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From the Executive Director's Chair

Inside this issue of The Spectrum is a story regarding Commission Chairperson James E Butler being chosen as a recipient of the Governor's Dr. Martin Luther King, Jr. "Spirit of Giving Award." Everyone at the Commission is very proud that this well-deserved honor was bestowed upon Mr. Butler. As a further tribute to Mr. Butler, I am using my column in this edition of The Spectrum to reprint the letter submitted by Chief Legal Counsel Brandon Myers and I in nomination of Mr. Butler for this award.

Congratulations, Mr. Butler!



Executive Director
William v. Minner

Dear Committee:

The purpose of this letter is to nominate James E. Butler, Chairperson of the Kansas Human Rights Commission, for award of the next Dr. Martin Luther King, Jr. Spirit of Giving Award.

Attached hereto are various articles and tributes published regarding Mr. Butler when the City of Manhattan, Kansas honored him with a Mayoral proclamation declaring a "James Butler Day" and the Kansas State University Alumni Association presented a program celebrating Mr. Butler's life and accomplishments.

Among his many accomplishments, Mr. Butler served thirty-two years in the United States Army and retired as a Chief Warrant Officer. He served in numerous locations within the United States and overseas, including Dutch Harbor, Alaska in World War II. He also served in South Vietnam during the Vietnamese War, the Belgian Congo during uprisings in that area, and many other locations. He was in the Army when President Truman abolished racial segregation in the armed services. In his later years in the Army, he was a race relations officer. His many accomplishments while in the Army are more fully detailed in the attachments provided herewith.

As a civilian, Mr. Butler is a lifelong civil/human rights activist. He is a life member of the National Association for the Advancement of Colored People, and the past president of the Manhattan, Kansas NAACP branch.

Mr. Butler has served as a member of the Kansas Human Rights Commission (and the Kansas Commission on Civil Rights, as it was previously known) for 22 years. He has been appointed and re-appointed as a member of the Commission by both Democrat and Republican Governors. He currently is the Chairperson of the Commission, having been so appointed by

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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

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KHRC COMMISSIONERS

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At Large, Manhattan

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The *SPECTRUM* is a publication of the Kansas Human Rights Commission. *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, Jeremy R Hall, at the main office in Topeka: (785) 296-3206 or jeremy.hall@state.ks.us

KHRC Employment Conference

The Kansas Human will be holding their 8th annual Employment Law Seminar at the Pozez Education Center at Stormont-Vail Regional Health Center in Topeka, Kansas. The date for the Seminar will be Wednesday August 28th, 2002.

The exact schedule of the seminar has not been finalized at this time. The seminar will be a full day. Educational credit will be applied for through the accrediting organizations so attendees may receive credit for attending. The topics this year again will relate to many areas of employment law.

Be sure to mark your calendar for this always fun and informative day of presentations. More information will be available on the KHRC web site and in *The Spectrum*.

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Governor Bill Graves. He was previously Chairperson of the Commission under the tenure of former Governor John Carlin. At age 88, Mr. Butler continues to defy any stereotypes regarding the aging process and performs his duties with competence and dedication. Mr. Butler has been known to joke that at his age he is “the oldest employee of the State of Kansas.” Mr. Butler occasionally discusses retirement from the Commission, but those associated with the Commission are skeptical that he will ever actually take such a well deserved retirement and hope he will continue his effective leadership of the Commission far into the future.



With Mr. Butler as a member of the Commission, the Commission has become an efficient and effective agency in its administration of the Kansas Act Against Discrimination and the Kansas Age Discrimination in Employment Act. In recent years the Commission has successfully instigated programs and changes that have eliminated a longstanding problem of complaints that were in backlog awaiting investigation and resolution for inordinate amounts of time. Innovative mechanisms (such as the Commission’s case mediation program) have helped the Commission become a model for the nation on how to properly administer such laws. Monetary recoveries and other remedies for persons al-



leging violations of their rights have essentially quadrupled from previous years, and the total monetary recovery on such cases by the Commission since it began instigating improvements in 1995 have exceeded the total for all such recovery since the Commission was formed in 1953. The progress of the Commission has been one of the best success stories for the legislature in recent years and for the Graves administration. Much of the success is due to the leadership of Mr. Butler as a Commissioner and as the Commission’s Chair.

