

City of Lincoln Commission on Human Rights News

2008 GERALD HENDERSON HUMAN RIGHTS AWARDEES: LEROY AND ANNIE STOKES

In December 2008, the Lincoln Commission on Human Rights (LCHR) presented Mr. and Mrs. Leroy and Annie Stokes with the Gerald Henderson Human Rights Award. The award was presented to the Stokes along with special awards to the Nebraska Commission on Indian Affairs and to student essay contest winners during a televised ceremony. The program aired on 5 CITY-TV, the government access cable station, that same month.

In 2000, LCHR established an annual Human Rights award to recognize outstanding achievements in furthering human relations in the City of Lincoln. In 2003 the award was renamed the Gerald Henderson Human Rights award in order to remember and honor the first director of LCHR and a long-standing civil rights activist. Nominees for this award are judged based on their achievements in improving human rights based on activities implemented, services performed, or programs operated in the City of Lincoln. Previous winners of this award include the late Dan Williams of Citizens Against Racism and Discrimination, Cecilia Olivarez Huerta of the Mexican American Commission, Jose Soto and the Division of Affirmative Action, Equity and Diversity of

Southeast Community College, Milo Mumgaard of Nebraska Appleeed Center for Law in the Public Interest, Florine Joseph of the Lincoln Action Program, and Beatty Brasch of the Center for People in Need.



Left to right: Rick Hoppe (Mayor's Chief of Staff), Leroy Stokes, Annie Stokes

Annie and Leroy Stokes were selected to receive the 2008 award, and according to LCHR Commissioner Gene Crump, the Stokes' represent the spirit of Gerald Henderson's life and his human rights vision for the City of Lincoln. Having grown up in Mississippi and having been exposed to racism earlier in her life, Annie Stokes turned that negative experience into a positive force through her work as an advocate for children with special needs, through organizing food collection drives at Lefler Middle School, through recruiting a team for the American Cancer Society Relay for Life Cancer Walk,

(Continued on page 2)

Nebraska Indian Commission and Students Receive Chief Standing Bear Awards



Front: Zachary Weaver, Samantha Washington,, Jenny Tran, Lan Portnoy
Back: Judi gaiashkibos, Elizabeth Otto

Also in December 2008, LCHR presented Judi gaiashkibos, the Executive Director of the Nebraska Commission on Indian Affairs, and the five student winners of the 2008 LCHR "What Prejudice Means to Me" essay contest with Chief Standing Bear awards and certificates of achievement.

Chief Standing Bear of the Ponca Indian tribe is another Nebraska human rights pioneer who LCHR chose to celebrate by creating an award in his honor. In 1879, Chief Standing Bear challenged decades of US Indian policy when he stood in a federal courthouse in Omaha, Nebraska and demanded to be recognized as a person by the US Government. The Ponca Indians had been forcibly relocated from their beloved Niobrara River Valley to the harsh plains of Oklahoma and their Chief had decided to challenge this human rights violation in court. A similar court challenge had been filed by the Cherokee tribe years before but had failed, resulting in the infamous "Trail of Tears." This time, however, the end of the Civil War brought with it a host of civil rights related legislation, and with it change.

Thomas Henry Tibbles, an ex-preacher and journalist, filed a writ of habeas corpus on the Chief's behalf, demanding that the government show good reason why the Ponca should be deprived of their property, homeland, and their very lives without due process. This act forced the government to grapple head-on the issue of whether Native Americans, like the recently emancipated Black population, were persons entitled to equal protection under the law.

General George Crook, an accomplished "Indian fighter" supported Standing Bear and Tibbles with a harsh



(Continued on page 2)

2008 HUMAN RIGHTS AWARDEES



(Continued from page 1)

and by initiating a mentorship program for junior high school students who eventually completed high school, graduated from college, and became active members of their community.

Gerald Henderson

Leroy Stokes has served the Lincoln community by working on various boards and committees to include serving as the president of the Lincoln Branch of the NAACP, as president of the Parent Advisory Committee for Lincoln High School, as a member of the Malone Community Center’s Board of Directors, as a resource person for the University of Nebraska at Lincoln’s College of Agriculture in their efforts to diversify their student population, and as a focus group member providing input on methods for recruiting people of color for Lincoln Public Schools.

