

THE RIGHTS PERSPECTIVE

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The Boys Who Couldn't Grow Up

By Reverend D. Anthony Everett, Chair
Lexington-Fayette Urban County Human Rights Commission



Two days after Christmas in 1904, Scottish playwright J. M.

Barrie introduced the world to his famous stage play, Peter Pan, or the Boy Who Wouldn't Grow Up. The play features a boy named Peter Pan who lives on the island of Neverland and leads a gang named The Lost Boys. Peter can fly and is always involved in boyish mischief.

The character is based on Barrie's older brother who died from an ice-skating accident a day before turning 14 years old. Unlike Barrie's brother, Peter Pan has the ability to live as a child forever. The title infers that Peter has a choice as to whether or not he will grow up into adulthood.

Fast forward to August 9, 2014 in Ferguson, Missouri and we

see a teenage boy named Michael Brown Jr. who dies at the hands of an assassin's bullets. Michael lived on the island of African America, was involved in the teenage mischief of walking in the middle of the street and talking back to law enforcement officers, and gunned down by an officer without provocation and defenseless. Left to die in the street for four hours, Michael's last actions were to throw up his hands and exclaim "Don't Shoot" while at least six bullets riddled his unarmed teenage body.

Peter Pan had a choice whether or not to grow up. Barrie's brother died enjoying life. Michael Brown Jr. died begging for life. Both, Barrie's brother and Michael Brown Jr., had no choice because neither will ever grow up. Through the play, Barrie's brother has a voice. Michael Brown Jr. has none.

Michael Brown, Jr. is like the vast majority of males of African descent who are dehumanized around the world, especially in societies where they make up a small percentage of the population and are often



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referred to as minorities, representing not only their physical presence but also their lack of voice resulting from the dominant culture's fear of them. The recent [*Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies*](#) from The Sentencing Project states the following key findings in relationship to all African Americans (male and female) and people of color:

- “White Americans overestimate the proportion of crime committed by people of color, and associate people of color with criminality. For example, white respondents in a 2010 survey overestimated the actual share of burglaries, illegal drug sales, and juvenile crime committed by African Americans by 20-30%.”
- “Studies have shown that whites who associate crime with blacks and Latinos are more likely to support punitive policies – including capital punishment and mandatory minimum sentencing – than whites with weaker racial associations of crime.”
- “These patterns help to explain why whites are more punitive than blacks and Latinos even though they are less likely to be victims of crime. In 2013, a majority of whites supported the death penalty for someone convicted of murder, while half of Hispanics and a majority of blacks opposed this punishment.”

“Racial perceptions of crime not only influence public opinion about criminal justice policies, they also directly influence the work of criminal justice practitioners and policymakers who operate with their own often-unintentional biases.”

Unfortunately, African American boys like Michael Brown Jr., who was to attend college this Fall, face the problems of criminal perception bias based on racial identity while their only crime is the desire to grow up. The assassin of Michael Brown Jr. was a white police officer named Darren Wilson who has garnered a substantial amount of financial backing from the white community in Ferguson and around the country in support of his murder of the teenager. While the Ferguson Police Department only recently released Mr. Wilson's name, Wilson has yet to be arrested. Based on The Sentencing Project report and the Ferguson Police Department's own records which indicate that in 2013 over 86% of stops, nearly 92% of searches, and nearly 93% of arrests were done on African Americans, Michael Brown Jr. fell victim of disproportionately in a jurisdiction where African Americans are 64.7% of the population yet African American police officers make up just over 7.1% of the police force (four officers out of fifty-six). African American females are stopped at 87.8%, slightly more than African American males at 84.1% in Ferguson.

Human rights are not just for those who live under the protection of systemic racism called “White Privilege” as the numbers above show and the assassin's lack of arrest indicates. Human rights go beyond the protected areas of housing, public accommodations, and employment. Human rights are for all of the citizens of the United States including Ferguson, MO, and Lexington, KY, regardless of racial or ethnic identity, gender, orientation, religious preference or lack of, economic status, age, and other ways that people are categorized. Human rights are for the Michael Brown Jr.'s of the world and all of “The Boys Who Couldn't Grow Up” because of prejudiced punitive policies that stem from racism and are acted out in an assassin's bullet. All boys and girls deserve the right to grow up!

The Civil Rights Act—History in The Making

On July 2, 1964, President Lyndon B. Johnson signed into law the Civil Rights Act of 1964, one of the most significant civil rights achievements in U.S. history. This new law made it illegal to discriminate on the basis of race, color, religion, sex, or national origin; It ended school, work and public facility discrimination, and barred unequal application of voter registration requirements.



Five hours after Congress approved the law, Johnson signed it, then turned and handed pens to various key figures in getting the legislation passed, including the Reverend Dr. Martin Luther King, Jr. He went on to address the country in a nationally televised address, saying the law was a challenge for the United States to “eliminate the last vestiges of injustice in our beloved country.”

