

Congress of the United States

House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Washington, D.C., JUNE 14, 19⁷⁹

Herman Baca

Referred to: _____

San Diego Hearing

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1 house. None of the long forms will go into that.

2 MR. FERRELL: Will these be available in Spanish?

3 DR. FERBER: Yes, I believe so.

4 MR. FERRELL: But, will they be distributed only upon
5 request or will they be distributed in Spanish as well?

6 DR. FERBER: I do not have an answer for that. I will get
7 it for you.

8 MR. FERRELL: For the record.

9 DR. FERBER: Yes.

10 MR. FERRELL: Thank you.

11 CONGRESSMAN GARCIA: Thank you very much.

12 DR. FERBER: My pleasure.

13 CONGRESSMAN GARCIA: Our next witness is going to be Mr.
14 Herman Baca, Chairman on the Committee of Chicano Rights. Mr.
15 Baca.

16 TESTIMONY OF MR. HERMAN BACA

17 CHAIRMAN

18 COMMITTEE ON CHICANO RIGHTS

19 CONGRESSMAN GARCIA: Welcome, Mr. Baca.

20 MR. BACA: Congressman Garcia, members of the Committee,
21 my name is Herman Baca I am the chairperson of the Committee on
22 Chicano Rights. Our Committee is a non-government funded,
23 community based, membership organization which was organized
24 to protect the human and Constitutional rights of all persons
25 of Mexican ancestry.

4-29

1 I wish to thank you on behalf of our committee and the
2 Chicano Community of San Diego County for inviting us to
3 testify and for assuring us that our input from this area will
4 be taken into account. It is our opinion that taking of the 1980
5 census in Chicano communities throughout the U.S. and especially
6 here in San Diego will be a formidable task because of the
7 immigration issue.

8 Due to the failure of not having a credible national
9 immigration policy numerous Chicano communities find themselves
10 virtually under a state of seige because of the Immigration
11 Border Patrol. Violations of human and Constitutional rights
12 involving shootings, deaths, beatings, illegal stops and
13 searches, breaking into homes have become commonplace and because
14 of this Chicano barrios in our opinion will not be easily
15 accessible to Government Census takers, particularly those
16 who are not perceived as Chicanos.

17 Although other areas of the country may experience
18 difficulty in taking the census because of other reasons, in
19 San Diego we have the additional factor of the border. Not only
20 in San Diego but in the entire southwest the spector of the
21 Immigration Naturalization Service Border Patrol Agents entering
22 our barrios is very real and fraught with fear. A Chicano-Latino
23 living under these kind of conditions will find it difficult to
24 accept a white Anglo-Saxon agent into his home, much less
25 provide them with information which past experience have shown

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1 that it will be used against them, regardless of guarantees
2 given to them.

3 If a meaningful census is to be taken all people living
4 in a designated census tract must be counted. The question of
5 citizenship must be irrelevant in a count which seeks to
6 determine the number of people living within a specific census
7 tract.

8 The Committee on Chicano Rights recommends that to
9 facilitate such a count that the following minimum requirements
10 must be met:

11 (1) Individuals must not be identified by Social Security
12 number or any such other computable identifier.

13 (2) That the confidentiality of the information received
14 be incontestible and not acceptable in any court of legal
15 jurisdiction against the provider.

16 (3) That all agents of the Census Bureau operating
17 within a census tract, which is 30 percent of a particular
18 ethnic composition, be able to communicate in the native
19 language.

20 (4) That a well-funded program be instituted to publicize
21 the particulars of this census and that such a program be
22 implemented in the minority media where it exists.

23 I was looking at one of your statements and it's very
24 commendable that you have Teresa Hernandez who is a very
25 responsible very competent person, but I think on the other hand

1 the Committee here should look at the realities that in San
2 Diego we're talking about 250,000 minimum persons of Mexican
3 ancestry not counting the undocumented and I think to accept one
4 person -- to expect one person to deal with this large community
5 with all of the factors and the problems that we have outlined
6 is, not only realistic but irresponsible, and I think Mrs.
7 Hernandez should be given more adequate back up and help on this
8 matter.

9 (5) That local residents be hired, trained, and utilized
10 to conduct the census in minority census tracts.

11 All other technical aspects of the census enumeration have,
12 I am sure, been covered by the Bureau of the Census. It is our
13 desire that a sincere effort be made to accurately count the
14 total number of Chicano-Latinos, or as you call them "Hispanics"
15 and that this be carried out. We remember the last time the
16 difficulties we had with the Census Bureau counting Chicanos
17 including us as whites and I guess besides the draft and when
18 we're asked to do something, that's the only time we're ever
19 classified as whites. Obviously, when the other benefits of
20 the society come around that is not the case. I would like to
21 point out that we would not like to go through the same thing,
22 the same tribulations, that we did ten years ago in trying to
23 get the Census Bureau to be responsible and to count the number
24 of people here who are of Mexican or Latino ancestry.

