99\]](#) Governmental laws and policies can promote positive long-term incorporation. [\[FN100\]](#) ^{*356} Lourdes Gouveia [\[FN101\]](#) and Michael Broadway [\[FN102\]](#) add that local social and cultural factors can ease transition of immigrant newcomers.

Theoretically, communities more open to new ideas and "multiculturalism" will be more successful at integrating new immigrants who are racially and culturally distinctive. [\[FN103\]](#) The culture of certain communities may be more open to new racial immigrants and unfamiliar cultural practices. There is some indication that this may be at play in the Midwest by comparing distinctive communities. In Columbia, Missouri, home to the flagship campus of the University of Missouri, "multiculturalism" is a goal of local government, put in practice by local volunteers who convene "speaker's circles" around race relations. The chief of police espouses "zero tolerance" toward racial profiling. Local law enforcement does not detain immigrants who use false identification; instead, they confiscate it and let the immigrant go. (The justification is that the Kansas City INS office has repeatedly expressed no interest in routine immigration violations, preferring to concentrate on criminals and terrorists.) In this community, Latinas/os should be in a better position to integrate into the community. One datum that might indicate that this is the case is that Latinas/os in Columbia report lower levels of discrimination, around

30%, [\[FN104\]](#) compared to 40% and 66% in rural towns with agromaquila centers. [\[FN105\]](#)

Communities that have a strong historical memory of racial conflict, on the other hand, should experience more difficulty in integrating Latina/o immigrants. Southern Missouri has been home to white supremacist, white militia groups and Christian Identity groups. [\[FN106\]](#) The Christian Identity movement [\[FN107\]](#) and the Skinheads [\[FN108\]](#) have a strong presence in Southern Missouri. The handful of pastors *357 within the Christian Identity movement who have national prominence are all located in the Ozarks region of Missouri. [\[FN109\]](#) The Hammerskin Nation prints its newsletter from Springfield, Missouri, and held a concert in April 2001 attended by thousands of youth. [\[FN110\]](#) Reflecting that this may be a social context that is not receptive of immigrants of color, Southern Missouri is where Latinas/os are having the most problems with law enforcement and driver's license bureau officials, [\[FN111\]](#) and more frequently are experiencing hate crimes.

Hate crime statistics maintained by the Department of Justice indicate that among Kansas, Iowa, Missouri, and Nebraska, Missouri has the largest total number of reported hate crime offenses against Latinas/os, [\[FN112\]](#) even though Missouri has the smallest number of Latina/o residents. In the southwest corner of Missouri, in Purdy, a church catering to a Latina/o congregation was attacked three times in 2000 and 2001. The most recent incident, on June 8, 2001, involved a church window being shot out. [\[FN113\]](#) On July 16, 2001, four Latina/o families in Noel, Missouri, also located in southwest Missouri, awoke to find their cars vandalized and "KKK" signs on their lawn with ethnic slurs and death threats written on them. [\[FN114\]](#)

Acculturation, integration, and incorporation are never simple, smooth processes. The entry of large numbers of Latinas/os into communities that have long been predominantly (if not totally) white, middle class, ethnically European makes Latinas/os' phenomology, language, [\[FN115\]](#) religion, [\[FN116\]](#) cultural practices, [\[FN117\]](#) and ideology immediately relevant, and a potential source of interethnic and racial conflict. [\[FN118\]](#) For these reasons, unease has been triggered by large Latina/o immigration. Gouveia's study of integration of Latinas/os in Nebraska captures anxiety and tension. [\[FN119\]](#) The mood captured by Missouri's Legislative Joint Immigration Committee hearings during 1999 and 2000 was one of apprehension and general unfamiliarity. [\[FN120\]](#)

Race, language, and cultural conflicts are playing out in Midwest communities in a variety of ways. First, as mentioned, Latinas/os start their lives in Midwest rural communities from a social deficit position. Portes and Rumbaut *358 emphasize that the key determinant of successful integration is how much social distance must be traveled between the immigrant and the host community. [\[FN121\]](#) Lack of knowledge of English, low levels of educational attainment, a subsistence income, and class differences are key barriers to successful acculturation and economic integration.

Second, cultural practices can be a flashpoint for conflict. Latinas/os in rural areas have a great need for "affordable" housing, yet low stocks often means that Latinas/os are living in shantytowns, substandard rentals, and mobile home communities at the edge of town. [\[FN122\]](#) High rents, relative to wages earned, means many crowd into available housing. On hot evenings, as is customary in Latin America, Latinas/os may congregate socially outdoors, play music, and interact. [\[FN123\]](#) These are cultural practices that do not necessarily fit well in farm communities, where families are accustomed to retiring to the privacy of home life in the evenings. This is an example of conflict where there might be a mix of cultural distinction, socio-economic distance, and racial stereotyping. From the perspective of some whites, this Latina/o cultural social practice may symbolize that

Latinas/os do not want fit in, are inferior to ____ (fill in the blank as to speaker's own racial or ethnic group), are bringing down the neighborhood, being "un-neighborly," "low class," etc.

Third, anti-foreigner sentiment continues to be a strong racial marker applied to Latinas/os. Unwelcoming remarks, like "Go Back to Mexico" and "Why can't you speak English?," which were captured in the Missouri surveys, emphasize the perceived foreignness of Latinas/os. [\[FN124\]](#) LatCrit has described that racialization of Latinas/os as well as Asian Americans falls along the lines of fencing them out of the construct of being American. Residents from white European immigrant stock distinguish themselves as "real Americans" (meaning that Americans are those of white European heritage), while Mexicans and Mexican Americans are foreign. Nancy Naples's study of rural Iowa provides a description of this process by a Texan Mexican American respondent:

A lot of the Americans think that because we're brown everybody comes from Mexico and it's not like that you know . . . because you can be Mexican, Hispanic, and you come from Texas, . . . Chicago. . . . You can be born and raised in California They think . . . "they're from Mexico. They're all foreigners." [\[FN125\]](#)

Further emphasizing the so-called "foreignness" of Latinas/os are language issues. In rural areas a large proportion--up to 70 percent in southwest *359 Missouri [\[FN126\]](#)--of new immigrants report difficulty with English. Most white Americans view speaking English as an essential attribute of what it means to belong within the polity of the United States. Continued use of Spanish is, for some, a conspicuous indicator of a failure to assimilate and be faithful to the American ideal. [\[FN127\]](#) This is a conflict of symbology and ideology, what does America stand for, and whether those who do not abandon their own home culture and hold on to a distinct non-European, non-white cultural identity are "real" Americans. [\[FN128\]](#) Community responses to the author's comment in a Nebraska newspaper that "the influx of Latinas/os into the Midwest was a positive influence that would benefit the entire community" reflect this mix of cultural hostility and symbolic conflict:

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 sub-culture which will always border poverty. That sub-culture 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. [\[FN129\]](#)

In sum, Midwest communities are struggling to come to terms with the cambio de colores (change of colors). In small communities Latinas/os are highly visible. Tensions

cannot be disguised for long. Midwest communities have found it difficult to cope with the costs, both economic and social, that agromaquila ^{*360} development has shifted to local communities. Long-time residents have seen their towns change very quickly. Disappointment surfaces when the promises of economic benefits fall short of what was initially promised. The costs and consequences of rapid immigration have put pressure on affordable housing, social services, and local school districts, and have vexed local law enforcement officers unable to speak Spanish.

