

Cracks in the Unity

The Impact of September 11th on New York Latinos Relief, Redevelopment and Lessons for the Future

IPR Discussion Paper

by

Annette Fuentes



**PRLDEF Institute
for Puerto Rican Policy**

The Policy Division of the
Puerto Rican Legal Defense and Education Fund

November 2002 (Revised September 2003)

TABLE OF CONTENTS

Introduction	1
Defining the Victims	5
Psychological Impacts, Mental Health Issues	7
Relief and Charity	8
The Charities	9
Eligibility Criteria for Charity	13
Inequity in Distribution of Assistance	15
Latino Representation in Redevelopment Efforts, Charities	24
Victims Groups	27
Challenges to Civil Liberties	29
Recommendations	31
Methodology	33
Sources	34

About the Author

Annette Fuentes is a veteran journalist and researcher who writes on health, medical and social welfare issues. She is currently a freelance writer for *The Nation*, *The Village Voice* and the *New York Times*, and is a contributing editor for *In These Times*. Ms. Fuentes is an adjunct professor at the Columbia University Graduate School of Journalism. She has been the editor of *City Limits* and *Crítica: The Journal of Puerto Rican Policy & Politics*, and a staff writer for the *Daily News (New York)*, *New York Newsday*, and *El Diario-La Prensa*.

Ms. Fuentes has a Masters in Communications from Hunter College and is the recipient of the Fellowship in Child and Family Policy of the Philip Merrill College of Journalism at the University of Maryland, and the Prudential Fellowship on Children and the News at Columbia University. She is the co-author, with Barbara Ehrenreich, of *Women in the Global Factory* (Boston: South End Press, 1983).

Preface

September 11, 2003 is the second anniversary of the horrific World Trade Center/Pentagon attacks. With our offices within sight of the Twin Towers, the staff of the Puerto Rican Legal Defense and Education (PRLDEF) watched in horror as the two planes crashed into the buildings and as we heard the roaring of their collapse as we struggled to get out of what became known as the Ground Zero area to get to the safety of our homes and loved ones. In the weeks and months that followed, our staff pitched in to help the victims of this tragedy and mounted a new initiative, Proyecto Ayuda, to provide assistance and advocate for their benefits rights.

As we read about all the debates around the rebuilding of the site and the redevelopment of lower Manhattan, the Latino community in New York City watches on as though we were in another city. Despite making up close to a third of the city's population, Latino representation on the governmental bodies created to direct this process was initially nonexistent and is now, at best, token. The government and nonprofit agencies that led the relief efforts have wound down this work and returned to their status quos, having learned, as far as we can tell, very little from the experience (at least in terms of meeting the needs and getting the involvement of Latinos).

A year after the attacks, we commissioned a discussion paper to provide our organization with an overview of the issues we needed to tackle. *Cracks in the Unity: The Impact of September 11th on New York Latinos—Relief, Redevelopment and Lessons for the Future*, written by veteran journalist Annette Fuentes, was the result. We now release this discussion paper on the second anniversary of the WTC attacks both to remind us of the Latino experience in the immediate aftermath and to help guide our thinking as we assessed our present situation. Unfortunately, as one reads this report, it becomes painfully clear that very little has changed since a year ago as the Latino community continues to feel like we are standing on the sidelines as momentous decisions are being made about the future of our city.

The Latino community was hit hard economically by the Sept. 11 attacks, which have contributed to a situation where Latino unemployment today is double that of New York City as a whole. A recent report by the New York Times revealed that business recovery funds intended to help small businesses affected by Sept. 11th instead went largely to large financial services and legal firms, effectively shutting out Latino-owned enterprises, which are overwhelmingly small businesses. Recent studies document the fact that Latinos continue to exhibit the highest rates of posttraumatic stress disorder as a result of the attacks. Since the publication of this discussion paper, the Immigration and Naturalization Service (INS) has been moved into the Office of Homeland Securities, and a recent Federal review of the results of PENTRBOM, the Justice Department's Sept. 11 terrorist investigation, revealed much abuse in the implementation of the U.S. Patriot Act. With

such a large portion of the Latino population being immigrants or families of immigrants, these developments continue to and increasingly raise concerns about the fragility of their legal standing in this country. A New York Times poll released a couple of days before the second anniversary of the Sept. 11 attacks illustrated best how Latinos were affected: Mayor Bloomberg received the lowest approval ratings from Latinos, with only 23% approving his performance as mayor, attributing much of this to his poor handling of the recovery efforts.

Perhaps by acknowledging the implications for Latinos and the City of New York of these long-term effects of these attacks we can also begin to develop strategies to make the necessary changes. The purpose of this discussion paper is to stimulate some debate within the Latino and wider community on the issues it presents. In this regard, we welcome your comments.

Angelo Falcón

Senior Policy Executive
Puerto Rican Legal Defense and Education Fund
and Director
PRLDEF Institute for Puerto Rican Policy

New York, NY
September 11, 2003

Special thanks to José A. Garcia, our Policy Analysis & Advocacy Program Coordinator, for his indispensable research, editorial and other assistance in the publication of this report.

Introduction

On September 11, 2001, terrorist attacks delivered by two hijacked passenger airliners destroyed New York City's World Trade Center in lower Manhattan, causing the deaths of nearly 3,000 people and setting off a domino effect of economic, physical and psychological difficulties for tens of thousands of other New Yorkers whose lives and livelihoods were affected by this unprecedented disaster. Many of the most vulnerable New Yorkers have yet to recover from the disruptions caused by the attacks.

More than a year later, a full picture of Sept. 11's impact on New Yorkers and their city is slowly coming into focus. It may take years to fully assess the extent of damage wrought by the attacks and their aftermath. Damage encompassed not only physical infrastructure in lower Manhattan and the resulting economic dislocation of workers around the WTC site, but economic and social destabilization in low-income, and working-class communities beyond ground zero. For these New Yorkers, survival was increasingly precarious before Sept. 11 as the national and local economies began their downward turn. The aftershocks of the WTC attacks reverberated with greater intensity for New Yorkers struggling against a climbing unemployment rate, dwindling job opportunities and shrinking government resources for health, education and social services.

At the same time that Sept. 11 triggered economic hardships, it also unleashed a torrent of good will and charity for those affected by the tragedy. From across the country, the public responded by contributing an estimated \$2.7 billion to philanthropic organizations. A great percentage of that largesse was donated to benefit families of those who died, in particular the nearly 500 firefighters, police officers, emergency medical personnel and civilian rescue workers who died trying to save lives. New Sept. 11-related funds were created. Existing philanthropies channeled their resources into the effort.

A federal fund was created through legislative action to compensate victims; the state created a publicly funded charity to dispense more assistance to victims. The Federal Emergency Management Administration (FEMA) stepped in to oversee a massive relief effort and to provide financial aid. Relief organizations, including the Red Cross and the Salvation Army, provided crucial assistance—both financial and material—in the

days, weeks and months after Sept. 11 to rescue workers at ground zero, to residents of the area, and to others whose lives were thrown into turmoil. Public monies from the federal government—\$21.5 billion promised by Pres. George W. Bush—were pledged for economic assistance to rebuild lower Manhattan and the businesses, large and small, that were damaged. Gov. George Pataki created a new entity, the Lower Manhattan Re-development Corporation, as a conduit for those federal funds in the rebuilding of ground zero and the surrounding area.

Such public and private efforts to address the needs of those harmed by the events of Sept. 11 contributed to a general perception that the nation had united behind New York City in a crisis, and that New Yorkers were themselves united in assisting the victims and recovering from disaster. Politicians from former Mayor Rudolph Giuliani to Pres. Bush used the backdrop of ground zero to declare that Americans were united as never before and that this unity would be key to rebuilding the city and the lives shattered by the attacks.

But the rhetoric of unity has not matched reality. A disaster of such enormity revealed not only the mettle of New Yorkers, but also the schisms and systemic inequities that existed long before Sept. 11 and that will continue long after ground zero is swallowed up by another skyscraper. Relief and charity efforts for victims as well as economic assistance to businesses and communities and planning for redevelopment have been skewed, reflecting existing social, political and economic inequities deriving from race, ethnicity, class, and citizenship status. How to dispense private charity, which victims were most deserving, where geographic boundaries determining need should be drawn, and which voices would be heard were all questions affected by a hierarchy of implicit values. Early crucial judgments by federal and state officials and by heads of charitable and service organizations determined which individuals and communities would benefit most and how economic development funds would be spent. Active organizing by some communities excluded from equitable assistance resulted in a few changes in policies and resource allocation. But overall policies and practices established inequities and a limited perspective on redevelopment.

While the events of Sept. 11 inspired heroic efforts and bountiful generosity, it would be unrealistic, even naïve, to believe that longstanding divisions and inequities would simply vanish. As much as politicians and pundits pronounced that “nothing would be the same post-Sept. 11,” in fact very little of significance has changed in terms of the allocation of resources and power and the representation of people of color at the table of decision-makers. As Hispanic Federation of New York president Lorraine Cortez Vasquez noted, the charity and relief effort “showed the flaws and funding disparities. It highlighted what we already knew ex-

isted.”