25 To this end the CCR will support the efforts of your

1 Subcommittee and of the Census Bureau if proper safeguards are
2 instituted. I feel I have to emphasize that, here in San Diego
3 last year 425,000 individuals were apprehended by the Border
4 Patrol, 425,000 and I think this is going to have a deep
5 impact and those safeguards that we have outlined have to be
6 taken into account because I'm sure what we have experienced
7 here and the reaction that you will be seeing here will be
8 pretty common throughout the southwest because of this issue.
9 This is the reason why we raise it. It is our belief that those
10 safeguards must be included in order to get an accurate
11 account of the Chicano and Latino community throughout the
12 United States.

13 I thank you for your time.

14 CONGRESSMAN GARCIA: Thank you very much. There are a
15 couple of questions.

16 Number one, in terms of the Social Security, it is not
17 on the form.

18 MR. FERRELL: The forms are immune from service of process.

19 CONGRESSMAN GARCIA: The forms are totally and completely
20 confidential. I would be telling you less than the truth or
21 less than what the facts really are. Some notices are coming
22 to our attention. We had a hearing in Houston about a sample
23 trial census that took place in Austin Texas; where two or three
24 days after the census, the trial census had been taken in the
25 community, it had large numbers -- persons who were non-citizens

1 and apprehended by the INS. The facts are being put together
2 for me right now. I'm hopeful that I will have names, and
3 figures, and statistics so that I can turn that over to the
4 Attorney General of the United States. The Attorney General,
5 because of the confidentiality of what the census is all about
6 either a \$5,000 fine of five years in jail that prosecution will
7 be forthcoming as soon as we have the figures and statistics.

8 I just would hope that you as a leader here in this
9 particular area of the country that you would make sure that
10 the question -- Confidentiality time and time again is come
11 up and I just want to emphasize that the census is really
12 confidential. We have some situations in my city, the City
13 of New York, to give you another example, but again part and
14 parcel of what we're talking about, while it may not be
15 citizenship, we have public-housing projects in the City of
16 New York. Let's say downstairs in the office -- the management's
17 office they have two people living there when in reality there
18 are four people living in the apartment. People come knocking
19 at the door and they say, "Well, what do you want?" They assume
20 that whatever that information is going to be it's going to
21 be handed over to management downstairs and the City Housing
22 Authority. The fact is, that it cannot be; and that even if
23 there are four people living in that residence where two people
24 should be living that the four people should be counted. Do I
25 make myself clear on that?

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1 MR. BACA: Correct.

2 CONGRESSMAN GARCIA: So that this isn't just a question
3 of confidentiality as it pertains to persons who may not be
4 citizens but also it's a question of confidentiality in terms of
5 people who may be living under circumstances that are -- that
6 they feel they are not obeying the law in terms of more than one
7 resident or two people living in an apartment.

8 MR. BACA: This is why I wanted to emphasize the point
9 that to our knowledge Mrs. Hernandez is the only individual --

10 CONGRESSMAN GARCIA: We're going to make -- The people of
11 the Bureau of the Census -- just let me interrupt you -- are
12 here today. The people who are directly responsible for San
13 Diego are here today. They have been with us in Los Angeles,
14 they have been with us in Houston, they have been with us in
15 New York, they have been with us at every hearing we've had.
16 They're getting the message, because part and parcel of what this
17 hearing is about is that they take back to Washington what
18 they've been hearing from the people. So, I agree that one
19 person is not going to be able to handle the awesome job that is
20 here in the San Diego area. The message that you're trying to
21 convey is that we have many people working in San Diego, like
22 Mrs. Hernandez, who have that type of sensitivity and that
23 feeling, so that they will be able to go into the barrios and
24 into the areas across San Diego. So, that is the message that
25 you can be sure is getting to the Bureau of the Census.

1 MR. BACA: We'll do our part as far as communicating,
2 but you guys are the ones with all the green.

3 CONGRESSMAN GARCIA: You mean money?

4 MR. BACA: Money, right.

5 CONGRESSMAN GARCIA: I really don't know what you're
6 talking about.

7 MR. BACA: I think this is why there has to be a concerted
8 effort, in light of the fact that you're talking about ten months
9 away, that she does get some back up help and they do adequately
10 communicate this.

11 CONGRESSMAN GARCIA: This dialogue between you and I is
12 that you have the responsibility. I'm trying to fulfill my
13 responsibilities to this Committee. It's not a sexy Committee
14 but it's important to communities across America. You have
15 your responsibility. When we pack up today and go back to
16 Washington, you stay here. So, the message that I'm trying to
17 convey to you is that your group is working with me and we are
18 available in terms of a phone call in terms of any information
19 that any group here in San Diego needs. It's only a phone
20 call away. We'll get any information you need, all the help
21 you need to make sure the people are counted.

22 MR. BACA: Thank you very much for your time, again.

23 CONGRESSMAN GARCIA: The next person is Mr. Vernon
24 Sukumu, Director of Black Federation.

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