
FREMONT'S FIRST COSTS

NEBRASKA ADVISORY COMMITTEE
U.S. CIVIL RIGHTS COMMISSION



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PANEL III: ORDINANCE NO. 5165

STATEMENT OF: ONE FREMONT ONE FUTURE

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FREMONT’S FIRST COSTS
THE COLLATERAL DAMAGE
OF FREMONT, NEBRASKA’S ORDINANCE NO. 5165

LAW IS GOOD, AND GOOD LAW IS GOOD ORDER
ARISTOTLE

My name is Kristin Ostrom, I am Bertha Valenzuela and I am Leslie Velez. We are all U.S. citizens and have been residents of Fremont, Nebraska since 1997. Together, we are volunteer leaders of One Fremont One Future – a community initiative of Hispanic and Anglo residents working together to strengthening the community by highlighting the contributions of all Fremont residents and our shared values.

We have been greatly concerned about Ordinance No. 5165 – Fremont’s attempt to regulate illegal immigration. No one in this local debate supports “breaking the law,” or *not* regulating immigration. “Good law is good order.” *However, the outcome of Fremont’s immigration law is - disorder. It is costing Fremont, particularly Hispanic citizens and legal residents, without addressing the underlying problems.*

Intent is not Outcome

The stated intent of Ordinance No. 5165 is restoring “law and order,” and many may have voted for the law to stop “illegal immigration” in the U.S. Proponents have repeatedly stated that the ordinance is not about race; it is about illegal immigration. “Illegal is not a race; it is a crime!”¹ But intent is not outcome.

And, while on its face, this law does not specifically seek to target Hispanics for discrimination, the outcome is clear: *Ordinance No. 5165 costs Fremont - increasing community conflict including specific hostility and intimidation against Hispanic citizens and residents. (Color, race, national origin).*

Outcome Costs Fremont:

- **Increased community conflict and suspicion as many Fremont citizens now assume Hispanic = “illegal;”**
- **An increasingly hostile, intimidating and harassing environment for many Fremont Hispanic citizens and legal residents;**
- **A rise in bias incidents against Hispanic citizens and residents, including some incidents that may rise to the level of hate crimes or discrimination under federal law.**

¹ Proponents mailing, “Vote For the Illegal Immigration Ordinance,” June 2010, paid for by Fremont for Illegal Immigration Enforcement. (Ballot Initiative Committee name and address missing.)

This testimony focuses on written reports of bias against some of Fremont's Hispanic citizens and legal residents. Other costs, such as taxes and reputation, are not discussed.

Written Reports of Bias Incidents

After the special election on June 21, 2010, members of the Fremont's Hispanic community began to meet weekly on Sunday evenings. Between July 6 and August 15, 2010, an average of 160 adults gathered at each of these weekly meetings, some came weekly and others once. The highest meeting attendance was over 200 adults which represents - at just one meeting - 10% of Fremont's Hispanic community.

Participants began reporting incidents of harassment. A total of 65 first-hand written reports were received July 6, 2010 – September 7, 2010. (*Names have not been disclosed due to reporters' fear of retribution.*) Many also orally reported incidents (*not included*) but did not want to write the allegations - either because they do not believe things can change, do not trust local government including the police or are simply too fearful to formally report their experiences.

These words may be perceived simply as isolated incidents and may not rise to the level of hate crimes or discrimination under federal or state law; some may say that there is no concern given Fremont's demographic changes. But together, these bias incidents against Fremont Hispanics show a pattern of intimidation and hostility that has grown in Fremont as a direct result of the past two years.

A representative selection from the 65 written reports:

Discriminatory and Harassing Language - Yelling on Streets and in Stores

- *“Since this ordinance was adopted in Fremont, our community has changed. There is more violence, discrimination and racism, and Fremont is divided,”* said that a Hispanic businessman of 35 years.
- *Strangers shouting “Go back to Mexico” and similar “racist and intimidating comments are now very common. I'm a legal immigrant. But because of the Ordinance, it seems that we are all illegal and Mexican.”*
- *A young mother said, “I am afraid of what is happening. People in Fremont are seeking us very badly. They are shouting very offensive words to us in public, and treat us badly in Wal-Mart. My daughter doesn't want to live in Fremont because the people we are treated so badly. Already she does not want play outside any more. She spends her time locked inside the house.”*

Treats/Violence (May rise to the level of a “hate crime” under federal and state law.)

