

# A History of Human and Civil Rights in the Somerville Latino Community



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## Introduction

### *Project Description:*

Our research is a part of the *Somerville Latino Community History Project*, a field research oral history project created by Deborah Pacini-Hernandez in which students explore, investigate and document various facets of and issues concerning the Latino community in Somerville, MA and their incorporation into the greater Somerville area. A product of the undergraduate anthropology seminar at Tufts University, Urban Borderlands, the class required students to dedicate themselves for an entire semester to studying their research topic of choice. By participating in this field research, students were given an opportunity to learn more about their surrounding communities hands on, extending their education outside the classroom boundaries.

This semester, the Urban Borderlands students united with high school students affiliated with *The Welcome Project* of Somerville. Each Tufts student was paired up with a young Latino student from *The Welcome Project*, forming a valuable partnership. Our high school partners, Sidia Escobar and Elizandro Flores, provided us with an extremely helpful link to the Latino community and, in exchange, we were able to give them an opportunity to explore their own community in a new way. Additionally, as young Latinos living in Somerville, they shared their own personal experiences and insights, made recommendations regarding our research, and provided us with different perspectives on various issues. The project would not have been nearly as successful without their help, and we are extremely grateful to them.

The topics that one could choose from for this project were limitless. However, in thinking about the Latino community here in Somerville, we were particularly interested

in exploring how have these immigrants been treated, welcomed by, and integrated into the City. To answer this question, we began looking at Somerville Latinos' experiences through a human rights lens. We aimed to identify the various human and civil rights issues that many Latinos have been faced with as newcomers to Somerville, hoping to determine how these issues have affected the Latino community's sense of belonging. We wondered if these issues had changed over the years or if they continued to be a problem today. Additionally, we were quite interested in investigating what the City of Somerville had done to deal with these human rights challenges. As for today, we hoped to identify which organizations, if any, worked to protect the human and civil rights of Latinos and combat human rights violations. The end result of our research is this written work, which presents the reader with a historical overview of the human rights issues concerning the Latino population in Somerville, starting with their arrival, continuing through the present, and ending with suggestions, fears, and hopes for the future. We will discuss the various efforts that have been made by the City of Somerville to deal with immigrant human rights issues, and show that much still needs to be done for the Latino community to feel fully integrated and welcomed by the greater Somerville community.

*Methodology:*

As there is little written information on the Somerville Latino community, we participated in a number of interviews throughout the semester in order to gather information about the research topic at hand. We spoke to both Latinos and non-Latinos about their own personal experiences and perspectives. We started by interviewing Latino

individuals suggested by our high school partners Sidia and Elizandro, but found it difficult to talk about certain culturally specific themes that we were interested in. The term “human rights” has a very different meaning for those who experienced violent civil wars than for those who did not. As a result, we found it useful to interview both Latino and non-Latino residents in Somerville, as different perspectives were provided.

Due to the fact that our research had a historical focus, we supplemented our interviews with articles from the archives of various Somerville newspapers, devoting many hours to collecting various articles and opinion pieces about important Latino immigrant issues and events. These articles provided us with a historical context that served as a basis from which we could understand the issues that the Latino community is currently facing today.

### *Acknowledgements*

Lastly, before delving into our findings, we must thank those who made this research possible: First and foremost we would like to thank our wonderful high school partners Sidia and Elizandro for their incredible help, commitment and contribution to this project, for sharing their knowledge and personal experiences as members of the Somerville Latino community, and for their youthful spirit and inspiring enthusiasm. It was a pleasure and an honor to work with such talented individuals.

This project would not have been possible without the help of all those who offered us their experiences and insights. We would like to thank our interviewees Cynthia Bargar (not only for her interview but also for sharing her *many* files and documents on human rights in Somerville), Marcos Garcia, Michael Gorman, Ralph M.

Hergert Jr., Melissa McWhinney, Hemerejildo Moran and his family, Kevin O'Malley, Alex Pirie, Yves-Rose Saintdic, Nelson Salazar, and Terry Signago for their time and valuable insights.

Lastly, we would like to thank our fellow Urban Borderlands classmates for their feedback, encouragement and support and deeply express our gratitude to Professor Deborah Pacini-Hernandez, for guiding and inspiring us through this journey.

## A History of the Rights of the Latino Community in Somerville

In researching human and civil rights in the Latino community, we examined a twenty year period, 1985-2004, to gain a better understanding of the circumstances under which these immigrants had arrived. This helped provide context for their experiences, and how they perceived the manner in which Somerville received them.

### *A Brief Pre-immigration History*

With the arrival of the 1970s and 1980s came the beginning of an especially challenging period for those living in Central America. In particular, El Salvador experienced a lot of unrest, as long-rooted dissatisfaction with economic inequities and authoritative dictatorships expressed itself in the form of a civil war between the right-wing Nationalist Republican Alliance and antigovernment forces, most notably the Farabundo Martí National Liberation Front. Unfortunately for the antigovernment forces, and the large proportion of civilians supporting them, the United States chose to back the right-wing Salvadoran military. This alliance had devastating consequences for those living in El Salvador, as well as those who succeeded in escaping. It resulted in an

unfavorable situation for Salvadoran immigrants, who struggled for recognition as political refugees.<sup>1</sup>

### *The Immigrant Waves Begin*

In Somerville, the effects of the unrest in Central America were keenly felt, as the city saw its minority population triple in the 1980s alone. This influx of minorities included Haitians, Cape Verdians, and Brazilians as well, but Latinos represented the largest proportion of these immigrants by far. Immigration was nothing new to Somerville, as foreign born residents had been regularly supplied since the early 1800s, consistently representing 20% - 30% of Somerville's population. In fact, the painful process of assimilation and integration had marked and reshaped the character of every immigrant group to Somerville. A 1988 city report on the immigrant experience of these various groups found that "previously arrived residents had become anxious about the security of their jobs and homes. Fear and prejudice had resulted in overt discrimination and, occasionally, episodes of violence."<sup>2</sup> What *was* new, in the eyes of the "long-time" residents of Somerville, was the visibility of these new immigrants. While every immigrant wave had had to face the challenges of creating their niche in Somerville, the immigrants of the 1980s were faced with the additional challenge of their visibility. Blending in through English acquisition, by adopting American styles, and by obtaining employment, as other groups had strived to do, was not an option due to their difference in skin color. Therefore, because these new immigrants could not blend in, the same fear and prejudice which had greeted other groups greeted them, but with no indication of abating.

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<sup>1</sup> <http://www.infoplease.com/ipa/A0107489.html>

<sup>2</sup> "Newcomers Find Stress and Sanctuary" *Somerville Community News*, December, 1990.

Michael Gorman, the campaign manager for former Mayor Michael Capuano, shared with us some of his recollections of the acculturation challenges to the Latino community. In his words, “Wherever you once were from, you’re suddenly not where you were from.”<sup>3</sup> Central American immigrants had to adjust to a new and foreign community, with its own customs and rules of etiquette. “I remember in the early 1990s, a lot of South Americans and Colombians... had this knack for working on cars at two in the morning, and sitting on the front steps with loud music.” It took time and patience for the immigrant community to realize that “we don’t do that here, that it just wasn’t a custom here.”<sup>4</sup> To some of the local long-time residents, it was difficult to accept that these new immigrants didn’t have quite the same understanding of social norms, the distinction between daytime and nighttime activities, and a sensitivity to the fact that many of their neighbors had to leave for work early in the morning. “Those kinds of things were what made everybody learn.”<sup>5</sup>

In 1986, an Immigration Reform and Control Act was passed on the federal level, stating that “recent immigrants are not eligible for any form of public assistance for at least two years after they have arrived in this country and have become documented”.<sup>6</sup> This presented a particular challenge to the immigrant community. Immigrant rights advocates and local activists became concerned that Central American immigrants in Somerville were being placed in an untenable situation. They had no right to recognition as political refugees, due to the U.S.’s role in the ongoing civil wars, and they now had little access to public assistance. A movement began in which residents began to push the

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<sup>3</sup> Interview with Michael Gorman, November 4 2004

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> “Letter to the Editor” *Somerville Journal*, August 6, 1992



city officials to consider making Somerville a Sanctuary City. The neighboring cities of Cambridge and Brookline had already passed such resolutions, and there was consensus among many that a similar resolution was needed in Somerville.