However, in small communities local leaders and residents do not have the luxury, as they do in urban centers, of ignoring racial tensions. Incidents occur, by accident or otherwise, that disturb the semblance of racial and social equity, and good neighborliness. These incidents can rouse leadership out of (white middle-class) complacency and cause communities to take notice of the changes occurring around them and become proactive to ensure that these changes are positive. Hence, these incidents create opportunities for positive impacts. For example, in California, Missouri, the catalyst for community soul-searching occurred when a fire in a rundown apartment building killed five Latina girls, ages 9 months to 11 years, and their 35-year-old father. Accusations surfaced that the family trying to fight the fire was unable to get neighbors to help. Some reported that what happened reflected more on the family's isolation than on the neighborliness of the community. [\[FN130\]](#) After the fire there was greater support for "multicultural activities." Reverend Francis Gilgannon maintained that "there was some fear [of Latinas/os] at the beginning, . . . since then the fear has dissipated because nothing happened People see them as good workers and caring people, with great concern for their families." [\[FN131\]](#) These comments point to an area of common ground. Host communities can find areas of mutual appreciation, as in a shared work ethic, "family values," and love for rural life. [\[FN132\]](#) Local "multicultural" groups, community centers, and even city hall can be important venues where communities can engage in communicative as well as critical dialogue.

III. What Are Key Legal Issues for Latinas/os in the Midwest?

The discussion in Part II underscores that Latinas/os in the Midwest are confronted with a set of challenges that have some commonality with national concerns, but are also unique to the Midwest. For Latinas/os in the Midwest the key legal issues are (A) language, (B) access to driver's licenses, and (C) local enforcement of immigration laws.

A. Language

In the rural Midwest, surveys report that as many as three-quarters of Latinas/os have trouble with English. [\[FN133\]](#) Therefore, language issues are survival issues. Non-English-speaking immigrants must co-exist in rural areas where for the ^{*361} most part Latina/o immigrant communities are not yet large or self-sufficient enough to make English dispensable. English is necessary in basic transactions, buying food and clothes, obtaining help from local government offices, enrolling kids in school, going to the doctor, and communicating with supervisors at work.

The Limited English Proficiency (LEP) regulations [\[FN134\]](#) issued in June 2002 could greatly help non-English speakers who live in rural communities. Under the regulation, recipients of federal financial assistance must provide meaningful access to their services to LEP persons. [\[FN135\]](#) What services must be provided is the result of a four factor assessment, which includes the number of such persons to be serviced, the frequency with which they come into contact with the program, the importance of the program, and the resources available. [\[FN136\]](#)

In hyper growth counties, Latinas/os represent a significant presence. Up to now, few translation services have been routinely available in areas having great day-to-day impact, like health services and law enforcement. However, since the final regulations have only been recently issued, there is an ongoing process of making determinations as to what translation services localities must provide. In the many rural areas where there has been no accommodation to LEP persons, this focus on legal requirements will be helpful in improving the situation of non-English-speaking immigrant Latinas/os.

In law enforcement, language issues are more complex. Data suggest language may be playing a role in searches and arrests of Latinas/os. Data from Missouri show racial profiling of Latinas/os occurs most frequently in rural counties where there has been Latina/o hyper growth, and that Latinas/os are being searched and subsequently arrested at up to eight times the rate for white drivers. [\[FN137\]](#) In some rural counties one in two stops are resulting in searches. [\[FN138\]](#) In these cases, limited *362 English proficiency may mean an inability to understand fully what rights the driver has when the officer interrogates the driver at the stop. Constitutional rights protect all persons against unreasonable stops by law enforcement and may only be waived knowingly and intelligently. [\[FN139\]](#) When a police officer is questioning a non-English-speaking driver there may be no communication. What the officer takes to be consent may not be consent but a non-response. [\[FN140\]](#)

Language also plays a role in private settings. Non-English-speaking customers can enter into contracts not being fully informed of their obligations. [\[FN141\]](#) The issue of requiring translation into Spanish of major purchase contracts is only beginning to make its appearance on the consumer protection legislative agenda. Meanwhile, Spanish-speaking Latinas/os are prey to unscrupulous vendors and lenders. [\[FN142\]](#)

To protect the rights of Latinas/os in these contexts, public education needs to inform Latina/o immigrants of their rights in Spanish. For example, this author has developed a "know your rights" pamphlet for distribution to Spanish-speaking Latinas/os in Missouri. [\[FN143\]](#) However, there is a need for more law reform, and support for dissemination and education.

B. Driving in Rural America

Driving in rural America is a necessity. In most agromaquila centers there is no public transportation and where there is, those who work late shifts may find themselves cut off from service. In rural areas, Latinas/os are involved in traffic violations in greater proportions than their representation in the local population. [\[FN144\]](#) The most frequent violation is driving without a license. [\[FN145\]](#)

Welfare reform in the early 1990s resulted in states requiring social security numbers as a primary document to obtain a driver's license as a way to trace spouses who did not pay child support. [\[FN146\]](#) However, by requiring submission of social *363 security numbers, certain noncitizens who have proper visas as well as undocumented aliens cannot qualify for driver's licenses. [\[FN147\]](#)

National Latina/o advocate and immigration groups have been lobbying in state legislatures for more accessibility. [\[FN148\]](#) In addition to the obvious inconvenience of not having ready access to transportation, other hardships are caused by lack of driver's licenses. Driving repeatedly without a license can escalate to a felony offense. Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, conviction for a felony is cause for deportation. This leads to hardship, as families can be broken apart. Prior to 9/11, Nancy Naples's research describes how driver's bureau officials in Iowa

were closely scrutinizing, and sometimes withholding, U.S. citizenship identification submitted by Latinas/os from Texas:

Anna Ortega . . . who is a bilingual United States citizen, was initially successful in her fight to protect other Mexican Americans from discrimination by DMV officials. . . . [The DMV] tried to take away the U.S. citizenship cards from the Tejanos. I had to bring the judge over and complain. I had to call immigration. I even had to call the mayor of Laredo, Texas to tell him what was going on here--that they were picking up our birth certificates saying that they were fake and that we were illegal aliens. [\[FN149\]](#) A recent report from southern Missouri mirrors this complaint. [\[FN150\]](#) These incidents point to local arbitrary and discriminatory practices based on stereotyping of Latinas/os as foreigners, a practice that only can be expected to increase post 9/11.