The Civil Rights Act of 1964 was not the first attempt by Congress to pass sweeping legislation aimed at ending discrimination.

Legislation failed in the House and Senate every year from 1945 until 1957, when Congress passed, and President Dwight Eisenhower signed, a law allowing federal prosecutors to seek court injunctions to stop voting rights interference. That law, the Civil Rights Act of 1957, also created the Justice Department’s civil rights section, and the U.S. Commission on Civil Rights. Sen. Strom Thurmond of South Carolina, then a Democrat, filibustered the bill for 24 hours and 18 minutes, the longest one-man filibuster on record.

That law was followed by the Civil Rights Act of 1960, which introduced penalties for obstructing or attempting to obstruct someone’s attempt to register to vote or actually vote, and for obstructing federal court orders in school discrimination cases.

President John F. Kennedy first suggested the Civil Rights Act of 1964 in a televised speech from the Oval Office. He said he would ask Congress “to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law.” Kennedy was assassinated before the bill could become law.

Johnson, in addressing a joint session of Congress on Nov. 27, 1963, said “no memorial oration or eulogy could more eloquently honor President Kennedy’s memory” than passing the civil rights bill.

Congress followed up with the Voting Rights Act of 1965, which banned the use of literacy tests, added federal oversight for minority voters and allowed federal prosecutors to investigate the use of poll taxes in state and local elections. The law was prompted in part by the “Bloody Sunday” attack by police on marchers crossing a Selma, Alabama, bridge that year.

That same year, Johnson issued Executive Order 11246, which bans government contractors from discriminating in employment decisions, and requires them to “take affirmative action” to ensure that employees are treated without regard to their race, color, religion, sex or national origin.

In the Know!

What You should Know About Pregnancy Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) today issued Enforcement Guidance on Pregnancy Discrimination and Related Issues, along with a question and answer document about the guidance and a Fact Sheet for Small Businesses. [The Enforcement Guidance](#), [Q&A document](#), and [Fact Sheet](#) will be available on the [EEOC's website](#).

This is the first comprehensive update of the Commission's guidance on the subject of discrimination against pregnant workers since the 1983 publication of a Compliance Manual chapter on the subject. This guidance supersedes that document and incorporates significant developments in the law during the past 30 years.

In addition to addressing the requirements of the Pregnancy Discrimination Act (PDA), the guidance discusses the application of the Americans with Disabilities Act (ADA) as amended in 2008, to individuals who have pregnancy-related disabilities.

"Pregnancy is not a justification for excluding women from jobs that they are qualified to perform, and it cannot be a basis for denying employment or treating women less favorably than co-workers similar in their ability or inability to work," said EEOC Chair Jacqueline A. Berrien. "Despite much progress, we continue to see a significant number of charges alleging pregnancy discrimination, and our investigations have revealed the persistence of overt pregnancy discrimination, as well as the emergence of more subtle discriminatory practices. This guidance will aid employers, job seekers, and workers in complying with the Pregnancy Discrimination Act and Americans with Disabilities Act, and thus advance EEOC's Strategic Enforcement Plan priority of addressing the emerging issue of the interaction between these two anti-discrimination statutes."

Much of the analysis in the enforcement guidance is an update of longstanding EEOC policy. The guidance sets out the fundamental PDA requirements that an employer may not discriminate against an employee on the basis of pregnancy, childbirth, or related medical conditions; and that women affected by pregnancy, childbirth or related medical conditions must be treated the same as other persons similar in their ability or inability to work. The guidance also explains how the ADA's definition of "disability" might apply to workers with impairments related to pregnancy.



In the Know

Town Halls: Something to Talk About

LeTonia A. Jones

The Lexington Fayette Urban County Human Rights Commission (LFUC-HRC) has begun a series of town halls in Lexington, KY. The LFUC-HRC has a deep understanding and a firm commitment to create environments in which ideas and experiences can be shared. The Commission feels that it is only through communication between community members and institutions within the community that a sense of shared responsibility and respect can be fostered. As such, the LFUC-HRC held its first of a series of town halls on the Bluegrass Community and Technical College Newtown Campus on May 22, 2014.

The town hall was the first of two on the issue of racial profiling and was held in partnership with the Lexington Division of Police and the Georgetown Neighborhood Association May 22, 2014. The West End town hall panel included Police Chief Ronnie Bastin, Assistant Chief Lawrence Weathers, Commander Michele Remark, Sergeant Rahsaan Berry, 1st District Councilmember, Chris Ford, and Vice President of the Georgetown Neighborhood Association, Henry Kenion. Commissioner LeTonia Jones acted as facilitator for the discussion.