The post-Sept. 11 emphasis on anti-terrorism also raises particular concerns for the Latino community. Congress and the Bush Administration have enacted laws and pursued policies that have serious consequences for Latino immigrants and for the civil liberties of all. ACLU executive director Anthony Romero calls the war on terrorism a war on immigrants.

One footnote in the post-Sept. 11 story illustrates the persistence of disunity and ethnic/racial divisions despite the rhetoric of a united city. Four months after the attacks, the New York Fire Department planned to honor the 343 firefighters who died at the WTC with a bronze statue located outside its Brooklyn headquarters. The statue was to recreate a well-publicized photograph of three firefighters, all white men, raising a flag at ground zero. The statue would portray a Latino, a white and an African-American male firefighter, offering a symbolic, more diverse representation of the fire department's actual force. Among those killed on duty were an estimated 14 Latino and 12 African-American firefighters.

But more than 1,000 firefighters signed petitions opposing the statue design as substituting political correctness for historical accuracy because they believed it should be a literal representation of the three white firefighters. Their voices were heard and plans for the statue were scuttled. The irony, of course, is that the fire department has remained the least integrated uniformed service despite decades of efforts to diversify the force by race, ethnicity and gender. The incident revealed that even the question of who could be considered a hero, deemed worthy of remembrance and of public tribute, would be framed by the city's persistent racial and ethnic divisions.

This report is an attempt to assess how well charitable, relief and redevelopment efforts related to Sept. 11 have served Latinos and their communities directly affected by the WTC disaster and indirectly affected by economic hardships generated in the aftermath. As one of the most politically, socially and economically disadvantaged groups in the city, Latinos are among those most vulnerable to the instabilities triggered by Sept. 11. And because of specific language, cultural, geographic and citizenship characteristics, Latinos seeking help posed particular challenges to those in the public and private relief and charity organizations. Evidence indicates these agencies, while well intentioned in most cases, were not prepared to meet those challenges.

The report will also address how well Latinos and their specific interests have been represented by governmental and private entities engaged in the assistance and redevelopment work. Underrepresentation of Latinos in government and in the highest echelons of corporate and philanthropic

entities has been an historic problem, one increasingly apparent as the proportion of Latinos reaches one third of the city's population. How prominently Latino voices and interests have been in Sept. 11-related efforts to rebuild and dispense financial assistance is also a crucial question.

The goal in assessing the Latino experience is two-fold: to document in a qualitative and quantitative way how effectively and efficiently public policies and private charity worked in a time of crisis; and to learn from Sept. 11 in order to reform and improve the public and private response to Latinos and their communities for the future.

Defining the Victims

Casualties. The death toll in the WTC attacks was anticipated to reach as high as 6,000 in the days and weeks after Sept. 11. But, fortunately, far fewer people were killed that day than had been feared, and by Oct. 8, 2002, the city had revised the victim count to 2,797. Far fewer bodies were recovered from the site and the count was based largely on employer records. Questions have been raised about whether employees who were undocumented immigrants might have perished in the buildings or at nearby job sites without being accounted for by their employers.

Ethnicity. According to data from the city Department of Health issued in January 2002 and based on death certificates issued up to that time for 2,617 victims, 166 Hispanic males and 81 Hispanic females were among the dead, representing 9.4 percent of casualties. The same data indicated country of birth information for some of the victims: 25 from the Dominican Republic, 18 from Columbia, 13 from Ecuador and 6 from Cuba. Information for others was not available.

Economic Victims. While the term “victim” has been used most commonly to refer to those killed at the WTC site, it is also used in a broader sense by some researchers, charities and relief agencies to refer to economic victims of the disaster. The economic victims included those who lost their jobs because they had been employed in the WTC and surrounding business that were destroyed or failed financially, as well as workers beyond the WTC area whose employers were negatively impacted by the economic jolt post-Sept. 11.

Nationally, repercussions from the economic slowdown caused by Sept. 11 took a severe toll on Mexican immigrants working in the airline and hotel industries. According to a New York Times article (“Mexican Immigrants Face New Set of Fears,” by Sam Dillon, Oct. 15, 2001), a third of the predominantly Latino immigrant members of the Hotel Employees and Restaurant Employees International Union have been laid off since Sept. 11.

In the New York metropolitan region, a March 2002 report by the Fiscal Policy Institute (FPI), found that nearly 74,000 people across the city lost their jobs directly as a consequence of Sept. 11, and an additional 13,000 jobs were relocated out of the city. A vast majority were in low-paid service sector jobs, not the higher income securities industry. The restaurant

industry lost 12,500 jobs; 3,500 hotel jobs were lost; 10,800 jobs in the air transport industry and 10,600 in retail were lost. Wages for other workers plunged because of the slowed economy, the FPI found. These losses were felt by New Yorkers beyond lower Manhattan: of all workers displaced after Sept. 11, 26% live in Brooklyn, 25% in Queens and 20% in Manhattan. This geographic distribution of economic victims of Sept. 11 should have been a key factor in how public and private assistance would be distributed. But as the discussion below of relief and charitable assistance indicates, policies and practices excluded many of these low-income workers from receiving help.

Psychological Impacts, Mental Health Issues

Several important studies of the psychological impact of the Sept. 11 attacks on the mental health and well being of New Yorkers were conducted in the year following the disaster. Both of the country's major medical journals—the Journal of the American Medical Association (JAMA) and the New England Journal of Medicine (NEJM)—released studies that showed an increased prevalence of post-traumatic stress disorder (PTSD) among New Yorkers following the attacks. The JAMA study showed a prevalence of 11.2% of PTSD in the month after the attacks. The NEJM study published in March 2002 found a 7.5% rate of PTSD and a 9.7% rate of depression among Manhattan residents south of 110th Street in the two months following the attacks. Most interesting, though, was the NEJM finding that “Hispanic ethnicity was associated with both PTSD and depression.” Hispanics were 2.6 times more likely than whites to experience PTSD and 3.2 times more likely than whites to experience depression. The study did not explain the higher rate among Latinos, but noted that research with Vietnam War veterans has shown that Latino vets may have had higher rates of PTSD than those of other racial or ethnic groups. Some researchers have attributed the difference to sociocultural factors.

Another study of the effects of Sept. 11 on public school children conducted six months after the attacks for the New York City Board of Education found a similar increased prevalence of PTSD among students. And like the other studies, it found a higher prevalence of mental health problems among Latino students as compared to African-American, white and Asian students. It found that Latino children had the highest prevalence of PTSD, separation anxiety, agoraphobia and panic attacks. The study surveyed students from 4th to 12th grades in schools near ground zero and dispersed around the city. It found that trauma was experienced by students across the city, not just by those attending school near the WTC site.

Relief and Charity

The Assistance Centers. Immediately after the WTC attacks, public and private efforts to provide financial, material and psychological help to people affected by the disaster were set in motion. Two main relief/assistance centers were established and run by the Federal Emergency Management Administration (FEMA), with involvement by the city's Office of Emergency Management. After initially operating a relief/assistance center at the Lexington Avenue Armory, a Family Assistance Center was set up at Pier 94 on Manhattan's West Side and became the primary site serving families of those killed. Public and private agencies, including the Red Cross, the Salvation Army, Safe Horizon (a nonprofit crime-victims agency), and the city's Human Resources Administration (HRA), were there to offer assistance. Nonprofit advocacy organizations, including Asociacion Tepeyac and the New York Immigration Coalition, were also on site.

In a major misstep, the Immigration and Naturalization Service (INS) also was present at Pier 94 in a prominent location near the entrance, according to several witnesses. Lorraine Cortez Vasquez, president of the Hispanic Federation, said that she saw the INS at Pier 94 during the first week of operations and reported it to Gov. George Pataki's office as posing a deterrent to immigrants seeking assistance, and that within several days the INS representatives were removed. Several sources stated that a large police presence at Pier 94 also contributed to an environment that could be perceived as unwelcoming and threatening to immigrants, especially those without legal documents.

Another assistance center was established at 141 Worth Street, which served primarily area residents and displaced workers. FEMA and the OEM oversaw operations there, and the American Red Cross, the Salvation Army, the Small Business Administration and Safe Horizon were also present. The HRA provided emergency relief, including rent assistance and food stamps, Medicaid, and crisis counseling. A team from Legal Aid Services also provided assistance. Staff from the Puerto Rican Legal Defense and Education Fund (PRLDEF) was at this center from the second week after Sept. 11 until the center closed in March 2002. People seeking assistance at the relief centers were required to first register with FEMA before beginning a long process of applying for financial and other assistance from the various agencies represented. Given the large numbers seeking help, the application process could take up to five hours, according to PRLDEF staff who were present.