Barriers to driver's licenses, both legal and as part of erroneous administrative practices, is a source of tension between law enforcement and the Latina/o community. Racial profiling statistics in Missouri show racial profiling of Latinas/os is high in rural counties. [\[FN151\]](#) The data are not conclusive as to whether transit officers are racially profiling. Law enforcement indicates that there may be valid reasons for Latinas/os being stopped more frequently. Latinas/os reportedly are more frequently breaking driving laws than other racial or ethnic groups. The sources of these violations are driving without a license and lack of education regarding driving laws. [\[FN152\]](#) This points to a "Catch as Catch Can" situation. Latinas/os drive without a license because there are legal and administrative barriers to obtaining them. Because they are not going through the licensing process, they also lack education as to driving laws. Because of these conditions it appears that more Latinos/as are likely to violate traffic laws, which in turn may encourage local law enforcement to profile Latinos/as.

The legislative battle for reform will be difficult in the post 9/11 environment, where states are unsure as to what are their homeland security *364 responsibilities, [\[FN153\]](#) but are anxious to legislate in a way that appears to combat the "war on terrorism." As reported by the National Center for Immigration Studies, 38 states in 2002 considered driver's license reform, most pushing for more restrictive requirements. [\[FN154\]](#) Valid concerns regarding homeland security will counter reform efforts to grant driver's licenses to undocumented aliens. It is reported that all but one of the Al-Qaeda terrorists who commandeered planes on September 11 held driver's licenses. [\[FN155\]](#) On the other hand, some Midwestern legislators want to require visa expiration dates to be printed on state licenses as a tool that law enforcement allegedly can use to combat terrorism and allow better watchfulness of the "foreigners" in our midst. [\[FN156\]](#) Latina/o groups oppose these measures as they encourage thinking along the lines of foreigners (bad terrorists) versus U.S. citizens (good persons). This kind of line-drawing has too often resulted in Latinas/os being lumped with the (bad) foreigners.

A compromise position might be to impose stricter proof of identity requirements for obtaining driver's licenses. This would allow U.S. citizen Latinas/os as well as settled undocumented workers to be able to have access to driver's licenses. In the 2003 legislative cycle, Latina/o groups will have to monitor this issue.

C. Local Law Enforcement of Immigration Laws

In June 2002, the Department of Justice requested local law enforcement to cooperate with the federal government in patrolling noncitizens who have overstayed their visas. Attorney General John Ashcroft proposed that states participate voluntarily in the course of "encounters" by checking the National Crime Information Center (with photographs, fingerprints, and other information) system that post 9/11 maintains a list of persons who violate INS Entry-Exit Registration rules. [\[FN157\]](#) Ashcroft views this cooperation as

part of a "narrow anti-terrorism mission." [\[FN158\]](#) Thus far, only North Carolina and the Las Vegas Police Department have stated their intent to enforce immigration laws actively. [\[FN159\]](#)

Enforcement of federal immigration laws by local law enforcement in the past has resulted in greater police intervention in Latina/o communities and serial violations of Latinas/os' civil rights. The kind of stereotyping most likely to be applied to Latinas/os, as reported in Part II, is easily triggered in these contexts. Sheriff Ralph Lopez of San Antonio puts the issue in this way: "What are we saying? 'Hey you've got an accent. Let me see your passport.' It damn near leads *365 us to racial profiling." [\[FN160\]](#) In 1997 local authorities in Chandler, Arizona, conducted a series of roundups to help Border Patrol agents find violators of federal immigration laws. Local residents, many of whom were U.S. citizens, including a local elected official, complained they appeared to have been racially profiled. Complaints led to an investigation by the Arizona Attorney General that concluded police stopped Latinas/os without probable cause, bullied women and children suspected of being undocumented, and made late-night entries into suspects' homes. [\[FN161\]](#) These practices could be repeated with even more frequency in a post 9/11 environment. In rural immigrant communities without ready access to civil rights groups or attorneys, the potential for civil rights abuses looms as an even greater threat. This area demands close attention at the state level.

IV. De Colores Conferences as LatCrit Praxis

A central tenet of LatCrit is that critical scholars act to improve the status of Latinas/os and groups subordinated because of gender, sexual orientation, race, ethnicity, and class status. LatCrit sees the formation of alliances as an important avenue to pursuing racial justice. In the area of rural Latina/o immigration, LatCrit scholars can work with academics in universities concerned with rural and agricultural issues.

In March 13-15, 2002, the University of Missouri sponsored Cambio de Colores (Change of colors) in Missouri: A Call to Action!, a conference focusing on the influx of Latinas/os in rural Missouri. [\[FN162\]](#) The University of Missouri financially supported this effort, as it saw the goals of the conference as fitting within the overall mission of a land grant state University. From the perspective of the University of Missouri Outreach and Extension arm, this was a signature event in that the conference assembled academics who presented their recent research on rural issues in Missouri, presented community best practices, introduced Latina/o cultural experiences in rural America, and trained University extension personnel. Findings have been reported in a monograph [\[FN163\]](#) and posted on a public website. [\[FN164\]](#)

This conference followed the LatCrit conference model. The planning took more than one year and involved more than 40 persons, including Outreach and Extension faculty, community workers, government officials, and social service workers. The planning process was a means to form new networks for social action. This community of learning continues to operate on a variety of civil rights, health, *366 and social issues. The conference was well received, with 250 attendees, and generated enthusiasm for creating new coalitions and learning communities interested in rural and racial justice.

Borrowing from LatCrit conference practice, from the beginning the Cambio de Colores conference was planned as an annual event that would rotate sites within the state. The project was perceived as a statewide effort, allowing for greater ownership by participants. In 2002 the conference focused on mostly rural issues since the site was Columbia, Missouri. In 2003, the conference shifts to Kansas City to focus on urban issues.

The Cambio de Colores conference experience could be duplicated in other Latina/o hyper growth states where there is a land grant university tradition focusing on agricultural and rural areas, such as Tennessee, North Carolina, Georgia, Nebraska, Kansas, Colorado, Arkansas, and Iowa. This type of LatCrit praxis provides a space for new alliances, and provides opportunities for activism to be spawned in state communities where it is needed the most. It is hard work, but highly recommended. It is also needed in this new era when Latina/o immigration is no longer confined to the Treaty of Guadalupe states. It is an educative tool that can help academics, social workers, and community groups start coming to grips with the new reality, that Latinas/os are increasingly making their homes in predominantly white, rural areas. In these places new networks have to be built, and this form of LatCrit praxis is one way to address the gap.

Table 1: Midwest Latina/o Growth

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*367 Table 2: Missouri Rural Latina/o Hyper Growth Counties, Ranked by Percentage Growth of Latina/o Population and Major Agromaquila Employers, 1990-2000

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Table 3: Growth and Percentage Change for Total Population and Latina/o Population for Selected Nebraska Counties, 1990 and 2000

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*368 Midwest Latino Growth

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Footnotes:

[FNd1]. © Sylvia R. Lazos Vargas 2002. Associate Professor of Law, Missouri-Columbia School of Law; Professor of Law, University of Las Vegas-Nevada, Boyd School of Law. J.D., University of Michigan. I wish to acknowledge the financial assistance of Missouri-Columbia School of Law, which helped to make this work possible. I also wish to thank Guadalupe Luna, Kevin Johnson, Domingo Castilla-Martinez, Corinne Valdivia, and Judith Davenport for helpful comments and their support.

