

# **EXHIBIT 5**

# WHITMAN COLLEGE

June 6, 2011

Sarah A. Dunne  
Legal Director  
ACLU of Washington Foundation  
901 Fifth Ave, Suite 630  
Seattle, WA 98164

Dear Ms. Dunne:

1. This letter outlines major findings from five years of research (2005-2009) on social, economic, and political inequalities currently facing Latinos in Washington State, and affecting all whose conditions of life are influenced by the wellbeing of Latino residents of the state of Washington. The research has been done by undergraduates at Whitman College under my direction in an ongoing community-based research (CBR) program that I founded in 2005 titled "The State of the State for Washington Latinos." This CBR program brings students into collaboration with community organizations to probe the reasons behind racial-ethnic inequalities and to propose solutions. We also conduct systematic public outreach to bring our research findings and recommendations to policy makers, organization leaders, and the public at large. Our goals are:

- a. To promote a more inclusive and active culture of democracy in our region.
- b. To enhance the effectiveness of our partners' programs.
- c. To catalyze informed public policy decisions that ameliorate racial-ethnic inequalities.
- d. To develop a new generation of intellectually astute and public-spirited young leaders.

Each fall semester in which the project runs, student researchers gather and analyze data to probe the reasons behind racial-ethnic inequalities, evaluate programs intended to diminish them, and propose new solutions. Students situate their original empirical analyses in critical relation to prior studies. Each student works in collaboration with a specific partner from a community organization, and under the intensive supervision of the professor to ensure the quality of the research design and the reliability of the results. In the spring, students conduct a semester-long program of public education to inform residents and leaders throughout the state about their research findings and recommendations.

2. Whitman College's project on "The State of the State for Washington Latinos" has received national recognition and validation from institutions at the highest levels of higher

education. The project received major funding from 2008-2010 from Princeton University's Community-Based Learning Initiative (CBLI). We succeeded in a nationwide competition in being named as a recipient of an "Innovation Sub-Grant," joining roughly forty other colleges and universities across the country in a network to develop new approaches to CBR with the aid of a major federal Learn & Serve grant that Princeton administered. In 2008, I delivered the keynote lecture at the annual meeting of the Council on Undergraduate Research, which invited me to discuss the "State of the State" project based on our record of innovation and academic rigor. Accounts of our program have also been, or will be, featured in the peer-reviewed *Journal of Higher Education Outreach and Engagement* and in documents surveying leading CBR programs nationwide produced by Princeton's Community-Based Learning Initiative.

3. I hold the Judge & Mrs. Timothy A. Paul (endowed) Chair of Political Science in the Department of Politics at Whitman College. I earned tenure and my current rank of Associate Professor at Whitman in 2003, and my promotion to the rank of Professor was approved earlier this year and will become effective in August 2011. In 2010 I published a major book with a leading, peer-reviewed academic press on Latino meatpacking workers in eastern Washington State. I also have published numerous peer-reviewed articles on Latino immigrants in our region. My CV is attached to this document.

4. Since its inception, "The State of the State for Washington Latinos" has endeavored to analyze a broad range of policy issues in order to provide a widely inclusive picture of the social, economic, and political inequalities facing Latinos in the state of Washington. We have analyzed the barriers to Latino voting rights and political participation as well as the multiple social problems where stronger Latino political representation and better public policy could help make a difference in developing solutions. The paragraphs below summarize major research findings regarding each of the main areas we adopted for study from 2005 through 2009. (The project did not run in 2010-11 but will resume in 2011-12.) The original reports from which these findings have been drawn are available via our website at [www.walatinos.org](http://www.walatinos.org).