The Charities

Sept. 11 prompted the largest outpouring of largesse to charitable organizations in the country's philanthropic history. A record-setting \$2.7 billion was raised and 293 new charities were created with the ostensible purpose of helping victims of the disaster. The Red Cross alone raised \$547 million within a month after Sept. 11 and had to stop taking donations. On Sept. 11, the New York Community Trust and the United Way of New York City jointly created the September 11 Fund, which in turn collected \$510 million in donations for victims. The September 11 Fund made grants, not to individuals, but to nonprofit groups involved in some aspect of relief and service work with families of victims, economic victims and communities hurt by the disaster. The Fund's largest award, \$130 million, went to the New York Community Trust; its second largest, \$105 million, was awarded to Safe Horizon, endowing that nonprofit victims agency with one of the largest pots of cash for grants to individuals.

Other new charities that sprung up included then-Mayor Giuliani's Twin Tower Fund, which was solely for families of the uniformed services members who died at the WTC. By February 2002, the Fund had raised \$150 million and expanded its eligibility to include a few civilians who had died during the rescue effort. Gov. Pataki created the New York State World Trade Center Relief Fund, which collected more than \$61 million by March 2002, and gave \$32 million to families of those who died.

The staggering amount of money raised can be attributed to the fact that the public expected a much higher toll of victims than actually occurred. Early projections put the number of dead at up to 6,000, while the final count was 2,797. And the media's focus on fallen hero firefighters and police generated national sympathy and the resulting windfall of contributions specifically to aid their survivors, who are a relatively small group (some 500 police and firefighters died). A report by the New York Regional Association of Grantmakers (NYRAG) in March 2002 found that at that point, of \$353 million in cash grants made by 37 funds, 48 percent went to families and survivors of those killed.

The federal Victims Compensation Fund is a bottomless pot of money that also will pay out millions of dollars to survivors of those killed in the WTC and the Pentagon attack. The VCF was created by Congress as part of a law to bail out the airline industry post-Sept. 11, and to protect the air-

lines and the WTC from costly litigation by families of those killed. The first awards were made in August 2002 and averaged \$1.36 million per family. For these survivors, the potential payout is enormous because they might collect from many private charities, as well as the public funds. Such WTC companies as the investment firm Cantor Fitzgerald, which lost more employees than any other single firm, also created their own funds to compensate families of the deceased.

Who is a Worthy Victim? Normally, charitable organizations must follow strict Internal Revenue Service rules when they give away money to individuals. Recipients are required to show need. But in November 2001, Congress lifted that proof-of-need requirement for charities, opening the way for families of those killed to receive unlimited cash awards from multiple funds. According to Marla Simpson, head of the NYS Attorney General's Charities Bureau, this act by Congress was perhaps the most significant factor in creating a lopsided approach to aiding all victims of Sept. 11.

"Once need was equated with death, charities were paying out \$400,000 awards to a single family and then doing it 300 times over," Simpson said. "As long as they were families of the deceased, [the law] removed any rationale we had to maintain equity."

She pointed out that for families of deceased firefighters or Cantor Fitzgerald employees, charities under the old IRS rules would have had to take applications detailing their living expenses, and cash assistance would be limited to covering their need. Simpson noted that of over \$2 billion raised for Sept. 11 charity, more than \$1 billion went to a narrow group of relatives. This fundamental inequity led to absurd scenarios, such as the wife of a deceased Cantor Fitzgerald employee who asked the United Way for cash to pay to drive her children to after school activities. At the other end of the spectrum, working-poor people left jobless were subjected to high standards of proof of need in order to collect any cash assistance.

Even within the group of families of deceased, there were profound schisms. Families of firefighters and police who died were pitted against families of all others who died. A hierarchy of worthiness emerged, with the uniformed rescuers who died at the top and WTC employees and others who died below them. Mayor Giuliani, Gov. Pataki and the media fostered this division with their steady rhetorical emphasis on "hero rescuers" that seemed to place more value on those lives than on others who died—or on working people who continue to live with economic uncertainty post-Sept. 11. The New York Post addressed the split among families of the dead in an article that stated families of police and firefighters were receiving seven times the cash awards from charity that families of

others killed at the WTC were getting, a fact that had inflamed tensions between the groups.

The heads of Sept. 11 charities say much of this imbalance owes to the intentions of donors: people contributed money specifically to help the families of the dead firefighters and police, so the charities must honor their intentions. According to Simpson, her office received many complaints from donors about charities, such as the September 11 Fund, giving money to anyone other than families of the deceased. The money available to low income workers who are economic victims was "a fraction of what was raised," she said.

Community and Nonprofit Groups. Latino community nonprofits moved into action swiftly and effectively on Sept. 11, providing advocacy, information, and financial assistance to thousands of individuals and families touched by the disaster. They filled a need that could not be met nonprofit agencies and service providers that do not typically work with Latino populations. Yet for all their efforts and expenditures of resources, there are real questions about what kind of financial support these nonprofits received from Sept. 11 charities. The September 11 Fund was the major funder of community and service agencies, but concerns have been raised about how fairly the Fund distributed its nearly half a billion in charitable donations. Hispanic Federation president Lorraine Cortez Vasquez met with United Way staff immediately after Sept. 11 and was concerned that the funding was being disproportionately channeled to large, mainstream groups with a lack of attention to grassroots Latino groups that would have bilingual and bicultural staff.

The Hispanic Federation alone had served 352 individuals by spring 2002, awarding \$419,000 in cash assistance. The average award was \$1,200. The Federation also awarded another \$100,000 to seven community groups. Cortez Vasquez said she redoubled her fundraising efforts, knowing that many of her agencies would be "hard pressed" in the post-Sept. 11 climate. As of April 2002, the September 11 fund had given less than \$80,000 to Latino organizations doing relief work. Cortez Vasquez lobbied hard for more equity. The September 11 Fund directors eventually funded more groups serving Latinos, and by October 2002, their grants listed included more Latino groups and higher awards for several. The Committee for Hispanic Families and Children, for example, had been working at relief centers doing translation and advocacy for families of victims and others affected. Yet it received just \$3,750 in October 2001 to cover communication costs because its phone service was disrupted. Six months later, the September 11th Fund gave the Committee \$71,705, for outreach, case management and referrals for 170 families, and in September 2002, the Committee got \$124,307 to outreach in Queens and Brooklyn neighborhoods.

Asociacion Tepeyac of New York, a network of 40 Mexican organizations, also came to the forefront as a service provider for one of the largest Latino immigrant communities. From the beginning, Asociacion staff were doing advocacy and translation at Pier 94 and providing information and referrals at their 14th Street offices. Tepeyac was a center for families of the missing, and advocated for undocumented immigrants and their families in accessing benefits and charity. Yet Tepeyac received no funding from the Sept. 11 charities during the months after the disaster, as the organization worked with thousands of displaced workers and families. Finally, after Tepeyac received significant media attention, the September 11 Fund awarded it a \$342,000 grant later in 2002. Today, the September 11 Fund prominently features Asociacion Tepeyac on its website as an example of the diverse groups it supports.

Alianza Dominicana, one of the city's largest and oldest Dominican community nonprofits, with bilingual and culturally competent staff, provided services to more than 50 families who lost a member in the WTC attacks, and 60 who lost their jobs. It set up a crisis center, offered counseling and assistance to undocumented immigrants seeking help in a safe environment. The September 11 Fund awarded Alianza \$20,000. By contrast, the September 11 Fund gave \$150,000 to Wall Street Rising, created after Sept. 11 by a corporate executive and restaurateur to promote small businesses in lower Manhattan.

Responding to questions about the equity in charitable awards, September 11 Fund program director Susan Immerman said the Fund doesn't make grants on the basis of race or ethnicity. She said grants were made to Latino groups because their offices were closed by the disaster, but that many Latinos were served by other nonprofits the Fund gave money to, such as legal advocacy groups.

Immerman explained, "How do you define a Latino organization? Is it one that is run by a Latino person or one that serves Latinos? Most of the time we had that conversation with folks, they recognized that."

Eligibility Criteria for Charity

Relief agencies, both public and private used geographic boundaries as the key determinant of eligibility for residents and displaced workers seeking all forms of assistance, with the WTC as the locus. The federal boundary definitions were, by and large, adopted by the other public and private charitable organizations.

The Federal Emergency Management Administration's service area was initially defined as south of Canal Street, and later moved up to Houston Street. FEMA's assistance includes Mortgage and Rental Assistance for up to 18 months and the Individual and Family Grant for displaced workers and residents within the service area. Undocumented immigrants were not eligible for FEMA assistance. FEMA's initial eligibility criteria demanded that applicants prove that they lost at least a quarter of their income as a "direct result" of Sept. 11. In its previous assistance efforts, FEMA's standard had been proof that hardship was "as a result of" disaster, a much less stringent standard than was applied in New York City. According to one New York Times report, FEMA rejected 7 of 10 applicants, a rate much higher than in other emergency situations.