[FN1]. See *infra* Table 1.

[FN2]. *Id.* See U.S. Census Bureau, Demographic Profiles 2000 (2000), available at <http://censtats.census.gov/cgi-bin/pct/pctProfile.pl>.

[FN3]. See Demographic Profiles 2000, *supra* note 2.

[FN4]. The number of Latinas/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 is 34.7 million. Among African Americans are 710,353 people who self-identify as being of Latina/o ethnic origin. U.S. Census Bureau, Census 2000 Brief: Overview of Race and Hispanic Origin, Table 1, T.3 & 10 (March 2001), available at <http://www.census.gov/prod/2001pubs/c2kbr01-1.pdf> [hereinafter Census Hispanic Overview].

[FN5]. *Id.*

[FN6]. See Emery N. Castle, *The Changing American Countryside, Rural People and Places* (1996); Philip Martin et al., *Immigration and The Changing Face of Rural America: Focus on the Midwestern States*, Julian Samora Research Institute, Michigan State University (1997); Refugio I. Rochin, *The Features and Roles of Rural Latina/os: Cross-National Perspectives*, Occasional Paper No. 26, The Julian Samora Research Institute, Michigan State University (July 1997).

[FN7]. Garden City is the largest community in western Kansas and larger than Dodge City. Garden City is 31% minority (25% Latinas/os). Lourdes Gouveia & 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 D. Stull et al. eds., 1995).

[FN8]. The percentage of Latinas/os in some Missouri towns is as follows: Sedalia 5.6%, Milan 21.9%, California 7.6%, Southwest City 37.3%, and Noel 36.5%. OSEDA Hispanic Population, supra note 2.

[FN9]. Stephanie Simon, *Latinos Take Root in Midwest*, L.A. TIMES, Oct. 24, 2002.

[FN10]. See infra Table 3; Doug Alden, *Three Nebraska Counties, See Nation's Largest Hispanic Influx*, A.P., Apr. 2, 2001, available at http://www.theindependent.com/stories/040201/new_hispanics02.html.

[FN11]. Rochin, supra note 6, at 6.

[FN12]. Id. at 7-8.

[FN13]. Dept. of Rural Sociology, Social Sciences Unit, University of Missouri-Columbia, *A Study of Minorities in Selected Non-Metropolitan Communities in Missouri* (1999-2002); 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 author) [hereinafter *Southwest Survey*].

[FN14]. Miguel A. Carranza & Lourdes Gouveia, *The Integration of the Hispanic/Latino Immigrant Workforce*, Final Project Report, Task Force on the Productive Integration of Immigrant Workforce, Nebraska Mexican American Community (May 31, 2002); Lourdes Gouveia & Donald D. Stull, *Latino Immigrants, Meatpacking, and Rural Communities: A Case Study of Lexington, Nebraska*, Research Report No. 26, Julian Samora Research Institute, Michigan State University (Aug. 1997).

[FN15]. Mark A. Grey, *Meatpacking and the Migration of Refugee and Immigrant Labor to Storm Lake, Iowa*, Department of Sociology, Anthropology, and Criminology, University of Northern Iowa (July 1996) (unpublished manuscript).

[FN16]. Gouveia & Stull, *Dancing with Cows*, supra note 7.

[FN17]. Rochin, supra note 6, at 8.

[FN18]. 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).

[FN19]. Juan T. Perea, [Los Olvidados: On the Making of Invisible People](#), 70 N.Y.U. L. Rev. 965 (1995) (discussing Latina/o invisibility in American society due to lack of

positive public identity and legitimacy).

[FN20]. Nancy Naples, *Contested Needs: Shifting the Standpoint on Rural Economic Development*, 3 *Feminist Econ.* 63, 83 (1997) (reporting the perspectives of newcomers and the difficulty of fitting in for those whose viewpoints fail to conform to the majority's. A white woman with progressive political analysis of newcomers considered herself a "newcomer" because she came from outside of the Iowa rural community. Another woman born in a nearby town reported feeling like an outsider, and inferior because she "grew up on a farm.... I was a country bumpkin. It was difficult ... because here ... all these kids ... knew one another....").

[FN22]. See Roberto Suro & Audrey Singer, *Latino Growth in Metropolitan America: Changing Patterns, New Locations*, Brookings Institution Center on Urban & Metropolitan Policy and The Pew Hispanic Center (July 2002).

[FN23]. *Id.*

[FN24]. See *infra* Table 2.

[FN25]. *Id.*

[FN26]. For example, in Atchison County total population 6430, Latina/o population 43; Reynolds County total population 6689, Latina/o population 55; Shelby County total population 6799, Latina/o population 43; Gentry County total population 6861, Latina/o population 44; Clark County total population 7416, Latina/o population 52. See OSEDA Hispanic Population, *supra* note 2.

[FN27]. See *infra* Table 2. U.S. Census Bureau, 1990 Census of Population and Housing (1990), available at <http://tier2.census.gov/pl94171/PL94data.htm>.

[FN28]. See *infra* Table 3.

[FN29]. Gouveia & Stull, *supra* note 15.

[FN30]. Gouveia & Stull, *Dances with Cows*, *supra* note 7, at 89; Janet E. Benson, *Garden City: Meatpacking and Immigration to the High Plains* (1996), available at http://migration.ucdavis.edu/rmn/changingface/cf_jul1996/.

[FN31]. Nancy Naples, *The Case of Mexican and Mexican American Migrants in Rural Iowa*, available at http://migration.ucdavis.edu/rmn/changingface/cf_jul1996/naples.html.

[FN32]. David Griffith, *Hay Trabajo: Poultry Processing, Rural Industrialization, and the Latinoization of Low-Wage Labor in Any Way You Cut It*, *supra* note 7. See also Naples, *supra* note 32 (noting the constant need to recruit Latina/o workers to meet demand by plants).

[FN33]. Guadalupe Luna, *An Infinite Distance?: Agricultural Exceptionalism and Agricultural Labor*, 1 *U. Pa J. Lab. & Emp. L.* 487, 506 (1998). A distinction should be made between U.S. agromaquilas that operate in Mexico, which under NAFTA have had opportunities to produce fruits and vegetables under highly profitable conditions in Mexico's most productive irrigation districts. See David Barkin, *The New Shape of the Countryside: Agrarian Counter-Reform in Mexico*, *SourceMex* (Jan. 13, 1993). at [http://ladb.unm.edu/prot/search/retrieve.php3?ID\[0\]=20284](http://ladb.unm.edu/prot/search/retrieve.php3?ID[0]=20284).