*The Somerville Sanctuary City Resolution: The Welcoming Efforts Begin*

On April 2, 1987, the Board of Aldermen held a public hearing on the matter to assess local support for such a measure. The response was enthusiastic. Alderman Michael Capuano reassured skeptics that the measure would not be granting immigrants free services, but rather equal access to those services available to the rest of Somerville's residents.<sup>7</sup> On April 16, 1987, the Board's legislative matters committee recommended, in a 3-2 vote, that the resolution be adopted. A week later, on April 24, 1987, the hard work of these advocates and activists resulted in the ratification of the Somerville Sanctuary City Resolution, signed into effect by Mayor Gene Brune. It was declared that the city's "2,000 to 4,000 illegal immigrants...were entitled to some of the same basic rights and privileges as regular city residents."<sup>8</sup> It specifically extended protection to those refugees originating from Haiti, Brazil, El Salvador, Guatemala, and Ireland, reminding residents that they had no obligation to report a person's residency status, and that their immigration status should not serve as a basis for discrimination. While its ratification represented a tangible success, dissenting voices had given an ugly face to earlier murmurs of unwelcome. One of our interviewees, Terry Signago, explained that "there was a certain undercurrent of anti-immigration during the Sanctuary movement. In fact, some people were saying that there were signs up in Central America, and that

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<sup>7</sup> "Sanctuary plan meets misunderstanding", *Somerville Journal*, April 23, 1987

<sup>8</sup> Ibid.

they were inviting people to come.”<sup>9</sup> While the Sanctuary City Resolution represented successful organizing on the part of immigrant advocates, it also strengthened a developing coalition of those who opposed the immigration waves.

Originally, the Sanctuary City Resolution was granted a two year period of application. However, in 1989 it was successfully extended indefinitely, in a 9-2 Board of Aldermen vote. The resolution was significant in the sense that it symbolized an administrative attempt at welcoming immigrants it had not traditionally welcomed, but it did not actually resolve many of the challenges facing these immigrants. Due to its local nature, the resolution could do little to alter federal policies. As a result, federally funded programs, including food stamps and fuel assistance, remained out of reach for those without legal documentation.<sup>10</sup>

Then in 1988, Armando Ramos became the first Salvadoran in Boston to be granted political asylum. His case set a precedent for others and as awareness of the precarious situation in El Salvador increased, more immigrants were granted political asylum. This represented the beginning of a significant shift in the perception of the immigrants’ plight in Massachusetts. Whereas consensus had originally maintained that these immigrants were arriving to benefit from a life of luxury allegedly available in Somerville, officials and judicial officers were beginning to realize this was not the case.<sup>11</sup>

In this same year, the Welcome Project was founded, an organization which sought to “address racial tensions in the recently-integrated community.”<sup>12</sup> Its creation

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<sup>9</sup> Interview with Terry Signago, October 25, 2004.

<sup>10</sup> October 31, 1993, *Somerville Journal*, p. 24

<sup>11</sup> “First Salvadoran Granted Political Asylum” *Somerville News*, March 21, 1991.

<sup>12</sup> “Ten years helping Mystic Housing residents”, *Somerville Community News*, December 1996

was the result of a collaboration between the Mystic Service Providers and the staff of the Housing Project, two groups which recognized the need for an organization dedicated to facilitating the arrival of immigrants in Somerville.<sup>13</sup> Over the next ten years, the Welcome Project displayed varying levels of activism in Somerville. There were times when no one seemed quite sure if it was still in existence, and then there were times when some felt it was the only organization some Latinos could comfortably turn to in times of distress.

On January 9, 1990, members of the Somerville Women's Commission and the Somerville Coalition for Racial and Ethnic Justice (SCREJ) met with Mayor Capuano to review what the city was doing to increase minority employment in City Hall. They brought to his attention the Somerville Affirmative Action Plan approved in 1980, renewed in 1985. Under the plan, the mayor was given responsibility to ensure that employment of minorities be achieved in "whatever departments and job levels underutilization was found."<sup>14</sup> Concern was mounting over the flagrant lack of minorities, especially Latinos, in city official positions. As Cynthia Bargar, a long-time activist in the Somerville community, shared with us, "SCREJ looked at city wide policies a lot, and discrimination in hiring in the city... trying to get the mayor's office and the school department and other organizations to really look at who was working in the community and how representative or not representative they were of who was living there."<sup>15</sup> City employment of Latinos continued to be a serious issue for the next 15 years, one which has not diminished in significance today.

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<sup>13</sup>"Ten years helping Mystic Housing residents", *Somerville Community News*, December 1996.

<sup>14</sup> "Minorities Missing from City Hall" *Community News*, February 1990

<sup>15</sup> Interview with Cynthia Bargar, October 25, 2004

*The Race Riots: The Violence Begins*

In February of 1990, violence broke out between Haitian and white students at the Somerville High School, making it impossible for tensions and inequities to continue unacknowledged. During the next two years, violent expressions of the discontent, resentment and hostility that had been brewing under Somerville's surface exploded. In August 1990, reports of violence against Latinos grew, although actual incidents continued to be underreported. In one of the cases that made it into local news, Edward Rivera, an immigrant from El Salvador, was assaulted, his car was stolen, and subsequently vandalized.<sup>16</sup>

Violence among youth had increased as well. Debates raged within Somerville as to whether these violent exchanges were representative of racial tensions or disgruntled youth. Robert Bradley, a captain of the Somerville Police Department at the time, felt that the cause of the growth in violence was "youth unemployment due to essential city services being cut." The link, he felt, rested in the boredom that resulted from lack of employment and lack of scholastic responsibilities. "Teenagers out of work for the summer can't find jobs. Where in the past there has been money to provide summer jobs for youths, now this summer there isn't, so then the youths are all hanging around with no money in their pockets." Bradley felt that the solution was to create more jobs for them, as this would give them less free time, and more funds to support healthier forms of entertainment, like movies. "Maybe we have to get some sort of program where youth workers are working with these gangs to find out *why* they're meeting, *why* they're becoming violent, *why* they're organizing."<sup>17</sup> Many parents agreed. In the words of

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<sup>16</sup> "Man Offered Suspended Sentence" *Somerville News* April 25, 1991

<sup>17</sup> "Is Somerville Safe?" *Somerville News*, August 7, 1991

Joseph Dias, a single-parent, “I think Somerville is getting worse because they’re cutting school budgets, there are no after-school programs and that’s going to take a lot away. When I was a kid they used to have all kinds of after-school programs.”<sup>18</sup>

A year later, in the fall of 1991, a Somerville man was convicted of assaulting Hispanic youth on two separate occasions. The judge made it clear he felt these incidents were a result of a growing tide of racial tensions, noting “I am not blind to the fact the victims were both Hispanic. I won’t tolerate this kind of vitriolic and violent racism in Somerville.”<sup>19</sup> This growing tide had begun to concern others as well, and discussions began among city officials about what could be done to counter this trend.

Meanwhile, as the violence continued on the local level, the federal government was once again sending mixed messages. Since 1980, it had maintained a policy of forcibly returning all illegal immigrants of Central American descent to their countries of origin, regardless of the circumstances which brought them to the United States, and regardless of the level of violence in the regions to which they were being returned. Suddenly, the policy changed. Now, those immigrants who could prove they had arrived in the United States after September 19, 1990 were given the deadline of June 30, 1991 to register with the Immigration and Naturalization Service. If they successfully proved their length of residence, and registered in time, they were awarded the ambiguous blessing of Temporary Protected Status. This status, in turn, would allow them to “live and work legally in the U.S. until June of 1992, when they would again be subject to deportation.”<sup>20</sup>

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<sup>18</sup> Ibid.

<sup>19</sup> “Task Force Struggles with City Racial Tensions” *Somerville Community News*, April 1992

<sup>20</sup> “Secure Home Eludes Salvadorans” *Somerville Community News* June 1991

In truth, the creation of Temporary Protected Status did very little to improve the plight of Central American immigrants. To begin with, proving the length of their residence in Somerville was a daunting challenge in itself. Few had had the luck of finding a job which could provide such documentation. Many were living in large numbers in single apartments, which meant that only one resident could use rent receipts to prove their length of stay. If a resident did manage to find proof of the length of their residence, he or she was then faced with the challenge of saving enough money to complete the costly application for TPS. And even once *this* was done, it was anyone's guess what would happen once the grace period ended in June of 1992.

Amid all these chaotic developments, residents of Somerville decided it was time for another show of local support for the immigrants. In February 25, 1992, the "Count on Me" campaign was begun. The Count on Me Pledge was accordingly displayed wherever possible, reminding residents that: "Somerville owes its rich tradition of diversity to the thousands of immigrants who have made their homes here. In the spirit of this tradition: COUNT ON ME to accept my share of the responsibility for making Somerville a decent place in which to live and work, to treat others with respect, listen to them, and try to understand their concerns, to refrain from using violence as a means of settling disputes, to speak out against any bigoted statements, jokes or actions that I encounter, to recognize, support, and defend the human and civil rights of all."<sup>21</sup>

Unfortunately, two weeks later, one of the most brutal incidents of racial violence in Somerville occurred. As described in local papers, "a white Somerville-born serviceman on weekend leave bit off the eyelid of a black man whom the soldier saw

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<sup>21</sup> "'Count on Me' Campaign Takes Off" *Somerville Community News*, April 1992

talking with a white woman.”<sup>22</sup> The public outcry against the increasingly untenable situation in Somerville became louder than ever and, one month later, the city’s administration created a position for a Human Rights Associate, soon followed by a Human Rights Ordinance. The ordinance, voted into effect on January 28, 1993, went farther than “many of state antidiscrimination statutes, banning discrimination in housing, employment, educational, contractual, purchasing, or public accommodations based on age, citizenship, color, disability, economic status, ethnicity, family or marital status, national origin, race, religion, sexual orientation, or source of income.”<sup>23</sup> The ordinance included a mandate for a Human Rights Commission, which would be composed of 11 members, rotating on three year shifts. Michael Gorman, Michael Capuano’s campaign manager, shared with us some of the motivations behind the city’s creation of the commission.