We believe that Mr. Butler is very worthy of this award in honor of his lifetime achievements and his lifelong support and advocacy of the cause of civil/

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The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Martin Luther King, Jr.

Commissioner Butler Receives MLK Honor

On January 18th 2002 Chairperson James Butler received the Martin Luther King Jr. "Spirit of Giving Award" from Kansas Governor Bill Graves. The award was presented during the Martin Luther King Jr. Celebration 2002.

The celebration began with a symbolic march from the Judicial Center to the 2nd Floor Rotunda in the State Capitol. The event then proceeded with song, and awards for a poster and slogan contest. The Governor then presented two "Spirit of Giving Awards"



Chairperson Butler receiving the Kansas State flag from Commissioner David Hansen

Longtime Kansas Human Rights Commission Commissioner James Butler received one of the awards. Commissioner Butler, the current Chairperson of the KHRC, was first appointed as a commissioner to the Kansas Commission on Civil Rights in 1979 by Governor John Carlin. Chairperson Butler holds distinction of having been appointed to the commission by four different Governors. He has also served on the commission longer than any other member in its history, including several terms as the Chairperson.

Mr. Butler is a graduate of Kansas State University with a degree in psychology. He was trained as a Race Relations Officer during his thirty two year tenure in the U. S. Army. He was awarded the Theo Cribs Award by the African American Caucus of Kansas for Kansas state service in 1997. He also received the Civil Rights award by Living the Dream Inc.

Mr. Butler has given of himself for the community for most of his life. He is a role model and pioneer for us all.

*Hold fast to
dreams for if
dreams die, life
is a broken
winged bird that
cannot fly.*

**Langston
Hughes**

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human rights and his defense of freedom. The Commission has adopted as its motto on its correspondence a version of an historical quote which Mr. Butler paraphrased to a legislative committee a few years ago when continued funding for the agency's administration of the anti-discrimination laws was in jeopardy. Mr. Butler told the committee that such funding was necessary because "eternal vigilance is the price of freedom." Mr. Butler's life and dedication exemplify his statement.

We would encourage your consideration of this most-deserving individual for this award.

