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*Community
Forum
On The
Status Of
Civil Rights
In
Garden City
And
Finney County,
Kansas*

*Kansas Advisory Committee
To The U.S. Commission On
Civil Rights*

A briefing report of the Kansas Advisory Committee to the U.S. Commission on Civil Rights prepared for the information of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

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LETTER OF TRANSMITTAL

Kansas Advisory Committee to the
U.S. Commission on Civil Rights
July 1987

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The Kansas Advisory Committee submits this briefing report for the purpose of briefing the Commission on the status of civil rights in Garden City and Finney County, Kansas.

The report summarizes information received during background preparations and a community forum held on March 10, 1986. Every effort was made to assume a balanced perspective on the issues presented herein.

The Advisory Committee will utilize the information contained in this report for future program planning.

Respectfully,

BURDETT A. LOOMIS, Chairperson
Kansas Advisory Committee

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Introduction

This report is the outcome of a forum held by the Kansas Advisory Committee in Garden City on March 10, 1986. It also reflects work done prior to the forum. The purpose of the forum was to inform the Advisory Committee on current civil rights issues in Garden City and Finney County, Kansas. This was seen as preliminary to Advisory Committee program planning. Every effort was made to ensure participation by persons with diverse viewpoints. What follows is a summary of the information gathered that might be of interest to the Commissioners.

Garden City is located in southwestern Kansas, 215 miles west of Wichita, 330 miles southwest of Topeka and 309 miles east of Denver. It is the county seat of Finney County. Garden City is a regional shopping center for a five State area, a primary center of packing plants and a regional convention center. The labor market area is Finney County.

Garden City has a population of 18,256, of whom 88 percent are white, 0.01 percent are black, 0.01 percent are American Indian, 0.01 percent are Asian, and 16 percent are Hispanic (U.S. Department of Commerce, Bureau of the Census, Summary Characteristics for Governmental Units and Standard Metropolitan Statistical Areas, Kansas, Table 1, "Summary of General Population Characteristics: 1980.")

Finney County had a population in 1984 of 24,417, of whom 89.8 percent were white, 0.6 percent were black, 0.6 percent were American Indian or Alaskan Native, 0.6 percent were Asian, and 14.5 percent were Hispanic. (Kansas Division of Employment and Training, Affirmative Action Data, Table 1 and "Population and Employment Status" (April 1984).) The unemployment rate in 1984 was 4.0 percent for whites, 11.9 percent for other races, 5.7 percent for Hispanics (Ibid., "Population and Employment Status.") The data were prepared before a relatively large number of Asian refugees arrived in Finney County to work in the packing plants.

Garden City is governed by a Mayor-Commission-City Manager. It has many of the standard municipal agencies. It also provides electric and water services via a utilities department. The city commission is composed of the mayor and four other commissioners. The mayor is elected by the city commission.

Finney County is governed by a three member County Commission, one of whose members is chairman. This government provides the standard services normally provided by county-level government in Kansas.

Commenting on the changing demographics of Garden City, Quentin Hope of the local public radio station noted that the city had to absorb tremendous demographic changes in a short period of time and had done so with a minimum of strife and

friction. He stated that smaller communities surrounding Garden City had remained unchanged, which separated Garden City from its neighbors by accentuating the contrast between a culturally plural larger community and its smaller homogeneous neighbors.

Civil rights issues in the community are not well defined. Before 1948 the city's large municipal pool was segregated. The primary complaints, about housing and health care, are not strictly speaking civil rights problems. There are hints of concern about employment discrimination, but these are not very clearly articulated and may reflect as much the characteristics of particular employers' treatment of all their workers as actual discrimination. There are large Hispanic and Asian communities and a small black community in the area.