[FN34]. Gouveia & Stull, *supra* note 7, at 89; Benson, *supra* note 31.

[FN35]. Naples, *supra* note 32.

[FN36]. 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.

[FN37]. Rochelle L. Dalla et al., *Economic Strain and Community Concerns in Three Meatpacking Communities*, 17 *Rural Am.* 20 (2002), available at <http://www.ers.usda.gov/publications/ruralamerica/ra171/ra171c.pdf>.

[FN38]. James M. MacDonald et al., *Consolidation in U.S. Meatpacking*, U.S.D.A. 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.

[FN39]. See Mark Drabenstott et al., *Where Have All the Packing Plants Gone? The New Meat Geography in Rural America*, Fed. Res. Bank of Kan. City, Econ. Rev. 65, 76 (Third Quarter 1999), available at <http://www.kc.frb.org/publicat/econrev/PDF/3q99Drab.pdf>; MacDonald et al., *supra* note 39, at 12.

[FN40]. Michael J. Broadway et al., *What Happens When the Meat Packers Come to Town?*, 24 *Small Town*, Jan.-Feb. 1994, at 24.

[FN41]. Gouveia & Stull, *supra* note 15; Mark A. Grey, *Pork, Poultry, and Newcomers in Storm Lake, Iowa, in Any Way You Cut It*, *supra* note 7. Mark Grey reports that in Storm Lake, Iowa's decision to site an IBP plant various spurious assumptions were 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).

[FN42]. *Unionizing the Jungles Labor and Community in the Twentieth-Century Meatpacking Industry* (Shelton Stromquist & Marvin Bergman eds., 1997) (discussing how, 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/Aug. 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 39, at 38 (noting the labor strife may have been a product of price competition, not necessarily antagonism toward labor unions).

[FN43]. Dalla et al, *supra* note 38, at 12. Gouveia & Stull, *Dancing with Cows*, *supra* note 7, at 90.

[FN44]. See Martin E. Personick & Katherine Taylor-Shirley, *Profiles in Safety and Health: Occupational Hazards of Meatpacking*, *Monthly L. Rev.* 3, 7 (Jan. 1989).

[FN45]. *Id.* "Further automation ... depends on 'developing economical and reliable cutting machinery capable of adapting to the physical differences in animal carcasses'" (quoting *Technology and Labor In Four Industries*, BLS Bulletin 2104 (Bureau of Labor Statistics, 1982)).

[FN46]. See MacDonald et al., *supra* note 39, at 15-16 (reporting that hourly wages at poultry processing at around \$7.50 per hour and meat processing plants range at about \$8.50 per hour in 1992); Grimsley, *infra* note 50 ("Immigrants are routinely paid \$6 an

hour to work in poor conditions and an extremely dangerous environment."); Schlosser, *supra* note 43 ("Today meatpacking is one of the nation's lowest-paid industrial jobs, with one of the highest turnover rates."); Gouveia and Stull report that wages in Lexington, Nebraska, hover at \$7.15 an hour, and in Garden City at about \$6.60. See Gouveia & Stull, *supra* note 7, at 90; Gouveia & Stull, *supra* note 15.

[FN47]. Roger Horowitz, *Negro and White, Unite and Fight! A Social History of Industrial Unionism in Meatpacking, 1930-1990* (1997).

[FN48]. 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 39, at 37-38. But see 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.

[FN49]. See, e.g., Charlie Leduff, *At a Slaughterhouse, Some Things Never Die; Who Kills, Who Cuts, Who Bosses Can Depend on Race*, N.Y. Times, June 16, 2000; Kirstin Downey Grimsley, *Tyson Foods Indicted in INS Probe*, Wash. Post, Dec. 20, 2001 ("[T]he work, which usually involves blood, unpleasant odors, repetitive tasks," pays as little as \$6 an hour); Stephen J. Hedgers et al., *The New Jungle*, U.S. News & World Rep., Sept. 23, 1996, at 34.

[FN50]. 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 7.

[FN51]. Bob Hall, *The Kill Line: Facts of Life, Proposals for Change*, in *Any Way You Cut It*, *supra* note 7.

[FN52]. Elaine M. Allensworth & Refugio Rochín, *Ethnic Transformation in Rural California*, 63 *Rural Sociology* 26, 28-29 (1998).

[FN53]. Researchers contend U.S. capital, specifically U.S. employers, is the big magnet for both legal and illegal immigration from Mexico and Central America. U.S. wages, which even at minimum wage can be six to ten times higher than prevailing wages in Mexico and most of Central America, "pull" immigrant labor to the United States. Even the relatively well-educated will seek out harsh jobs in hopes of attaining lifelong dreams of middle-class comfort. See Wayne Cornelius & Philip Martin, *The Uncertain Connection: Free Trade & Mexico-U.S. Migration: Free Trade & Mexico-U.S. Migration* (1993); Alejandro Portes & Ruben B. Rumbaut, *Immigrant America: A Portrait* 17-20 (1990); Marcus Stern, *Jobs Magnet*, San Diego Union Trib. Nov. 2, 1997.

[FN54]. Griffith, *supra* note 33, at 141; see also Naples, *supra* note 32 (discussing word of mouth recruitment).

[FN55]. See also Broadway, *supra* note 41, at 25; Gouveia & Stull, *supra* note 15 (examining their case study of IBP plant in Lexington, Nebraska, researchers found turnover of 12% per month and in Excel's Dodge City, Kansas, plant turnover averaged 30% per month).

[FN56]. Julian Pecquet, *Regional immigrant-support groups meet in Monett*, State Capital Bureau, Mo. Digital News (Oct. 16, 2001), available at www.mdn.org/2001/STORIES/MONETT.HTM.

[FN57]. Interviews with PDF personnel in Milan, Missouri.

[FN58]. See Naples, *supra* note 32, at 7. She reports on the following interview: I decided to come here with my daughter, my son and my husband because this job announcement was in the newspaper. It came in the newspaper in Laredo, Texas and it had a little sign saying "Southwestern town in Iowa now hiring full-time employees for [food processing] company" and it had the toll-free number to call. So we called. Got hired. We did the fax machine applications. They told us "Come on down. You have a job." So we came.

See also Grey, *supra* note 16, at 4 (reporting that in his study of Mexican immigration to Storm Lake Iowa, all 70 individuals surveyed had been recruited by a Texas-based recruiter. Men from Chihuahua were approached by the recruiter about jobs in Storm Lake, Iowa).

[FN59]. Indictment available at <http://www.tned.uscourts.gov/cases/401cr061/tyson.PDF>.

[FN60]. The indictment alleges that six Tyson managers participated in the scheme to smuggle 2000 undocumented workers into the United States, and that the smugglers were paid between \$100 and \$200 a worker with Tyson corporate checks. See also David Barboza, U.S. Accuses Meat Processor of Recruiting Illegal Workers, *N.Y. Times*, Dec. 20, 2001; Christopher Leonard, Hooked on Tyson, *Colum. Daily Trib.*, Oct. 31, 1999, at 1D, 4D.