I think our election to Somerville coincided ironically with a massive influx of immigrants. Somerville changed rather rapidly. And it seemed like the right thing to do in terms of giving people an outlet, an avenue to feeling they had a voice, they had some help... It allowed immigrants to find housing, to find job opportunities.<sup>24</sup>

Additionally, some of the ways in which the Human Rights Commission did help included improving hiring policies for police officers, firemen, school teachers, and administrative officials.<sup>25</sup>

In the midst of the creation and development of the Human Rights Commission, opposition was mounting against the Sanctuary City resolution. The worsening economy left more Somerville residents unemployed, and some began to blame the resolution for the increasing rates of unemployment, believing that it was the “welcomed and

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<sup>22</sup> “Task Force Struggles with Racial City Tensions” *Somerville Community News* April 1992

<sup>23</sup> “Aldermen Approve New Human Rights Commission” *Somerville Community News* February 1993

<sup>24</sup> Interview with Michael Gorman, November 4, 2004

<sup>25</sup> Interview with Michael Gorman, November 4, 2004

protected” immigrants who had “stolen” these jobs. Those defending the resolution had complex, and often contradictory, feelings as well. Some defended it, reassuring others that it had “never had any practical, hands-on meaning. It was a product of pie-in-the-sky, goo-goo politics.” Others argued the resolution had effectively improved the situation for immigrants but that the increase in immigration “had nothing to do with Somerville being perceived as a Disneyland for illegal immigrants. It had everything to do with the drastic drop in real estate values and very affordable rents in parts of Somerville.”<sup>26</sup>

Interviews and surveys of immigrants in Somerville supported the latter argument. Carlos Lemus, an active member of the Latino community before returning to El Salvador, said that he was not aware of the resolution when he first arrived in Somerville. “My brother didn’t [know about it] either. A friend helped me; my brother-in-law was already here. He came to California in 1989, then to Boston. I followed in 1991. I got a job cleaning offices through friends. Then I found out about Centro Presente [an immigrant legal services agency in Cambridge].” He found Somerville to his liking because it was possible for him to get a job as an office cleaner as well as other occupations. In addition, “the Salvadoran community here is one of the largest around. Many live here, but not because of the war. Salvadorans here don’t know much about the solidarity movement. Most are men who come here to work, make some money and go back.”<sup>27</sup>

One ESL teacher offered to survey his students’ parents. In his words, “of the 44 parents who returned forms, only three parents had heard of the Sanctuary City, but were not sure what it meant and only one parent knew that Somerville was so designated. All

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<sup>26</sup> “Give Us Sanctuary from Ugly Messages” *Somerville Journal*, April 1, 1993

<sup>27</sup> “From Santa Ana to Somerville” *Somerville Community News*, October 1995



others had no prior knowledge of the fact that Somerville was a Sanctuary City.” From speaking some more to parents, he determined that the “reality is that people come to a community at the invitations of relatives, acquaintances in the area, or they knew people from their country had moved here.”<sup>28</sup>

In 1996, it was found that more than 8,000 of Somerville’s 16,000 foreign-born residents were eligible for American citizenship, but hadn’t applied for it. The Somerville Citizenship Coalition, one of the many organizations which developed to meet the unfulfilled needs of immigrants in Somerville, wanted to help these residents become citizens, thus allowing them to benefit from Social Security and other services. Many immigrants had dismissed or postponed applying for citizenship because of the expensive nature of the process.<sup>29</sup> In the same year, a project called the Somerville Conversations was founded. According to its founders, “The Somerville Conversations are intended to reduce tensions. Small groups of ten to twelve led by trained facilitators will begin a series of three two-hour meetings to explore ethnic identity, the immigrant experience, and what it means to be an American.”<sup>30</sup>

Other resources had developed in Somerville as well. Through organizations such as the Gateway Cities program, funding was provided for language education classes, health care, and some other services, for all immigrants, including illegal aliens. The city of Somerville also sought out and received grants to bolster translating services for immigrants. In the words of former City Housing Director Paula Stuart, immigrants “were the easiest people to discriminate against because they are afraid. She had found “immigrant families paying \$900 to live in ‘absolute rat traps’ because they did not know

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<sup>28</sup> Duhamel article.

<sup>29</sup> “Citizenship Drive on for Immigrants” *Somerville Journal* April 1, 1993

<sup>30</sup> ‘Somerville Conversations’ Celebrates Diversity *Somerville Community News*, April 1996

what else was available.”<sup>31</sup> Despite the increase in funding available for such programs, language barriers, immigration papers, and housing discrimination continued to be serious challenges to the Latino community’s enjoyment of their rights.

## Human Rights Issues in the Latino Community Today

We would now like to move from the past to the present and discuss a number of human rights related issues that face the Latino Community today. The current issues mentioned and explained to us by our interviewees were quite diverse and numerous. After listening and speaking to a number of Somerville residents, it became clear that despite the progress that Latinos have made with respect to the protection of their rights and their integration into the Somerville Community, much work still needs to be done before they feel welcome, respected, and at home.

### *MS13 and the Gang Ordinance*

One of the most visible issues facing the Latino community of late is the presence of the MS13 gang in Somerville and the Gang Ordinance that has resulted. We will discuss the MS13, how the ordinance came to be, and most importantly, how this ordinance can be seen as a current human rights issue affecting the Latino community today.

On October 24, 2002 an event occurred in the Somerville that shocked residents, created an unprecedented level of panic and fear directed towards the Latino community, and significantly changed the way in which Latinos and Latino youth were perceived by

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<sup>31</sup> Opinion *Somerville Journal* December 24, 1987

many in the greater Somerville community. On the night of the 24<sup>th</sup> at Foss Park, two girls were violently raped, by alleged members of the MS13, a Salvadoran gang. The rapes, which received a large amount of press coverage, were seen by many as the “peak” of the “growing violence” by the MS13.<sup>32</sup> As is evident from the outpouring of newspaper articles regarding the MS13 “problem”, it is clear that concerns about the presence of the Latino MS13 in Somerville sky rocketed after these rapes. Shortly after the incident in November 2002, a gang unit of the police force was formed, followed by numerous community meetings in which the MS13 gang was discussed. During these discussions a general sentiment of fear and hostility towards Latino youth appeared.

Many individuals doubt whether or not the gang presence is as, in fact, as much of an issue as the media has made it out to be. For example, interviewee Melissa McWhinney – Director of Advocacy at the Community Action Agency of Somerville– does not necessarily see the controversy over the rapes at Foss Park as a culmination of gang violence, but rather as the culmination and result of the building racial tensions between Latino immigrants and other Somerville residents. She explains simply that after these rapes occurred, “all these tensions came to the fore”<sup>33</sup>. These incredible feelings of hostility towards Latinos are evident in a number of opinion articles we discovered in the *Somerville Journal* following the rapes. One resident writes, “I blame Somerville for this with their diversity and sanctuary city” and another, “My question is this, why aren’t these criminals, low-lifes, rounded up and deported back to where they came from?”<sup>34</sup> Clearly, from these articles, and from a number of our interviews, the

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<sup>32</sup> Chabot, Hillary. “Residents Demand Gang Answers”, *Somerville Journal*, November 14<sup>th</sup> 2004.

<sup>33</sup> Interview with Melissa McWhinney, October 20 2004.

<sup>34</sup> Speak Out, *Somerville Journal*, November 7, 2002, p. 9

hostile sentiments regarding the Latino Community worsened after the rapes at Foss Park.

What resulted from these fears was a piece of legislation originally entitled the “Criminal Street Gang Public Ordinance,” later renamed the “Anti-Gang Loitering Ordinance.” This ordinance, proposed and created by William Roche, the Ward 1 Alderman at the time, aimed to “give officers more leeway in arresting MS-13 members” in an attempt to “combat the growing number of assaults, fights and rapes in the city connected to the MS13 gang.”<sup>35</sup> It was an attempt by Roche and the City of Somerville to take an active stance on the escalating crime, believing that it was a necessary step to protect the City’s residents.

While many Somerville officials and residents saw the ordinance as a necessary precaution against dangerous gang activity, the ordinance has been greatly protested against by many, particularly within the Latino community. When the ordinance first came out, as Denise Provost, an Alderman of Somerville, writes, it was “riddled with constitutional flaws”<sup>36</sup>. Nelson Salazar, Director of *The Welcome Project* and an important Latino community leader, explains:

When they first signed this ordinance it said that anybody who would be seen with a gang member in a section that the chief police has assigned as a [previously designed gang activity] area, that if your were seen by the police that they would come and tell you that you could not talk to this other person and that you would have to move...And so if you were seen again talking to the same person then you would be arrested – within the three hours. So it was a civil rights issue because who is the City to tell me who I can speak to or not, you know? And so I myself I was really upset about that because it’s like giving my rights away.<sup>37</sup>

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<sup>35</sup> Chabot, Hillary. “Mayor: What, me worry about gangs?” *Somerville Journal*, November 7, 2004. Page 14.

