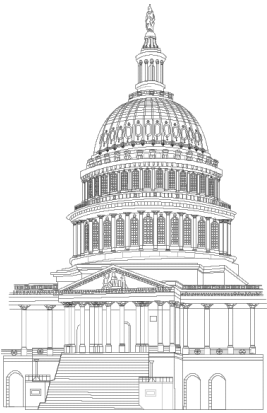


SPECTRUM

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*Injustice anywhere
is a threat to justice
everywhere.*

**Martin Luther
King, Jr.**

From the Executive Director's Chair

Keeping the current quality of services provided to complainants, respondents, and also members of the legislature is the primary focus of the Kansas Human Rights Commission at this point in time. The main concern the agency faces at this time is the possibility of services suffering due to financial cuts that the agency might face in a budget crunch.

It is the KHRC's desire to keep our investigators current in training in civil rights enforcement and allow them to continue to hone their skills as investigators. By doing so, they can be extremely sharp in analyzing and cutting through the maze of an investigation. The object is to "cut through the fat to get to the lean." We want to maximize their time and we can do so when our investigators have those types of skills and knowledge. We also need to ensure that our staff stays current

in the law (Kansas Act Against Discrimination). The KHRC can do this by providing more in-service training and also providing oversight with capable supervision.



*William V. Minner,
KHRC Executive Director*

We don't want to have a crisis in the level of cases that we did a few years ago. Keeping the caseload at the level it is now allows us to have case information that is fresh, with no extended time lapse. When that occurs, we then must deal with foggy memories and records that may no longer be available. We want to provide a quality investigation. That is our commitment to the people of Kansas.

Annual Employment Law Seminar a Success

The Kansas Human Rights Commission held its sixth annual conference on Employment Discrimination on Wednesday, September 27th at the Pozez Educational Center in Topeka. Keynote speaker Chai Feldblum of the Georgetown University Law Center spoke on current disability law issues.

Approximately 75 individuals

were in attendance to hear Professor Feldblum and other presenters who spoke on topics such as the Family Medical Leave Act, gender discrimination, and sexual harassment in the workplace. Larry Rute and Lloyd Swartz of Kansas Legal Services also provided the afternoon keynote, highlighted by mock mediation session.

COMMISSION MEETING

The Kansas Human Rights Commission meets monthly at various locations throughout the state. Commission meetings are open to the public and individuals interested in attending may obtain more information by contacting the Commission's main office.



Kansas Human Rights Commission AREA OFFICES

MAIN OFFICE, TOPEKA:

900 SW Jackson, Suite 851-S
Topeka, KS 66612-1258
Voice (785)296-3206
Fax (785) 296-0589
TTY (785) 296-0245
Toll-Free (888) 793-6874

WICHITA OFFICE:

130 S Market, Suite 7050
Wichita, KS 67202
Voice (316) 337-6270
Fax (316) 337-7376
TTY (316) 337-6272

DODGE CITY OFFICE:

Military Plaza Offices, Suite 220
100 Military Plaza
Dodge City, KS 67801
(316) 225-4804
Fax (316) 225-4986

INDEPENDENCE OFFICE:

200 Arco Place, Suite 449
Independence, KS 67301
(316) 331-7083
Fax (316) 331-7135

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The *SPECTRUM* is a publication of the Kansas Human Rights Commission. The *SPECTRUM* was created to inform the public of current civil rights issues and keep interested persons up-to-date on issues pertinent to KHRC. Topics to be addressed in this and future issues of the *SPECTRUM* include current legal decisions, commentaries, upcoming events of interest, educational updates on issues such as age discrimination, sexual harassment, wage discrimination, and unfair housing practices.

Free subscriptions are available. If you would like to be placed on our mailing list, please contact our main office at the above address. All comments and suggestions are appreciated, and should be addressed to the editor, Jaclyn Reish, at the main office in Topeka: (785) 296-3206 or

October is... November

- U Breast Cancer Awareness Month
- U Aids Awareness Month
- U Disability Employment Awareness Month

is...

- U Diabetes Awareness Month
- U Native American Heritage Month

October is Disability Employment Awareness Month

“Ability You Can Bank On” is this year’s theme for national Disability Employment Awareness month which takes place in October. Sponsored by the President’s Committee on Employment of People with Disabilities (PCEPD).