5. Voting Rights. Latinos are dramatically under-represented in local elected offices in the ten counties of Washington State with the highest percentage Latino populations. A thorough investigation of political representation and elections laws in these counties revealed that as of December 2009, out of a total of 1,891 local offices only 78 were held by Latinos – a level of 4.1% despite Latino populations ranging from 14.8% to 55.1% in the counties examined. No political offices were exceptions to this pattern of representation. Nearly all local elections in the state are conducted under at-large voting systems, which tend to systematically reduce the influence of the Latino vote. In addition, state law restricts any changes to the method of election for most local offices. Also, Latinos in the ten counties examined disproportionately possess the socio-demographic characteristics that contribute to low levels of political participation. Case studies of municipalities in the Yakima Valley with very large Latino populations but very low levels of Latino political representation have demonstrated that the interaction of at-large electoral districts and racially polarized patterns of voting behavior has helped to produce severe deficits in Latino political representation. In Sunnyside, Washington, our 2006 research showed that

racial bloc voting existed in this town where city council members were all elected through a voting system based on at-large districts, Latinos comprised 75% of the town's population, and only one city council member was a Latino. Likewise, in Toppenish, Washington, our 2008 research showed that racially polarized voting existed in elections for the school board, on which only one of five members was a Latino in a town with a Latino population of over 75% and at-large elections for school board (and where Latinos had been elected only 4 times out of 17 school board seat elections from 1999-2007). According to our 2008 research, Wapato, Washington, where Latinos again make up 75% of the municipal population, also has an electoral system for school board in which all five members are elected through at-large elections. As of April 2008, only one of five members was Latino, Latinos had been elected only twice out of 14 school board seat elections from 1999-2007, and a distinctive pattern of racially polarized voting existed in school board elections. Statewide, finally, Washington State's vote-by-mail system may discourage Latinos from voting because language assistance at polling places no longer exists, although more systematic research on the effects of mail-in ballots on Latino political participation is needed. Overall, Latino political representation throughout the state of Washington, including in the areas where the Latino population is concentrated, is at dramatically low levels, Latino electoral participation is at very low rates, and patterns of voting behavior interact with electoral rules to prevent Latino representation and participation from increasing.

6. Political Participation and Civic Engagement. Interview-based research and content analysis of Spanish-language newspapers suggest that Washington's Latinos face numerous social barriers to effective participation in civic life, including but not limited to voting. The major Spanish-language newspapers in central and eastern Washington, where the Latino population is concentrated, tend to give scant coverage to local news and rely heavily on content provided by newswire sources. Latino youth show a distinctive and strong interest in shouldering civic responsibilities and learning about public affairs, as survey research in Walla Walla demonstrated in 2006. Yet neither high school curricula nor leading civic and political organizations effectively reach Latino youth (e.g., in Pasco, where Latinos now constitute a majority of the local population), although promising examples of school-based programs to spark civic engagement among youth have existed (e.g., a successful but now-defunct GEAR-UP program and follow-up efforts in Quincy). Both community organizing and local electoral campaigns for Latino candidates boost prospects for Latino civic engagement through family-oriented strategies, civic educational activities, and person-to-person communication. These successes are particularly notable because they have occurred in a climate of general distrust of local authorities, especially police, among Latinos as well as uneasiness and sometimes antagonism among non-Latino local leaders toward the idea of greater Latino community power. Latino candidacies, however, are rare for the reasons explained in the preceding paragraph. At the level of neighborhood-based organizing, such as Barrios Unidos in Toppenish and Commitment to Community in Walla Walla, there are clear – albeit scattered and sporadic – signs of the Latino potential for robust civic engagement especially in ways that involve youth. However, a more consistent, widespread, and cumulative process of Latino empowerment that links local civic engagement to a broadening sphere of public communication, and to sustained

participation in policy-making and electoral processes, has yet to materialize in Washington State.

7. **Education: General Indicators.** A constitutional mandate exists in Washington State to provide for the education of the young as the foremost public responsibility. The Latino population in K-12 schools grew by well over 350 percent between 1986 and 2009, and Latino students are expected to experience a 150 percent growth in population by 2030. Yet pronounced, historical rooted disparities persist between the educational achievements and opportunities of Latino children and youth and their non-Latino peers. While only 7.7% of whites in Washington have less than a high school diploma, 43.8% of Latinos have never graduated from high school. In 2008, the dropout rate for Latino high school students was nearly twice that of whites and nearly 50% higher than the rate for African Americans. Of the barely half of all Latino students who received high school diplomas in 2005, fewer than 25 percent graduated college-ready.