<sup>36</sup> Provost, Denise. “Gang Ordinance is not Common Sense.” *Somerville Journal*, June 17, 2004.

<sup>37</sup> Interview with Nelson Salazar, December 12, 2004.

Additionally, the original ordinance took a “guilty until proven innocent” approach to gang violence and crime, a blatantly unconstitutional act.<sup>38</sup> Melissa McWhinney shared similar views, calling the ordinance, “a truly outrageously unconstitutional document”, highlighting the civil rights violations inherent in its original form.

Although changes have been made to the ordinance and it has now taken effect in the City of Somerville in a more constitutionally sound form, there continue to be pressing issues regarding the ordinance. Many see the ordinance as a direct attack on the Latino community, a method of racial profiling, and a tool for discriminating against Latinos. While the politicians who created the ordinance deny this, there are many community leaders and Latino community members who strongly feel that race is a crucial issue here. Melissa McWhinney told us the following:

The Latino Community I believe rightly perceived that this was directed at the Latino gangs. This has never come up when the Winter Hill Gang was terrorizing people in the past, nothing like this had been proposed when the white Notre Dame Gang had been terrorizing black people. It wasn't until the people who were the supposed victims of the gang were white, and the gang itself was of color, that this kind of stuff came about. So, you know, the Aldermen said ‘Oh no, you know, this is not directed at the Latino community in any way, we're sorry if it's perceived as such.’ You know, of course it's perceived as such.<sup>39</sup>

These views are shared by Nelson Salazar and are made clear in his question: “People say that this gang ordinance had nothing to do with race. The question is, if it had nothing to do with race, why did nothing happen before, and now we are dealing with it?”<sup>40</sup> Additionally, Marcos Garcia – the founder and director of The Committee of Refugees from El Salvador (CORES) and another important Latino community leader – says that what has really resulted is the criminalization of the Latinos in Somerville. He states, “I feel ashamed for those politicians who submitted the anti gang loitering [ordinance]...the

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<sup>38</sup> “Loiter Ordinance Debated” *Somerville Journal*, April 29, 2004, p. 18.

<sup>39</sup> Interview with Melissa McWhinney, October 20 2004

<sup>40</sup> Interview with Nelson Salazar, December 13 2004

crime [now] is to be Latino, that's the big deal about it...[the politicians] don't like to accept that, but we have been telling them that..."<sup>41</sup> More specifically, Nelson Salazar explained that the ordinance served as "a tool that allowed [the police] to keep on harassing people."<sup>42</sup> In general, almost all of our interviewees shared this opinion that the ordinance is a severe threat to the Latino community, unjustifiably criminalizes and projects a negative image of the Latino population, and that it has unfortunately increased the anti-Latino sentiment in the City of Somerville.

To further explore the effects the gang hype and the gang ordinance on the Latino community, we conversed with a group of Latino youths from the *Welcome Project* and discussed a variety of issues involving life in Somerville, gangs, youth programs, and the gang ordinance. When asked about the necessity of the gang ordinance and their support of the ordinance, all six participants said they either disagreed or strongly disagreed with those who believe the ordinance to be necessary. Furthermore, some of the youths shared that they often felt unfairly judged or labeled because of MS13. Some youths mentioned feeling uncomfortable on the street and described incidents in which they were harassed for allegedly being part of the MS13. In his own interview, Nelson Salazar who has had much contact with these Latino youth, explained to us that both before and after the ordinance was passed, young Latinos were harassed for standing on street corners, and that the ordinance was merely a tool that allowed them to continue to do so. Additionally, one 17 year-old female participant informed us of her own experiences with racism and stereotyping: she was wearing a bandana at school and was told to remove it, as it was sky blue, the color associated with the MS13. The participant explained that a

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<sup>41</sup> Interview with Marcos Garcia, November 8 2004

<sup>42</sup> Interview with Nelson Salazar, December 13 2004

white student was wearing the same bandana yet was not asked to remove it because she was not Latina. In general, in speaking to these individuals it became apparent that many Latino youths live with these issues of harassment and prejudice.

Taking all of these issues into consideration, in addition to being a serious human rights issue, we suggest that the gang ordinance and Somerville's general reaction to the recent Latino gang activity have been the source of an unprecedented feeling of being unwelcomed in Somerville for many Latinos. Melissa McWhinney explains how she feels this has occurred in the following statement.

Even though it is a different document now, the way that it was presented at the beginning has done a huge amount of harm to the Latino community. And it has made them, I think feel hated and unwelcome here in Somerville in a way that I think they did not feel hated or unwelcome before. Now this is sort of official hate and unwelcoming... Before it was perhaps personal. Maybe the lady next door hated you or didn't welcome you, but this is, this is an official sort of officially we don't like you, don't trust you and you're not welcome here.<sup>43</sup>

Although we note that Melissa McWhinney is not a member of the Latino community herself, we believe that her expertise and experience allow her to comment intelligently on the situation.

Lastly, our interviewees agreed unanimously that to further add to its controversy, the gang ordinance is an ineffective piece of legislation. According to an informant, who wished to remain anonymous, we were told that in order to make an arrest under the ordinance, a number of conditions must be met. However, none of these necessary triggers for "activating" the ordinance exist. Also, in addition to the ineffectiveness of the ordinance, there is the other issue at hand: is there a need for an anti-gang activity ordinance? Is the gang problem really a problem? Although we received a number of different answers, the general consensus was that there in fact is no current need for anti gang legislature, and there is particularly no need for one that is so faulted and dangerous

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<sup>43</sup> Interview with Melissa McWhinney, October 20 /2004

to the Latino community. We therefore suggest and conclude from our research that the gang ordinance is 1) merely a symbol of the government's attempt to appear as though they are active in their efforts to fight crime and 2) more importantly, a symbolic statement of unwelcome and prejudice directed towards the Latino Community. It is an issue of great importance to the Latino community, and what we found to be the most relevant human rights issue involving the Latino Community today.

### *Discrimination within the Latino Community*

When we asked our interviewees what they believed to be the biggest challenges and greatest concerns regarding the human rights of Latinos in Somerville today, they responded with a diverse selection of answers. Yet one theme that appeared repeatedly in our interviews was the frequency of discrimination of various types against Latinos.

One particular source of discrimination and a primary agent of exclusion for the Latino Community is the language barrier. As one interviewee, Ralph Hergert simply stated, "English acquisition is a really critical issue"<sup>44</sup> and that in order for Latinos to fully acculturate, integrate themselves, and be welcomed and respected within the Somerville Community they must first learn to speak English. Hergert explains that language acquisition is largely a concern of the greater Somerville community, who "whether they are recent Americans or multi-generational Americans, want other people to speak English."<sup>45</sup> From our own personal interactions with Latinos, it is clear that this language barrier has been a source of great difficulty for many, and more importantly to our research, a large source of discrimination. Elizabeth Tejada explained, "La verdad, si

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<sup>44</sup> Interview with Ralph Hergert, October 15 2004

<sup>45</sup> Ibid.



se siente uno discriminado, por ejemplo, por no hablar ingles...me siento que uno es discriminado por ejemplo en 'housing' por no hablar ingles, como no le prestan mucha atencion..." [The truth is one does feel discriminated against for not speaking English. I feel that people are discriminated against, for example, in housing for not speaking English. It's like they do not pay much attention to you...] <sup>46</sup>. Another Latino resident of Somerville, Hemerejildo Moran, agreed that much discrimination occurs against Latinos if they do not speak English, which is clear when he succinctly states, "El primero es que uno no sabe ingles...es el motivo...porque cuando uno no sabe ingles somos discriminados." [The first is that when one doesn't know English, it is the motive (for discrimination) because when one doesn't know English, we are discriminated against.] And although we were unable to obtain information about specific incidents regarding discrimination based on language differences, it is clear that this is a relevant human rights issue within the Latino Community today and one that merits further exploration. <sup>47</sup>

Current discrimination against Latino immigrants is not only based on language differences. In fact, housing discrimination is one of the most frequent forms of discrimination currently experienced by Latino immigrants. Melissa McWhinney – the head of the Housing Advocacy Project and Director of Advocacy at the Community Action Agency of Somerville (CAAS) – explained that in her housing advocacy work she often sees human rights violations and discrimination against Latino immigrants. She explained some of these types of violations when she said, "People are, you know, charged more because they are from a different nation and they don't understand English

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<sup>46</sup> Interview with Elizabeth Tejada, October 2 2004

<sup>47</sup> Note: For more information about English Acquisition among Latinos in Somerville refer to Lerone Lessner's Urban Borderlands report entitled, "English Language Acquisition: The Opportunities & Experiences of Somerville's Latino Community" at <http://snowflake.lib.tufts.edu:8080/fedora/get/tufts:9037/bdef:18/getBinaryContent>

to negotiate it down...and then there are tremendous instances of violations of the law when a lot of the time landlords tell potential of would be [immigrant] tenants that we do not take children, which is against the law.”<sup>48</sup>

Interviewees Hemerejildo Moran and his wife shared with us their own experiences with housing discrimination, as they confidently told us, “Fuimos discriminados y seguimos siendo discriminados” [We were discriminated against and continue to be discriminated against].<sup>49</sup> They explained that when they arrived in Somerville the couple and their three children were unfairly evicted from the one room apartment in which they were living; they believe that there was no basis for the eviction other than their ethnicity. According to the Morans, evictions such as these are not uncommon and that housing discrimination is something that many Latinos in Somerville face today.