Sincerely,

William V. Minner
Executive Director

Brandon L. Myers
Chief Legal Counsel

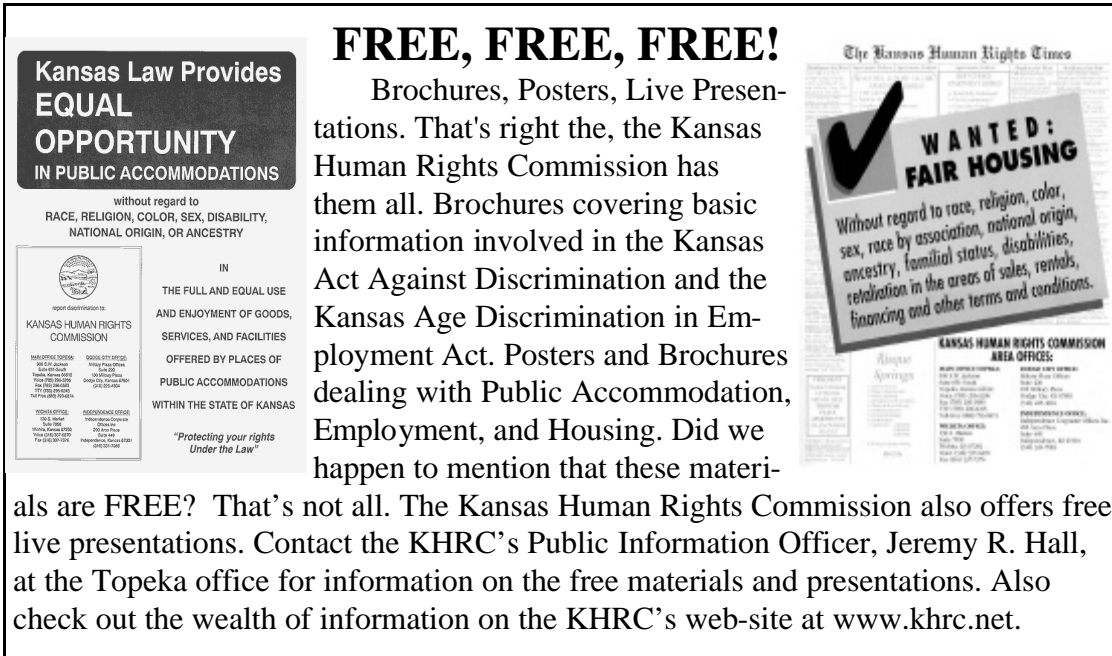
KHRC Annual Report

The KHRC published its Fiscal Year 2001 Annual Report in November. During FY 2001 the KHRC fielded over 5200 inquiries. A total of 1089 complaints were filed, with 975 total cases being resolved during the Fiscal; Year 2001. At the completion of FY 2001 the KHRC had 769 open cases.

The annual report may be viewed and downloaded from the KHRC web page at www.khrc.net.

Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself.

Chief Seattle



Kansas Law Provides EQUAL OPPORTUNITY IN PUBLIC ACCOMMODATIONS

without regard to RACE, RELIGION, COLOR, SEX, DISABILITY, NATIONAL ORIGIN, OR ANCESTRY

IN THE FULL AND EQUAL USE AND ENJOYMENT OF GOODS, SERVICES, AND FACILITIES OFFERED BY PLACES OF PUBLIC ACCOMMODATIONS WITHIN THE STATE OF KANSAS

"Protecting your rights Under the Law"

FREE, FREE, FREE!

Brochures, Posters, Live Presentations. That's right the, the Kansas Human Rights Commission has them all. Brochures covering basic information involved in the Kansas Act Against Discrimination and the Kansas Age Discrimination in Employment Act. Posters and Brochures dealing with Public Accommodation, Employment, and Housing. Did we happen to mention that these materials are FREE? That's not all. The Kansas Human Rights Commission also offers free live presentations. Contact the KHRC's Public Information Officer, Jeremy R. Hall, at the Topeka office for information on the free materials and presentations. Also check out the wealth of information on the KHRC's web-site at www.khrc.net.

WANTED: FAIR HOUSING

Without regard to race, religion, color, sex, race by association, national origin, ancestry, familial status, disabilities, retaliation in the areas of sales, rentals, financing and other terms and conditions.

KHRC.NET, Changes on the World Wide Web

The Kansas Human Rights Commission has taken a bold step on the internet. The KHRC now has its own domain name that is fast, and easy to remember. To access the KHRC's web page is now as simple as "www.khrc.net".

The KHRC's web page is still a part of the accesskansas.org web site, and is included in all of the Kansas directories, but the name is now much easier to remember. Hopefully with the new address people will remember and return to the web page for the wealth of information and links that the site has.

If you have not been able to spend some time on the web site I will let you know some of the information that it has. All back copies of the Spectrum, Annual Reports, KHRC brochures, and posters are available on the web-site. The text of the Kansas Act Against Discrimination and steps to filing a complaint are all included on the web. A page containing links to over 75 other human rights related web pages is also maintained on the page.

In addition to the address change, work is being completed to make the web site up to the standards of accessibility by the W3C. These standards will make the information on the site accessible by those using screen readers and other devices that assist those with disabilities to access the internet.

Take some time and enjoy the web, starting at "www.khrc.net".

KHRC GOES TO BILOXI

Members of the Kansas Human Rights Commission traveled to Biloxi Mississippi to attend the Nation Association of Human Rights Workers (NAHRW) Convention. The group from the KHRC included Commissioner David Hanson, Assistant Director Mike Hollar, Housing and Intake Supervisor Bill Wright, and 4 other KHRC staff.

While in Biloxi the group attended seminars on various topics of interest to the Commission and the Human Rights area. Areas covered ranged from mediation issues, technology, investigation, current court cases, and Fair housing.

This was the 54th Annual Conference for NAHRW. The conference lasted 4 days and was attended by over 500 human rights workers from around the nation. NAHRW held a business meeting as well as educational seminars for its members.