8. **Education: Higher Education.** Deficits in financial, cultural, and social capital inhibit Latino parents from understanding mainstream pathways to higher education and a brighter economic future for their children, even as immigrant values and experiences have fostered a distinctly positive orientation toward educational aspiration among Latino families. An assortment of public programs (e.g., GEAR-UP, Achievement Via Individual Determination (AVID), and TRiO) mitigates the impact of these problems, to a degree, both by augmenting access to practical information about higher education and cultivating higher expectations for personal achievement in this domain among Latino youth. However, major structural factors severely limit the overall extent to which such programs can reasonably be expected to erase the achievement gap in Latino higher education enrollment. These factors include: the massive and continually escalating costs of higher education; the secular shift in financial aid from grants to loans in recent decades; the failure of Congress to provide a path to legalization for undocumented youth even when they perform well in school; the mounting efforts by federal authorities (often in cooperation with local law enforcement) to arrest, detain, and deport undocumented persons, which fuel fear and disengagement from educational institutions in Latino communities; and a pervasive atmosphere of racism that Latino students experience in their interactions with non-Latino peers and school personnel alike.

9. **Education: Younger Children.** Research on "The State of the State for Washington Latinos" also indicates that racial-ethnic inequalities characterize the earlier, formative years of children's education. Conditions in Walla Walla, which is home to a growing Latino community that is now about 20% of the local population, are instructive in this regard. Following nationwide trends toward the re-segregation of public education, the 2009 redistricting of the six Walla Walla public elementary schools increased the racial-ethnic segregation of Latino children in this school district. Abundant research has established that school integration promotes higher academic aspirations and achievement among all students, yet recently implemented policies in Walla Walla mean that local children will be denied these benefits. The Latino percentage of the overall population is relatively higher for lower age groups than for older age groups, and steadily increases as age decreases: thus, by 2004, Latinos accounted for about 10% of the total state population, 13% of the

state's children, and 17% of the children between the ages of infancy and four years. Even before the 2010 census, more than half the births in Yakima, Franklin, Adams, and Grant counties were Latino children. Early childhood education has a firmly established, positive relation to higher achievement in later school years, high school completion, college enrollment, and employment success. Models exist for forms of early childhood education that are particularly well suited to enhancing Latino children's prospects for enjoying all these benefits, especially programs that facilitate parent involvement, affirm families' home language and culture, and provide health and nutrition services. Walla Walla has witnessed promising developments along these lines in both its Migrant Head Start program and a community college-based preschool teacher training initiative (Building Bridges). Yet much more needs to be done to bring Latino young children into preschool programs. The U.S. Department of Education reported that only 43% of Latino children ages 3-5 were enrolled in early childhood education and care programs, compared to 59% of white children and 66% of African American children. Meanwhile, the Gates Foundation has reported that in Washington State, risk factors associated with youth delinquency and dimmed educational prospects are more prevalent among Latino children ages 0-5 (45%) than children of any other race/ethnicity apart from Native Americans, and are present at a rate nearly twice that for the 0-5 age child population as a whole (23%). In short, although it is especially imperative that Latino children receive early childhood education and even though best practices for conducting such education have been identified, Latinos are still not receiving the benefits of early childhood education at satisfactory rates.