Tony Coelho, Chairman of the PCEPD states that “People with disabilities are ready, willing and able to be an essential part of our nation’s human resource capital. With the country’s lowest unemployment rate in 30 years, employers must search for new labor pools to continue expanding their profits and our economy. Job candidates with disabilities offer a natural solution. As a group so often overlooked, those of us with disabilities numbering 54 million strong are

among the most committed and motivated employees. And we want to earn a paycheck and pay taxes!”

The President’s Committee on Employment of People with Disabilities Educational Kit 2000 is available at www.pcepd.gov. Topics discussed in the literature include Disability Friendly Strategies for the Workplace, Accommodating Employees with Hidden Disabilities, Alternative Dispute Resolution.

In conjunction with Disability Awareness Month, the White House is also sponsoring their first nationwide Disability Mentoring Day on October 25th. This day has been organized to provide a chance for young people with disabilities to gain insight



Report says U.S. racism not yet eliminated

In a September 21, 2000 press conference held by Assistant Secretary of State Harold Hongju Koh to release the latest report on American compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, Koh stated that the “residual effects of slavery and institutionalized racism can still be seen in lingering disparities between blacks and whites in income, levels of education and health care, and rates of incarceration in our nation’s prisons.”

Koh advised that the report shows democracy at work. He points to certain constitutional and legal guarantees such as the prohibition of racial and ethnic discrimination in housing, employment, education, voting, access to public accommodation, housing and mortgage credits, the military, and programs receiving federal assistance.

He also cited the 1998 White House

Office on the President’s Initiative for One America, which looks to community leaders to “develop new approaches to address racial tensions and to expand opportunities for racial and ethnic minorities.” Other efforts include new state and local laws that target perpetrators of hate crimes.

Koh went on to say, “The report before you today recounts these efforts, even as it reflects how much we still must do. It identifies the remaining obstacles, including the persistence of attitudes, policies, and practices reflecting a legacy of segregation and discrimination; inadequate enforcement of existing law; economic disparities, including the lack of equal access to education, opportunity, and technology; discrimination in employment; continued segregation and discrimination in housing and voting, and racial disparities in the criminal justice system.”

God grant that not only the love of liberty but a thorough knowledge of the rights of man may pervade all the nations of the earth, so that a philosopher may set his foot anywhere on its surface and say: "This is my country."

Benjamin Franklin

Ten Ways to Fight Hate

Somewhere in America ...

...every hour someone commits a hate crime.

- ☒ **Act** Do something. In the face of hatred, apathy will be interpreted as acceptance — by the haters, the public and, worse, the victim. Decency must be exercised, too. If it isn't, hate invariably persists.
- ☒ **Unite** Call a friend or co-worker. Organize a group of allies from churches, schools, clubs and other civic sources. Create a diverse coalition. Include children, police and the media. Gather ideas from everyone, and get everyone involved.
- ☒ **Support The Victims** Hate-crime victims are especially vulnerable, fearful and alone. Let them know you care. Surround them with people they feel comfortable with. If you're a victim, report every incident and ask for help.
- ☒ **Do Your Homework** Determine if a hate group is involved, and research its symbols and agenda. Seek advice from anti-hate organizations. Accurate information can then be spread to the community.
- ☒ **Create An Alternative** Do NOT attend a hate rally. Find another outlet for anger and frustration and people's desire to do something. Hold a unity rally or parade. Find a news hook, like a "hate-free zone."
- ☒ **Speak Up** You, too, have First Amendment rights. Hate must be exposed and denounced. Buy an ad. Help news organizations achieve balance and depth. Do not debate hate mongers in conflict-driven talk shows.
- ☒ **Lobby Leaders** Persuade politicians, business and community leaders to take a stand against hate. Early action creates a positive reputation for the community, while unanswered hate will eventually be bad for business.
- ☒ **Look Long Range** Create a "bias response" team. Hold annual events, such as a parade or culture fair, to celebrate your community's diversity and harmony. Build something the community needs. Create a Web site.
- ☒ **Teach Tolerance** Bias is learned early, usually at home. But children from different cultures can be influenced by school programs and curricula. Sponsor an "I have a dream" contest. Target youths who may be tempted by skinheads or other hate groups.
- ☒ **Dig Deeper** Look into issues that divide us: economic inequality, immigration, homosexuality. Work against discrimination in housing, employment, education. Look inside yourself for prejudices and stereotypes.
- ☒ **Resources** A compilation of organizations and materials that can assist you in fighting hate in your community.