Safe Horizon eligibility criteria were defined by senior staff and evolved in the months after Sept. 11. The group initially drew its service boundary for displaced workers south of Chambers Street and later expanded that to include the area south of Canal Street, with eastern boundaries. Workers who experienced loss of income were required to show pay stubs or letters from employers within the service area as proof of employment and income. They were eligible for two weeks of lost salary up to \$1,500. Workers who did not qualify for unemployment insurance and were not able to find employment were eligible to return every two weeks to Safe Horizon for another payment, up to a cap of \$10,000. The majority of those returning after two weeks were undocumented workers, who could not receive unemployment. Displaced workers were the largest group served by Safe Horizon, totaling 35,000 individuals.

Safe Horizon assisted residents of the area south of Chambers Street and west of Broadway as well as residents of any building evacuated by authorities. Residents were eligible for all expenses related to their displacement, including hotel bills, food purchased outside their homes, replacement of furniture, carpeting or other household items, and cleaning.

Residents needed only to show receipts and be reimbursed for such expenses up to \$10,000.

Safe Horizon also assisted families of the deceased with bills and mortgage payments. In October, SH changed its rules to a more generous and less onerous payment, giving a \$10,000 award to every dependent of the deceased to cover any expense, such as rent, mortgage or private school tuition. For non-dependent family members of deceased, Safe Horizon covered various expenses, including air fare to New York for family visits. In addition, in December, displaced workers and residents received a \$2,500 holiday gift check from the September 11 Fund, and one dependent of a deceased victim per household was given another \$10,000 check.

The Red Cross boundary for eligibility was south of Canal Street for displaced workers and residents. Eligible workers had either lost their jobs or had their incomes reduced by at least 80 percent. Residents had to demonstrate displacement with hotel receipts. Family members of the deceased had to prove a dependent relationship. Red Cross initially provided a month of living expenses but changed its policy to provide three months of such assistance with no cap because the agency decided it was onerous to require people to return repeatedly for assistance. Undocumented workers were eligible for Red Cross assistance if they could provide the required receipts, pay stubs, and landlord or employer verification.

Inequity in Distribution of Assistance

The geographic boundaries. The boundaries created by relief and charity agencies to establish eligibility for assistance also established inequities. Because the city's various economic sectors are interconnected, the effects of Sept. 11 were dispersed widely beyond lower Manhattan. Narrow geographic boundaries were an inadequate strategy for providing assistance to thousands of economic victims beyond the World Trade Center.

Although thousands of people who worked in lower Manhattan lost jobs and income, workers throughout the city were affected. For example, in the months following Sept. 11, 15,000 restaurant employees were laid off, and of those, one-third worked outside Manhattan south of 96th Street, according to a report by the Fiscal Policy Institute. The FPI also found that in the six weeks after Sept. 11, some 76,000 workers around the city in three industries—taxi/limousine drivers, graphic arts and clothing manufacture—worked and earned less. FPI also reported that in the six months post-Sept. 11, 260,000 people had filed for unemployment, and of all unemployed, 56 percent are people of color. New York State grants just 26 weeks of unemployment insurance and in March 2002, the state extended benefits for 13 more weeks.

The effect of geographic boundaries was to falsely divide the economic victims of Sept. 11 into two unequal camps: the worthy unemployed and the rest. A United Way report, for example, explains that there are “direct victims” and “thousands of others who have clearly lost their jobs as a result of the events of September 11, but who are nevertheless not counted among the direct victims.” Direct victims in this lexicon are those who worked in the WTC or its vicinity and became unemployed when the buildings collapsed or their small business employer shut down. The “thousands of others,” who represent a vastly larger group of unemployed workers, were excluded from receiving the same quantity and quality of assistance as the former group. This division of the unemployed creates a false hierarchy of need. All who lost jobs or income because of the disaster should be entitled to the same assistance.

Geographic boundaries were also problematic for residents affected by Sept. 11th, and were criticized as arbitrary and exclusive by some advocates. The eastern boundary drawn by relief agencies was at Rutgers

Street near the Manhattan Bridge, which effectively excluded nearby housing projects populated by low-income Latinos and Asians. Meanwhile, the service area extended to the west, encompassing affluent residents of Tribeca and Battery Park City. By following narrow geographic boundaries, the charities narrowly focused resources on residents who in many cases didn't need their help. In perhaps the most egregious examples of inequity, the Red Cross sent volunteers door-to-door in buildings south of Canal Street to make sure residents knew help was available. Volunteers made 14,000 contacts out of a pool of 18,000 residents, and according to many accounts, were offering checks for thousands of dollars to residents who had not sought help and were of questionable need.

Interviews with Red Cross volunteers conducted by the state Attorney General's Charities Bureau revealed equity issues in how Red Cross distributed its funds to residents. According to charities bureau chief Marla Simpson, many Red Cross volunteers were out-of-state volunteers with no familiarity with the city and its residents: "They didn't have enough understanding to know that they were in apartments of millionaires. They had people from Kansas in nondescript buildings who had no idea that the people walking by with strollers are millionaires, and they urged them to apply for assistance." Red Cross community relations assistant Ryan Southard acknowledged that "there were people who got funds that didn't need it."

The September 11 Fund, one of the largest charities to emerge post-Sept. 11, also adheres to geographic boundaries in determining eligibility for its assistance, which excludes a population of New Yorkers needing help. One of the clearest illustrations of the limits of the geographic-eligibility approach is the issue of mental health care. Previously cited studies indicate that Latinos and Latino children suffered a disproportionate rate of Post Traumatic Stress Disorder after Sept. 11, and that PTSD sufferers were dispersed around the city and not limited to those who worked or lived near the WTC site. In July 2002, the September 11 Fund announced that it would allocate up to \$55 million more of its funds for mental health services to those affected by the attacks. The eligibility criteria for survivors and victims families, however, include only those children who attended a school near the WTC site, despite the compelling evidence that geographic proximity to the disaster was not the sole determinant for PTSD. In this case, the Fund is ignoring medical research and a population of children who need assistance.

Undocumented workers. Undocumented immigrant workers faced the greatest hurdles in receiving assistance at all the relief/charity agencies because of their immigration status and possible language barriers. Undocumented workers are typically paid in cash and could show no pay stubs or other proof of income or employment. Employers of undocu-

mented immigrants frequently would not provide verification because of their fear that they would be prosecuted for hiring non-legal immigrants.

No definitive count of undocumented workers who perished in the WTC attacks or who were left unemployed after Sept. 11 exists. *Asociacion Tepeyac*, located on 14th Street in Manhattan, became one of the primary assistance centers for undocumented workers seeking various kinds of help. Within one month after Sept. 11, the *Asociacion* had assisted 1,312 undocumented jobless workers. The agency requested help from the Red Cross, which on Oct. 4, 2001 set up a relief center at the *Asociacion's* office to provide rental assistance, food and other services.

But the nonprofits dispensing the bulk of charitable assistance were not as flexible or as competent in fulfilling the needs of undocumented immigrants because of stringent rules about eligibility. *Safe Horizon*, one of the largest assistance providers, required proofs of employment that undocumented workers often cannot provide. According to *SH* assistant director *Tanaz Pardiwalla*, the staff realized this was a problem and attempted to be more flexible, calling employers directly to verify a worker's job and accepting notarized letters from other employees. For street vendors, letters verifying their business location from regular customers or other business owners were accepted, according to *Safe Horizon* staff. But in practice, charity and relief agency staff were not always flexible with undocumented workers.

Carmen Z. Calderon, Coordinator of *Proyecto Ayuda* of the Puerto Rican Legal Defense and Education Fund (PRLDEF), explained that, "I had a man working as a dishwasher in a pizzeria in the WTC. He was undocumented and the employer refused to give him a letter affirming employment. The man had two babies and no food. He showed up with his whole family and they finally got assistance. All the charities had rejected him three times."

The plight of undocumented workers trying to access financial assistance was highlighted in one article in the *New York Times* ["For Illegal Workers' Kin, No Paper Trail and Less 9/11 Aid," by *Mireya Navarro*, May 6, 2002]. The article noted the disparity between aid given to legal workers and survivors of victims and aid given to the undocumented, stating "while many have received charitable contributions from the Red Cross, private groups and churches, they are also being denied significant financial assistance, because more often than not, they are also here illegally ... Even some private organizations have denied aid to illegal immigrants or given them less, some lawyers and immigrant groups said." One example cited was \$8.3 million given to 1,000 families by the National Association of Realtors to help with rent and mortgage payments, charity that was limited to citizens or legal residents.

The Red Cross similarly offered assistance to displaced workers, including undocumented immigrants, if they could provide proof of employment and rent bills. Ryan Southard said the agency tried to be flexible, helping workers get the necessary proofs, and tried to help those “in need” even if they couldn’t provide documentation, but he noted that IRS and Red Cross rules “require us to be careful about dishing out aid.” But anecdotal evidence indicates that the relief/charity agencies did not always offer assistance to this most vulnerable population even as they pursued distribution of thousands of dollars to affluent residents of lower Manhattan. By holding unemployed workers, especially the undocumented, to a much higher standard of proof of need than affluent and middle-class residents of the disaster area, the charities built on an existing inequity.