**10. Income, Housing, and Taxation.** Income is highly correlated with voting participation, civic engagement, and educational attainment alike. Thus, the relatively lower income levels of Washington's Latino families and individuals comprise an additional barrier to progress in all these areas as well as being a matter of concern in its own right. According to U.S. Census Bureau figures from 2006, the average Washington Hispanic family makes \$32,183 in annual income, compared to \$45,776 for the total population of Washington State and \$55,856 for whites. Whereas only 8.6% of white individuals live below the poverty line, 24.2% of Hispanic individuals are officially designated as living in poverty. Latinos also possess fewer major financial assets in comparison to non-Latinos: over 58% of Latinos in Washington State rent their homes as compared to only 32% of whites. In Walla Walla, Latinos own their own homes at far lower rates than do non-Latinos, a reflection not only of income disparities but also of an under-supply of affordable housing for low-income families as well as the need for more adequate home-buying information practices by lending firms, real estate companies, and local public authorities. (Our survey research in 2009 also found that Latino tenants tend to solve problems with their housing conditions by moving rather than by challenging landlords to provide acceptable housing conditions; this enhances the picture of the overall transience of the Latino population when it comes to housing, with the attendant consequences for Latino households' financial instability.) At the same time, Washington State has perhaps the most regressive tax structure in the nation given the absence of an income tax and the heavier relative reliance on sales taxes and the business and organization tax for government revenues. This further darkens the financial outlook for Washington Latinos. Furthermore, the one major recent policy initiative to brighten working families' prospects through the tax system, the federal Earned Income Tax Credit (EITC), has not sufficiently reached the

Latino community. Our research from 2008 shows that Latinos are both disproportionately unlikely to know about the EITC and disproportionately likely to be disqualified from eligibility to receive it. In addition, although the state legislature sought to reinforce the impact of the EITC by passing the Working Families Tax Rebate (WFTR) in 2008, the WFTR still has not received the funding needed for implementation.

11. **Employment Issues.** The low availability of low-skill jobs relative to need, as well as the low prospects of upward mobility for those employed in such jobs, further contribute to the income and poverty disparities between the Latino and non-Latino populations in Washington State. Moreover, there is a mismatch between the employment needs of Latino communities and public efforts to take advantage of growth opportunities in the emergent “green” economy. Community college programs focusing on “green jobs” are characterized by low rates of Latino enrollment and tend not to conduct Latino outreach, while Latino community college students tend to be concentrated in employment skills acquisition programs that are not included in the green economy. The health industry is another domain where public interests and Latino employment needs could be matched much more effectively, for the benefit of all, but where this has not occurred. Washington State, like many other states, has experienced a nursing shortage in recent times; health services organizations have a growing need for bilingual and bicultural employees as the Latino population expands; yet as of 2005, Latinos remained concentrated in the lower rungs of the occupational ladder in the health industry. In general, Latinos in Washington State as elsewhere make up large proportions of the workforces in the most dangerous jobs, in terms of occupational safety and health (OSH) risks: meatpacking, construction, farm labor, and lower-tier hospital jobs. Latino workers’ disproportionately high exposure to OSH hazards creates additional employment difficulties, since individuals who become ill or injured as a result of their working conditions have more difficulty sustaining employment. (Regarding such problems in meatpacking and construction: see my book *Breaks in the Chain: What Immigrant Workers Can Teach America about Democracy* (University of Minnesota Press, 2010) as well as my more recent papers about day laborers.)

12. **Farm Worker Issues.** According to one of our “State of the State” community partner organizations, the Washington State Farmworker Housing Trust, the average income for a farm worker family is roughly \$17,500 a year, which is only 35% of the state’s median income. Thus, Washington’s farm workers have grave difficulties securing adequate housing for themselves and their families. This problem exists despite the fact that agriculture is one of the most crucial industries in this state, generating a larger economic multiplier than both the aircraft and software/ISP industries, yielding \$6.4 million in products annually, producing nearly two-thirds of the nation’s apples, and employing a quarter of a million people. The Trust’s pathbreaking statewide survey found that 44% of Washington’s farm workers pay more than the federal standard 30% of income for housing needs, 36% have problems with their current housing conditions, and 38% have faced difficulty in finding housing. Further analysis of the Trust’s survey data by the “State of the State” program found that these workers and their families not only do not qualify for public income assistance (“welfare”) under the Temporary Aid to Needy Families (TANF) program, but also tend significantly to under-utilize the Food Stamp and WIC nutrition programs for which they likely would be eligible. Poor housing conditions negatively affect

the educational prospects for farm workers' children both directly (by preventing children from having a stable, adequate place to do school work and inhibiting family functioning) and indirectly (by increasing the likelihood of various health problems, such as respiratory disease and environmental toxin poisoning, and thereby having a deleterious effect on children's school attendance and ability to learn). Despite the multiple benefits to entire communities - Latino and non-Latino alike - that stem from the development of better quality housing for farm workers, farm worker housing developers typically confront stiff local opposition when they pursue such projects. Uninformed local residents often respond with "not in my backyard" sentiment because they assume incorrectly that additional housing for farm workers will increase social problems such as crime and decrease area home values.