*Whatever you do
will be
insignificant, but
it is very
important that
you do it.*

**Mahatma
Gandhi**



*From "Ten Ways to Fight Hate: A Community Response Guide"
from the Southern Poverty Law Center.
Available at www.splcenter.org*

Supreme Court Ruling Increases Hate Crime Penalties

APPENDI v. NEW JERSEY No. 99-478.
Argued March 28, 2000-Decided June 26,
2000

Petitioner Appendi fired several shots into the home of an African-American family and made a statement—which he later retracted—that he did not want the family in his neighborhood because of their race. He was charged under New Jersey law with, *inter alia*, second-degree possession of a firearm for an unlawful purpose, which carries a prison term of 5 to 10 years. The count did not refer to the State’s hate crime statute, which provides for an enhanced sentence if a trial judge finds, by a preponderance of the evidence, that the defendant committed the crime with a purpose to intimidate a person or group because of, *inter alia*, race. After Appendi pleaded guilty, the prosecutor filed a motion to enhance the sentence. The court found by a preponderance of the evidence that the shooting was racially motivated and sentenced Appendi to a 12-year term on the

firearms count. In upholding the sentence, the appeals court rejected Appendi’s claim that the Due Process Clause requires that a bias finding be proved to a jury beyond a reasonable doubt. The State Supreme Court affirmed.

Held: The Constitution requires that any fact that increases the penalty for a crime beyond the prescribed statutory maximum, other than the fact of a prior conviction, must be submitted to a jury and proved beyond a reasonable doubt. Pp. 7—31.

Available at: <http://supct.law.cornell.edu/supct/html/99-478.ZS.html>



Supreme Court tests ADA Constitutionality

On October 11th the U.S. Supreme Court heard the case of the *University of Alabama vs. Garrett*. This case may have great impact on the rights of Americans with disabilities, as it will address whether or not Congress had the right to enact the Americans with Disabilities Act (ADA) under the Fourteenth Amendment. (The Fourteenth Amendment limits the power of the federal and state governments to discriminate.) If the Court does rule that congress overstepped its authority, individuals with disabilities would lose the right to sue states under Titles I and II of the ADA.

The case stems from an Alabama state employee named Patricia Garrett.

Garret, a nurse at the University of Alabama’s medical center was diagnosed with breast cancer. When she returned to work after undergoing chemotherapy, radiation and surgery, she was demoted and given significantly lower pay. Garrett then sued the Board of Trustees at the University of Alabama, alleging discrimination in employment.

A district court judge had thrown out the Garrett case, and that of another state employee, siding with the state of Alabama that the Eleventh Amendment precludes anyone from suing the government without its approval. This was overturned in the Eleventh Circuit U.S. Court of Appeals.

The worst sin toward our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity.

George Bernard Shaw



Kansas Human Rights Commission
900 SW Jackson, Suite 851-South
Topeka, KS 66612-1258

We're on the web!

www.ink.org/public/khrc

Eternal Vigilance is the Price of Freedom.

Little Known Facts About Native Americans



*Do not wrong or hate
your neighbor, for it
is not he that you
wrong: you wrong
yourself.*

**Shawnee Indian
Chant**

- 🌐 Did you know that one in every 130 people living in the U.S. today is a Native American?
- 🌐 Senator Ben Nighthorse Campbell of Colorado is a Native American and Senator Daniel Akaka is a Native Hawaiian.
- 🌐 During World War II, the Japanese army could not break the "secret code" of the U.S. Military. The "secret code" was simply a group of Native American volunteers speaking their Native American language on their field radios! (Navajo, Sioux and other tribes)
- 🌐 Did you know that the names of over half of the states in the USA came from Native American languages? For example, "Utah" is the Ute tribe's name for themselves in their language - "Oklahoma" means "red people" or "home of the red people" in the Choctaw language - "Kentucky" means "planted field" in the Iroquois language.
- 🌐 Washington DC, our nation's capital, is built on the banks of a river called the "Potomac," which is a Native American word for "where the goods are brought in." "Miami," "Cuba" and "Chicago" are a few more examples of the many familiar names that are derived from Native American words.
- 🌐 Native Americans used pine sap to help heal cuts, and they found that witch hazel tea was a good remedy for sprains and bruises.
- 🌐 "Squash" comes from a Native American word, "isquoutersquash," which means "green thing eaten"