The Hispanic community includes both new arrivals and longtime residents. Many of these came to work the sugar-beet fields or on the railroads and settled out. Several persons commented that intermarriage had considerably reduced the extent of racial hatred in the community. Louis Mendoza, a longtime Hispanic resident, told the Advisory Committee that the Hispanics did not care how they were treated so long as they were left alone because their parents were illegal. Now the Hispanics are citizens and they expect their rights to be protected. Al Valenzuela, a former State Advisory Committee member, commented he thought that lower class Anglos continued

to be openly hostile to Hispanics. Virginia Guadian, a Hispanic community leader complained that when a former Hispanic mayor of Garden City was dying the city newspaper had failed to publish the customary pre-death article about his activities.

One concern that was shared by all Hispanics was the status of the school district's bilingual program. This was expressed several years ago by litigation to enforce Lau remedies because the community thought that the then established program was insufficient. (Lau v. Nicholas required that school districts provide whatever type of educational programs were necessary so that students not proficient in English could learn. This might, but need not, include bilingual education.) Views on the current effectiveness of the bilingual program varied.

Rev. Robert Allen, a black minister in Garden City, stated that although he had heard complaints from blacks of discrimination he had never found, upon investigation, any of them to be valid.

The second largest minority group are Asian refugees. These are primarily concerned with first generation issues such as accumulating capital and adjusting to life in a new world.

Commenting on white response to both the Asian and Hispanic newcomers, Quentin Hope told the Advisory Committee that there was still the full range of reactions and

sentiments, from open, Christian-spirited welcoming and interest in different culture to fear of the unknown, or different languages and different people. He indicated that there are those who find minorities an excuse for their own problems, but, on balance, the better views prevailed.

There was a general consensus that hate group activity was nonexistent in the county. Neither County Sheriff Grover Craig, County Commissioner Mike Merrill nor Rev. Monte Fey had even heard rumors of hate group activity.

Reverend Fey stated that a lot of people listened to KTTL-Dodge City (which for a while broadcast Posse propaganda) because people were talking about it, not because they agreed with the views expressed. He said KTTL had been known to be "odd" even before it adopted the hate format. Some Posse and anti-Semitic literature had been circulated, but none had a local focus.

Prior to the latest revision in the Voting Rights Act, in 1982, Finney County was one of three Kansas counties (Wichita and Grant are the others) that was required to provide a bilingual ballot. Carol Brown, county clerk, reported that in 1976 ten persons had used the Spanish language ballot. In subsequent years only one or two persons had used the ballot.

In subsequent sections of this memorandum, some of the primary topics of civil rights concerns are explored in greater depth.

Employment

There was not the level of complaint about employment discrimination that can be heard from community groups in other cities of Kansas. Unlike other cities that the Advisory Committee has visited in past years, there is nearly a convergence in views between minority and women leaders and others. But there are some caveats, and these are noted.

The larger employers in Garden City were Iowa Beef Processors (about 2,200 employees), Val-Agri (Beef Processors, about 900 employees), Sunflower Electric (about 158 employees), and Palmer Tank and Manufacturing (about 120 employees). Five other employers had less than 100 but more than 20 employees.

Duane Hayes, Mayor of Garden City, commented that he did not see a lot of discrimination in his community. Clifford Hope, County Commissioner, stated that while there might be some discrimination by small employers there was not much and certainly none by larger employers. City Commissioner Bonnie Talley commented that women were active in industries such as banking, and some had become bank vice presidents. She also noted that women had done well in real estate. The chief executive officer of the local chamber of commerce, Donald Laird, noted that Asians were considered particularly desirable employees. He also noted that both Hispanics and Asians were moving into supervisory positions and would be expected to move into management jobs in the future.

Support for this view was widespread. Diana Stern-Taylor, head of the adult education program at the Garden City Community College (GCCC), noted that Asians had become supervisors. Louis Mendoza noted that jobs were available and that the primary problem was to get Hispanics to apply for the better jobs. Isadore Vallareal, of SER, stated that the plants and the city treated everyone fairly. He stated that if Hispanics went into the smaller shops properly groomed and dressed, they could get a job. Lawrence Daniels, of Kansas Legal Services, reported no employment discrimination complaints had come to his office. Rev. Robert Allen, minister of the only black church in town, stated that blacks did not have any trouble getting jobs.