Throughout our research, we heard from various sources that discrimination is also an issue within the public school system, particularly within the Somerville High School. According to one interviewee, Alex Pirie, an extremely active and involved member of the Somerville Community, “the high school is a bastion of racist thinking”<sup>50</sup>. While he mentions that there are various individuals within the school that do not fit this description, he feels that these few receive little support from the rest of the school staff and administration. This racist thinking and discrimination manifests itself in a number of ways. First, a number of the youth we talked to mentioned incidents in which they witnessed teachers treating Latino students differently than white students. One anonymous Latino youth explained how one of his/her teachers is frequently more

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<sup>48</sup> Interview with Melissa McWhinney, October 20 2004

<sup>49</sup> Interview with Hemerejildo Moran, October 22 2004

<sup>50</sup> Interview with Alex Pirie, November 16 2004.

impatient with Latino youth. Another Latino youth told us that he feels that one of his teachers often pays less attention to Latino and other immigrant students.

Alex Pirie explains that another issue involving Latinos' education is that the rate of Latino high school dropouts is highly underreported. As a result, Pirie explains, "[this] prevents any kind of services for dropouts being triggered"<sup>51</sup>. We suggest that as there seems to be no underreporting of White dropouts in Somerville, an illegal inequity in the services offered to Latino youth and those offered to non Latino youth may exist. If this is indeed true, it would further emphasize the sources of discrimination within the Somerville school system and the services that they provide.

It must be noted that focus of our research was not the Somerville school system nor the problems that currently may exist within the schools. Our findings are therefore quite limited and rely only on the opinions and experiences of a few individuals. However, we do believe that what we have heard from our informants is important and that it requires our attention. We hope that the school system of Somerville will be more deeply investigated in the future and a more complete understanding of its complexities will be revealed.

Throughout our research, when asking about these issues of discrimination and violations of human and civil rights, it was suggested that a new source of the anti-Latino and general anti-immigrant sentiment is the current war in Iraq and the war on terrorism. Hemerejildo Moran mentioned the war as a cause of increased discrimination, and other informants such as Yves Rose Saint-Dic, a Haitian immigrant and important leader of the Haitian community in Somerville, said that in this new climate something like the sanctuary movement would never happen, as fears of terrorism run rampant today. When

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<sup>51</sup> Interview with Alex Pirie, November 16 2004.

asked about the differences between Somerville today and Somerville 20 years ago with respect to human rights issues, she stated, “God, no one would even dare mention the word ‘sanctuary’ anymore, not just in Somerville, but I think in this country in general...I hadn’t even read about [the sanctuary movement] until you mentioned it, so I think it’s totally off the radar screen now.”<sup>52</sup> One tangible piece of legislature which may have resulted in discriminatory practices is the Patriot Act, which Latino organizations such as CORES have protested and attempted to educate the Latino community about. In general, many believe that things such as the Patriot Act, the current war in Iraq and “war on terrorism” add to the “racist and conservative”<sup>53</sup> nature of Somerville.

Lastly, something we heard repeatedly from our interviewees was that many Latinos are now leaving Somerville to find “greener pastures.” The combination of the feeling of unwelcome, the discrimination against them, and the expensive prices has caused many to move to different places, such as Malden, Everett, etc.

#### *Current Human Rights Organizations in Somerville*

In the process of investigating the human rights issues that many Somerville Latinos are confronted with today, we have learned about a variety of organizations aimed towards protecting the rights of the Latinos (as well as other immigrant groups) and some of the challenges these organizations face. This is by no means a comprehensive list, but rather is a collection of the organizations with which had the most contact.

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<sup>52</sup> Interview with Yves Rose Saint-Dic, 11/03/04

<sup>53</sup> Interview with Marcos Garcia 11/8/04

**The Welcome Project:** The organization with which we have had the most direct contact is The Welcome Project of Somerville. The project was founded in 1987, as new immigrants were coming into the City of Somerville, to protect the rights of immigrants of all ethnicities, allowing them to feel welcome and safe. The Welcome Project works in a number of areas including housing advocacy, civil and human rights, and education. While one major critique of the organization was the fact that it had been run primarily by non-immigrant individuals, it is currently under the leadership of Nelson Salazar, a Latino immigrant who is extremely familiar with the Latino community and the challenges they have faced.

**The Human Rights Commission:** The organization in Somerville most directly connected and geared towards combating issues of human and civil rights is the Somerville Human Rights Commission (HRC). While the Commission was formed years ago when the racial tensions between immigrants and white Somerville residents began, it is still in existence today, aiming to continue its mission of protecting the rights of all citizens of Somerville. Despite the Commission's good intentions and various successes over the years, many debate how much the Commission's current efforts are directed at Latino human rights issues.

One major problem that the commission currently faces is that they are without a director. Without this leadership, it has been impossible for the Commission to function as originally planned, and therefore currently the HRC is experiencing a time of hiatus. Many believe that this is proof of the City's failure to prioritize matters relating to the protection of human and civil rights. Nelson Salazar makes this sentiment clear when he satirically states, "Is there is a Human Rights Commission?...So is anybody working on

the Human Rights Commission?...So how would I as a Latino go to the Human Rights Commission if there isn't anybody working there? I mean it tells you how much importance the city has paid attention to it.”<sup>54</sup>

Many believe that the Human Rights Commission has faced additional difficulties due to the fact that it is a city-affiliated organization rather than an independent one. Melissa McWhinney, who was a former director of the Human Rights Commission, explains this sentiment.

I know a criticism I heard a lot about the Human Rights Commission was because it was a city created ordinance and a decision, and it's staffed by city workers, there would always be a conflict of interest. And I used to say no, no, no, that's not true. But you know, it's true. It's true. ... You can't be an independent watch dog... when you're paid by the city, the city at some point, you know, will tell you to stop it. You know, you're not gonna go there. And so I think that there's some truth to the matter. That doesn't mean that ... that they are doomed to be completely ineffective. There are other ways that they can work... but they're not independent.<sup>55</sup>

Interviewee Cynthia Bargar's comments reflected this uncertainty. “What happens when they're presented with violations or issues which pertain to the city? I think they would probably say... that they're fair... but I'm also concerned because I think the activism that was there has diminished in some ways today.”<sup>56</sup> Due to this conflict of interest, many have suggested that an independent human rights commission be formed, but this has yet to happen.

One the concerns about the Human Rights Commission most relevant to our research topic is the fact that many believe that HRC has not and does not have a strong connection to or involvement in the Latino Community. Of the Latino residents that we spoke, few knew about the commission, with the exception of major community leaders. Marcos Garcia, director of CORES, explains that even though it is clear that the Latino

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<sup>54</sup> Interview with Nelson Salazar, December 13, 2004

<sup>55</sup> Interview with Melissa McWhinney, October 20, 2004

<sup>56</sup> Interview with Cynthia Bargar, October 25, 2004

community suffers from various human rights violations today, they have not attempted to unite with the Latino community to help combat these issues.

**Somerville Conversations:** Another group created to discuss issues of racism and immigrant issues within Somerville is a group entitled, “Somerville Conversations.” This group, created by Alex Pirie in 1996, was an extremely significant step in Somerville’s development regarding efforts to discuss discrimination, immigrant rights issues, and racism. Melissa McWhinney explained, “[Alex Pirie]... really got the city to talk and think about racism, which had been a sort of verboten word until Alex started this. And you know in America we all try to pretend that there’s no racial divides or class divides...he sort of bumped the city beyond that... which is a really wonderful thing...[it] was a huge step forward in the right direction.”<sup>57</sup> It opened the doors and gave residents of Somerville the opportunity to talk about racism and these issues in a way in which they had not done so previously.

One of the challenges that this group has faced is getting immigrants to participate in these conversations. Their attempts have not been entirely successful, as it has been quite a challenge to convince immigrants that these conversations are intended to be risk-free opportunities to discuss challenges and obstacles within the community. However, “Somerville Conversations” *does* seem to have succeeded in helping native citizens understand more about the various cultural groups within Somerville, in spite of the fact that not many immigrants themselves have been involved.