- *“Three days ago, while looking out my window, I discovered my family was being fired at with BB guns. I am not afraid for me. I am afraid for my children.”*
- *“They have been calling my business and telling me they're going to set it on fire.”*
- *“A person pushed my nephew to the ground. I called the police, but they did nothing.”*

Intimidation in the Voting Booths

A trained and experienced poll worker reported that during the special election on June 21, 2010 the volunteer workers discussed the increasing racial tension in the community and agreed to stop any harassment. While a young Hispanic woman was at this location, an older White man stated, “*The firing line is about to begin. I want to be first in line.*”

Intimidation at Work

“*The day after the ordinance passed, an Anglo employee at Hormel said to me in the lobby, ‘You have to leave for Mexico now; no more Mexicans here.’ I am a U.S. citizen.*”

Intimidation in Housing

“*We believe that law is a racist law because some already are enforcing the law. Some owners of apartments are removing renters who don’t have papers even if their partner does.*”

Although the Law is Not in Effect – There are Costs/Collateral Damage

These 65 reported bias incidents have occurred although the law is currently *not* being implemented or enforced in Fremont, Nebraska. The two-year campaign by national and a handful of local proponents have fanned racial tensions targeted toward Hispanics in Fremont. It seems the outcome of the special election has given some license to act. In addition, the overall silence of many community leaders and members seems to have given a community “ok” toward this increasing harassment.

For example, “One Fremont” raised concerns about community tensions focused on Hispanics shortly after the special election. We suggested then and later requested that a city official (Mayor, Council President, or Council) offer a “public word of welcome to Hispanics” to clarify the vote. 3 Hispanic citizens again requested a meeting with the Mayor; he refused as he has since November 2009 without giving a rationale. As reports of specific incidents were received, city leaders were informed formally and informally. No specific response was provided. (Formally informed: *Media Release, July 21, 2010; Testimony to Fremont City Council, July 27, 2010 and Media Release; Congressman Fortenberry’s Fremont Town Hall, August 11, 2010 and Media Release.*)

Since Fremont’s law mirrors the law in Hazleton, Pennsylvania and Farmers Branch, Texas both also authored the same attorney (Senior Counsel to the legal arm of FAIR, the Federation for American Immigration Reform) – it seems quite clear that this law was *not* Fremont’s idea. In investing its national dollars in Fremont, it seems that FAIR has selected wisely – choosing an almost perfect community and set of demographic dynamics to ensure passage of this ordinance. Although the Fremont City Council battled for a year and a half in state court to prevent passage of this potentially unconstitutional law, recent unanimous decisions by this same Council (including hiring and paying the law’s author to defend it on a constitutional challenge in federal court) – reveal FAIR’s successful message and investment. **However, FAIR’s investment has been costly for Fremont’s Hispanic citizens and residents.**

Beginnings of Conflict

The contentious City Council hearing on July 29, 2008 marked the beginning of increased community conflict and tension which have only increased the past two years. Some city leaders have become increasingly overwrought as tensions increased; at least two have resigned. Private frustrations erupted into the High School auditorium holding approximately 1,000 people. Also present were 50 police officers and a bomb-sniffing dog. It was broadcast over the radio allowing many to hear strong and some say “ugly” words in public for the first time. Words often blamed “illegal immigrants” “for disease,” “taking our jobs,” “draining welfare benefits,” “costing Fremont” and “increased crime.” It seemed, historic native negative reactions to a new immigrant culture were taken up a notch when immigrants became “illegal” and “law breakers.” This 2008 hearing set an anxious public tone which continued even after the June 21, 2010 special election was over.

“They’re taking over”

For two years, the proponents used phrases like, “they’re taking over,” “invasion” and “the city is being destroyed” plowing Fremont’s fertile ground, fanning racial concerns over recent demographic changes.

In the past twenty years, there has been a decrease in Fremont’s White population from 98% to 90% (1990 to 2008). The Hispanic population increased from 1% to 7.8% during the same time period. The “foreign born” or immigrant population increased, but not to the same levels, from 1% to 4.4%.²

A proponent wrote in February 2, 2009 *Fremont Tribune* “letter to the editor” about the greed of meat packing plants hiring “illegal” immigrants. (Hormel and Fremont Beef have a significant number of Hispanic employees.)