Lorraine Cortez Vasquez, president, Hispanic Federation, explained, “I know of one man who said he was a finance of a WTC victim, and the Red Cross called and offered him \$5,000. Yet we know the displaced workers had the greatest need and the Red Cross and Safe Horizon were nickel-and-diming them.”

The Federal Emergency Management Administration (FEMA). FEMA’s process of distributing financial assistance to New Yorkers hard hit by Sept. 11 was criticized widely by elected officials, the press and community groups, including PRLDEF and the Chinese Staff and Workers Association. Although Congress had appropriated \$10 billion for FEMA as of May 2002, the agency had distributed less than \$65 million to New Yorkers. Comparisons of FEMA assistance in other disasters showed wide disparities: \$1.4 billion for families affected by a 1994 California earthquake; \$1 billion to victims of Hurricane Georges in Puerto Rico in 1998; and \$200 million to Michigan residents hit by storms and floods in 2000.

As a result of activist pressure and congressional action, in June 2002, FEMA changed its criteria to expand eligibility to a wider geographic pool of victims in direct response to pressure from community advocates and elected officials. Anyone who lived or worked in Manhattan, and those who lived in other boroughs in businesses dependent on lower Manhattan could be eligible if they suffered loss of income and faced mortgage or rental problems. FEMA’s initial standard of proof—that victims’ hardship was a “direct result” of Sept. 11—was a much higher standard than FEMA applied in other disaster situations. FEMA pledged to reopen the applications of some 7,000 people who’d been denied assistance.

An analysis of FEMA assistance by Beyond Ground Zero, a coalition of community and legal groups, which was released in October 2001, found glaring inequities in FEMA’s aid distribution. Aid to low-income residents of Chinatown and the Lower East Side was substantially less than that flowing to affluent, predominantly white neighborhoods, such as Tribeca. In

Tribeca and Soho, where the median income is \$149,000 and 50 percent of residents are white, 56 percent of households applied for FEMA rental and mortgage assistance and 32 percent of them were approved. In the Lower East Side, where the median income is \$36,000 and 50 percent of residents are Asian and 25 percent are Latino, less than 1.7 percent of households applied for FEMA aid, and just 0.8 percent were approved.

The same pattern of unequal application and approval rates was repeated in those communities for FEMA's Individual and Family Grant (IFG), which provides air purifiers, vacuum cleaners and air conditioners, as well as certain medical and housing expenses. The analysis found that while FEMA conducted wider outreach across the city on its grants for air purifiers and cleaners, little outreach was done to inform residents of the other benefits available under the IFG. The lopsided allocation of FEMA funds indicates significant problems in both the outreach in low-income communities about the availability of FEMA assistance in the application review process, which appears to have favored higher-income, white residents.

Language Barriers. One of the most serious failings of the relief/charity efforts conducted by private and public agencies was their inability to provide language-appropriate assistance to the many non-English speakers who to them for help. For Spanish-speaking applicants, the language barrier could be insurmountable, and while some of the agencies did have bilingual staff available to help, there often weren't enough to fill the need. And for many agencies, bilingual or multilingual staff were performing other jobs and provided translations as an added responsibility. The language issue emerged from the beginning of the relief/charity effort, according to Hispanic Federation president Lorraine Cortez Vasquez, who expressed her concerns about the need for bilingual and bicultural staff at meetings with the United Way of New York, which was one of the principal charitable agencies in relief work. Cortez Vasquez said many of the agencies and community groups the Federation funds were at the relief centers providing assistance to victims and families. The Committee of Hispanic Families and Children, for example, was providing translation services at relief centers.

At the Worth Street assistance center, clients faced the language barrier almost immediately upon entering the building when they were required to register with FEMA. The forms were all in English. FEMA had just two staff doing Spanish translation, and other staff were bilingual but assigned to other responsibilities. PRLDEF staffer Carmen Calderone said she spoke with FEMA representative José Monge about the need for translation services and he told her that FEMA had brought employees from Puerto Rico, which is within the New York service region, but they were not assigned exclusively to language service. The city's Human Resources Administration (HRA) had one Spanish speaker at its table staffed by 15 people, accord-

ing to Calderon. But there were no Spanish-speakers at the Red Cross table or among staff at tables providing information about food stamps, Medicaid or the Small Business Administration. The table offering information about welfare benefits initially had no bilingual staff, but within a month there were several Spanish-speakers. Crisis counselors, recruited by HRA from city hospitals, were also unable to provide assistance in Spanish. PRLDEF staff responded to this shortage by doing outreach to create a pool of translation services volunteers. Volunteers had a training session to help them advocate for clients applying for assistance. A total of 250 volunteers were trained and provided translation at the relief center at least once and for many, on multiple occasions.

“They didn’t have competent Spanish translators” explained William Rodriguez, founder the Hispanic Victims Group. “They had Spanglish translators. There was total disorganization.”

Safe Horizon assistant director Tanaz Pardiwalla, who worked at Pier 94, said that organization relied on staff and volunteers to assist at the relief centers. She said there was no special outreach for bilingual staff or volunteers, but that she speaks Spanish and four or five of the temporary staff hired also spoke Spanish. She noted that the Mayor’s Office had a translator bank at Pier 94 and did not think that language services was a problem in general. However, there was a great influx of Chinese speaking clients during one period following outreach in Chinatown by one labor union, and there were not enough Chinese translators to assist them. The Red Cross had one staff member at each of its centers who spoke Spanish or Cantonese, according to assistant director of community relations Ryan Southard. He said the RC set up a toll-free phone center with Spanish and Cantonese assistance for people seeking financial aid.

The ad hoc approach by public and private agencies to filling the needs of Spanish speakers revealed flaws in their services, flaws that can and should be addressed in any post-Sept. 11 reviews of their performance. For the Hispanic Federation’s Cortez Vasquez, the message was clear: “The lesson I learned is that I’m going to push Title VI, the federal law that requires language services be available. “

Cultural Competence Among Relief/Charity Workers. New York’s ethnic, racial and cultural diversity are part of its strength, yet for charity and relief agencies providing assistance, that diversity posed challenges to delivering aid with respect for clients. Numerous sources have identified the lack of cultural competence among volunteers at the various nonprofits engaged in aid work as one serious problem. The Red Cross and Safe Horizon, for example, drew on volunteers from outside New York City. According to SH’s Tanaz Pardiwalla, it is important for agencies such as the Red Cross and FEMA to exhibit language and cultural sensitivity in their relief

work, especially in a city such as New York. Nonetheless, some volunteers from the Midwest or Southwest who came to assist had prejudices about Latinos and others from racial and ethnic backgrounds different from their own. Such prejudices could affect how clients were treated and what services they received. PRLDEF staff experienced a number of incidents in which Red Cross volunteers subjected Latino applicants to rude or humiliating treatment.

Carmen Calderon of PRLDEF reported that “A woman who came to the Worth Street center had worked in the Marriott Hotel. She was Puerto Rican and Spanish-dominant. A Red Cross worker told her, ‘Go to school to learn English. You’ve been in this country so long.’ ”

“I have many problems with the Red Cross volunteers,” stated William Rodriguez of the Hispanic Victims Group. “They were rude. They had no knowledge of our needs. Their volunteers turned people away and said they don’t need money. There were a lot of stockbrokers and window washers, and they weren’t getting equal treatment. The white-collar workers have better command of the language.”

Volunteers from non-urban areas also did not comprehend New York’s complicated bureaucracies, the nature of apartment and city living and the need for varied services that many New York residents have. This was certainly a problem for Red Cross volunteers disbursing cash grants in high income Tribeca residential buildings, as described in the section above on Equity in Distribution of Assistance.

The Red Cross’ Ryan Southard stated that the agency immediately identified as a concern the cultural competence of many RC volunteers from outside New York City. The president of the Red Cross’s New York chapter set up an entirely new unit—community relations—to liaison with community groups, insure that RC services were accessible and to respond to any problems with RC caseworkers. Southard said the RC wanted particularly to make sure undocumented immigrants knew services were available and that they would not be identified to officials. “It was clear that people from Nebraska wouldn’t be sensitive,” he said. Post-Sept. 11, the national Red Cross has realized that cultural competency for anyone who works at the Red Cross is important in future efforts. Providing diversity training is currently under discussion, according to Southard.

Economic Impact on Latino/Minority Communities. Lower Manhattan’s communities radiating out from ground zero included many neighborhoods of Latino and Asian residents who felt the shock waves of the WTC attacks, bore the physical impact of rescue/recovery work, and have experienced the economic impact. But the damage spilled over into the outer boroughs and Latino communities there because of the interconnectedness of

the city's labor markets.