**CORES**– In addition to serving many other roles in the Somerville Latino Community, CORES is involved in educating Latino immigrants about their rights and how to protect them. Particularly, as time has gone forward, and the Latino community

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<sup>57</sup> Interview with Melissa McWhinney 10/20/2004

has increased in size, there has been an increasing need for protection of human and civil rights within this community. Focusing on empowering the Latino community, CORES has been an important Latino organization in Somerville since its foundation. However, when we spoke to Marcos Garcia about CORES's efforts to protect immigrant rights and combat violations he mentioned a number of obstacles. First and foremost, the concept of human rights is not one that is familiar to Salvadorians and many Latinos. He explains:

In our country it's not very meaningful to say what is my right as a human being, what kind of rights they have... We know inside our souls but outside we don't know, because the majority of the Latin American countries, especially in the 80's ...El Salvador, was one of the perpetrators and violators of human rights to their own populations. Because it was part of the cultural setting, authority made [many people] believe... I have no rights whatsoever... people were so afraid that decided not to come forward, and people who came forward... were killed... [In] the American culture, the American society [you] can see your rights as human beings... at least people here I know by my experience going thorough life here, I see that people have the notion of what that means. But in our society nobody knows... what that meant... I started to find out here through different experiences in my life, what does it mean to feel discriminated. So that's why a lot of people coming here... don't understand how to pursue a violation.<sup>58</sup>

Therefore, due to the fact that "human rights" is not a culturally familiar concept to some Latinos, it is difficult to convince many individuals of possibility and importance of protecting these rights.

Consequently, educating Latinos about their rights and about the system and methods of how to denounce any human rights violation is extremely important. He states, "Because this is not part of the system [we] came from... we have to go through a very deep educational process why it is so important to do the kind of denunciations, the kind of report in writing, because we know that that's the tool people in this society use to accuse someone..."<sup>59</sup> And CORES has a number of programs to educate Latinos about these issues. However, he mentions that education is extremely difficult and says, "We

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<sup>58</sup> Interview with Marcos Garcia, 11/8/2004

<sup>59</sup> Interview with Marcos Garcia, 11/8/2004



have been doing hundreds and hundreds of workshops for the last 15 years...People don't get it."<sup>60</sup>

However, Marcos and CORES have found that even when people are well informed, many do not speak out for the rights out of fear, intimidation, and the inherent risks involved. He mentions fear of losing one's job as motivation for remaining silent on these issues and states, "People are discriminated in the work placement but because they don't want to lose [their] job they suffer all of the discrimination and the violation of their own civil rights without saying it's enough, it's enough." He continues, "What am I gonna get [for speaking out]? I'm gonna get a beating or I'm gonna get a slap in the face. Because people sometimes they don't see the positive of things they always see the negative. And because they are afraid of the negative, that it's gonna be much stronger than the positive...and that's part of the reality." He adds, "'For my 24 years I have been here I never have made one [human rights denunciation]. So you can imagine...how many other people...are going to do something like that. It's going to be an impossible task for anyone."<sup>61</sup> Therefore, despite the many efforts of CORES to educate Latinos and to help them speak out against human rights issues and violations, it continues to be a very big challenge.

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<sup>60</sup> Interview with Marcos Garcia, November 8 2004

<sup>61</sup> Ibid.

## Ideas for the Future

### *Suggestions for Change*

Not only did our interviewees have much to say about the challenges of human rights issues within the Somerville Latino community today, but they had many suggestions for future changes. Most interviewees felt strongly that youth and their well-being were the greatest concern. One important aspect of this is youth's involvement in gang activity. Two solutions were suggested as having the potential to protect the youth from the pitfalls of gang enrollment in the future. First, many individuals told us that gangs are a product of limited after school programs and lack of youth involvement in these programs. Therefore, in order to decrease gang involvement and better the well-being of the Latino youth, the City of Somerville must make the necessary after school programs available. A second solution was said to lie in the role of the parents. According to many, an important factor in whether or not teens choose to join gangs was the presence of the parents in the children's lives. At the same time, we were told that excessive firmness could also encourage enrollment in gangs. There is thus a need for a strong *but* supportive family environment to encourage children to dedicate themselves to their education, rather than join destructive peer groups. Furthermore, the Anti-Gang Loitering Ordinance and the way in which Somerville has chosen to deal with gang involvement needs to be changed as well, as the ordinance directed against these gangs is viewed as prosecuting youth for a problem that is not theirs.

Another factor that was seen as important for the future of Latino youth was their education in general, part of which involved improving the current school system. For while the answer to problems such as gang involvement may be seen to exist in the

schools and in after school programs, many problems exist in the schools as well. We need to create an environment in which youth are receiving equal and good education.

One note of interest is that the students in the high school seem to be quite perceptive of inequalities in the education system. This was reflected both in our informal discussions with current high school students, and in discussions with parents of students who had gone through the school system. As Cynthia Bargar noted, “kids noticed the unequal treatment in the high schools... that was one of the things that all these [SCREJ’s] efforts were about.”<sup>62</sup>

The school system was a fascinating topic of discussion, mostly because it seemed to nurture the roots of the problem as well as holding the potential to solve many of the problems it perpetuated. One example is the relationships between various races in the school. While there seemed to be little integration and multiculturalism within the faculty, students seemed to have a much easier time mixing. At the same time, some of our younger narrators reported that segregation continued at lunch time, when each immigrant group would sit in their own section of the cafeteria. Overall, however, the students in these schools displayed a far greater willingness and comfort with racial integration than their parents. As Terry Signago put it, “in the schools, the kids mixed more. This was probably where the most mixing took place.”<sup>63</sup>

One interesting twist on the emphasis of the potential of schools was the importance of after school sports. A large number of our narrators felt that after school sports teams, particularly soccer teams and swim teams, had succeeded in bringing youth of all backgrounds together, uniting them to accomplish one common goal – excelling at

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<sup>62</sup> Interview with Cynthia Bargar, October 25, 2004

<sup>63</sup> Interview with Terry Signago, October 25, 2004

their sport. Terry Signago again summed up this phenomenon, explaining that it may actually be the community outside the academic classroom which may help significantly in pushing for change. “The sports teams, the soccer players, had a lot of Latinos. I remember that coaches tried to speak to the parents to allow them to stay in school, because they wanted them on the team, and a lot of the parents needed their kids to work and not stay in school.” “So there was some awareness, at least among the sports people, that there was value in keeping these kids in school.”<sup>64</sup>

With regards to human rights issues, education is not only important for youth, but for the general Latino population as well. Almost all interviewees felt that education held the greatest promise of winning against traditions of prejudice and discrimination. And a theme that emerged from both Latino residents and community service organizations is the urgent need for liberation through education.

Other types of education were stressed as well. Particularly, we heard that English language acquisition is extremely important to the future of Latino immigrants. It is for this reason that programs like SCALE continue to be so vital.

Not only do we need to see more education involving human rights within the Latino community but also a greater dedication to these issues. Today even though a volunteer human rights commission exists and there are various organizations that deal with issues of human and civil rights, there is no real commitment from the current mayor, or even under the previous mayor, to combat these issues. The current administration and future administrations need to think of human rights organizations such as the Human Rights Commission as a first priority, as opposed to a second or third tier priority as they are viewed currently. Suggestions have been made for new human

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<sup>64</sup> Ibid.

rights organizations within Somerville such as the Commission of Multicultural Affairs. Additionally, in the future, a stronger connection needs to be made between the efforts of the City of Somerville to fight human rights violations and Latino organizations working on the same issues. There is a severe lack of support and communication currently between groups such as the HRC and Latino organizations and one informant suggested that the Commission should join in a partnership with some Latino organizations for greater understanding of their challenges.

Another suggestion that was made quite frequently by many of our narrators was for an increased political involvement of Latino individuals within the City of Somerville. There are few Latinos currently in City Hall, on the police force, and in leadership positions within Somerville. Many have said that due to this, many Latinos do not feel as if this is their Somerville; they feel unsupported and unrepresented by the City. Therefore, changes must be made and political involvement must increase. Additionally, Somerville would also benefit from more institutions dedicated to the Latino Community itself.

Finally, when asked what they considered to be the biggest challenge for the Latino community today, and the most important goals for the future, one common response was the need for Latinos to feel more welcome in this community. Many feel excluded and believe they are viewed as intruders; these feelings need to be addressed. Marcos Garcia believes that community empowerment and communication between groups are two important tools for addressing these issues of welcome.

### *Outlook for the Future*

The outlook for the future varied among narrators. Some have a rather negative outlook for the future. They believe that discrimination, political hostility, and economic struggles have begun to take a toll; that immigrants are leaving Somerville in search of greener pastures and will continue to do so. Many see the problems as only getting worse. As Cynthia Bargar saw it, “one of the things that definitely has happened is that while the Somerville immigrant community has become much larger... if you look at the gang ordinance, it’s certainly a low point” in the immigrant experience.<sup>65</sup> Many other narrators agreed with Cynthia Bargar, particularly those who were Latino, arguing that it would never be possible for Latinos to truly feel welcome as long as there continued to exist an ordinance that they feel is directed against them. Additionally, one interviewee fears that this cycle of exclusion and looking down upon new immigrant communities will be perpetuated and that his children may be guilty when the next wave of immigrants arrives.