However, there were complaints. Maria Louisa Galliano, of Harvest America, stated that there was discrimination against people who did not speak English, even when English was not a legitimate requirement. She noted that the hospital had only one nurse who spoke Spanish. Pete Sandoval, a concerned citizen, stated that when his former employer went bankrupt several years ago he had difficulty getting a new job, despite retraining. When he got a new job he was underutilized and never got promotions he thought he was entitled to. He blamed this on age and race discrimination.

Tran Vu, President of the Southeast Asian Mutual Assistance Association, thought that some businesses refused to

hire Asian workers because they were not interested in Asian business, regardless of English-speaking ability. On the other hand, businesses that did want Asian customers did make an effort to hire Asians. He did not think fluency in English was often an issue.

Donna Skinner, of the local League of Women Voters, alleged that women were paid less than men and that while a few women had obtained nontraditional jobs in such areas as construction, roadwork and assembly, there were fewer than one would like. Diana Stern-Taylor alleged that women were paid lower wages than men with lesser qualifications for the same job. She also noted that women were asked about childbearing and childbearing plans by employers who often did not know it was against the law to do so. She also stated there was an implied threat that anyone who complained would not obtain work in the area. She did note there was less sexual harassment on the job in Garden City than there had been in Michigan.

There were four primary public employers in the area: the school district, the community college, and the city and county governments.

The school district had 402 certified and 400 classified employees. Of the certified workers, four were black, 20 were Hispanic, three were Native American, two were Asian and 20 were other races other than white. Four of the workers were handicapped. Of the 400 classified, four were black, seven

were Hispanic, three were Native American, 11 were Asian and one was of another nonwhite race. Seven of the workers were handicapped. Jim Phifer, superintendent of schools, noted that the district had one Hispanic principal and two Hispanics in headquarters at director level as well as a number of Hispanic teachers. Donna Skinner, of the League of Women Voters, noted that while women were well represented at the elementary principal level, they were not in central office.

The city had 191 employees, of whom 108 were white male, one was black male, 30 were Hispanic male, one an Indian male, 44 were white female and seven were Hispanic female. Of 17 administrators, one was white female and one was Hispanic female. Robert Holloran, assistant city manager and personnel director for the city, stated that the city did no formal testing. His office referred all qualified applicants to the hiring official who conducted interviews and made a decision.

The county government had 148 employees of whom two were black male, 13 Hispanic male, 56 white female, one black female and six Hispanic female. Most of the employees were hired by the elected heads of individual units. Carol Brown, Finney County Clerk, noted that there were more women than men employees in county government and that the directors of many of the county offices were women. Of 10 administrators, five were white male, one was Hispanic male, and four were white female.

The Garden City Community College had 127 employees. Of the 63 professionals, one was an Hispanic female. Of eight administrators and 24 clericals, none was minority. Of the 14 support staff, one was Hispanic male and one was a black male. Of 18 maintenance workers, five were Hispanic and four were Hispanic female. The president of the Community College, Dr. Thomas Seiffel, stated that he did not think there was a better employer of minorities in the town than the community college. He noted that there had been seven discrimination complaints filed against the college. All had been ruled no probable cause by EEOC.

One of the largest private employers is Val-Agri, which has a packing plant in town. It employed about 1,000 production workers and about 150 management and support staff. About 70 percent of its workforce was Hispanic, about 10 percent was Asian, and about 40 percent was female. The plant had a very high turnover (although not more than usual for such facilities), 12 percent per month.

Sid Wiley, corporate director of personnel for Val-Agri, discussed its personnel policies and practices. Val-Agri did most of its recruitment by word-of-mouth and advertising. Val-Agri hired unskilled persons and trained them. Trainee failure rate was about 20 percent. The company had a bilingual trainer who also served as interpreter when needed. The company also was engaged in training supervisors to instill

good employee-employer relations. The training included awareness of employee cultural patterns and how to assist in employee development.