[FN61]. A lower-level employee has been convicted of being the smuggling leader. See Kevin Sack, Immigrant Lived American Dream by Trafficking Illegals into U.S., *N.Y. Times*, Jan. 27, 2002.

[FN62]. Tyson said it "has a long history of partnering" with the INS "to ensure corporate compliance with immigration laws." Tyson Execs Charged with Smuggling Illegal Aliens, *NewsMax.com*, Dec. 20, 2001, at <http://newsmax.com/archives/articles/2001/12/19/154608.shtml>.

[FN63]. Gouveia & Stull, *supra* note 15.

[FN64]. *Id.* Broadway, *supra* note 41, at 25. According to a mid-Missouri survey, most Latina/o immigrants earned below \$8 per hour. 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 14. In the survey of southwest Missouri, half of respondents reported annual household income between \$10,000 and \$24,999, and 19% earned less than \$10,000. Southwest Survey, *supra* note 14, at 7.

[FN65]. Gouveia and Stull report hardship is particularly pronounced among Latinas/os, who come from agricultural regions in Mexico and do not have the cash necessary to ease initial transition. Gouveia & Stull, *Dances with Cows*, *supra* note 7, at 101. See also Steve Jeanetta, *Missouri Communities Responding to Change* (February 2002). available at www.decolores.missouri.edu (reporting same in Missouri).

[FN66]. Gouveia & Stull, *supra* note 15. According to Census data, in McDonald and Dunklin between 25 and 43 percent of all children live below the poverty line; in Barry, between 20 and 25 percent; and in Newton, Lawrence, Pettis, Saline, and Sullivan, between 15 and 20 percent. Office of Soc. and Econ. Data Analysis, *An Update on Missouri's Children and Families*, available at <http://www.oseda.missouri.edu/presentations/>.

[FN67]. See Jeanetta, *supra* note 67. In the Missouri Southwest 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. Southwest Survey, *supra* note 14, at 8.

[FN68]. Wayne A. Cornelius, *From Sojourners to Settlers: The Changing Profile of Mexican Immigration to the United States*, in *U.S.-Mexico Relations: Labor-market Interdependence 155-95* (Jorge Bustamante et al. eds., 1992). Interview with Christina Vasquez Case, researcher on the mid-Missouri surveys (describing the pattern of upward mobility of mid-Missouri Latina/o immigrants).

[FN69]. See Sylvia R. Lazos Vargas, *Cambio de Colores (CHANGE OF COLORS): Legal and Policy Challenges as Latinas/os Make Their Homes in Missouri*, University of Missouri Outreach and Extension (forthcoming 2003).

[FN70]. *El Norte* is a movie directed and written by Jorge Nava that vividly depicts the mythology that for the poor Latin American, many indigenous, migration to the North will result in middle-class status, abundance, and a happy family life. *El Norte* (Anna Thomas 1983) (motion picture). 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. See Valerie M. Mendoza, *They Came to Kansas: Searching for a Better Life*, 25 *Kan. Q.* 97-106 (1994).

[FN71]. I am drawing this profile from my monograph on this subject, *Cambio de Colores (CHANGE OF COLORS)*, *supra* note 71; Grey, *supra* note 16 (describing characteristics of Latina/o immigrants to Storm Lake, Iowa); Carranza & Gouveia, *supra* note 15 (describing characteristics of Latina/o immigrants to Nebraska); Gouveia & Stull, *Dancing with Cows*, *supra* note 7 (reporting on experiences in Garden City, Kansas).

[FN72]. In May and June of 1999, the INS mounted an 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 Philip A. Martin, *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>.

[FN73]. Mary Sanchez, *Immigrant Labor Incidents Worry Hispanic Group*, *Kan. City Star*, Mar. 6, 2002.

[FN74]. See *supra* notes 61-64 and accompanying text.

[FN75]. Grey, *supra* note 16, at 5 (noting that INS raid in Storm Lake, Iowa's IBP plant in which 64 workers were found to be undocumented "seemed to validate residents' concerns about illegal immigration.").

[FN76]. See Naples, *supra* note 32, at 8. She reports the following: Sanchez and other Mexican and Mexican American residents in Midtown witnessed the deportation of many co-workers when the INS "raided" the town in the spring of 1992. INS officials waited in the parking lot outside the plant and picked up Mexican and Mexican American residents walking along the streets and playing in the school yard. Landers, a life long resident of the area, believed that a local white resident who resented the Mexicans and Mexican Americans contacted the INS. The tension created by this and other "raids" in Midtown generated a sense of anxiety among everyone including those with United States citizenship and legal working papers. Since legal residents had also been picked up in the raids and driven to Omaha before they were released without

transportation home, their fears were well-founded. According to an official working at INS's regional office in Omaha, Nebraska, they received an anonymous tip.

[FN77]. See generally John Higham, *Strangers in the Land: Patterns of American Nativism 1860-1925* 107-13 (1988).

[FN78]. See generally Frederick C. Luebke, *Bonds of Loyalty: German Americans and World War I* 225-65 (1974).

[FN79]. Petra De Witt, *Neighbors, Not Enemies: German-American Culture of Cohesion in Rural Missouri During WWI*, Symposium of the Society for German-American Studies, Amana Colonies, Iowa (2002) (manuscript on file with author).

[FN80]. Dionicio Nodin Valdes, *Barrios Norteños: St. Paul and Midwestern Mexican Communities in the Twentieth Century* (2000); Robert Martin Cleary, *The Education of Mexican-Americans in Kansas City, Kansas, 1916-1951* (2002) (M.A. thesis, University of Missouri-Kansas City).

[FN81]. See Jeanetta, *supra* note 67; Steve Hennes, *Latina/o Immigration and Meatpacking in the Rural Midwest: An Inventory of Community Impacts and Responses* (M.A. thesis, University of Missouri-Columbia); Report of the Joint Interim Committee on Immigration (December, 1999), available at <http://www.house.state.mo.us/bills99/intcom99/imm.pdf>. [hereinafter *Jt. Comm. Rep. Immigration*]; Carranza & Gouveia, *supra* note 15.

[FN82]. This was one of the key findings of the Missouri legislative committee that during 1999 to 2000 took testimony over the impacts of Latina/o immigration in Missouri. *Jt. Comm. Rep. Immigration*, *supra* note 83.

[FN83]. <http://www.nebar.com/nebraskalawyer/pdfs/100109.pdf>.

[FN84]. Iowa's plan for the next decade recognizes that "but for" Latina/o immigration the state would be a declining population state. Iowa recognizes its state policies must welcome Latina/o immigrants. Iowa: Strategic Planning Counsel - Goal 1, pg 3 (2000), available at www.iowa2010.state.ia.us/library/finalreport/2010goal1.pdf.