One of the highlights of the trip was the wadding in the water at 'bloody beach'. Around 150 people waded in to the water, held hands and sang "We Shall Overcome." The group was encircling Gilbert Mason of Biloxi. Mr. Mason was at this same beach in the late spring of 1960 when a group was beaten with



From Left to right KHRC Investigators Vamba Nzwilli, Ori Kirksey (Currently Intake Manager) and Barbara Combs in Biloxi Mississippi. (Oct 2001)

sticks, chains and lead pipes and were arrested. Mr. Mason told of the times, and events that gave this stretch of beach the name, "Bloody Beach."

The original demonstration in the 1950's and 1960's was to show that Blacks had access to, and should be allowed to use the beaches. This peaceful commemoration was to pay tribute to those that painfully waded in the same waters over 40 years ago.

Attendees from the KHRC enjoyed the trip and hope to relate some of the knowledge learned from the seminars, and the gathering of other Human Rights workers to further the cause of the Kansas Human Rights Commission during the next year. The next NAHRW will be held in Charleston, West Virginia.

Few things are harder to put up with than the annoyance of a good example.

Mark Twain



Portions of the above article taken from Kristen Treadwell,

Photo Left: Attendees of the NAHRW gather at sunset to wade into the water and commemorate the episode of "Bloody Beach" when a group was beaten and arrested on this same stretch of beach for their civil rights demonstrations in the 1950's and 1960's (Photo by Bill Wright)

Fair Housing Promotion

Stop! Learn and Know your housing rights. That is the purpose of these new "stop signs" produced by the Kansas Department of Commerce and Housing, and the Fair Housing Project Team. The posters are free, and are meant to be distributed in pairs. One is in English and the other Spanish.

Each poster is a 10" by 10" design and made for easy posting. In windows and on walls. The posters contain basic

Know Your Rights

Fair Housing Facts

Race

Color

Religion

Sex

National Origin

Ancestry

- **STEERING**
You have the right to choose where you live. Any real estate salesperson, broker or leasing agent who discourages you from seeing or being interested in certain properties, or certain areas of town could be considered steering.
For example: If a property agent indicates, "This isn't your kind of neighborhood" or "You wouldn't feel comfortable living here..." "None of kind of people live in this area..." "It will cost too much to make this unit accessible"..."This complex does not permit children, the agent is violating laws that prohibit steering.
- **RENTAL DISCRIMINATION**
The terms of rental agreements must apply to renters. The law prohibits the changing of such terms to deny or discourage your access to rental properties.
For example: If you feel that your lease agreement is different than other persons in a similar situation, the property agent or owner may be violating Fair Housing Laws.
- **FALSE DENIALS OF AVAILABILITY**
Federal, state and local laws prohibit real estate salespersons, brokers and property agents from telling you the property you are interested in is unavailable...when in fact available for rent or purchase.
- **ADVERTISING DISCRIMINATION**
Ads or commercials for houses or apartments cannot, by show any preference for renters or buyers based on race, color, religion, sex, disability, national origin, ancestry or family with children.
- **COMPLAINTS CAN BE FILED WITH:**
Local "Human Relations" or "Civil Rights" board or staff
Statewide, in Kansas, contact:
The Kansas Human Rights Commission
1-888-793-6874
U.S. Department of Housing and Urban Development
1-800-743-5323

**It's
The
Law!**

**Families
with
Children
(Except
complexes
which are
designated
"Elderly" only.)**

Help "Stop" Discrimination

¡ENTERESE Y CONOZCA SUS DERECHOS!