“The more that I look around Fremont, read the paper, talking to people, the more that I am sickened by what is happening to this town. It disgusts and angers me that this city is being destroyed by the greed of Hormel, Fremont Beef...whose greed has led them to violate federal law by hiring people here illegally, destroying Fremont in the process...sacrificing the welfare of this city.”³

Fear Beat Facts

Although the Mayor’s Task Force on Immigration of 2008 did not find any specific fiscal burden or increase in crime due to undocumented immigrants, such fears continued to be fanned.⁴ The language of the Ordinance No. 5165 itself restates unsupported claims, mirroring the proponents’ early claims:

“Whereas, the presence of illegal aliens, places a fiscal burden on the City, increasing the demand for, and cost of, public benefits and services, and

Whereas, Crimes committed by illegal aliens in the City harm the health, safety and welfare of U.S citizens and aliens lawfully present in the United States,

² U.S. Census Bureau, 1990; U.S. Census Bureau, American Community Survey, 2008.

³ “This city is being destroyed by greed,” letter to the editor by Jerry A. Hart, *Fremont Tribune*, February 2, 2009.

⁴ “Mayor’s Task Force on Immigration: Final Recommendations,” Edwards, Mayor/Co-Chair; Ekeler, Task Force Chair, Fremont, Nebraska, no date.

Whereas, the employment of unauthorized aliens in the City displaces authorized United States workers and adversely affects their wages, and;”⁵

The level of fear in Fremont, Nebraska may be better understood by noting how credible evidence, as well as public warnings concerning the costs of Ordinance No. 5165, were ignored – including estimates of \$1 million annual tax increases.⁶ Statements publicly opposing Ordinance No. 5165 included: the Fremont Area Chamber of Commerce, Fremont Area Ministerial Association, two ballot committees and editorials in the *Fremont Tribune*, *Omaha World Herald* and *Lincoln Journal Star*.⁷ Fear of race can beat the fear of increased taxes.

Hispanic = Illegal

Although 3 out of 4 Fremont Hispanics is a U.S. citizen or legal resident, proponents juxtaposed “illegal immigrants” and “Hispanics”- fueling racial fears and affirming assumptions that “Hispanic” = “illegal.”⁸ For example, the proponents’ mailing to 10,000 Fremont households prior to special election raised fears of Fremont becoming a “safe-haven for illegal aliens” and states:

“Mexico’s 2nd largest economic source (\$16 Billion) comes from money sent home from the earnings made by illegal aliens working in the U.S.”

And Hispanic patients: “Fremont Area Medical Center stated that from 2002-2008 the amount of Charity Care and Bad Debt Expense attributable to Hispanic patients ranged from \$300,000- \$500,000 per year.”⁹

Bullying Tactics Increase Fear

Most unfortunate, some proponents utilized bullying tactics. I personally witnessed proponents literally corner elected and appointed officials in the parking lot of the City Office Building after a public meeting and yell and yell at them. During a public forum a few weeks ago, the former city council member who introduced this measure come within an inch of my face yelling at me, “you’re a liar, a liar; everything out of your mouth is a lie.” A public officials’ staff member had to put up his arms, suggesting this leader move along. In addition, personal attacks were used in print in the *Tribune*, in blogs, phone calls and emails. For example, the following email was received at “One Fremont’s” website a number of times from a proponent:

“we shed blood to build this country and we will shed blood again to take it back”¹⁰

⁵ See “Legal Notice of a Proposal to be voted upon by the voters of Fremont at a Special Election occurring June 21, 2010; Ballot Title and Text of Proposed Ordinance No. 5165,” issued with “Notice of Special Election,” by Fred Mytty, County Clerk, Dodge County, Nebraska, May 19, 2010.

⁶ “Immigration Ordinance Fact Sheet,” issued by Fremont, Nebraska, June 2, 2010; also “Hospital can’t tell who’s illegal,” by Tammy Real-McKeighan, *Fremont Tribune*, June 12, 2010; Mayor’s Task Force on Immigration, Final Recommendations,” Co-Chaired by Mayor Skip Edwards and Bill Ekeler, 2008, distributed by Fremont, Nebraska. (Task Force established August 7, 2008.); “Nebraska’s Immigrant Population: Economic and Fiscal Impact,” Decker and Deichert, University of Nebraska at Omaha, 2008 and October 2009.