According to a March 2002 report by the United Way of New York City, "the economic and social effects are being felt citywide." The report maps out where displaced workers live, based on 26,000 individuals who had lost jobs and got assistance from Safe Horizon. Of that total, roughly 5,000 lived in Lower Manhattan, while the vast majority is dispersed through Brooklyn, Queens, the Bronx and Staten Island. Safe Horizon assisted 1,900 people who'd lost jobs from the communities of Corona, Elmhurst, Flushing and Jackson Heights. Some 630 residents of Washington Heights and 700 residents of Morris Heights, University Heights Fordham and Highbridge in the Bronx also lost jobs because of Sept. 11 and obtained help from Safe Horizon. Many of these neighborhoods have significant Latino populations.

On the Lower East Side. The direct impact on Lower East Side neighborhoods following the Sept. 11 attacks was dramatic and severe. Yet according to City Councilmember Margarita Lopez, who represents District 2, FEMA's geographic boundaries excluded her constituents. Residents of her district were in a "state of siege" as the city blockaded streets south of Union Square in lower Manhattan during the rescue and recovery efforts, Lopez stated. Streets in her district were closed to cars, including livery drivers, who are predominantly Latinos. First Avenue and Avenues A and C were converted into a staging area for construction equipment used at ground zero and for refrigerated trucks storing bodies of victims. Telephone lines were down for months in the area, affecting residents of the Smith and Baruch public housing projects. The M9 bus, which runs near Smith Houses, was suspended for months depriving residents of transportation to and from work. Councilmember Lopez, as part of a City Council committee on Sept. 11 relief, was among those elected officials who pressured FEMA to expand its geographic boundaries for eligibility.

"The economic impact on our community was heavy. My community was closed down by Mayor Giuliani," explained Councilmember Margarita Lopez. "The barrier went up at 14th Street for a week. By the second day, we didn't have milk or bread or newspapers. Our community was in a state of siege. People were afraid to come out, afraid to move. Computers were shut down in the welfare system so people couldn't get payments. I have many HIV patients and wheelchair bound in my district and they were cut off from food for two days. I organized a cadre of volunteers going door to door, canvassing and delivering food."

Beyond lower Manhattan, the impact of Sept. 11 on the city's low-income and working-class neighborhoods and on the nonprofit service agencies that serve them was dramatic. "Post September 11th: The Continuing Invisibility of Communities of Color and their Non-Profit Organizations," a

report by Walter Stafford, of the Roundtable of Institutions of People of Color based at New York University's Wagner School, reveals that government and foundation funding of nonprofits in communities of color was being diverted to Sept. 11-related funds, including the Red Cross, the Salvation Army and Safe Horizon. At the same time, Mayor Bloomberg imposed a 15 percent freeze on all city agency budgets, and as of November 2002, he was seeking to cut education, day care and senior centers drastically, which would further tax the resources of nonprofit service agencies. Because economic redevelopment has been defined almost exclusively by Gov. Pataki and the Lower Manhattan Development Corporation as focused on the business and financial sector of lower Manhattan, the needs of community nonprofits struggling against economic hardship have been not been figured into the equation.

The impact of Sept. 11 on community nonprofits is described in "The WTC Tragedy Ripple Effect Devastates Neighborhood Nonprofits," a report by Dennis Derryck and Rikki Abzug of the New School University. The report surveyed 125 nonprofits in minority and underrepresented communities around the city in the two months after Sept. 11 and found that 60 percent were economically hurt by the disaster. Difficulty fundraising, loss of fee-for-service income and cash-flow problems were typical. More importantly, 37 percent of organizations said a new population of clients was seeking their services, with a large share of them seeking services beyond what the organizations normally provided. The financial strain on the nonprofits was great, with losses reported in the thousands and even millions of dollars.

Latino Representation in Redevelopment Efforts, Charities

Latino interests and voices have been underrepresented in the Sept. 11 relief and redevelopment efforts despite the tremendous impact on Latino communities and their need for all forms of assistance. Nonetheless, Latinos and Latino community organizations provided significant assistance to victims and have sought to influence policy at public and private agencies that dispense charity and that are determining economic development strategies with the \$21.5 billion in federal aid coming to New York City.

The Lower Manhattan Development Corporation (LMDC) is a city-state agency created by Gov. George Pataki in November 2001 to oversee the redevelopment of the 16-acre WTC site and to be the conduit for federal funding. It is invested with substantial power and authority to guide redevelopment of the WTC area, as well as those areas of the city it determines should benefit from economic development. The stakes couldn't be higher: the LMDC will control \$2.7 billion in federal Community Development Block Grant Money.

Gov. Pataki named seven members to the board and then-Mayor Giuliani named four. There were no Latinos among the members, and of equal concern, there were no representatives from the borough's elected leadership. The 11-member board was dominated by men from the financial services sector and from outside New York City. Councilmember Margarita Lopez called Gov. Pataki to register her concern and to request that City Council members from the area be appointed, as well as Manhattan Borough President C. Virginia Fields. "The City Council was never allowed to participate in anything that had to do with Sept. 11, so our local elected officials were never privy to important decisions," Lopez stated. Lopez continued to raise the issue of Council participation in the redevelopment process within the City Council. Then-Speaker Peter Vallone created a Council committee to address the redevelopment process, and then Rep. Jerold Nadler created a committee for Manhattan elected officials, in which Lopez participated.

But the absence of people of color on the LMDC remained a glaring omission, one that Lopez publicly highlighted. By April, Gov. Pataki responded to the criticism by expanding the LMDC board to 16 members. Newly

elected Mayor Michael R. Bloomberg named four new board members, among them a Latino, an Asian and an African-American. Sally Hernandez-Piñero, former deputy mayor under Mayor David Dinkins is the sole Latino representative. Gov. Pataki named one additional board member under pressure from groups representing families of WTC victims. That appointee was Thomas Johnson, chair of Green Point Bank whose deceased son worked for an investment firm in the WTC.. Johnson is also on the board of the September 11 Fund, giving him a significant voice in both redevelopment and charity.

According to Kathryn Wylde, chair of the New York City Partnership and Chamber of Commerce, the lack of Latino representation in agencies engaged in redevelopment is “one problem we have and something we can do something about.” Wylde believes that one explanation is that important decisions were made during the transition from the Giuliani to Bloomberg administrations. She noted that Giuliani named four LDMC members who did not resign when the new mayor took office. She credited Bloomberg for trying to “fill the gap with greater diversity.” Wylde also stated that while victims’ family groups have successfully lobbied for their interests, “there are few other voices being heard. The minority community doesn’t feel its voice is being heard.” But Wylde believes that moving forward with redevelopment, there is now the opportunity for the various interests to be heard. “During the first year we didn’t do well on the representation of citywide interests. But now there is a chance to carry this out,” Wylde said. The absence of meaningful Latino elected officials and community leaders in the decision-making agencies overseeing redevelopment means that Latinos are being disenfranchised from the redevelopment process and the investment of billions of dollars in government aid.

LMDC Families Advisory Council. Responding to the pressure of victims’ families, the LMDC created an advisory council and filled it primarily with members of more than half a dozen groups created after Sept. 11 to represent the interests of families of the firefighters, police, and civilian casualties of the attacks. William Rodriguez is the only Latino on the advisory council. Rodriguez is the founder of the Hispanic Victims Group and former head of maintenance in one of the twin towers. The LMDC states that the primary role of the advisory council is to “seek input from victims’ families...on a wide range of issues, including the creation of an appropriate memorial.”

The LMDC General Advisory Council is comprised of elected officials and representative of public agencies, including Manhattan Borough President C. Virginia Fields, Rep. Jerold Nadler, Empire State Development Corp. Chair Charles Gargano, and Robert Catell, chair of the NYC Partnership and Chamber of Commerce. There are no Latino members on this advisory

council.

Latinos in Charities. The major charities dispensing the billions in donations collected for Sept. 11 victims have a few Latino voices guiding their decisions and policies. The September 11 Fund was directed, until October 2002, by Joshua Gottbaum, and its board of directors is dominated by corporate CEOs and partners in New York's white-shoe law firms. Pfizer pharmaceutical, the News Corporation, accounting giant Deloitte & Touche, and Cravath Swaine & Moore all had representatives at the table deciding how to divide the Fund's half a billion-dollar pie. Two Latinos sit on the board: Ernest Collazo, of Collazo Carling & Mish, and Rossana Rosado, publisher of El Diario/La Prensa.

At the United Way, co-founder of the September 11 Fund, Lilliam Barrios-Paoli, is the senior vice president and chief executive for agency services. The Twin Towers Fund board of directors, headed by Rudolph Giuliani, boasts many of the former mayor's colleagues and political cronies, including his former fire commissioner Thomas von Essen, his former police commissioner Bernard Kerick, and his girlfriend Judith Nathan. Herman Badillo, a former deputy mayor under Giuliani, and Carol Robles Roman, current deputy mayor for legal affairs, are the sole Latinos on the board.