13. **Health Care.** Relatively more Latinos lack health insurance coverage than non-Latino Washingtonians, and this factor, combined with language difficulties, means that access to health care and health service utilization rates are lower for Latinos than for other ethnic-racial groups. These problems, in turn, correlate with disproportionately higher incidences of otherwise preventable health disorders for Latinos. Among these disorders the following are especially noteworthy: diabetes, HIV/AIDS, cervical cancer, asthma, and tuberculosis. Local health clinics such as the Quincy Community Health Center provide vital resources for uninsured Latinos and others who face the many barriers to health services access. In particular, efforts to engage non-specialist community health workers ("*promotoras/es*") by the Quincy center and Blue Mountain Heart to Heart, the leading eastern Washington HIV/AIDS prevention, education, and services organization, have proven effective at increasing knowledge in the Latino community about the prevention of HIV infection and other sexually transmitted diseases. Nevertheless, the need exists to expand and multiply such programs and to tackle the many barriers to effective health care for Latinos in Washington State. Among those barriers are also the problems with employment, income, and poverty discussed above along with substandard farm worker housing and relatively lower levels of educational attainment.

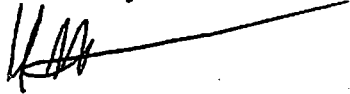
14. **At-Risk Youth.** Research on "The State of the State for Washington Latinos" has suggested the benefits of both school-based mentoring and "alternatives to detention" programs for preventing and handling juvenile delinquency among Latino youth. Latino youth are overrepresented in the juvenile system for a number of reasons. High rates of poverty, family disorganization, under-treated mental health problems, school drop-out, and gang involvement put Latino youth at heightened risk for delinquent behavior. Yet Latino youth become further disadvantaged once they enter the system. Extralegal factors such as families' low socioeconomic means, as well as cultural illiteracy among some juvenile justice personnel and the lack of certified court translators, further generate a differential administration of justice for Latino youth. Hence, innovative policies are needed to ensure that Washington State does not sacrifice fairness for the sake of protecting community safety, and that at-risk youth receive opportunities they are presently denied to develop positive trajectories toward educational completion and full social membership.

**15. Violence Against Women.** Culturally sensitive school-based programs aimed at education rather than punitive, culturally indifferent approaches also appear to hold the greatest promise for preventing intimate partner violence, including among teens. Addressing such violence effectively in the Latino community also requires action to grapple with the special vulnerabilities of Latinas whose abusive partners often have advantages over them in English language abilities and legal status, which supplement other mechanisms of power and which can enable a man to use a couple's children as a means of controlling the woman. These women seek intervention and emergency shelter services at lower rates than non-Hispanic whites. Meanwhile, agencies providing such services to abuse victims remain under-funded and, along with law enforcement, judiciary, and school authorities, lack the ability to conduct sufficiently extensive bilingual outreach to at-risk Latinas.

**16. Conclusion.** In summary, pressing matters of policy development and public concern exist with regard to ensuring the full inclusion of Latinos in society in the state of Washington. There is an urgent need for leadership at the state and community levels that is more cognizant of, and more responsive to, these multi-faceted and inter-linked issues ranging from voting rights to civic engagement, education, health care, youth delinquency prevention, housing, employment, tax policy, farm labor, and violence against women. Were these challenges in Latino communities to be addressed effectively, it is likely that all Washingtonians would benefit, given the interconnections among our conditions of life and wellbeing.

I declare under penalty of perjury that the foregoing is true and correct.

Yours truly,



Paul Apostolidis  
Judge & Mrs. Timothy A. Paul Chair of Political Science  
Whitman College