Commenting on placement of workers, Mr. Wiley stated there were fewer women in slaughter than in other areas but this was by choice, although slaughter paid better than the other units. Women tended to concentrate in fabrication. Minorities were scattered throughout the various units.

The company posted everything in three languages-- Vietnamese, English, and Spanish. Mr. Wiley reported that everything in Vietnamese had to be handprinted which was costly but effective. He noted the company found it was an ongoing battle to communicate with its workers what they needed to know.

Sunflower Electric Cooperative operated a major plant in Holcomb, just down the road from Garden City. As of October 1985 it had 250 employees of whom eight were minority males and 39 were female. In addition, Sunflower employed an independent contractor of handicapped persons with both physical and mental disabilities.

The plant had an elaborate affirmative action plan and updating and monitoring processes. The plant reported underutilization of both minorities and women in some job categories and had short and long term plans to remedy this.

The activities of the plant were described by Curt Burns, plant manager; Cathy Levitt, personnel officer; and Jim Hanks,

administration director. They noted that the plant had hired few people and that opportunities were limited because there were few unskilled positions.

Education

The Garden City school district (U.S.D. 457) has a substantial bilingual education program. This was mandated by a Federal District Court consent decree of Nov. 13, 1981, that expired in 1984. It provided services to 756 Hispanics (397) and Asians (359), in October 1985 of whom 518 were in elementary and 238 were in high schools.

As of September 1985, of USD 457's enrollment of 5,702 students, 0.6 percent was black male, 0.8 percent was black female, 11.4 percent was Hispanic male, 11.6 was Hispanic female, 0.2 percent was Indian male, 0.3 percent was Indian female, 3.7 percent was Asian male and 2.2 percent was Asian female.

The superintendent of schools, Jim Phifer, stated that although the district used the neighborhood as a basis for school boundaries, it had tried to keep a racial balance in the schools except where language problems required that more students attend in a particular building.

The bilingual education program run by the school district was substantially strengthened as a result of litigation. Although no longer under the consent decree, the district has retained its commitment. Dr. Phifer commented that the school

board had been sympathetic and that additional funding had been provided by the State. He could not imagine that the program would disintegrate as a result of fiscal constraints but it might suffer. Dr. Phifer stated that the board was happy with the bilingual program.

The district provided English-as-a-Second Language (ESL) for Asians and a fully bilingual program for Hispanics. The Asian program had to be ESL because the district was unable to find certified teachers for a bilingual program and thus had to rely on teacher aides. The district attempted to mainstream all students within three years but would not remove a student from the program simply to achieve its goal. If, after mainstreaming, students fell behind, the district established special tutorial programs for them. The district had only ESL for the junior and senior high school, but it also had a bilingual counselor to serve students needing that. It offered some vocational education classes for ESL students. It wanted to be able to offer more classes to ESL students in other subjects.

Community perspectives on the district's human relations and bilingual education efforts varied. Some were happy with what was being done. Lydia Gonzales, of LULAC, stated that the board of education was supportive of the bilingual program and that the program had done its work. Rev. Monte Fey agreed that the Garden City school district was sensitive to the needs of

minorities. Trach Vu, a high school teacher and president of the Southeast Asian Mutual Assistance Association, stated that the district cared about its students and tried to make them graduate. He believed it had hired as many Asian bilingual teacher aides as possible and had done as much as could be done to make ESL work.

Others were generally pleased, but had some reservations about what had happened. The tenor of these comments was that while the program had problems, it had achieved some success. Louis Mendoza commented that everyone said the bilingual program was successful. He noted that now the district did do a better job of hiring minority teachers. He was concerned that grades might be inflated in the bilingual program, noting that students who did well in the bilingual program had difficulty when they got to junior high school. Maria Louisa Galliano, of Harvest America, commented that the bilingual program was better than others, but that it needed additional teachers and space. Delores Esquivel, of the United Methodist Church's Mexican-American Ministries liked what the bilingual program had done for those who needed to learn in Spanish, but she also indicated that the students got separated and labeled. She thought more emphasis should be placed on learning of English. Nghi Nguyen, director of the Southeast Asian Mutual Assistance Association Center, stated that his group had been successful in placing refugees in the bilingual

program as aides. He was somewhat concerned that children of ages 9-16 were put in the grade of their age rather than that of their English-speaking ability.