Others believe that we should be optimistic about the future of Somerville. They see the progress we have made in the past and how far Somerville has come. They hope that with organizations such as the Human Rights Commission and Somerville Conversations, among others, residents of Somerville will learn to live together as one community. In the words of Michael Gorman:

Becoming part of the community, becoming accepted into the community is not an overnight thing. Certainly, political participation, voting and what not is a generational thing. The Latino population at the time, you know, their voting prowess was miniscule. But... through efforts and education, their voice is growing... Somerville has adopted many cultural festivals and cultural happenings that are their way of involving these folks in Somerville. Having Latino festivals, having those kinds of things, are ways of showing we care about your happiness here... I think Somerville’s approach was very thoughtful... cultural awareness is very challenging.<sup>66</sup>

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<sup>65</sup> Interview with Cynthia Bargar, October 25, 2004

<sup>66</sup> Interview with Michael Gorman, November 4 2004

In his opinion, progress in the form of more community organizations aimed at empowering Latinos has been far more significant than small setbacks in the form of the ordinance. Michael Gorman was by far our most optimistic narrator, concluding that “it’s only going to get better. Every generation changes... that’s the overall goal for any community... I think the steps they took in the last 10 or 12 steps has allowed that to come to fruition... it’s being dealt with.”<sup>67</sup>

#### *Limitations and Suggestions for Future Research*

While we have learned a great deal throughout this process, we recognize that this project had a number of limitations and that much future research needs to be done. We did not have an opportunity to interview as many long-time Latino residents of Somerville as we would have liked. Therefore a significant portion of our information did not come from members of the Latino community, making it more difficult to get a complete understanding of the diverse feelings and experiences of those within the community.

In questioning the possible recourses available to the Latino community – specifically organizations and programs geared to promote the rights of and assist and educate Latinos – we were presented with an interesting controversy: does there exist a lack of resources available to the Latino community, or is there a lack of awareness in the Latino community of those available resources? We were not able to conclusively resolve this controversy, as there was no consensus among those we interviewed; all seemed to have a very different stand on the issue.

Lastly, as this project was limited to the span of the semester, we were left with even more questions than we began with. A project of this scope warrants a great deal of

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<sup>67</sup> Interview with Michael Gorman, November 4 2004.

time, and we realize that our time constraints have limited the depth of our findings. We would love to see someone fulfill the need for further research on this topic.



## Appendix A. Narrators' Biographies.

**Marcos Garcia** – Originally from El Salvador, Marcos Garcia came to Somerville in 1980, where he resided until recently. He began working with Latino immigrants and immigrant rights issues at Centro Presente and later went on to help found The Committee of Refugees from El Salvador (CORES), an organization dedicated to helping the Salvadoran Community of Somerville. He currently works as the director of CORES and is an important Latino community leader today.

**Michael Gorman** – A native of Lexington, MA, Michael Gorman first became involved in the Somerville Community in 1989 when he began working as Michael Capuano's campaign manager for Capuano's first mayoral election. He worked in Somerville for the following nine years, witnessing the creation of the Human Rights Commission. He continues to work in the area and is currently the District Director for Congressman Capuano.

**Ralph Hergert** – Born in Port Arthur, Texas, Ralph Hergert moved to the Somerville area in 1969, before attending Harvard Divinity School in 1973. A pastor by occupation, Hergert has worked extensively with human rights issues, as he was previously the Director of Human Services in Somerville and helped found the Human Rights Commission. Additionally, he has been quite involved with the Latino Community of Somerville and has been on the board of *The Welcome Project*, in addition to teaching English as a Second Language classes to Latino immigrants.

**Melissa McWhinney** – An attorney from the Philadelphia area, Melissa McWhinney has lived and worked in Somerville since 1991. McWhinney worked for the ACLU of Massachusetts until she was appointed to be the director of the Somerville Human Rights Commission and then later the director of the Human Services department of Somerville. She is currently the Director of Advocacy at the Community Action Agency of Somerville and works a great deal with the immigrant communities of Somerville.

**Hemerejildo Moran** - Originally from El Salvador, Hermerejildo Moran immigrated to the United States in 1991. He lived alone and worked in Somerville for ten years, until he was able to bring his wife and three children over from El Salvador in 2001. He and his family currently reside in Somerville.

**Alex Pirie** – Raised in a family where political activism and community involvement were expected, Alex Pirie has been greatly involved in the Somerville community since his arrival in 1987. He became more directly involved in working with the Latino immigrant community of Somerville in 1996, when he helped create the discussion group Somerville Conversations, of which he became director in 1998. He continues today to work on a variety of projects in Somerville.

**Yves Rose Saint-Dic** – Originally from Haiti, Yves Rose Saint-Dic came to the United States at the age of 15. She began her work with human rights issues during her college

years with Amnesty International and has continued to work with human rights issues since her arrival in Somerville. Among other things, she was a member and founder of the Human Rights Commission and currently works for the Office of Equal Opportunity at Tufts University.

**Nelson Salazar** – Nelson emigrated from El Salvador in 1980, and has lived in the Somerville area ever since. He began to work in the social services arena in 1990 and is currently the director of The Welcome Project of Somerville. Nelson has been a very important Latino community leader, has been greatly involved in working with Latino youth, and has been actively working to solve human rights issues as well as other social issues.

**Terry Signago** – A long-time resident of Somerville and the surrounding communities, Terry has been actively involved in combating the issues of human rights within Somerville, and was worked for the Count on Me campaign. Terry has been present in the area from the time of the Sanctuary movement until today, and therefore possesses a great deal of knowledge about the history of human rights issues in Somerville, and is familiar with how the general climate within Somerville has changed over the years.

**Elizabeth Tejada** – Born in El Salvador, Elizabeth Tejada immigrated to the United States in 1988. She lived in Dallas, TX with her children (including Elizandro, one of our high school partners!) from 1988 until 1993, when she moved to the Boston area. She has held various jobs in order to support her family; originally she worked in the cleaning industry and now works in embroidery.

## **Appendix B – Somerville Human Rights Ordinance**

### **Sec. 2-237. Human rights policy.**

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that: All people have certain inalienable rights, including the rights to life, liberty, property, the pursuit of happiness and equal justice under the laws of the United States, the commonwealth and the city. No person in our city shall have these rights constrained, reduced, ignored or violated; all people in our city shall be protected in the exercise of these human and civil rights. No person in our city shall be unlawfully discriminated against in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income. The human rights commission shall work toward mutual respect and understanding among all individuals and groups in the city through improving the quality of public discourse and eliminating unlawful discrimination.  
(Ord. No. 1993-1, 1-28-93)

As received from John Long, City Clerk of Somerville, MA.

## **Appendix C- Gang Loitering Ordinance**

**Passed by the Somerville Board of Aldermen May 13, 2004**

Voted to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Aldermen and the Mayor approve amendments to the bill before enactment by the General Court. The Board of Aldermen and the Mayor are hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition.

**WHEREAS**, The City of Somerville, like other cities across the nation, faces high rates of violent crimes and of drug offenses; and

**WHEREAS**, The Board of Aldermen has determined that criminal street gang activity in the City is largely responsible for this unacceptable situation; and

**WHEREAS**, In many neighborhoods throughout the City, the escalating presence of street gang members in public places has intimidated many law-abiding citizens; and

**WHEREAS**, One of the methods by which criminal street gangs establish control over identifiable areas is by loitering in those areas and intimidating others from entering/passing those areas; and

**WHEREAS**, Criminal street gangs establish control over identifiable areas in order to control narcotic sales, violent acts, and other illegal activities in those areas, and to intimidate law-abiding residents; and

**WHEREAS**, Members of criminal street gangs avoid arrest by committing no offense punishable under existing law when they know that police are present, while maintaining control over identifiable areas by continued loitering; and

**WHEREAS**, The Board of Aldermen has determined that loitering in public places by criminal street gang members creates a justifiable fear for the safety of persons and property in the areas because of the violence, including unacceptably high rates of drug-dealing and vandalism often associated with such activity; and

**WHEREAS**, The Board of Aldermen also has an interest in discouraging all persons from loitering in public places with criminal street gang members because

persons who are not gang members in those circumstances are at risk from drug dealing and other gang-related violence, and at risk to be recruited by gangs; and

**WHEREAS**, The use of public places to promote violence and to facilitate trafficking in narcotics and controlled substances has become an increasing problem in certain areas of the City; and

**WHEREAS**, Aggressive action is necessary to preserve the City's streets and other public places so that the public may use such places without fear; and

**WHEREAS**, Persons frequently loiter in public places in the course of creating violence including engaging in trafficking in narcotics and controlled substances; and

**WHEREAS**, When police officers observe individuals engaging in loitering and other suspicious activity they are often unable to make an arrest, even though the persons engaged in that behavior will resume violent behavior and trafficking in narcotics and controlled substances as soon as the police depart; and

**WHEREAS**, Loitering by individuals in areas where loitering is frequently associated with violence and trafficking in narcotics and controlled substances intimidates law-abiding citizens, diminishes the value of nearby property and has the potential to destabilize communities and attract additional violence; and

**WHEREAS**, Current laws are inadequate to deal with problems posed by gang loitering and loitering as a means to create a violent atmosphere and to facilitate trafficking in narcotics and controlled substances, principally because conventional laws generally depend upon the willingness of civilians to testify against gang members and drug dealers, and many civilians are understandably reluctant to put themselves in harm's way by providing such testimony; now, therefore

## **BE IT ORDAINED BY THE SOMERVILLE BOARD OF ALDERMEN**

### **SECTION 1. GANG LOITERING**

(a) Whenever a police officer observes a member of a criminal street gang engaged in gang loitering with one or more other persons in any public place designated for the enforcement of this Section under subsection (b), the police officer shall, subject to all applicable procedures promulgated by the Chief of Police: (i) inform all such persons that they are engaged in gang loitering within an area in which loitering by groups containing criminal street gang members is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; (iii) inform those persons engaged in gang loitering that they will be subject to arrest if they fail to obey the order promptly or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next three hours.