[FN85]. In southwest Missouri 52% of adults responded that they had experienced discrimination. Southwest Survey, *supra* note 14, at 18 (item 3a). In the Midwest survey, 129 of 270, or 48%, responded that they had encountered discrimination. Mid Missouri Survey, *supra* note 14. On this item, the Midwest survey data is outweighed 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).

[FN86]. Adults ranked discrimination (13%)--in numbers statically equal to jobs (14%) and legal documentation (15%)--second to language barriers (35%) as one of the greatest hurdles that they face. Southwest Survey, *supra* note 14, at 1.

[FN87]. In southwest Missouri 62% of youths responded they had experienced discrimination. Southwest Survey, *supra* note 14, at 37 (item 4). They ranked discrimination (19%) second to language barriers (36%) as the greatest issues they face, *supra* note 14, at 1.

[FN88]. See T. Alexander Aleinikoff & Rubén G. Rumbaut, [Terms of Belonging: Are Models of Membership Self-Fulfilling Prophecies?](#), 13 *Geo. Immigr. L.J.* 1 (1998).

[FN89]. See Mid Missouri Survey, *supra* note 14; Lazos, *supra* note 71.

[FN90]. According to New York Times reporter Charlie LeDuff:

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, *supra* note 50; see also Griffith, *supra* note 33 (noting job segregation based on tenure at the plant).

[FN91]. Gouviea & Stull, *Dances with Cows*, *supra* note 7, at 90, 101; Griffith, *supra* note 33, at 146.

[FN92]. Dalla, *supra* note 38, at 12. See also Judith Davenport & Anne Dannerbeck, *Invisible Workers and Their Quality of Life: A Case Study of Hispanic Meat Processing Workers in Missouri*, Proceedings of the Third Conference of the International Society for Quality of Life Studies (2000) (finding that Latinas/os' economic well-being was tied to self-perception of quality of life in local community).

[FN93]. Davenport & Dannerbeck, *supra* note 94.

[FN94]. In Sedalia, 21% and California, 27%, Jefferson City 33%, cited this source of discrimination. See Mid Missouri Survey, *supra* note 14. See Lazos, *supra* note 71.

[FN95]. In Sedalia, 16%, in California, 36%, and Jefferson City (33%) cited these as sources of discrimination. See Mid Missouri Survey, *supra* note 14; Lazos, *supra* note 7. In southwest Missouri 47% responded that they had experienced discrimination in these locations. Southwest Survey, *supra* note 14, at 18.

[FN96]. In Sedalia, 8% and in California, 9% cited this as a source of discrimination. See Mid Missouri Survey, *supra* note 14; Lazos, *supra* note 71.

[FN97]. Naples, *supra* note 32, at 13.

[FN98]. See Derrick Bell, *And We Are Not Saved: The Elusive Quest For Racial Justice* (1989); Derrick Bell, *Faces at the Bottom of the Well 3* (1992) [hereinafter *Faces*].

[FN99]. See Portes & Rumbaut, *Immigrant America*, *supra* note 55, at 20-23; Alejandro Portes & Ruben B. Rumbaut, *Legacies: The Story of the Immigrant Second Generation* (2001).

[FN100]. Portes & Rumbaut, *Legacies*, *supra* note 102, at 313.

[FN101]. Gouviea & Stull, *supra* note 7, at 101.

[FN102]. Michael Broadway, *Planning for change in small towns or trying to avoid the slaughterhouse blues*, 16 *J. Rural St.* 37-46 (2000); Broadway, *supra* note 41.

[FN103]. Judith A. Davenport, *Community Measures and Stress Related to Rural Hispanics Research Plan* (2002). See also Cornelia B. Flora & Jan L. Flora, *Entrepreneurial social infrastructure: A necessary ingredient*. *Annals, AAPSS*, 529, 48-58 (1993); Jan L.

Flora, Social capital and communities of place, 63 Rural Soc., 481-506 (1998).

[FN104]. These rates correspond to Jefferson City, and Columbia, Missouri. See Mid Missouri Survey, *supra* note 14. See also Sylvia R. Lazos, How Has Missouri Responded to Change of Colors: Integration/Acculturation or Discrimination? (presentation for Cambio de Colores 2002 conference), available at www.decolores.missouri.edu.

[FN105]. *Id.* These rates correspond to Sedalia, Missouri and Marshall, Missouri.

[FN106]. 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). These groups have varying ideologies, but at the core is their belief that whites are inherently superior to persons of color. Some of these groups are small and mainly active through their web pages. 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 Kamelia--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. 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.

[FN107]. *Id.* 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.

[FN108]. 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, at <http://webmail.mizzou.edu/exchange/Attac...B3ED6BBD511B4E30000E867D06E-CNCBackr.htm>.

[FN109]. Foster, *supra* note 109.

[FN110]. See *supra* note 111.

[FN111]. See Lazos Vargas, *supra* note 71.

[FN112]. Federal Bureau of Investigation, Hate Crime Statistics, 1995-2000. See also Foster, *supra* note 109.

[FN113]. 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.

[FN114]. Center for New Community, *Midwest Action Report* n.41 (July, 2001).

[FN115]. See Mid Missouri Survey, *supra* note 14; Southwest Survey, *supra* note 14. Close to 80% of Latinas/os in Missouri report language as being their number one barrier.

In the Missouri Southwest Survey, service providers perceived language barriers (39%) and cultural adjustment (12%) as being the greatest issues facing Latinas/os in Southwest Missouri. See Mid Missouri Survey, *supra* note 14; Southwest Survey, *supra* note 14.

[FN116]. About 80 percent in the mid Missouri and 62 percent in the Southwest survey report being Catholic. Southwest Survey, *supra* note 14, at 1; Mid Missouri Survey, *supra* note 14.

[FN117]. Latinas/os celebrate religious traditions, such as el Día de los Muertos (Day of the Dead) and the celebration of the Virgen de Guadalupe (Patroness of Mexico) in local community events. Jeanetta, *supra* note 67.

[FN118]. 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).

[FN119]. Gouveia, Final Nebraska Report, *supra* note 15.

[FN120]. Jt. Comm. Rep. Immigration, *supra* note 83.

[FN121]. Portes & Rumbaut, Immigrant America, *supra* note 55.

[FN122]. See Broadway, *supra* note 41, at 25; Nancy Naples, A Feminist Revisiting of the Insider/Outsider Debate: The Outsider Phenomenon in Rural Iowa, 19 *Qual. Soc.* 83, 95 (1996); Lazos Vargas, *supra* note 71 (reporting on affordable housing shortages in Missouri).

[FN123]. See, e.g., Ron Graber, *From Ameca to America: Learning the Language--After Moving from Mexico to California to Carthage*, Topete learns English Language, Carthage Press (Aug. 15, 2002) (reporting on a Mexican immigrant commenting on different cultural practices such as socializing outside in the evenings); Murray Bishoff, *Immigrant Concerns Aired To Blunt: Congressman Assembles Area Hispanic Leaders As Focus Group*, *Monett Times*, June 20, 2001 (reporting on Latina/o neighbors self-consciously commenting on cultural social practices, "we are loud, in a lot of ways ... we like to celebrate").