Raza

Color

Religión

Sexo

Incapacidad

País de Origen

- **DISCRIMINACIÓN CUANDO LE ESTÉN OFRECIENDO VIVIENDAS PARA LA COMPRA**
Usted tiene el derecho de escoger el sitio donde quiere vivir. Cualquier agencia de bienes raíces (o agencia de alquiler o agente vendedor de una inmobiliaria o arrendador de viviendas) que trata de disuadirlo de que vea ciertos tipos de viviendas o ciertas zonas de la ciudad puede estar quebrantando la ley.
Por ejemplo: Si un agente vendedor de una inmobiliaria o arrendador le hace comentarios como... "este no es el tipo de vecindario para usted"... "Usted no se sentirá viviendo en este vecindario"... "Costaría mucho dinero hacer accesible esta unidad para usted"... "En este complejo de edificios no se permiten niños"...ese agente o arrendador está violando la ley que prohíbe la discriminación cuando se ofrecen viviendas para alquilar o comprar.
- **DISCRIMINACIÓN EN EL ALQUILER O ARRENDAMIENTO DE VIVIENDAS**
Los términos de los contratos de alquiler o renta deben ser iguales para todos los inquilinos o arrendatarios. La ley prohíbe cambiar los términos de un contrato para negar un inquilino o arrendatario el acceso a una determinada propiedad que se ofrece en venta o en alquiler.
Por ejemplo: Si usted cree que su contrato de arrendamiento es diferente al de otros inquilinos o arrendatarios que están en una situación similar a la suya, el arrendador o agente vendedor puede estar violando la ley de igualdad en la adquisición de vivienda.
Los siguientes tipos de situaciones también pueden estar violación de la ley: 1) Aumentarle el precio a una vivienda para evitar que usted la compre; 2) Solicitarle una cuota más alta que a los demás o solicitarle un depósito que no se le solicita a los otros compradores o arrendatarios que están en una situación similar a la suya.
- **NEGACIÓN DE LA DISPONIBILIDAD DE UN INMUEBLE**
Las leyes federales, estatales y locales prohíben vendedores de bienes raíces o agentes vendedores de una inmobiliaria o arrendadores de viviendas decirle a una persona que una propiedad no está disponible cuando en realidad sí lo está.
- **DISCRIMINACIÓN EN LA PUBLICIDAD**
Los avisos publicitarios e inclusive para viviendas o apartamentos no pueden mostrar preferencia por un tipo específico de arrendatario o comprador base a raza, color, religión, sexo, incapacidad, país de origen o familias con niños.
- **LAS QUEJAS Y RECLAMO SE DEBEN PRESENTAR A LOS COMITÉES DE "Human Relations", "Human Resources" o "Civil Rights" de su localidad.** El Comité local "City Hall" de su ciudad. Para presentar un reclamo o queja desde cualquier parte del estado de Kansas póngase en contacto con:
The Kansas Human Rights Commission
1-888-793-6874
U.S. Department of Housing and Urban Development
1-800-743-5323

**¡Lo Ordena
La
Ley!**

**Familias
con
Niños
(Excepción:
Complejos de
apartamentos
destinados a
ancianos
solamente.)**

¡AYUDENOS A COMBATIR LA DISCRIMINACION!

fair housing laws, informing people of their protected rights in housing.

Posters may be received by contacting Housing and Credit Counseling, Inc. (HCCI) Also available from Housing and Credit Counseling is a "Fair Housing Application and Screening Booklet" The booklet is available for a small charge from HCCI. Feel free to call 1-800-383-0217 ext. 309 if you are interested in receiving the materials. Remember the posters are FREE!

What is the use of a house if you haven't got a tolerable planet to put it on?

-Henry David Thoreau

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

New Web Address

www.khrc.net

Eternal Vigilance is the Price of Freedom.

US Supreme Court Cases of Interest to Civil Rights

Edelman v. Lynchburg College

Whether 29 C.F.R. §1601.12(b), which provides that a Title VII “charge may be amended to cure technical defects or omission, including the failure to verify the charge, is invalid.

National Railroad Passenger Corp v. Morgan

Under review is a Ninth Circuit decision holding that a plaintiff who has knowingly allowed the statute of limitations to lapse on alleged violations of federal anti discrimination statutes may nevertheless sue on such time-barred claims if incidents within the limitations period are “sufficiently related” to otherwise time-barred claims.

Hoffman Plastic Compound v. NLRB

Question as to whether an undocumented alien who, without his employers knowledge, obtained employment by presenting his employer with fraudulent immigration documents is entitled to back pay as compensation for a violation of the National Labor Relations Act, if the undocumented alien never was legally authorized to work in the United States during the back pay period.

Swierkiewicz v. Sorema

If an employment discrimination plaintiff must do more in his complaint than put his employer on notice of his discrimination claims, i.e., must he also plead specific facts showing that at trial he can make out a prima facie case of discrimination under McDonnell Douglas Corp. V. Green?