Together, the Stokes’ spearheaded the naming of Rosa Parks Way, the development and implementation of voter registration programs in Lincoln, and in the raising of funds to award scholarships to over twenty graduating Lincoln high school students.

In 1968, then Lincoln Human Rights Officer, Gerald Henderson stated, “There are many hidden problems here. Maybe Lincoln is not as warm a city with few race problems as is thought.” Today, Lincoln is a thriving diverse city, but like any growing city, it still faces many challenges. Annie and Leroy Stokes continue to do their part to help Lincoln face those challenges head on, and for this reason they were selected by the Commission to receive the 2008 Gerald Henderson Human Rights Award. LCHR extends a warm congratulations to Mr. and Mrs. Stokes on receiving this award.

Chief Standing Bear Awardees

(Continued from page 1)



Chief Standing Bear (Ponca tribe)

indictment of the very policies he had spent his career implementing. Chief Standing Bear eventually won his case and the US government recognized for the first time that “an Indian is a person within the meaning of the law,” and was deserving of equal protection under the law. This is a complete embodiment of the Nebraska state motto: *Equality Before the Law*, and this is also what LCHR ensures for the people of Lincoln.

LCHR is proud of its continued relationship and partnership with the Nebraska Commission on Indian Affairs and LCHR thanks them for the use of Chief Standing Bear’s image as well as his legacy in its anti-prejudice outreach program with the Lincoln Public School system. In honor of that relationship, the Nebraska Commission on Indian Affairs was presented with the first LCHR Chief Standing Bear award.

The Nebraska Commission on Indian Affairs was established in 1971 and consists of fourteen Commissioners appointed by the Governor. The Commission’s statutory mission is “to do all things which it may determine to enhance the cause of Indian rights and to develop solutions to the problems common to all Nebraska Indians.” The Commission helps assure that Indian communities in Nebraska are afforded the right to equitable opportunities in the areas of housing, employment, education, health care, economic development, and human / civil rights. Judi gaiashkibos is currently the Executive Director for the Commission and is a past recipient of the Gerald Henderson Human rights award.

Our Mission

The administration of the Lincoln Commission on Human Rights supports the enforcement of all provisions of Title 11 of the Lincoln Municipal Code. To receive, settle, conciliate, investigate, issue findings, hold public hearings on complaints alleging discrimination based on race, color, religion, sex, disability, national origin, familial status, age, ancestry, marital status, and retaliation.

To perform functions and activities with community groups, businesses, schools, and governmental entities for the purpose of promoting understanding between races, cultures, and sexes, and to work to eliminate inequalities and sources of inter-racial friction.

Review all City of Lincoln procurement bids and awards in excess of \$10,000.

Review DBE (Disadvantaged Business Enterprises) program of minority and women-owned businesses and maintain directory.

Our Goals

To eliminate and prevent all forms of illegal discrimination, to assure and foster equal opportunity for all citizens of the City, and to act in all matters within its jurisdiction.



Judi gaiashkibos and Rick Hoppe (Mayor’s Chief of Staff)

“What Prejudice Means to Me”: Student Essay Contest

2008 marked the first year of LCHR’s elementary and middle school diversity outreach program. Fifth-grade students from Eastridge, Morley, Holmes, and Riley elementary schools and sixth-grade students from Lux and Culler middle schools wrote essays on what prejudice meant to them. The following five students were selected to receive LCHR awards. Their essays are reprinted here and the students were taped reading their essays for the December “One Lincoln” television program.



“The Prejudice Girl” (Fiction)
Jenny Tran, Holmes Elementary School

Have you ever wondered what it would feel like having people make fun of you? All of those people are being prejudiced to you, and this is a story explaining what prejudice means to me. One day, it was the first day of school, and there was a new kid in our class named Miranda. I wanted to be her friend, but at recess my plan didn’t really work out. Because when I said hi to her and asked to be her friend she said, “Sorry, I don’t want to be friends with people that are not the same skin color as me.” I felt like I just got stabbed in the heart. The next day, I brought a report on prejudice to school. Then it was my turn to share my presentation. After I read through my report, the last sentence was, “It doesn’t matter if we’re different skin colors, religions, or languages. We are still people God created in this world.” Then I took out Standing Bear’s poster. As I read the quote on it people were enchanted to hear it. After school, Miranda said, “I’m sorry I hurt your feelings, and I realize I was being prejudiced.” Then we became best friends. This is a quote that I made. I hope you will like it. Quote: It doesn’t matter what skin color you are or religion or voice: we can still be friends even if we’re apart.