⁷ “Here are some facts about the proposed ordinance,” Fremont Area Chamber of Commerce, printed *Fremont Tribune*, June 7, 2010; “A Resolution of the Fremont Area Ministerial Association,” adopted June 2, 2010, printed *Fremont Tribune*, June 11, 2010; “We ask you to vote no; but strive for workable solutions,” *Fremont Tribune*, June 19, 2010 “Focus on the practical,” *Omaha World Herald*, June 13, 2010; “Fremont can avoid cost, frustration,” *Lincoln Journal Star*, June 14, 2010.

⁸ Pew Hispanic Center, Senior Demographer Jeffrey S. Passel estimates that based on U.S. Census data for Fremont, Nebraska (ACS 2008), 44% of Fremont’s “foreign born” population are unauthorized. This is 491 people or 2% of Fremont’s population.

⁹ “Vote for the Illegal Immigration Ordinance,” paid for by “Fremont for Illegal Immigration Enforcement,” (without name or address) mailed to some Fremont, Nebraska households in June 2010.

¹⁰ Email to onefremontonefuture@hotmail.com from aps1937@yahoo.com, June 12, 2010.

Intimidation at City Council Meetings – After the Special Election

At the June 29, 2010 meeting of the Fremont City Council, a number of Hispanic citizens who had voted for the first time witnessed the following. (*This information has reported to each City Council member in an email sent on July 1, 2010.*)

- A proponent stood at the door and when my colleague arrived with some Hispanic residents he said, “Our foe has arrived.”
- Colleagues heard another man in the front row add his interpretation of the Pledge of Allegiance, “...with liberty and justice for all **white people.**”
- And another man stated, “It’s not about race. Illegal is illegal,” and proceeded to count out loud all the brown-skinned people in the audience, “Thirty-one, thirty-two, thirty-three...”
- After a young Hispanic woman finished her first conversation with her elected representative, an elderly man approached her and demanded to know, while pointing at her, why she was there.¹¹

At the July 27, 2010 Fremont City Council meeting, the room was filled with approximately 50 or more ordinance supporters and 8 in opposition (six Hispanic women and two Anglo women). Time for public comment was provided. After a few speakers, a city official requested that each audience member raise his or her hand to show approval or disapproval to a persons’ public comment. This is in direct violation of the city’s “Rules of Conduct” read and strongly emphasized at each Council meeting when immigration is on the agenda. Although perhaps unintended, the result was to support on-going intimidation of Hispanics (citizens and immigrants) and others in opposition to the ordinance.

AUDIENCE AT COUNCIL MEETINGS – RULES OF CONDUCT

(7) Applause, booing, or other indications of support or displeasure with a speaker are not permitted.

(8) Any person violating these rules may be removed from the council chamber.¹²

Conclusion

While the stated intent of Ordinance No. 5165 is “law and order” and on its face the law does not specifically target Hispanics, Fremont, Nebraska’s two-year effort to pass a local immigration enforcement law has had negative consequences – community conflict and increased harassment and intimidation of Hispanic citizens and legal residents. Citizens assume Hispanics are “illegal.”

Continued silence by many leaders – elected, business, church – will continue to give tacit permission for such intolerance and bigotry to continue, costing Fremont socially and economically. Increased racial tensions can exacerbate and trigger larger community-wide conflict and tension.

¹¹ Email to Fremont City Council Members from Krista Kjeldgaard, One Fremont One Future, July 1, 2010.

¹² “Audience at Council Meetings-Rules of Conduct,” Fremont Municipal Code, Section 1-614.01.

Aristotle said, “Law is good and good law is good order.” Ordinance No. 5165 has not provided Fremont good order, enabled the “rule of law” or stopped unauthorized immigration. Whether Ordinance No. 5165 will ultimately be found to be constitutional or not, the “collateral damage” of Fremont’s local enforcement law has been significant to U.S. citizens and legal residents who are Hispanic and the community as a whole.



Document edited to include full citations, September 10, 2010.