(b) The Chief of Police shall by written directive designate areas of the city in which the Chief of Police has determined that enforcement of this section is necessary because gang loitering has enabled criminal street gangs to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. Prior to making a determination under this subsection, the Chief of Police shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of gang activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to criminal street gangs; other personnel of that department with particular knowledge of gang activities in the proposed designated area; elected and appointed officials of the area; and community-based organizations. The Chief of Police shall develop and implement procedures for the periodic review and update of designations made under this subsection.

(c) (1) The Chief of Police shall by written directive promulgate procedures to prevent the enforcement of this Section against persons who are engaged in activities that are protected by the Constitution of the United States and/or the Commonwealth of Massachusetts.

(2) There shall be a Gang Advisory Board which shall consist of a representative of the Somerville Human Right's Commission to be chosen by such Commission, a member of the Professional Standards Office of the Somerville Police Department to be chosen by the Chief of Police, the City Solicitor or his/her designee, an alderman selected by the Board of Aldermen, and three representatives of the community, at least two of whom shall be minority representatives, selected by the Mayor and confirmed by the Board of Aldermen to serve for a two year term. The Board shall confer with the Chief in the Chief's establishment of the written procedures set forth in paragraph (c)(1) above and shall provide recommendations on training of police personnel to implement this Ordinance, including issues raised as a result of complaints, if any. The Board may also make recommendations to the Mayor on policies and procedures to address gang issues in the City.

(d) As used in the Section:

(1) **“Gang loitering”** means one who, with the intent to further the common purpose or existence of a criminal street gang, (1) engages in conduct which would cause a reasonable person to believe that entrance to a specific area may not be made without unreasonable inconvenience or hazard, (2) threatens to commit a crime, (3) defaces real or personal property in violation of Section 126A of Chapter 266 of the Massachusetts General Laws, (4) intimidates or accosts another, or (5) engages in disorderly behavior or a breach of the peace.

(2) **“Criminal street gangs”** means any ongoing organization, association in fact or group of three or more persons, whether formal or informal, having as one of its substantial activities the commission of one or more of the criminal acts enumerated in

paragraph (3), and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(3) **“Criminal gang activity”** means an adjudication by reason of or a conviction for the following offenses, provided that the offenses are committed by two or more persons, or by an individual at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members:

The following sections of the Massachusetts General Laws: M.G.L. c. 265, Section 1 (murder); M.G.L. c. 265, Section 13 (manslaughter); M.G.L. c. 13A, (assault or assault and battery); M.G.L. c. 265, Section 13B (indecent assault and battery on a child under fourteen); M.G.L. c. 265, Section 13C (assault and battery to collect loan); M.G.L. c. 265, Section 13D (assault and battery upon public employees); M.G.L. c. 265, Section 13F (indecent assault and battery on mentally retarded person); M.G.L. c. 265, Section 13G (commission of a felony for hire); M.G.L. c. 265 Section 13H (Indecent assault and battery on person fourteen or older); M.G.L. c. 265, Section 13I (assault or assault and battery on emergency medical technician, ambulance operator, or ambulance attendant); M.G.L. c. 265, Section 13J (assault and battery upon a child); M.G.L. c. 265, Section 13K (assault and battery upon an elderly or disabled person); M.G.L. c. 265, Section 14 (mayhem); M.G.L. c. 265, Section 15 (assault; intent to murder or maim); M.G.L. c. 265, Section 15A (assault and battery with dangerous weapon; victim sixty or older); M.G.L. c. 265, Section 15B (Assault with dangerous weapon; victim sixty or older); M.G.L. c. 265, Section 16 (attempt to murder); M.G.L. c. 265, Section 17 (armed robbery); M.G.L. c. 265, Section 18 (assault with intent to rob or murder); M.G.L. c. 265, Section 18A (dangerous weapon; assault in dwelling house); M.G.L. c. 265, Section 18B (Use of firearms while committing a felony); M.G.L. c. 265, Section 18C (entry of dwelling place; persons present within); M.G.L. c. 265, Section 19 (robbery by unarmed person); M.G.L. c. 265, Section 20 (simple assault; intent to rob); M.G.L. c. 265, Section 21 (stealing by confining or putting in fear); M.G.L. c. 265, Section 21A (assault, confinement, etc. of person for purpose of stealing motor vehicle; weapons); M.G.L. c. 265, Section 22 (rape); M.G.L. c. 265, Section 22A (rape of child); M.G.L. c. 265, Section 23 (rape or abuse of child); M.G.L. c. 265, Section 24 (assault with intent to commit rape); M.G.L. c. 265, Section 24B (assault of child; intent to commit rape); M.G.L. c. 265, Section 25 (attempted extortion); M.G.L. c. 265, Section 26 (kidnapping); M.G.L. c. 265, Section 26A (kidnapping of minor or incompetent by relative); M.G.L. c. 265, Section 26B (drugging persons by kidnapping); M.G.L. c. 265, Section 28 (poison; use with intent to injure); M.G.L. c. 265, Section 29 (assault; intent to commit felony); M.G.L. c. 265, Section 39 (assault or battery for purpose of intimidation; weapons); M.G.L. c. 265, Section 44 (coercion of child under eighteen into criminal conspiracy); M.G.L. c. 266, Section 1 (dwelling house; burning or aiding in burning); M.G.L. c. 266, Section 2 (meeting house; burning or aiding in burning); M.G.L. c. 266, Section 14 (burglary; armed; assault on occupants); M.G.L. c. 266, Section 15 (burglary; unarmed); M.G.L. c. 266, Section 16 (breaking and entering at night); M.G.L. c. 266, Section 17 (entering without breaking at night; breaking and entering in the day time; weapons); M.G.L. c. 266, Section 18 (dwelling house; entry at night; breaking and entry in the day

time; weapons); M.G.L. c. 266, Section 25 (larceny by stealing; punishment; victim sixty-five or older); M.G.L. c. 266, Section 30 (larceny); M.G.L. c. 94C (Controlled Substance Act), and M.G.L. c. 269, Section 10(a),(b),(c), and (j) (carrying dangerous weapons; possession of machine gun or sawed-off shotguns; possession of large capacity weapon or large capacity feeding device).

(4) **“Intimidate”** means putting in fear for the purpose of compelling or deterring conduct.

(5) **“Obstruct”** means renders impassable without unreasonable inconvenience or hazard.

(6) **“Pattern of criminal gang activity”** means two or more acts of criminal gang activity of which at least two such acts were committed within five years of each other.

(7) **“Public place”** means the public way and any other location open to the public, whether publicly or privately owned.

(e) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further gang loitering within sight or hearing of the place at which such an order was issued during the three hour period following the time the order was issued, is subject to a fine of not less than \$100 and not more than \$500 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than 5 days imprisonment.

## **SECTION 2. NARCOTIC-RELATED LOITERING**

(a) Whenever a police officer observes one or more persons engaged in narcotics-related loitering in any public place, the police officer shall: (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform all those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further narcotics-related loitering within sight or hearing of the place at which the order was issued during the next three hours.

(b) As used in this Section:

(1) **“Narcotics-related loitering”** means remaining in one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate the distribution of substances in violation of the Controlled Substance Act (M.G.L. c. 94C).



(2) **“Public place”** means the public way and any other location open to the public, whether publicly or privately owned.

(c) Any person who fails to obey promptly an order issued under subsection 2(a), or who engages in further narcotics-related loitering within sight or hearing of the place at which such an order was issued during the three hour period following the time the order was issued, is subject to a fine of not less than \$100 and not more than \$500 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offender shall be punishable by a mandatory minimum sentence of not less than 5 days imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service.

### **SECTION 3 FORFEITURE OF PROPERTY**

Property subject to forfeiture pursuant to G. L. c. 94c § 47 shall be subject to civil forfeiture under this ordinance. Civil forfeiture proceedings shall be governed by G. L. C. 94c § 47, except that the final order of the court shall provide that the proceeds of the sale of any conveyance, real property, moneys, or other things of value forfeited under a court order shall be used to pay the reasonable expenses of forfeiture proceedings, including the cost of storage and custody and the balance shall be distributed to the city of Somerville police department.

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