As expected, the conversation with such gravity led to high emotions and could not escape a history filled with distrust between communities of color and law enforcement. It also shed light on larger issues, such as poverty, educational disparities, and lack of employment opportunities that have plagued communities of color for generations. However, the conversation also presented an opportunity for the Lexington Police to discuss its *We Care* initiative and the ways it is trying to reposition itself alongside of community members in the West End.

The LFUC-HRC recognizes that these town halls are only the beginning, but hopes that they will act as a catalyst to much larger conversations that bring about lasting changes and opportunities



in Lexington. The next town hall on racial profiling will be held in the East End of Lexington. Please stay connected for the date and time. Also please be looking forward to our next series later in the year.

In the Know

Excel Conference By : Aaron Slatten

Once a year, the EEOC holds their EXCEL conference, by a name meaning “Examining Conflicts in Employment Law,” and Executive Directors and fortunate others alike leave this office comfort and make haste to a central location in the U.S., where all these same central issues are discussed in exacting finitude, and, whereas the EXCEL conference focuses primarily on “conflicts in employment,” any education presented here is substantially newer, and greener per the realm of employment litigation, and attendees are taken beyond “what to do,” in to “what’s (likely) to come.”

This year was a pivotal year for the EXCEL conference as it was both an opportunity to educate, and a time to celebrate in recognition of fifty (50) hard fought years against discrimination. EXCEL honored their attendees and presenters both in presence of several, notable key speakers, persons who have long dedicated themselves to the field of employment fairness and discrimination broader: EEOC Chair Jacqueline Berrien and her newly appointed Vice Chair Jenny Yang, Senior Counsel John Schmelzer, and for those persons seeking an appeal of motivation aimed toward both the head and the heart, Myrlie Evers-Williams, legendary Civil Rights Activist and wife of Medgar Evers, legendary himself for a fight that cost him his Life.

Topics at this years’ EXCEL conference covered importantly, first and foremost, our history and accomplishment as an agency and its partners, which developed a calm of honor and reverence that opened the door for educating attendees up to today’s topics: aging baby boomers in the workforce for ADEA and ADA, increasing trends toward telecommuting and technical capacity/“work from home” requirements, long-standing LGBT issues in their execution, emerging vigilance for a recent presidential mandate towards an openness in sex and wage disparities, and more determined and made vocal pregnancy considerations and coverages beyond Title VII, into ADA territory

Good Luck - New Hire



Tamika Whitfield began last fall as an intern with the Lexington Human Rights Commission. She currently serves as the Law Clerk for the Commission, assisting with the initiation and investigation of complaints regarding discrimination in housing. Tamika is also active in her community, as she loves to volunteer with the National Association for Black Veterans, Girl Scouts of America and Sisters Road To Freedom, Inc. She is a graduate of the University of Kentucky where she received a BA in Psychology and minor in Sociology. Tamika’s next educational goal is to obtain a MA in Public Administration with a concentration in Human Resources Management.

In the Know

THE EXCEL conference presented a wealth of information on many single but interrelated topics, and several trends or ideas were recurring sum total in the thoughts and share of many gifted speakers and thinkers. To go without mentioning our take on those issues which seem most important and most talked about would be an unfortunate withholding. Made most interesting by its repetition in mention and overlap was a trend for an aging and disabled workforce to fulfill an emerging technical capacity that might allow these same persons to be accommodated in work from home, provided that they are not overlooked for a given reason of being a generation “non-native” to the digital age.



At this conference brilliant minds did envision that the “digital age” is an “open source” age and one that communicates cooperation among persons across the world. This same stress on the “openness” of rights and information in our field, in particular for laws that govern wage disparity and for worse issues of human trafficking, encourage that “free information” between cooperative parties encourages communication among peers, as does fairness result when such the veils are lifted and persons know, for example, what each the other makes. From a world in which we are increasingly encouraged to communicate openly from privacy, the technology dream here is one where every person is afforded the same opportunity to get “plugged in” and “turned on.”

A Bid Farewell and Good Luck

On July 14, 2014, the Commission bid a fond farewell to our Law Clerk, Carolyn McKenzie. Carolyn is a May 2014 graduate of the University of Kentucky with a double major in International Studies and Spanish.

Carolyn graduated with many honors as a result of her educational accomplishments. Ms. McKenzie worked two stints at the Human Rights Commission, previously interning during her last semester at UK. Following graduation, Carolyn was able to serve in a paid position made part by a grant through the U.S. Department of HUD. As Law Clerk, Carolyn assisted the housing investigation unit with processing and investigating cases filed under Title VIII of the Fair Housing Act of 1968. Ms. McKenzie left the Commission to further her education at Vanderbilt University College of Law. The Commissioners and staff would like to thank Carolyn for her service and wish her the best of luck in all her future endeavors.



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