There were some general concerns about human relations in the district. Virginia Guadian, of the Migrant Health Services Clinic, expressed concern that Hispanic students were being "put down" by teachers and not getting to participate in team activities. Pete Sandoval, a concerned citizen, expressed concern about the absence of Hispanic cheerleaders--due to the expense associated with the role. Donna Skinner, of the League of Women Voters, thought more sensitivity training was needed for all teachers and greater effort to encourage communication between the various ethnic groups.

The other primary educational facility in Garden City was its community college. This had 1,182 students of whom 38 were Asian; 103, Hispanic; three, American Indian; four, black; two, unclassified aliens and 55 who failed to report an ethnic category. Dr. Thomas Seiffel, president of Garden City Community College, stated that he had heard no complaints from black students in recent years, although several years ago there had been complaints. He had not had any complaints called to his attention by Hispanics. He noted the college's support for MECHA and LULAC programs and its work with the ministerial alliance to reach out to Hispanics.

Police-Community Relations

Police-community relations in southwestern Kansas have a history of tension. Staff was told during visits to the area in 1976 that the police and Hispanic communities communicated very poorly and that Hispanic leaders were generally suspicious of the police and their motives. Staff were told of incidents of what seemed to be questionable use of force. It therefore seemed appropriate to determine whether ten years had produced any change.

Finney County Sheriff Grover Craig reported that of 40 employees he had one black sworn officer, five Hispanic sworn officers and three non-sworn staff, and four female sworn officers and 16 non-sworn. In addition there were five female jailers. Since there was always a large list of applicants, the sheriff's department did not advertise its vacancies. It administered its own written test. A psychological test also was administered. However, the primary cause of failure of selection was the physical examination. Sheriff Craig reported there had been no complaints of discrimination in the selection process.

Sheriff Craig stated his officers treat people with respect. He noted the county had a large Asian population and that when his deputies had to deal with them there was a communication problem. But this was resolved by using an

interpreter provided by the Southeast Asian Mutual Assistance Association. He noted that his department did have good communication with the large Hispanic population, in part because he had several Hispanic deputies. He stated that his deputies would not detain a person because they were undocumented. If, however, an arrest was made on a specific charge and the deputy suspected the person was undocumented, the deputy would notify the Immigration and Naturalization Service (INS).

Sheriff Craig stated the new jail had eliminated complaints about the jail and had made things much easier for everyone.

He noted that his officers attended acculturation lectures. He stated his officers helped the city police in their dealings with Hispanic residents. He also stated that Hispanics in the county jail alleged they were being picked on by the city police.

In 1985 the city police had a staff of 67 persons, 40 of whom were sworn officers. The department had one Hispanic employee, but no sworn Hispanic officers. Police Chief Jimmy D. Grenz stated he would like to hire an Hispanic officer. He stated there had been few applications from Asians because U.S. citizenship was a requirement and because background checks were difficult for refugees. He noted that the largest problem was a lack of bilingual fluency. He stated he would like to

hire an Asian officer if this problem could be resolved. The department advertised its vacancies in Michigan, Iowa and Colorado.

Chief Grenz reported that he had monthly meetings with the Southeast Asian Mutual Assistance Association to discuss any problems that might have arisen with the Asian community but that overall there was not too much difficulty. The primary problem was that the department had a hard time getting adequate interpreters. He noted that one of his officers was taking a Southeast Asian Mutual Assistance Association sponsored language class and hoped this would help with interpreting. Chief Grenz had heard reports of gambling and related activities but his officers had not found any. He also heard that the community did a lot of its own policing. He noted that because of their past, Asian refugees were suspicious of the police.