Victims Groups

Advocacy groups representing the needs of families of those killed in the WTC and Pentagon attacks emerged soon after Sept. 11 to influence the rescue and recovery work and removal of the remains of victims; to lobby for their share of the millions of charitable dollars; and to press their views on appropriate uses of the WTC site and the creation of a memorial. Among them are the WTC United Family Group, Give Your Voice for WTC Victims' Families, September's Mission, Families of September 11, 9-11 Widows' and Victims' Families Association. One of the most widely reported concerns among these victims' groups has been to secure payments from the federal Victims Compensation Fund, created by Congress as part of its airlines-bailout legislation in the wake of Sept. 11.

The Fund and its special master Kenneth Feinberg have been the target of much criticism by the victims' groups for moving slowly and making cash awards considered too low by survivors. Victims groups lobbied Gov. Pataki and the state legislature to pass a bill—the September 11 Victims and Families Relief Act—which eliminates tax or legal problems families may have had in collecting multiple awards from the federal VCF, insurance companies and workers compensation funds. They are dominated by two groups: those whose relatives worked in financial sector businesses in the WTC and those whose relatives were firefighters and police. One group, Families of September 11, represents families of passengers of the two hijacked airliners. These victims groups are comprised primarily of highly affluent, white, upper-middle-class professionals from the legal and financial services sectors, who are experienced in negotiating and navigating official bureaucracies. As advocates for their own self-interests, they have been aggressive and successful.

Only one victims group emerged which represents the interests of both families of victims and economic victims of Sept. 11. It is also the only group to serve primarily Latino interests. The Hispanic Victims Group was founded a month and a half after the WTC attacks by William Rodriguez, a 20-year employee of American Building Maintenance company at the WTC. Rodriguez was in charge of the stairways in the north tower and his heroic role in rescuing people fleeing the attacks—running up to the 39th floor with firefighters to unlock doors for those trying to escape—earned him much media attention and an award from the Senate of Puerto Rico. He was the last person to leave the building before its collapse.

Rodriguez' appearances on English and Spanish-language TV news programs as a survivor and rescuer gave him a certain kind of celebrity among Latinos, especially those who had been affected by the WTC attacks. Rodriguez discovered that the charity and relief efforts were not serving Latinos well because of various barriers—language, cultural and immigration status. He organized the Hispanic Victims Group as an advocacy group to press the particular needs and interests of all Latinos.

Rodríguez explained that, "People were coming to me and saying, 'Willie, I'm not getting any help.' They were displaced workers, family members who couldn't find missing persons. None of our community leaders were talking about our needs. There was a lack of knowledge about our idiosyncrasies. There are so many Latino groups—Dominicanos, Colombianos—we all have our way of doing things. Puerto Ricans know we have our rights; other groups don't.

He lobbied the leading charitable organizations, including the Red Cross, the September 11 Fund, the Salvation Army and Safe Horizon, to address Latinos needs. But there was a lack of coordination among the many charitable agencies, leading to what Rodriguez called "disorganization." He lobbied for the creation of an oversight body and in December 2001, the 9-11 United Services Group was formed to play that coordinator role. It is a consortium of 13 human services agencies, including the Hispanic Federation of New York, the Red Cross, Safe Horizon, the Asian American Federation, the Black Agency Executives and the UJA-Federation. Rodriguez and Lorraine Cortez Vasquez of the Hispanic Federation, are on the board of directors.

Challenge to Civil Liberties

The Sept. 11 attacks on the WTC and on the Pentagon in Washington, D.C. provoked quick action by Pres. Bush and Congress. With little debate, in October 2001, Congress passed and the president signed into law the U. S. Patriot Act, which proponents said would increase law enforcement's effectiveness in combating terrorism and prosecuting terrorists. In November, Attorney General John Ashcroft directed the Department of Justice to detain some 1,200 people—mostly immigrants—as part of its investigation of the terrorist acts. Among those detained were Latinos wrongly identified as Middle Eastern or Muslim in the DOJ's profiling dragnet, according to ACLU executive director Anthony Romero. Some 500 of those detained were secretly held in federal custody. At the same time, Ashcroft announced his plan to interview 5,000 immigrant men in the United States who were from the Middle East. One high profile arrest made by the FBI was of Latino Jose Padilla, who despite his status as an U.S. citizen, has been denied the due process rights to an attorney guaranteed by the Constitution.

While the ostensible purpose of these detentions and the U.S. Patriot Act is to combat terrorism, their implications are much more far-reaching and ominous. The U.S. Patriot Act strips the courts of their historic role in reviewing and checking the power and activities of the executive branch and law enforcement agencies. Among its provisions, the Act gives intelligence agencies access to sensitive information about American citizens obtained through grand jury investigations and wiretaps to intelligence without judicial review; permits the police to obtain private Internet communications with minimal judicial checks; permits law enforcement access to student records; and permits the detention of suspects for seven days without any judicial review and possible indefinite detention of non-citizens without meaningful judicial review.

The infringements on civil liberties and immigrant rights contained in this law compound changes embodied in two earlier laws—the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act, both enacted in 1996 in response to the Oklahoma City bombing. After that incident of domestic terrorism, an immediate anti-immigrant backlash was generated as law enforcement initially—wrongly—suspected Middle Eastern/Muslim terrorists. Despite the fact that a white American was convicted of the crime, the Oklahoma bombing

was justification for increased restrictions on immigration laws. For example, the earlier law excludes immigrants convicted of a felony, even after serving a sentence, from reentering the country if they travel outside the United States. Its impact, according to the ACLU, has been greatest for Latino immigrants. "The war on terror is a war without end. While the focus now may be Iraq or Afghanistan, in the future it might be the drug war in Columbia," said Romero.

Just as the Oklahoma City bombing precipitated anti-immigrant sentiments, Sept. 11 has generated rejuvenated anti-immigrant and xenophobic movements across the country. In a *New York Times* article on the impact of Sept. 11 on Mexican immigrants, it was noted that "the attacks had emboldened some anti-immigrant groups" in Colorado; the article cited an anti-immigrant activist who opposed a public speaking engagement of a Mexican official post-Sept. 11 because of "the murderous destruction" caused by "illegal aliens." Such blurring of issues relating to immigrant rights and anti-terrorist actions should set off danger signals. While there is no hard evidence that the INS has targeted Latinos in particular for enforcement actions, there is anecdotal evidence that Latino immigrants themselves have felt more vulnerable to detention and deportation in the post-Sept. 11 United States.

Also of critical importance for Latinos is the Bush Administration's proposal to place the INS under the new Office of Homeland Security. By placing immigration under the umbrella of a cabinet level office created solely to coordinate anti-terrorist efforts, the administration and its supporters are essentially redefining immigration as a potential threat to the country. In practical terms, such a change would mean that all immigration matters—from family reunification and citizenship petitions to visa applications—would be channeled through an anti-terrorism agency. The INS' powers have expanded exponentially since Sept. 11: It now can detain immigrants it considers dangerous, overruling a judicial order to release them.

Recommendations

A disaster such as Sept. 11 challenged New York City in myriad ways, and the most honest and meaningful appraisals of how the city reacted and served its residents must uncover the many shortcomings demanding remedy. Each agency, public and private, that was involved in relief and charity work, should undertake a serious and thorough examination of its work, what barriers to services existed, and what policies and practices need to be reconsidered and changed for the future. Among the issues raised in this report that require attention are the following:

Language appropriate services. City agencies, such as the HRA, FEMA, the Small Business Administration, and private relief agencies such as the Red Cross and Safe Horizon, must address the critical shortage of bilingual/multilingual staff. If the agencies cannot speak the language of their clients, their efforts will not be effective. Public entities should be held to the legal requirements of Title VI.

Cultural Competence. New York's diverse population presents a challenge to human service providers, and diversity training should become a regular on-going program at any public or private agency doing such work. The Red Cross' acknowledgement that its volunteers were limited by their lack of such training and its decision to create diversity training programs should be followed by other agencies.

Serve Undocumented Workers with Respect. Public and private agencies doing relief and charity did not serve the undocumented immigrant community well, with appropriate language services or by streamlining the application process to make it easy for these workers to get cash assistance and other help. No displaced workers should have had to jump through numerous hoops on a bi-weekly basis to receive help in paying bills and avoiding evictions. The presence of Immigration and Naturalization Service at relief centers was a serious error and evidence that FEMA and the Mayor's Office of Emergency Management do not fully understand immigrant communities.

Reinstitute IRS Charity Rules. Proof of need should always guide charitable donations. The congressional act to lift IRS rules on giving in heat of the post-Sept. 11 climate was ill-advised. The charitable sector is subsidized by tax donations, and when individuals who are not in need receive char-

ity, the public trust is violated.

Increase Representation of Latinos in Redevelopment Work. Although the Lower Manhattan Development Corporation has held public meetings and solicited public comments on its plan for redeveloping the WTC site, such input offers no real guarantee that the needs of the city's Latino communities—from Sunset Park to Washington Heights—will be addressed. Strong vocal advocates of Latino interests need to be heard on the LMDC board.