[FN124]. Anne Dannerbeck, field notes (California, Missouri) (on file with author).

[FN125]. Naples, *supra* note 125, at 96.

[FN126]. See Lazos Vargas, *supra* note 71.

[FN127]. See Lazos Vargas, *supra* note 121.

[FN128]. See Sylvia R. Lazos Vargas, *Critical Race Theory and Autobiography: Can a Popular "Hybrid" Genre Reach Across the Racial Divide?*, 18 *Law & Inequ.* 419 (2000).

[FN129]. See *Latino Influx a Boon for Many Communities*, *Lebanon Daily Record*, Nov. 9, 2001, at 1A (quoting author). Responses to this statement are available at http://www.theindependent.com/stories/110801/new_ruralimmigration08.html.

[FN130]. 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 Scott Charton, *Small Town Reeling from Fire Fatalities*, *Colum. Daily Trib.*,

Sept 18, 2000, at 1.

[FN131]. Matt Stearns, 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.

[FN132]. Gouveia & Stull, *supra* note 15, at 17-18.

[FN133]. See Southwest Survey, *supra* note 14, at 1; Mid Missouri Survey, *supra* note 14.

[FN134]. [Exec. Order 13,166, 65 Fed. Reg. 50121](#), Improving Access to Services for Persons with Limited English Proficiency (Aug. 11, 2000).

[FN135]. Department of Justice regulations require all recipients of federal financial assistance from DOJ to provide meaningful access to LEP persons. The Department of Justice's role under [Executive Order 13,166](#) is to provide LEP guidance to other federal agencies, which in turn will issue directives to states and contractors who receive federal monies from them. See Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 C.F.R. 41455 (June 18, 2002) (final).

[FN136]. According to the Department of Justice regulations:
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.

[FN137]. 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>; 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>. See also Lazos Vargas, Sylvia R., Missouri, the "War on Terrorism" and Immigrants: Legal Challenges Post 9/11, 67 Missouri L. Rev. ___ (forthcoming 2002) (see Table 6).

[FN138]. 2001 Racial Profiling Report, *supra* note 140. The Perry County and Saline County Sheriffs departments report such high incidences. See Lazos Vargas, *supra* note 140, at Table 6.

[FN139]. Under Miranda a waiver of constitutional rights must be "knowing and intelligent." [Miranda v. Arizona, 384 U.S. 436, 444 \(1966\)](#).

[FN140]. 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. On the meaning of cultural silences, see 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](#)

[\(1999\)](#).

[\[FN141\]](#). See Steven Bender, [Consumer Protection For Latinos: Overcoming Language Fraud and English-Only in the Marketplace](#), 45 *Am. U. L. Rev.* 1027, 1089 (1996).

[\[FN142\]](#). 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. See Christian Murray & Carrie Mason-Draffen, *Preying on Immigrants' Dreams: Realtor Accused in Housing Scam*, *Newsday*, Aug. 16, 2002, at A 08, available at <http://www.Newsday.com>.

[\[FN143\]](#). "Know Your Rights and Obligations," University of Missouri Extension and Outreach (forthcoming 2003).

[\[FN144\]](#). 2001 Racial Profiling Report, *supra* note 140. See also Gouveia & Stull, *Dances with Cows*, *supra* note 7, at 96.

[\[FN145\]](#). See Lazos Vargas, *supra* note 140.

[\[FN146\]](#). See Michele L. Waslin, National Council of La Raza, *Safe Roads, Safe Communities: Immigrants and State Driver's License Requirements*, NCLR Issue Brief No. 6 (May 2002).

[\[FN147\]](#). *Id.*

[\[FN148\]](#). National Council of La Raza and the National Center for Immigration Studies have been leading a loose coalition of state community workers.

[\[FN149\]](#). *Naples*, *supra* note 32, at 9.

[\[FN150\]](#). Personal correspondence to Sylvia R. Lazos from Jorge Arturo Salazar, Sept. 10, 2002 (reporting Neosho, Missouri DMV officials confiscated his birth certificate from Texas because it looked "suspicious").

[\[FN151\]](#). 2001 Racial Profiling Report, *supra* note 140; Gouveia & Stull, *Dances With Cows*, *supra* note 7, at 96.

[\[FN152\]](#). Leigh E. Herbst, *The Impact of New Immigrant Patterns on the Provision of Police Services in Midwestern Communities* (Ph.D. dissertation, Univ. Nebraska-Omaha 2002).

[\[FN153\]](#). The President's National Strategy on Homeland Security proposes a federal initiative to standardize requirements for driver's licenses among states. See Office of Homeland Security, *National Strategy for Homeland Security* 11, 13 (July 2002).

[\[FN154\]](#). See Tyler Moran, *Most State Proposals To Restrict Driver's License for Immigrants Have Been Unsuccessful*, National Immigration Law Center (July 12, 2002) (unpublished memorandum on file with author).

[\[FN155\]](#). Mark Krikorian, Panel Discussion, *America's Identity Crisis*, Center for Immigration Studies, May 14, 2002, at <http://www.cis.org/articles/2002/idpanel.html>.

[\[FN156\]](#). Patrick Sweeney, *Governor's Race: Pawlenty Defends TV Ad Warning of "Foreigners"*, *Pioneer Press*, Oct. 25 2002, at B3 (Minnesota Governor candidate ran an

ad stating "terrorists are here" and used the word "foreigners" to describe the special driver's license).

[FN157]. John Ashcroft, Prepared Remarks on the National Security Entry-Exit Registration System, June 6, 2002. I discuss this issue at greater length in Missouri, the "War on Terrorism" and Immigrants, *supra* note 137 .

[FN158]. Ashcroft, Remarks, *supra* note 162.

[FN159]. Cheryl Thomson, Florida Has Also Taken Steps, Wash. Post, Apr. 4, 2002.

[FN160]. Elaine Aradillas, Law Enforcers Wary of INS Job; Local Agencies Reluctant to Enforce Immigration Laws, San Antonio Express News, Apr 5, 2002.

[FN161]. Office of the Attorney General Grant Woods, Civil Rights Division: Survey of the Chandler Police Department - INS/Border Patrol Joint Operation, 1997, at 33. The Chandler survey concluded that local police involvement in immigration enforcement [c]an present a conflict to the purpose and intent of neighborhood and community policing.... It is this mutual trust and respect that will in turn enhance the ability of local police to obtain from willing citizens the information and support necessary to carry out their mission to protect and serve. This joint operation ... greatly harmed the trust relationship between the Chandler Police and many of the City's residents. *Id.*, at 33-34.

[FN162]. See website at <http://www.decolores.missouri.edu>.

[FN163]. See Lazos Vargas, *supra* note 71.

[FN164]. See website at <http://www.decolores.missouri.edu>.