Chief Grenz stated there currently were no problems between his officers and the Hispanic community. He stated that there were a large number of illegal immigrants and that there were conflicts between them and resident Hispanics.

The chief noted that his department worked with the local rape taskforce but had not been very successful in apprehending the perpetrators. He used a female police officer to take rape reports whenever possible. The department would accept complaints of spouse abuse immediately (unlike some other

departments that require a cooling-off period). The chief was concerned that there no longer was a safe home for women who wanted to leave their own houses. He noted that while Kansas law provided an opportunity for the police to act on their own when they believed they had probable cause, the absence of protection against civil action had led police to be reluctant to use their power. He stated his department did work with the local battered women taskforce. Diana Stern-Taylor commented that abused women were not encouraged to file charges and that law enforcement officials were uncertain about their roles in dealing with abuse.

The city police department had a 12 member police-citizen advisory board. This was composed of representatives of women, senior citizens, the ministerial alliance, business, social service agencies, the schools, youth, blacks, and Hispanics, as well as the police. It met monthly to provide the police with input from the community.

Community comments on the police and sheriff's department varied. Generally the sheriff's department was well regarded, but not by everyone. Pete Sandoval stated that although episodes of deputy brutality were old, he was still concerned about the behavior of some of the deputies. However, Louis Mendoza noted that the sheriff had always had Hispanic friends and that he had begun the process of hiring Hispanics in law enforcement.

Complaints about the police were more frequent. County Commissioner Clifford Hope noted that 2-3 years ago there had been a controversial chief of police who feuded with the sheriff regarding improper conduct by police officers against Hispanics. Two police officers subsequently had been fired. Trach Vu stated that sometimes the police put people in jail because they had similar names to the person wanted. When the error was discovered, the person was released and given an apology but no compensation. He stated that some of the police officers looked down on Asians but that most were fair. Pete Sandoval stated that Hispanic children did not have police role models and so few wanted to be police officers. He thought they were more likely to want to be deputy sheriffs.

However, not everyone shared these views. Donna Skinner of the League of Women Voters stated that the city police more than strive to communicate with the various non-English-speaking communities, including ensuring that translators were available and providing handouts on the law in the various languages used by the non-English-speaking.

Credit Discrimination Against Women

The Kansas Advisory Committee published a report on discrimination against women in the credit markets in 1975.

(Kansas Advisory Committee, Availability of Credit for Kansas

Women (October 1975).) Allegations of credit discrimination surfaced at the Advisory Committee's meetings.

Donna Skinner, representing the local League of Women Voters, commented that women had difficulty getting credit. Married women were asked for the signatures of their husbands and unmarried women were asked for the signatures of their fathers regardless of the extent of the women's own assets. Diana Stern-Taylor, active in many women's organizations, told the Advisory Committee that women seeking to open or expand their businesses experienced more difficulty in getting credit than did men with comparable assets. Indeed, she alleged, independent career women often needed to get a male signature to get a loan.

The Advisory Committee asked for comments from the credit industry. Representing it was Roland Belcher, a manager of the Credit Bureau of Garden City. He stated that although his office processed about 100-150 reports per week, very few persons were turned down. He believed that few women, in fact, had their loan applications rejected, but noted that would be the responsibility of the lending institution. Mr. Belcher noted there might be a problem for women in that they were held responsible for the payment of debts incurred prior to divorce even though a court might have assigned responsibility for such debts to the former husband.

Summary

No major examples of discrimination in the areas of employment, housing, public accommodations or the administration of justice were discovered during the Advisory Committee's review of Garden City. However, there were some complaints in all those areas. There were some allegations of credit discrimination, but it was difficult to determine the extent of the problem.

The bilingual education program was generally accepted by the community

While it appears that all parties in Garden City are making good faith efforts to resolve differences, there is still some work to be done to ensure equality for all.