Redevelop the City. The \$2.7 billion from the federal government that has so far been granted to the city—the first payment of \$21.5 billion promised—can have a tremendous impact on low-income neighborhoods and their residents. Redevelopment should not be restricted to rebuilding the 16-acre WTC site. Just as the Sept. 11 attacks had a disastrous ripple effect throughout the city, those funds can have a positive ripple effect by sparking new growth beyond ground zero.

Jobs for the Jobless. Any development in lower Manhattan should bring with it guarantees of jobs for displaced workers. Construction work, which has historically excluded Latinos and other minority workers, must include iron-clad guarantees of training and employment for people from our communities.

Protect Civil Liberties. The impact of the U.S. Patriot Act is already being felt, and the ominous implications of future restrictions on immigrant rights and civil liberties pose serious challenges for the Latino community. Aggressive leadership by Latino advocates and elected officials will be needed in the coming years.

Methodology

This report was compiled with information and research obtained through interviews and from published news articles and analyses produced over the last year. The 10 individuals interviewed are involved in the arenas of relief and philanthropic efforts, civil liberties, economic development and victims' advocacy. One elected official and the head of the state attorney general's office on charity were also interviewed. Interviews with other key sources involved in relief and charity efforts were requested but not obtained. There are many other important sources and voices to be heard, and this report does not pretend to be comprehensive or all-inclusive. But it does reflect the collective concerns of many who were involved in relief assistance and found similar problems regarding Latinos' access to resources and assistance.

Interviews with the following were conducted on dates indicated:

- Carmen Calderon, Coordinator, Proyecto Ayuda, Puerto Rican Legal Defense and Education Fund (PRLDEF), 3/25/02
- Lorraine Cortez Vasquez, president, Hispanic Federation, 4/25/02
- Tanaz Pardiwall, assistant director for Sept. 11 relief, Safe Horizon, 5/6/02
- Suzanne Immerman, program director, September 11 Fund, 5/8/02
- Marla Simpson, charities bureau, office of NYS Attorney General, 6/6/02
- William Rodriguez, founder Hispanic Victims Group, board member 9-11 United Services Group, Family Advisory Board member Lower Manhattan Development Corporation, 6/12/02
- Ryan Southard, Red Cross assistant director of community relations, 7/1/02
- New York City Councilmember Margarita Lopez, 7/11/02
- Kathryn Wylde, president/CEO, New York City Partnership and Chamber of Commerce, 10/3/02
- Anthony Romero, executive director, ACLU, 10/10/02

Interviews with the following were requested but not obtained:

- Lilliam Barrios-Paoli, United Way of New York
- Susana Duarte, regional director, Federal Emergency Management Administration (FEMA)
- Moises Perez, executive director, Alianza Dominicana
- Oscar Paredes, executive director, Proyecto de Trabajadores Latinoamericanos
- Brother Joel Magallan, executive director, Asociacion Tepeyac

Sources

- 1) "A Flood of Money, Then a Deluge of Scrutiny for Those Handing It Out," by Stephanie Strom, *New York Times*, Sept. 11, 2002.
- 2) "A Month from the World Trade Center Tragedy," Press Release, Asocia-tion Tepeyac de New York, Oct. 10, 2001.
- 3) "After Criticism, U.S. Broadens 9/11 Aid Pool," by David W. Chen, *New York Times*, June 29, 2002.
- 4) "Beyond Ground Zero: Challenges and Implications for Human Services in New York City Post September 11," United Way of New York City, March 2002.
- 5) "Change in rules Barred Many from Sept. 11 Disaster Relief," by Diana B. Henriques and David Barstow, *New York Times*, April 26, 2002.
- 6) "Downtown Families Eligible for more Housing Aid," by Edward Wyatt, *New York Times*, May 15, 2002.
- 7) "Economic Impact Analysis of the September 11th Attack on New York City," New York City Partnership and Chamber of Commerce, November 2001.
- 8) "Effectiveness of Grants to Keep Jobs Downtown Is Questioned," by Charles V. Bagli, *New York Times*, June 11, 2002.
- 9) "Families' Fiscal Fury," by Aly Sujo, *New York Post*, Aug. 20, 2002.
- 10) "Families Fret as Charities Hold a Billion Dollars in 9/11 Aid," by Stephanie Strom, *New York Times*, June 23, 2002.
- 11) "For Illegal Workers' Kin, No Paper Trail and Less 9/11 Aid," by Mireya Navarro, *New York Times*, May 6, 2002.
- 12) "Labor Community Advocacy Network to Rebuild New York Policy Statement on Redevelopment," April 24, 2002.
- 13) "Mexican Immigrants Face New Set of Fears," by Sam Dillon, *New York Times*, Oct. 15, 2001.

14) "New Data Reveals How FEMA Continues to Fail New Yorkers: Critical Racial and Class-defined Disparities in Granting of Relief Found," Beyond Ground Zero Network, October 10, 2002.

15) "Post-September 11th: The Continuing Invisibility of Communities of Color and their Non-Profit Organizations," by Walter Stafford with Joanne Keitt and Angela Dews, Women of Color Policy Network of the Roundtable of Institutions of People Color, NYU Wagner School of Public Service, May 2002.

16) "Public Frustration Persists Over 9/11 Relief Program," by David W. Chen, New York Times, October 12, 2002.

17) "Red Cross Halts Collection for Terror Victims," by David Barstow and Katharine Q. Seelye, New York Times, Oct. 31, 2001.

18) "Ripple Effect: The Crisis in NYC's Low-Income Communities after September 11th," the Urban Justice Center, September 2002.

19) "The WTC Tragedy Ripple Effect Devastates Neighborhood Nonprofits," by Dennis Derryck and Rikki Abzug, Milano Graduate School of Management and Urban Policy, New School University, December 2001.

20) "\$200 million More in Sept. 11 Aid Is Allocated," by Stephanie Strom, New York Times, July 12, 2002.

21) "U.S. May Approve More Aid for Kin of Sept. 11 Dead," by David Barstow, New York Times, March 5, 2002.

22) "U.S. to Reconsider Applicants Rejected for Aid After Attack," by Diana B. Henriques, New York Times, May 2, 2002.

23) "Victim Count Drops in Sept. 11 Attack," The Associated Press, Oct. 8, 2002.

24) "Victim's Father May Be Given Spot on Rebuilding Committee," by Edward Wyatt, New York Times, May 14, 2002.

25) "Worst-Hit Firm Faults Fairness of Sept. 11 Aid," by David W. Chen, New York Times, Sept. 17, 2002.



PUERTO RICAN LEGAL DEFENSE AND EDUCATION FUND

Board of Directors

(affiliations listed for identification purposes only)

Chairperson

Carlos G. Ortiz, Esq.
Goya Foods, Inc.
Secaucus, NJ

Treasurer

Ana M. Barrio, Esq.
JP Morgan Chase Bank
New York, NY

Executive Committee Member At-Large

Benito Romano, Esq.
Willkie Farr & Gallagher LLP
New York, NY

Vice Chairperson

Maria J. Canino-Arroyo, Ed.D.
University of Puerto Rico
Rio Piedras, Puerto Rico

Secretary

Diana A. Correa, Esq.
Bay Harbor Island, FL

Executive Committee Member At-Large

José Ramon Sánchez, Ph.D.
Long Island University
Brooklyn, NY

William F. Callejo, Esq.
Callejo & Callejo, Attorneys
Dallas, TX

Joy Barbosa Chaves
New York, NY

Israel Colón, MPA
Office of Councilman Angel Ortiz
Philadelphia, PA

Amy Gladstein, Esq.
Gladstein, Reif & Meginniss, LLP
New York, NY

Hector González, Esq.
Mayer Brown Rowe & Maw
New York, NY

Amb. Gabriel Guerra-Mondragón
New York, NY

David R. Jones, Esq.
Community Service Society of New York
New York, NY

Felix A. Mantilla, Esq.
Allstate Insurance Company
Northbrook, IL

José S. Reynoso
Montevista Fine Foods
San Diego, CA

Eugene Rivera, MSW
Riverview Hospital
Middletown, CT

Robert F. Rosario, CPA
Rosario & Company
Fairfield, CT

Frank Vasquez
Bear Stearns
New York, NY

Honorary Member
Alba J. Rovira-Paoli, Esq.
New York, NY

Honorary Member
Martin H. Zuckerman, Esq.
Old Bethpage, NY

Executive Staff

Cesar A. Perales
President and General Counsel

Pierre La Ramée, Ph.D.
Executive Vice President

Angelo Falcón
Senior Policy Executive
and Director,
PRLDEF Institute for Puerto Rican Policy

Foster Maer
Legal Director

Sonji Patrick-Stevenson
Education Program Coordinator

99 Hudson Street, 14th Floor New York, NY 10013
212-739-7516 Fax: 212-431-4276 E-Mail: myra_estepa@prldef.org
Website: www.prldef.org/policy.htm