“What Prejudice Means to Me”
Samantha Washington, Morley Elementary School

My family has encountered many different types of prejudice. I am part of an interracial family. My Dad is African-American and my Mom is white. My biological parents are an interracial couple as well. So because of my heritage I have been face to face with prejudice. Prejudice can hurt really badly. It makes me feel as if I am different from everyone else. When people look at me they do not know my racial heritage because I have light hair and fair skin. They do not believe me or are very surprised that I am part African-American. Examples I have had with prejudice are with strangers giving me and my family strange looks because we all have different skin tones. Another example is when I was at summer camp. A girl that I started to become friends with suddenly started to ignore me when I told her I was part African-American. Instead of feeling sorry for myself, I really felt sorry for her. She was missing out on a friend! I really think my heritage is cool, because of all the history: the good and the bad. I am very thankful to my ancestors. I am proud of who I am. I would not change it for anything. Just remember prejudice can hurt. Just think of how you would feel if that were you!



“Prejudice”
Zachary Weaver, Morley Elementary School

When I was 9 years old, my Mom and Dad took me over to a friend of my Mom’s (Shelly) house to meet her family. Shelly’s husband and son were black, and their names were EJ and Taye. I had never been around someone who was black. I have seen black people before but had never met anyone who was black. I was scared of EJ because he wasn’t White and because he looked really big to me. He also had a different skin color. I used to call him “Brown,” because I didn’t know what else to call him. At first, I was timid and afraid to leave my mom’s side. I would always sit by Shelly or my mom. I wouldn’t have anything to do with EJ. As I became older and spent more time with Shelly and EJ, I got used to him and now I think he is just like everybody else and he is super funny. Just because he is black doesn’t mean he is different or would treat me differently. EJ is so funny, he should become a stand up comedian like “Larry the Cable Guy.” EJ and I are good buddies now. The best thing I like about EJ is that he makes me laugh. He does this imitation of an old man waking with a cane, who has his glasses on the tip of his nose and that really makes me laugh. I shouldn’t have been scared of him because he was black. The color of his skin has nothing to do with what he is like as a person. People need to get to know the person first before they judge them and they should keep an open mind.



“What Prejudice Means to Me” [Edited for length]
Elizabeth Otto, Culler Middle School

To me prejudice is when a person judges someone without getting to know them at all. A person may be prejudiced to a certain race, religion, mental or physical disability or sex. They can also be prejudiced because a person is lesbian, gay, bisexual, homosexual, or maybe even homeless. Usually, a person is judged by their race. Even after African-Americans gained the same rights as whites, many whites still treated African-Americans unfairly. Many Blacks have helped to build the United States to what it is now. Probably, many more will help build the United States in the future. Some people are also prejudiced to sex. It wasn’t very long ago that women weren’t allowed to work because many men and some women thought that men were smarter and stronger than women. Just because a person is a certain sex, it doesn’t mean they’re smarter or stronger. That’s just how life works. People are also prejudiced to homeless people. Homeless people are human just like us. We all know that this world isn’t perfect. But eliminating prejudice is a thing that you can try to make the world better. You’ll be amazed at what you can do.



“What Does Prejudice Mean to Me?”
Lan Portnoy, Lux Middle School

I know I will experience prejudice in my lifetime. I am Vietnamese-American so I do stand out because of my skin color, hair and even my eyes. What will help me deal with this prejudice is knowing that it is really not about me. Prejudice is about people not feeling good about themselves. They put other people down, thinking that this makes them better, but it does not. Chief Standing Bear wrote, “My hand is not the same color as yours, but if you pierce it, I shall feel the pain.” Centuries earlier in a Shakespearean play, a character named Shylock who suffered prejudice as a Jew state, “If you prick us, do we not bleed?” It is clear then that prejudice has been around throughout history. Some people think that, just because there has always been prejudice, there will always be prejudice. I’m more hopeful that people will learn to get along with each other. If you need a good reason to feel hopeful too, you only need to look at the election of Barack Obama as President of the United States. Almost fifty years ago, John F. Kennedy took an important step in changing people’s minds about Catholics. Now, President-elect Obama helps us to believe that anything is possible.

IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), in the Justice Department's Civil Rights Division, is responsible for enforcing the anti-discrimination provisions of our nation's immigration law. Employers must know that while they have the obligation to obey immigration law by hiring only authorized workers, they also must not violate anti-discrimination laws when hiring or firing workers.

Specifically, the law prohibits employers from four types of discriminatory acts. First, employers may not refuse to hire and may not terminate workers authorized to work in the United States because of national origin or citizenship status. For example, employers may not refuse to hire a job applicant because of the applicant's foreign appearance or accent. Second, employers may not require job applicants to hold certain citizenship or visa status unless mandated by law or government contract. This means that preferences for US citizens or temporary visa holders are against the law. In fact, any preference for undocumented workers over legal workers also may be a violation of immigration law as well as citizenship status discrimination. Third, employers may not discriminate by demanding more documents than what the law requires from workers to prove identity or eligibility to work in this country. A list of acceptable documents is provided on the back of the Employment Eligibility Verification form (I-9), which employers must complete for all newly hired workers. Finally, employers may not retaliate against workers who assert their rights under these anti-discrimination laws. Employers who discriminate or retaliate against workers may be required to hire or re-hire the worker, pay back wages, or change internal policies to avoid further discrimination. Employers also may be liable for monetary fines or the workers' legal fees.

Workers who believe that they were denied jobs or were terminated from jobs because of national origin or citizenship status may file a civil rights allegation against the employer. To better understand workers' rights or employers' responsibilities under these anti-discrimination laws, please call the Lincoln Commission on Human Rights, 402-441-7624.

Important Distinctions in the ADA Reauthorization

On September 25, 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. When the ADA was passed back in 1990, its definition of disability was based on the definition used in the Rehabilitation Act of 1973. An individual with a disability has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment. So Congress used that definition, which was originally in the Rehab Act, because it had worked well.

However, the Supreme Court, in 1999, started to narrow the definition of disability in unexpected ways. In a Supreme Court decision, *Sutton v. United Air Lines*, the Court said that when you determine whether an individual has a disability under the ADA you have to consider the effects of mitigating measures, like medications and prosthetic devices for example, when deciding whether an impairment is substantially limiting. The Court in Sutton required a more restrictive view of the definition of disability that limited the effectiveness of the ADA in helping the group it was intended to protect. Between Sutton and its progeny cases over the years, the definition of disability was narrowed to such a degree that most cases became more about whether or not a person met the definition of disabled rather than focusing on the discrimination or accommodation issue at had.

So Congress decided that the ADA needed to be amended, and the definition of disabled restored. The ADAAA is not revolutionary new law, rather it simply brings back the original intentions and protections of the 1990 ADA. For more information on the ADAAA please contact the Lincoln Commission on Human Rights.

Roommates.com Liable Under Fair Housing Act

The Fair Housing Councils of San Fernando Valley and San Diego filed suit in federal district court, claiming that Roommate.com, an online roommate matching website, violated the Fair Housing Act (FHA) by requiring users to disclose their gender, sexual orientation and family status. The district court held that the Communications Decency Act (CDA) barred the Councils' FHA claim, and as a result the court granted, in part, Roommate's summary judgment motion and entered judgment in favor of Roommates.com. The Councils appealed the ruling. In April 2008, the US Ninth Circuit Court of Appeals found that the questions asked by Roommates.com *can* violate the Fair Housing Act, "a real estate broker may not inquire as to the race of a prospective buyer, and an employer may not inquire as to the religion of a prospective employee. If such questions are unlawful when posed face-to-face or by telephone, they don't magically become lawful when asked electronically online. The Communications Decency Act was not meant to create a lawless no-man's land on the Internet." The Ninth Circuit found that the problem was Roommates.com's use of drop down menus that asked for demographic information that could be used to discriminate. In this way Roommates created the tools used to discriminate and was not a "passive transmitter" of information. The Federal Fair Housing Act prohibits discrimination in residential housing, which includes making statements or showing a preference or limitation based on race, color, national origin, religion, gender, disability and familial status.



One Lincoln

Addressing Discrimination In Lincoln

A City TV 5 monthly program addressing issues relating to discrimination as it affects Lincoln's citizens.

Program times vary but you can also view current or past shows online through Video on Demand at:

<http://www.lincoln.ne.gov/city/mayor/cic/5citytv/video.htm> - select Lincoln Commission on Human Rights.

Mark Your Calendars!

2009 FAIR HOUSING CONFERENCE CELEBRATING THE 40TH ANNIVERSARY OF THE LINCOLN COMMISSION ON HUMAN RIGHTS!

DATE/TIME

Tuesday, April 21, 1-5 p.m.
Wednesday, April 22, 9 a.m. - 5 p.m.

LOCATION

Cornhusker Marriott
333 South 13th Street
Lincoln, Nebraska 68508

COST

No cost, except luncheon (Registration Required)

For more information contact:

The Lincoln Commission on Human Rights
at 402-441-7624, TDD 402-441-8398, or email
pvanslooten@lincoln.ne.gov.

A specialty session will be held Tuesday, April 21 for real estate agents and featuring a new session for public housing authorities!

A variety of fair housing sessions will be held on Tuesday & Wednesday.

Registration brochures will be



About the LCHR

What does the Lincoln Commission on Human Rights (LCHR) do?

The LCHR investigates complaints of discrimination within Lincoln that involves housing, employment, or discrimination in services provided to the public.

What is discrimination?

Illegal discrimination is to have an adverse action taken against you or being treated differently based on a protected class (i.e.: race, color, national origin, sex, religion, disability, age, marital status, familial status, retaliation).

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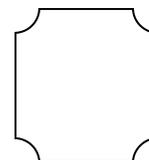
- David Fikar
- Lori Lopez Urdiales
- Rev. Karla Cooper (Vice Chair)
- Wendy Francis (Chair)
- Gene Crump
- Dr. Sitaram Jaswal
- Dick Noble
- Hazell Rodriguez
- Jose Quintero



EQUAL HOUSING
OPPORTUNITY

Fair Housing. It's Not an Option. It's the Law!

**City of Lincoln
Human Rights Commission
440 S. 8th Street, Ste. 101
Lincoln, NE 68508
213**



Jurisdiction:

The City of Lincoln Human Rights Commission has jurisdiction to investigate alleged discrimination complaints in the areas of employment, housing, and public accommodation occurring within Lincoln's city limits. We do not have jurisdiction to investigate alleged discrimination complaints involving City, County and State Government employees, offices or facilities, or state universities.

Resources:

- **Discrimination complaints outside of Lincoln City limits:** Nebraska Equal Opportunity Commission—402-471-2024 or the regional Equal Opportunity Commission office in St. Louis, MO (800) 669-4000
- **City agency complaints**—City Ombudsman/Mayor's Office (402) 441-7511
- **University of Nebraska-Lincoln employment complaints** — UNL Affirmative Action (402) 472-3417
- **Lincoln Police Department complaints**—Internal Affairs Division (402) 441-7204, Citizen Advisory Board (402) 441-6351, or Mayor's office (402) 441-7511
- **Jail complaints, not including the State Penitentiary**—Jail Standards Division of the Nebraska Crime Commission (402) 471-3988
- **State Penitentiary**—Ombudsman at the State office for Corrections (402) 471-2035
- **Landlord-Tenant disputes**—Lincoln Action Program Specialist (402) 471-4515
- **Complaints about legal matters**—County Attorney (402) 441-7321, Southeast Nebraska Legal Services (402) 435-2161, Nebraska Attorney General (402) 471-2682, or Nebraska State Bar Association (402) 475-7091
- **Advocacy Services for people with disabilities**—League of Human Dignity (402) 441-7891 or Nebraska Advocacy Services (402) 474-3183.